

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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CO-PROSECUTORS' CLOSING BRIEF

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I. OVERVIEW OF THE EVIDENCE

This movement committed more violence than any revolutionary movement the world has ever known, leading to many deaths and unprecedented sufferings.¹

– **Khieu Samphan**

I have feelings for both the nation and the individual ... But if the individual becomes a problem, then they must be solved.

Q: Are you sorry for those who were killed?

A: I have no regrets.²

– **Nuon Chea**

1. What can justify government leaders treating their own people as expendable commodities to be used to labour, fed only when convenient, bred to increase the population, and disposed of whenever suspected of lacking loyalty to the leadership that inflicted such suffering?
2. The Accused in this case, **Nuon Chea** — “Brother Number Two” — and **Khieu Samphan** - the public face of the Khmer Rouge and Head of State in their “Democratic Kampuchea” government - have sought to evade responsibility for the crimes of the regime. Each, but particularly **Nuon Chea**, has claimed that extrajudicial killings were necessary to protect the country from foreign enemies and therefore justified. Each, but particularly **Khieu Samphan**, has claimed to have been unaware of what was happening to the Cambodian people and too powerless to have played any role in the crimes.
3. However, the evidence has shown that **Nuon Chea** and **Khieu Samphan** played knowing and critical roles in a campaign of crimes that can never be justified. They were the two closest associates of Pol Pot, the Communist Party of Kampuchea (“CPK”) leader, and were among a small group of CPK leaders that entered into a plan to use criminal policies to maintain their own grip on power and hide the failures of their governance. These men sought to impose on the Cambodian people a society where there would be no religion to compete for the loyalty of the people; and no class,

¹ **E3/592** DC-Cam Searching for the Truth, *Second “Open Letter” of Khieu Samphan*, 29 Dec 2003, EN 00002802.

² **E3/7209R** Video *Enemies of the People* additional footage: interview by Thet Sambath, “Nuon Chea on the Nation”, 2010, 0:14-0:49.

ethnic, or language distinctions — but rather one colourless mass of people serving the leadership without questioning its policies.

4. To further this political programme, the regime devised a series of criminal policies that were implemented throughout the country. The regime defrocked monks, persecuted Buddhists, and prohibited the practice of all religions. Cities were emptied and their inhabitants were forcibly transferred to the countryside. Most of the population was sent to labour at worksites and cooperatives in conditions that amounted to enslavement. Ordinary people worked without wages and were provided inadequate food, hygiene and medical care. These workers were forced to eat collectively, denied the freedoms of speech and movement, forced to marry spouses chosen by Khmer Rouge cadres, and coerced to have sexual relations in order to breed children for the regime. If they were seen as more of a burden than an asset, they were killed. All people considered by the regime as potential opponents were targeted for increased scrutiny and persecution, and several categories of people, including Vietnamese and Cham, were targeted for annihilation.
5. The evidence detailed in this brief shows that **Khieu Samphan** and **Nuon Chea** worked daily with Pol Pot, each travelled around the country, and, as evidenced by their own statements, were aware of the regime's murderous campaign against "enemies." Each played a key role in the criminal campaign.
6. In multiple interviews before this trial began, **Nuon Chea** acknowledged that he was the number two leader in the regime and supported all of its policies. He defended the regime's torture and killing policies as justified by threats of internal rebellion. In legal submissions during the trial, he argued that torture was not an international crime by 1975 and that the many thousands of extrajudicial executions were permissible because the regime held a "suspicion" that these persons were a threat and "capital punishment" is not against international law. His legal arguments are untenable and his factual arguments are unsupported by the evidence. International law does not permit extrajudicial detention, torture or execution — even spies captured out of uniform are entitled to a trial. Governments cannot kill opponents or critics without judicial process. The Khmer Rouge arrested and killed with no legal process, established no courts and never even bothered to pass any criminal laws. Executions in such a lawless system are simply murder.

7. Further, nothing in the evidence supports **Nuon Chea**'s claim that the thousands he acknowledges were summarily executed by the regime were conspiring with foreigners to overthrow Pol Pot. Rather, the evidence in this trial, including **Nuon Chea**'s own statements, has shown that it was the leadership's paranoia and ruthlessness that led to mass killings of innocent Cambodians. Not only were people arrested with no evidence and presumed guilty, but all of their "string" — as **Nuon Chea** termed relatives or associates of anyone suspected — met a similar fate.³ The fact that scattered groups resisted the terror campaign is neither a moral nor legal justification for the extrajudicial murders of civilians and prisoners.

ENSLAVEMENT OF THE POPULATION

In the cooperative people were not free⁴

– **Khieu Samphan**

8. The crime against humanity of "enslavement" is committed when a perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons.⁵ Millions of Cambodians were treated as the property of the regime to be used to serve the regime and disposed of when no longer an advantage to the owners — "Angkar" or the Party. This was a fundamental *modus operandi* of DK governance; individuals were "cast aside" as **Nuon Chea** said,⁶ whenever it served the interests of the leadership.
9. Millions were compelled to labour long hours in cooperatives and at worksites where they were given no salary and worked under inhumane conditions. The late King Father Norodom Sihanouk was taken by **Khieu Samphan** on visits to the countryside between September 1975 and April 1976 and, based on the harsh conditions imposed on the people, Sihanouk described the cooperatives as "concentration camps."⁷ As detailed below in descriptions of the trial segments on cooperatives and worksites, workers were often malnourished, denied basic accommodation, hygiene and medical care, and many perished. While the leaders hoped to achieve glory by restoring Cambodia's prosperity

³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757534.

⁴ **E3/122** Khieu Samphan Interview, 9 June 2006, EN 00000928.

⁵ Case 001-**F28** Duch AJ, paras 152-153; Case 001-**E188** Duch TJ, para. 342; **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).

⁶ **E3/4001R** Video *Enemies of the People*, 2010, 1:05:11.

⁷ **D299.1.42R** Video *Jungle War*, 1 Aug 2000, 00:29:54-00:29:56.

through a radical revolution, they were indifferent to the suffering their policies inflicted upon ordinary Cambodians. Only the top leadership had to be preserved and all others were expendable assets who could be sacrificed for the revolution.

10. The Khmer Rouge further exercised the powers of ownership over individuals by denying fundamental rights. The regime forcibly separated children from their parents and husbands from wives, denying the basic right of living in the family unit. Anyone who criticised the regime risked severe punishment or even death. **Khieu Samphan** later acknowledged in his writings that the regime was a “dictatorship, which would not tolerate even the most innocuous question about the directives of *Angkar*”⁸ and “did not allow any independence of thought at all.”⁹ Cambodians could not live or travel where they wished. Millions were forcibly relocated and a pass was needed even to leave one’s village. People were prohibited from practicing their religion and told how to dress, when and what to eat, and with whom they could eat.
11. The regime even denied Cambodians the right to normal family relations. Norodom Sihanouk recounted that once during the period in which the DK regime had confined him to his home, his request to have his children and grandchildren visit for his birthday was denied by **Khieu Samphan**, who told him:

[P]lease, don’t have a family life anymore, because now is our new Communist -- Communism. We will have to think of the country, the homeland only. No more family life.¹⁰
12. Perhaps no aspect of CPK policy better exemplifies the exercise of the power of ownership over the Cambodian people than the regime’s policy to force men and women to marry and to engage in non-consensual sexual intercourse (which constitutes the crime of rape).

THE DK BREEDING PROGRAMME

*The man always wants to choose a beautiful girl, so that’s why we forced them to get married and Angka chose the wife.*¹¹

– **Nuon Chea**

⁸ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103779.

⁹ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498250.

¹⁰ **D108/32.2R** Video *Cambodge lère Partie*, 44:00-44:20.

¹¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496.

13. Khmer Rouge leaders sought to rapidly increase the population of Cambodia by arranging marriages of people without their consent. Couples who often did not even know each other were forced to wed and consummate marriages against their will.
14. Both **Nuon Chea** and **Khieu Samphan** promoted the policy, stressing to cadres the need for rapid population growth whilst in fact, the starvation and killings imposed by the Khmer Rouge were leading to rapid population decline. **Nuon Chea** stated in an interview in China that Democratic Kampuchea “pursued a policy of increasing its population” and that while the population was estimated at 7,760,000 in 1971, “the four-year plan of 1977-1980 aimed at increasing our population to at least 15,000,000 within five to 10 years.”¹²
15. In his writing, **Khieu Samphan** acknowledged that Pol Pot’s goal was to increase Cambodia’s population by a factor of two or three within ten years.¹³ **Khieu Samphan** actively worked to promote this policy. In 1978, he spoke to 20,000 individuals, including representatives of the DK Army, to celebrate the 17 April victory, imploring the cadres “To grasp firmly and implement well the plan to increase the size of the population to its maximum, so as to have 15-20,000,000 people in the next 10-15 years” and “To grasp firmly and implement well the plans to maximize the size of the population within one year, three years, five years, 10 years and 15 years.”¹⁴
16. Generally, due to the massively coercive environment created by Khmer Rouge rule, those chosen to marry found it impossible to refuse *Angkar*’s direction as they feared this could lead to starvation, arrest or execution. For example, Nop Ngim was a trusted Khmer Rouge cadre who was sent from the Southwest to the Northwest Zone in 1978 by Ta Mok. There, Ta Mok appointed her to a powerful position, Deputy Secretary of Samlaut District, but still she was forced by Mok, a member of the Standing Committee, to marry a handicapped soldier. 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

¹² **E3/686** Kampuchea Samingen, *Interviews with DK Leader on Population Policy and Struggle Against Vietnam*, 27 Oct 1981, EN S 00030349.

¹³ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 000498284.

¹⁴ **E3/562** Khieu Samphan Statement, 15 Apr 1978, EN S 00010558-65.

were in the army. But if I had ... refused, I would have been killed, so I had to bear the situation.¹⁵

17. Nop Ngim never testified that she had been explicitly warned of the consequences of refusal. But in a regime where breaking a spoon, failing to follow instructions, or criticising conditions could lead to execution, even a relatively high-ranking cadre dared not refuse, believing her survival depended upon accepting the regime's decision.
18. Other persons chosen to marry were directly threatened should they refuse to marry or to consummate the marriage. Pen Sochan testified that "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.'"¹⁶ She further related that after she resisted the sexual advances of the man she was forced to wed, a Khmer Rouge cadre told her "that I could refuse on the first night and the second night, but if it happened again on the third night, I would be dead."¹⁷ Similarly, another civil party testified that she consummated her marriage arranged by *Angkar* with a husband she did not like because she was afraid, explaining:

I had a cousin named Heng Vanny, alias Voeun. She was forced to marry a husband. She refused for one or two times, and she was taken away and killed.¹⁸

POLITICAL PERSECUTION OF "NEW PEOPLE"

It is imperative to clearly distinguish the elements in the cooperatives and to not allow any further confusion:

- Full-rights members of the cooperative
- Candidate members of the cooperative
- Depositee members of the cooperatives¹⁹

– *CPK Revolutionary Flag magazine, April 1977*

19. The DK regime called ordinary civilians who had lived in areas controlled for most of the war by Lon Nol forces "New People", viewed them with suspicion and persecuted the group. The regime's intent to deny New People equal rights is manifested by the above order requiring cooperatives to establish a category of "full-rights" members. If only some have "full rights", others by definition must be denied equal rights.

¹⁵ **E1/469.1** Nop Ngim, T. 5 Sept 2016, 10.41.32-10.43.35.

¹⁶ **E1/482.1** Pen Sochan, T. 12 Oct 2016, 14.30.45-14.32.06.

¹⁷ **E1/482.1** Pen Sochan, T. 12 Oct 2016, 14.35.42-14.37.22.

¹⁸ **E1/462.1** 2-TCCP-274, T. 23 Aug 2016, 09.15.51-09.18.26.

¹⁹ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478505.

20. “New People”, sometimes called “17 April people” or “depositees”, were distrusted by the DK regime, denied the rights and benefits given to “Base People”,²⁰ and were more likely to be arrested²¹ or executed.²²

PERSECUTION OF BUDDHISTS

*Pagodas which are the core foundations for the existence of the monkhood were abandoned. People have no longer gone to pagoda. They no longer offer alms ... So, this special layer [of the society] will no longer cause any worry.*²³

– CPK document dated 22 September 1975

21. Buddhism teaches its followers to treat all people with kindness and compassion, and proscribes killing and violence – making its teachings fundamentally opposed to Khmer Rouge propaganda inciting class hatred and violence towards “enemies.” The Khmer Rouge opposed all religious practice, but aware of the fundamental importance of Buddhism in Khmer culture, intently focused on the gradual destruction of Buddhism in Cambodia. Given the devotion of Khmers towards Buddhism and its importance to Khmer society and culture, the regime tried to avoid publicly acknowledging its policy of destruction, instead trying to propagandise that it was the Khmer people themselves who voluntarily abandoned their religion. However, the evidence in this trial has shown

²⁰ **E1/309.1** Uth Seng, T. 3 June 2015, 11.16.57-11.20.16 [“If they were wearing old torn clothes, then it was likely that they were 17 April People”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.18.25-11.19.58 [“Yes, we were considered New People, and we did not have a right to gather or to walk freely. For the Base People, they had good rice to eat. As for us, we did not have the same rice”]; **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 14.25.00-14.26.38 [“I was seeing the difference between what was generally called Old People and New People; that there were -- there was something resembling a cast[e] system there. And the people who were trusted, the Old People of the Revolution were cared for better and fed better”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.21.13-11.22.57 [“We worked under the same conditions, but the New People didn't have any rights. We were considered as their enemies and only the Base People who had the position to control us”]; **E1/260.1** Elizabeth Becker, T. 10 Feb 2015, 09.41.41-09.43.32 [“it was a system of privileges and the New People were -- were treated much more poorly than the old people, in terms of the food, the amount of labour. All sorts of ways. It was a hierarchy”].

²¹ **E1/409.1** Chan Bun Leath alias Bun Loeng Chauy, T. 28 Mar 2016, 09.51.14-09.53.54 [“Those who were the target of arrest included different categories. New People, that is number one”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.36.37-14.38.44 [“New People were the primary target for the arrest”]; **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.27.48- 11.30.20 [“But, the first targeted enemies of the Khmer Rouge were New People or 17 April People and those who had served in the Khmer Republic and royalist regimes”].

²² **E1/307.1** Un Ron, T. 28 May 2015, 09.48.32-09.50.50 [“And as for us New People, we were afraid of our life”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.53.11-11.56.00 [“Base People truly ate together with us. But in their shelter or their house, they had their own rice to have additional meal in the morning. ... As for New People, we did not have such latitude. We did not have extra rice. We could eat only in the communal eating. That is why some people complained that they did not have enough food and as a result, they would be taken away to be killed”], 14.13.42-14.15.48 [“New People would be taken away and killed, as for Base People, I never saw Base People disappear”].

²³ **E3/99** CPK Publication, Document No. 6: *Concerning the Grasp and Implementation of the Political Line in Mobilizing the National Democratic Front Forces of the Party*, 22 Sept 1975, EN 00244275.

a consistent pattern of DK authorities applying a policy of persecuting those who practiced Buddhism throughout the country. Monks were forced to disrobe, statues were destroyed, pagodas were demolished or converted into warehouses, detention centres or facilities for other uses, and individuals could only practice their religion in secret.

22. Article 20 of the Constitution of Democratic Kampuchea stated that:

Every citizen of Kampuchea has the right to worship according to any religion and the right not to worship according to any religion. Reactionary religions which are detrimental to Democratic Kampuchea and Kampuchean people are absolutely forbidden.²⁴

In practice, all religions were deemed to be reactionary and were to be eliminated. Buddhism was to be disbanded because it was viewed as an “exploitative” social institution and, more importantly, was seen by Khmer Rouge leaders as a competitor for the loyalty of the Cambodian people. Yun Yat, the Minister of Propaganda, told a Yugoslav journalist during his visit in 1978 that “Buddhism is incompatible with the revolution”.²⁵

GENOCIDE OF CHAM

*It was in 1977. There was an order from the sector level to us to purge the Cham. And I, myself, was also wondering why the Cham ... But the order came from the upper echelon, so I simply implemented it.*²⁶

– *Prak Yut, former Secretary of Kampong Siem District*

23. DK leaders refused to recognise or tolerate the diversity of the Cambodian population. In one propaganda publication they stated that the people of Cambodia were 99 percent Khmer,²⁷ when all reputable demographic studies put the percentage of ethnic minorities, including Chinese, Cham and Khmer Muslims, Vietnamese, highland tribal minorities, and other smaller groups, much higher. One scholar estimated that minorities constituted almost 20 percent of the pre-DK population.²⁸
24. The Cham people, an ethnic and religious minority, resisted efforts of the regime to prohibit the practice of their religion and destroy their distinct identity. The regime then

²⁴ **E3/259** *Constitution of Democratic Kampuchea*, 6 Jan 1976, Art 20, EN 00184838.

²⁵ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150132.

²⁶ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.43.10-14.47.13.

²⁷ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150132.

²⁸ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150132.

killed Cham religious leaders and all those who refused to obey the orders to give up their identity. Khmer Rouge forces broke up communities along the Mekong river where Cham had resisted the regime's anti-religious policies, and carried out campaigns to exterminate Cham in areas where they were most concentrated.

25. The DK campaign against the Cham constitutes genocide under international law. Genocide is defined as any of five types of acts, including killing members of a group, when committed with the intent to destroy a national, religious, racial or ethnic group, "as such". The regime instituted policies towards the Cham with the intent to destroy the long-term survival of Cham as a distinct ethnic and religious group in Cambodia. The regime prohibited all expressions of Cham identity, including the practice of Islam, speaking the Cham language, dressing in traditional Cham clothing, and following traditional dietary practices such as refusing to eat pork. To further ensure the loss of group identity, the regime used forcible transfers and mass killings to extinguish the communities where the Cham population was concentrated.²⁹ Those who insisted on maintaining their Cham identity were killed. Killing members of the group with the intent to destroy the group "as such" is one of the five prohibited genocidal acts. It is not required that the perpetrators intend to kill every single member of the group, so long as it is shown that they intend to kill a sufficiently important portion of group members so that it will affect the survival of the group.³⁰
26. Areas where the Cham population was concentrated and where Cham culture was strongest were either broken up, the leadership killed, and the population scattered (e.g. Kroch Chhmar District), or subjected to mass killings with the intent to eliminate all the Cham in the area (e.g. Kampong Siem District and Kang Meas District). Cham religious leaders were particularly targeted and most were killed. The number of *Hakim* (Cham village leaders) declined from 113 to 20 during the DK period, and the number of *Tuon* (teachers of Islam) from 300 to 38.³¹

²⁹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150237 ["When asked whether Muslim Chams had been forced to eat pork, forty-one interviewees said yes, and only six said no. Similarly, when asked whether use of the Cham language had been prohibited by the DK authorities, thirty-six said yes, and only one said no. When asked whether Cham populations had been dispersed or broken up, fifty-one interviewees said yes, and none said no"].

³⁰ *Krstić* AJ, paras 8-12.

³¹ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078567; **E3/9681** Ben Kiernan, *Orphans of Genocide: The Cham Muslims of Kampuchea under Pol Pot*, EN 01199574. See also **E3/1822** Ysa Osman, *Oukoubah*, EN 00078570-72.

27. A religious group is not defined by DNA or parental lines but rather consists of those with a shared faith and manner of worship. If those in power successfully end the practice of a particular religion by killing those of the faith who refuse to give up their shared religious practices, they will destroy the religious group “as such”. A religious group will not survive if all those who practice the religion are killed, and an ethnic group will not survive if its population is dispersed and its members forbidden to speak the group’s language and maintain the customs that set the individuals of this group apart from the general population. Those who maintain the group’s identity are essential for the group’s survival. As the ICTY Appeals Chamber has explained:

In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4.³²

28. The effect of the DK regime’s policies against the Cham was mitigated only because the regime was overthrown after less than four years in power. Had the policies continued for many years, with Cham communities scattered, all expressions of Cham identity prohibited, and those who insisted on maintaining the Cham identity killed, there can be no doubt that the result would have been the destruction of the Cham “as such” — as a distinct ethnic and religious group within Cambodia. Younger Chams who survived would eventually stop identifying as Cham, and the group would have eventually disappeared.
29. Sos Romly was working as a clerk in the Trea Commune office in Krouch Chhmar District during the DK period.³³ A regional security officer who visited the office in 1978 was unaware that Sos Romly was Cham and asked him where the Cham had gone. After Sos Romly explained that the majority of Cham had been transferred to the Central Zone and only about 15 percent remained in the village, the regional security officer told him “those Cham people would be smashed.”³⁴ Sos Kamri testified about a

³² *Krstić* AJ, para. 12.

³³ **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.46.55-15.49.00 [“Q: What was the commune that you were appointed to be the clerk? A: I was the clerk in the Trea commune”].

³⁴ **E1/372.1** Sos Romly, T. 8 Jan 2016, 9.42.50-09.45.13 [“There was a sector security guard who came to meet Chhean, and Chhean was not there at that time because he went to supervise people digging the canals. I was on duty in the commune office. So the security guard spent the afternoon with me, and he asked me where those people had gone. I told him that the Cham were evacuated to Central Zone. And then he asked me if any Cham were still living in the village and then I told him that about only 80 to 85 per cent were evacuated. There were around 15 or 20 per cent left in the village. And he told me that those Cham people would be smashed. None of them would be spared”].

meeting he attended in Chamkar Leu District in 1977 where enemies and a plan to smash the Cham were discussed.³⁵ He later saw a booklet at the Ou Nong Commune office that described Cham as the “biggest enemy who must be totally smashed before 1980”.³⁶ Van Mat testified that he drove a commune boss to a meeting, at the Kampong Thma worksite in the Central Zone where cadres were instructed on a policy to kill all East Zone “enemies” and that “new chiefs assigned to the East Zone needed to implement the policy of the *Angkar* regarding the smashing of the Cham”.³⁷

30. Prak Yut, the former Secretary of Kampong Siem District, testified that she received an order in 1977 to purge the Cham and passed that on to her subordinates.³⁸ An investigator from OCIJ spoke to people from 12 villages in Trean Commune in Kampong Siem District. These persons estimated that there were about 292 Cham families in these 12 villages that were taken away and “disappeared”, with many of their corpses dropped in water wells or a bomb crater, leaving only three known survivors.³⁹ Using a conservative estimate of five individuals per family,⁴⁰

³⁵ **E1/415.1** Sos Kamri, T. 6 Apr 2016, 10.11.58-10.14.15 [“Q: So sir, the book goes on to say that you said that the agenda for the meeting was to specify a plan called ‘The plan to smash the enemy’ and that you reported that, during the meeting, you heard the chairman declare -- quote: ‘The enemies of the revolution are many, but our biggest enemies are the Cham, so the plan calls for the destruction of all the Cham people before 1980.’ So sir, I realize that 1977 was 39 years ago, but do you recall having heard that? Do you recall anything about this meeting? A: Yes, I recall that”].

³⁶ **E1/415.1** Sos Kamri, T. 6 Apr 2016, 14.11.05-14.13.52 [“Q: And according to your WRI you remember reading, ‘Cham is the biggest enemy who must be totally smashed before 1980?’ And you say, ‘I was scared and not dared to read any further so I took it back to its original place’. Is that what you said to the investigators and to Ysa Osman? A: I was not sure about the year that you quoted but I’m sure about the plans to kill the Cham people”].

³⁷ **E1/398.1** Van Mat alias Sales Ahmat, T. 9 Mar 2016, 10.43.15-10.45.40 [“I heard from the loudspeaker that the new chiefs assigned to the East Zone needed to implement the policy of the *Angkar* regarding the smashing of the Cham, and some of them answered that they had implemented 50 per cent of the policies. Some said they had implemented 30 per cent of the policy because *Angkar* gave the instruction to smash 100 per cent of the Cham and the targeted group that needed to be smashed needed to be the ones who betray the *Angkar*, regardless of their ethnicity, whether Cham or Khmer. And another thing, for instance, nothing was left from what *Angkar* had provided, because they, the East Zone cadres, sold it to the ‘Yvon’. So those cadres and the people who were accused of betraying *Angkar* were collected and smashed”].

³⁸ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.40.10-14.45.30.

³⁹ **E3/9735** Written Record of Acts of Investigations, 7 Sept 2015, EN 01138984-87. There was one reported survivor from Trean village and two from Ta Khong village. Where witnesses gave a range for their estimate of the number of families, such as Trapeang Ampil, the lower number was used for the total for the commune.

⁴⁰ **E3/9735** Written Record of Acts of Investigations, 7 Sept 2015, EN 01138987 [The OCIJ report for the commune calculated 1800 victims assuming at least 6 members of each family]; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.17.23-15.19.56 [Expert witness Ysa Osman estimated each family “consists of five or six members”]; **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.43.25-09.44.19.

approximately 1,465 individuals were killed in these 12 villages alone. Trean is only one of eleven communes in Kampong Siem District.⁴¹

GENOCIDE OF VIETNAMESE IN CAMBODIA

Q: Now, what exactly did the ... instructors say about the hereditary enemy, the Vietnamese?

A: We were instructed to kill, even if it was a baby, because they are our hereditary enemy, so we must kill them. So it [the killing of Vietnamese] was the responsibility of each battalion that received exact instructions.⁴²

– Pak Sok, Khmer Rouge cadre from Kampong Som

31. CPK policy towards ethnic Vietnamese living in Cambodia evolved over time. Immediately after the 17 April victory, the regime deported the majority of the Vietnamese living within Cambodia's borders to Vietnam. Many of those that remained in Cambodia were married to Khmer or were persons of mixed Khmer-Vietnamese blood. The Hanoi communist government had nurtured the Khmer Rouge in its infancy and aided in the overthrow of the Khmer Republic. However, as the DK leadership's fear of its powerful neighbour grew over time, so did its hostility towards those ethnic Vietnamese that remained in Cambodia. By about 1977, the regime adopted a policy to kill any Vietnamese that remained within its borders, even spouses of Khmer. The paranoia against Vietnamese eventually extended to a campaign to target Khmer Krom people simply because they originally came from territory now within the borders of Vietnam, and therefore were deemed to be "Khmer bodies with Vietnamese minds."
32. Meas Voeun was a former Khmer Rouge regiment commander who served as security for **Khieu Samphan** and remains unrepentant about the Khmer Rouge crimes. His trial testimony in this case included this remarkable admission:

Q: Did you hear that there was a plan to eliminate the Vietnamese who were living in Cambodia between 1975 and 1979?

A: Yes, I heard about that ... Initially, from -- starting from 1970, they were peacefully sent to -- sent back to their country by the Cambodian government, and that continued until 1975. So then for us, later on we were instructed that Vietnamese had to be smashed because they did not return to their country.⁴³

⁴¹ **E3/9735** Written Record of Acts of Investigations, 7 Sept 2015, EN 01138987.

⁴² **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.35.23-13:36:35.

⁴³ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.54.15-15:58:47.

33. The fact that the policy came from the Centre leadership is further corroborated by a telegram that Ros Nhim, the Northwest Zone commander, sent to Office 870, the executive arm of the Standing Committee,⁴⁴ shortly before his June 1978 arrest. Nhim asked:

Yuons with Khmer spouses and the half-breed [Khmer-Yuon]?
Regarding this issue, the meeting would like to ask *Angkar* 870 what to do with them? Whatever *Angkar* decides, please give instruction.⁴⁵

34. The CPK's *Revolutionary Flag* magazine reported in April 1978 on the success of the programme to destroy the Vietnamese community within Cambodia:

And now, how about the Yuon? There are no Yuon in Kampuchean territory. Formerly there were nearly 1,000,000 of them. Now there is not one seed of them to be found.⁴⁶

PURGES — THE REVOLUTION DEVOURS ITS OWN CHILDREN

*The leadership apparatus must be defended at any price ... There can be no comparison between losing two or three leading cadres and 200-300 members. Rather the latter than the former.*⁴⁷

– *Nuon Chea, July 1978*

35. With increasing frequency, the regime's top leaders sought to blame internal enemies for their own failures and engaged in an ever-escalating purge of the CPK's own cadres. Veteran Khmer Rouge leaders were arrested, tortured, and forced to confess to wild conspiracies involving the CIA, KGB, and Vietnamese agents and to name all of their associates. Anyone connected to such an arrestee by work or family relations was considered part of the "string" and were themselves likely to be arrested as the regime spiralled into self-destructive violence.

POL POT'S DOUBLE SHADOW: NUON CHEA AND KHIEU SAMPHAN

*As for daily life, Pol Pot and Nuon Chea had meals with me, and we had meals together. We did nothing separately.*⁴⁸

– *Khieu Samphan*

⁴⁴ **E1/189.1** Philip Short, T. 6 May 2013, 13.51.57- 13.53.30.

⁴⁵ **E3/863** Telegram 09 from Nhim to Committee 870, 17 May 1978, EN 00321962.

⁴⁶ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519836.

⁴⁷ **E3/196** Nuon Chea, *Statement of the Communist Party of Kampuchea to the Communist Workers' Party of Denmark*, July 1978, EN 00762403.

⁴⁸ **E3/3198** Khieu Samphan Interview, EN 00815884. See also **D313.11R** Video *Video of Interview Khieu Samphan (Part 3)*, 38:48-39:04.

36. **Nuon Chea** and **Khieu Samphan** were not just Pol Pot loyalists, they were his two closest confidants and collaborators. **Nuon Chea** has corroborated **Khieu Samphan's** admission that during the DK regime the three regularly ate their meals together⁴⁹ and **Nuon Chea** has stated that they also attended self-criticism sessions together.⁵⁰
37. Pol Pot, **Nuon Chea** and **Khieu Samphan** shared common backgrounds as intellectuals, each praising and promoting their party's ideology, which espoused a radical socialist agrarian revolution. All three studied abroad, Pol Pot and **Khieu Samphan** in France; **Nuon Chea** in Thailand. While responsible for thousands of arrests, tortures and executions, each was a behind-the-lines leader. Unlike other senior Khmer Rouge leaders such as Sao Phim, Ta Mok, Vorn Vet, Son Sen, Koy Thuon, and Rhos Nimh who had much experience directly commanding combat forces, Pol Pot, **Nuon Chea**, and **Khieu Samphan** stayed removed from the battlefield.
38. Both **Nuon Chea** and **Khieu Samphan** remained loyal to Pol Pot throughout his life and continued to defend Pol Pot's actions long after his death. Despite the fact that he blamed Pol Pot for S-21,⁵¹ **Khieu Samphan** wrote in one of his books that "Pol Pot represented the historical leader who was never wrong when it came to making important decisions."⁵² **Nuon Chea** described Pol Pot as a "friend and compatriot" and a "good man" who "sacrificed himself for his nation."⁵³
39. In the early days of the Party, when **Nuon Chea** was Secretary of Phnom Penh, Pol Pot had been his deputy.⁵⁴ At the 1960 Party Congress, **Nuon Chea** assumed the second most powerful position in the party, Deputy Secretary, while Pol Pot was a member of the Standing Committee.⁵⁵ When the then Party Secretary Tou Samouth disappeared in 1962, **Nuon Chea** claims he convinced Pol Pot to take over this top position⁵⁶ and they agreed that whenever there were problems, they would discuss them together. Thet Sambath, who interviewed **Nuon Chea** over many years, wrote of Pol Pot and **Nuon Chea's** relationship:

⁴⁹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757526.

⁵⁰ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757494.

⁵¹ **E109/2.3R** Video *Facing Genocide*, 2007, 54:10-54:57.

⁵² **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103754.

⁵³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757547.

⁵⁴ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757505.

⁵⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757507.

⁵⁶ **E186.1R** Video *Enemies of the People*, 2010, 00:09.17-00:10:00.

During their years in power, the two were nearly inseparable, spending much more time with each other than they did with their families or other leaders. Before any new initiatives were presented, Pol Pot and Nuon Chea always discussed them together to hammer out the ideas and make sure they agreed on every point.⁵⁷

40. **Nuon Chea** stated that he and Pol Pot had no disputes or problems during the DK regime⁵⁸ and has stated:

They just called him and me Brother Number One and Two ... I was not the right arm or the left arm of Pol Pot ... We were equal. Pol Pot did not serve me and I did not serve him. We both served the way of the Party.⁵⁹

41. **Nuon Chea** has stated that when they attended self-criticism sessions together, Pol Pot criticised him for being “too hardline”.⁶⁰ Despite all the killings and misery of the regime, the only criticism that **Nuon Chea** had for Pol Pot was to tell him he was working too hard and not paying enough attention to his wife.⁶¹
42. **Khieu Samphan** was by far the best known of the senior Khmer Rouge leaders, both among Cambodians and in the international community despite joining the CPK armed struggle later than other senior party leaders. He worked openly in the 1960s while most CPK leaders worked underground. **Khieu Samphan** founded his own newspaper, was elected to Parliament, and served in Sihanouk’s government where he attained widespread respect for being incorruptible. It was only in 1967 that he joined other CPK leaders in the *maquis*.
43. **Khieu Samphan**’s relationship with Pol Pot can be traced back to 1943 when they attended the same college in Kampong Cham. **Khieu Samphan** told a researcher that he and Pol Pot joined a theatre troupe and travelled together for one month to Siem Reap in 1945.⁶² **Khieu Samphan** also had a long history with the communist party in Cambodia in its various iterations. Like Pol Pot, **Khieu Samphan** studied in France

⁵⁷ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757546.

⁵⁸ **E186.1R** Video *Enemies of the People* additional footage: interview by Thet Sambath, “Nuon Chea Interview”, 2010, 17:14-17:43.

⁵⁹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757546.

⁶⁰ **E186.1R** Video *Enemies of the People*, additional footage: interview by Thet Sambath, “Nuon Chea Interview”, 2010, 14:15-14:56; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757494.

⁶¹ **E186.1R** Video *Enemies of the People*, additional footage: interview by Thet Sambath, “Nuon Chea Interview”, 2010, 15:05-17:13.

⁶² **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396224-25. See also **E1/189.1** Philip Short, T. 6 May 2013, 09:24:24-09:26:54 [“We talked about his school days, when he was at school with Pol Pot in I think Kampong Cham”].

where he joined the communist party in 1955. **Khieu Samphan**'s close relationship with Pol Pot and **Nuon Chea**, his very public positions, and enviable public reputation guaranteed that his influence far exceeded his party rank. Such was his celebrity, in comparison with the secretive Khmer Rouge, that many Cambodians, and for a long time even Prince Sihanouk, thought that **Khieu Samphan** was the leader of the movement.

44. During the 1970-75 civil war, **Khieu Samphan** served as the Deputy Prime Minister and Minister of Defence of the Royal Government of National Union of Cambodia (RGNUC, more commonly referred to by its French acronym "GRUNK"),⁶³ making him the highest-ranking Khmer Rouge leader within the government nominally headed by Prince Sihanouk. **Khieu Samphan** has bragged that he played an "important, if not an indispensable" role in the Khmer Rouge victory, with his principal contribution being to "establish the liaison" between the CPK and Norodom Sihanouk, who did not know Pol Pot.⁶⁴ In 1976, **Khieu Samphan** replaced Norodom Sihanouk as the Head of State for Democratic Kampuchea, and was again the public face of the CPK. As he boasted in a documentary interview with foreign journalists, "My image and my name represented Cambodia."⁶⁵ While **Khieu Samphan** was made a Candidate Member of the Central Committee in 1971 and a full-rights member in 1976,⁶⁶ his contributions to furthering policy exceeded his formal standing in the Party, as demonstrated by his attendance at Standing Committee meetings.
45. Both **Nuon Chea** and **Khieu Samphan** have repeatedly expressed their devotion to Pol Pot, even long after his death. In the documentary *Facing Genocide*, made shortly before his 2007 arrest, **Khieu Samphan** said that he respected Pol Pot,⁶⁷ called him a "great leader"⁶⁸ and said, "I followed him all the time, like a shadow."⁶⁹ He grew

⁶³ **E3/28** Royal Government of National Union of Cambodia Publication, *Cambodia's Seat in the United Nations*, 19 June 1973, EN 00068116, 00068119; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396401.

⁶⁴ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.47.49-15.49.35 ["I was tasked to be a bridge between the CPK and the king"]; **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103744; **E3/9** Philip Short, *Pol Pot, The History of a Nightmare*, EN 00396413.

⁶⁵ **E109/2.3R** Video *Facing Genocide*, 2007, 29:35-29:43.

⁶⁶ **E3/3198** Khieu Samphan Transcript of Interview, 1998, EN 00815893 ["I worked, they had me join as a Candidate Member of the Central Committee in 1971, and, after the liberation in 1976, I was appointed a Full Member of the Central Committee after the Meeting of the Central Committee and the Party Congress"]. See also **D313.11R** Video *Video of Interview Khieu Samphan (Part 3)* [Khmer only].

⁶⁷ **E109/2.3R** Video *Facing Genocide*, 2007, 23:35-23:43.

⁶⁸ **E109/2.3R** Video *Facing Genocide*, 2007, 01:17:32-01:17:40.

⁶⁹ **E109/2.3R** Video *Facing Genocide*, 2007, 41:35-41:40.

emotional speaking of Pol Pot, telling the filmmaker, “I can still see him in the Cardamon Mountains, here and there. I always keep a clear image of him in my head.”⁷⁰ When asked by the filmmaker if he missed Pol Pot, **Khieu Samphan** answered, “Yes, because he had such an exceptional mind.”⁷¹

46. Like Pol Pot and **Nuon Chea**, **Khieu Samphan** was an intellectual who used his positions of influence to incite violence against others while always keeping himself far from the battlefield. **Khieu Samphan** used his titles and fame to defend the policies of Pol Pot and **Nuon Chea**. Despite his “notorious timidity”,⁷² it was **Khieu Samphan** who, in the dying days of the Khmer Republic, called for the execution of the “Seven Traitors” and implied similar fates would befall all Khmer Republic officers who failed to heed the Khmer Rouge’s demand for their surrender. During the DK regime, it was **Khieu Samphan** who often incited Khmer Rouge cadres to pursue the paranoid and brutal policy of targeting “enemies” of the regime. For the April 1977 anniversary of the Khmer Rouge victory, **Khieu Samphan** implored cadres to “uphold our spirit of revolutionary vigilance at all times against the enemy from all quarters, both at home and abroad”.⁷³ For the 1978 anniversary he demanded that cadres pledge:

To exterminate resolutely, all agents of the expansionist, annexationist Vietnamese aggressors from our units and from Cambodian territory forever ... To exterminate resolutely all CIA agents ... to exterminate the enemies of all stripes.⁷⁴

47. Those who were branded traitors collaborating with the CIA, KGB, and/or Vietnam included well over half of the top CPK political and military leaders who sat on the Central Committee: the secretaries of six of the seven Zones — old North (Koy Thuon), new North (Kang Chap), Northeast (Ya), Northwest (Ros Nhim), West (Chou Chet) and East (Sao Phim); the secretaries of the autonomous sectors in Siem Reap (Sot), Preah Vihear (Hang) and Kratie (Yi); the commanders of five of the nine RAK Divisions - 170 (Chakrei), 290 (Tal), 310 (Oeun), 450 (Suong) and 920 (Chhin); and Standing Committee Member Vorn Vet.⁷⁵

⁷⁰ **E109/2.3R** Video *Facing Genocide*, 2007, 43:45-44:00.

⁷¹ **E109/2.3R** Video *Facing Genocide*, 2007, 44:05-44:25.

⁷² **E3/190** Ieng Sary Interview, 4 Jan 1999, EN 00081572.

⁷³ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419517.

⁷⁴ **E3/562** Khieu Samphan Statement, 16 Apr 1978, EN S 00010563.

⁷⁵ **E3/10604** OCIJ S-21 Prisoner List, Nos 14027 (Koy Thuon alias Khuon, Secretary of State Commerce - former Secretary of old North Zone), 528 (Chann Sam alias Se, Secretary of new North Zone - commonly known as Kang Chap), 14037 (Achar Men San alias Nai Sarann alias Ya, Secretary of

48. Pol Pot, **Nuon Chea** and **Khieu Samphan** would certainly have known that it would never have been possible for the CPK to have defeated the Lon Nol government nor to resist Vietnam's 1977 punitive invasion if half the Party leadership were traitors in collusion with the enemy they were fighting. Had all these men been conspiring against the leadership, they could have easily removed Pol Pot from power as together they controlled the vast majority of the Khmer Rouge armed forces. The fact that these men, rather than using their superior forces to attack Pol Pot's regime, failed to even resist their own arrests, confirms that the purges were a paranoid reaction of the Pol Pot faction to prevent any challenge to their brutal and unpopular leadership.
49. **Khieu Samphan**'s special status as the trusted disciple of Pol Pot ensured his survival. This was most clearly manifested in one incident in late 1978, towards the end of the regime. By this time, the revolution was well into the process of "eating its own children". Thousands of cadres had been taken to S-21. **Nuon Chea** has corroborated Duch's testimony that in this atmosphere of wholesale purges, Duch informed **Nuon Chea** of a confession from S-21 implicating **Khieu Samphan**. **Nuon Chea** responded angrily to Duch saying, "Don't report this again and don't say it again. I don't believe people's confession that lay blame on **Khieu Samphan**."⁷⁶ While thousands of others were condemned to be arrested, tortured and executed based on evidence from confessions, **Nuon Chea** made sure that the same fate could not befall **Khieu Samphan**, his daily companion and fellow trusted acolyte of Pol Pot.

KILLING KHMER REPUBLIC OFFICIALS

*The same thing applied to Base People. If they have 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.*⁷⁷

– *Witness Cheang Sreimom from Tram Kak District*

50. Immediately following the surrender of the Khmer Republic Army, formerly led by Lon Nol, the regime targeted its officers and senior civil servants for execution.

Northeast Zone), 14398 (Moul Un alias Sambatt alias Nhim, Secretary of Northwest Zone), 14142 (Chou Chet alias Sy, Secretary of West Zone), 6557 (Pa Phal alias Sot, Secretary of Sector 106), 120 (Bou Phatt alias Hang, Secretary of Sector 103), 150 (Born Nan alias Yy, Secretary of Sector 505), 14024 (Chann Chakrei alias Mean, Secretary of Division 170), 8226 (Sam Huoy alias Meas Tall, Secretary of Division 290), 8135 (Sbauv Him alias Oeun, Secretary of Division 310), 433 (Chea Non alias Suong, Secretary of Division 450), 4835 (Men Meng alias Chhin, Secretary of Division 920), 14514 (Penh Thuok alias Sok alias Vorn Vet, Deputy Prime Minister of Economy Ministry).

⁷⁶ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757520.

⁷⁷ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.14.22-11.16.37.

Ordinary conscripts and those related to former Khmer Republic soldiers were viewed with suspicion and persecuted, with many eventually detained and/or executed. Even veteran Khmer Rouge cadres, some in positions of considerable authority, testified that they were fearful and felt vulnerable because they had a family member who had been part of the Lon Nol regime.⁷⁸

51. Witness evidence and surviving documents prove that the regime targeted those who were Lon Nol officers or held high-ranking civilian positions in the Khmer Republic. Documents recovered from the Kraing Ta Chan Security Centre in Tram Kak show that cadres were instructed to seek out those with ranks from the former regime. One document reported, “We are having the Subdistrict militia bring in those who held officer ranks.”⁷⁹
52. Popel Commune reported in April 1977 to the Tram Kak District “*Angkar*” that “after having received successive instructions from *Angkar* on vigilant against enemies and purges of ranking enemy soldiers, I have examined and identified the following persons”. Popel Commune then claimed to have identified a 2nd Lieutenant and a former employee of the Social Development Ministry.⁸⁰
53. In April 1977 cadres reported, “We, in the Ta Phem Communal Cooperative Base, have examined and purged ranking enemies. Upon instructions from the Party, we went to the field to examine them and found that there were still six more ranking persons who changed their names every month.”⁸¹
54. A military order, issued in June 1975 by the commander of a Special Zone brigade seconded to the Party Centre, ordered the execution of 16 Khmer Republic military officers. The officers ranged in rank from 2nd Lieutenant to Colonel, and the order stated that all “have been examined by the Party and the Party has decided that they are to be smashed.”⁸²

⁷⁸ **F1/1.1** Sao Van, T. 2 July 2015, 11.48.40-11.50.46 [“my elder brother, Sao Sum alias Chrun was a third deputy chief of Quarter 6 under the Lon Nol administration. And due to his affiliation, he was sent to be re-educated. And I was not doubtful at all about the demotion that I received, because I knew about my involvements and my personal background, and I tried to adapt myself to survive the regime”].

⁷⁹ **E3/2048** Commune Report, 4 March, EN 00276566.

⁸⁰ **E3/2048** Report between Subdistrict and District Offices and Kraing Ta Chan Security Office, 30 Apr 1977, EN 01454945.

⁸¹ **E3/2048** Report between Subdistrict and District Offices and Kraing Ta Chan Security Office, 28 Apr 1977, EN 01454947.

⁸² **E3/832** DK Order, 4 June 1975, EN 00068918.

55. The distinction that DK policy made between high-ranking officers, who were to be executed, and ordinary Khmer Republic soldiers, who were viewed with suspicion that often led to execution, is demonstrated in an April 1977 report from Popel Commune to Tram Kak District authorities:

For those people who hold a ranking position, we will send them out [to you] consecutively and for soldiers and some teachers who attempted to destroy ... our revolution, could you please give us advice what to do or let us decide⁸³

56. According to Ieng Sary, the DK Minister of Foreign Affairs, the decision to kill ranking officers occurred shortly after the Khmer Rouge's victory on 17 April 1975. Steve Heder in an interview with Ieng Sary in 1996 noted that documentation made it clear that "those to be executed included military officers, senior officials, 'secret agents,' and a number of other categories, but there is nothing about ordinary soldiers and lower-ranking civil servants like school teachers."⁸⁴ Ieng Sary responded that after the Khmer Rouge had entered Phnom Penh they had searched the homes of military officers and found weapons, so the decision was made around the 20th of April to "do whatever was required to keep that group from being able to rise up and oppose the revolution."⁸⁵
57. One left-wing intellectual who stopped in Hanoi in December 1976 was told by the DK embassy there that "only officers from the rank of major upwards" and police "secret agents" were targets for execution.⁸⁶
58. Entire families were slaughtered due to connections with ranking Khmer Republic officers and officials. The four children of former Ministry of Education official Thach Chea were murdered at S-21 and his wife killed after being subjected to live surgical experiments.⁸⁷ In May 1977, Popel commune confirmed to Tram Kak District that "106 military families" had been "smashed by Angkar".⁸⁸

⁸³ **E3/4103** Request for Advice from Chorn, Popel Commune, to District Office, 11 Apr 1977, EN 00322133.

⁸⁴ **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417605.

⁸⁵ **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417606.

⁸⁶ **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00396991.

⁸⁷ **E3/1539** S-21 List of Prisoners Who Died at Office S-21C, No. 159 [recording execution of "four children of Thach Chea" on 30 March 1976]; **E3/5800** Kaing Guek Eav, T. 16 Jun 2009, 15.59.42-16.10.58.

⁸⁸ **E3/2048** DK Report from Chun (Popel commune) to District Angkar, 8 May 1977, EN 01454946.

DELEGATING MURDER*The Right To Smash, Inside And Outside The Ranks**Objective:*

1. *That there is a framework in absolute implementation of our revolution,*
 2. *To strengthen our socialist democracy,*
- All this to strengthen our State authority.*
- *If in the base framework, to be decided by the Zone Standing Committee.*
 - *Surrounding the Center Office, to be decided by the Central Office Committee.*
 - *Independent Sectors, to be decided by the Standing Committee.*
 - *The Center Military, to be decided by the General Staff*

– *Decision of the CPK Central Committee, 30 March 1976*⁸⁹

59. In a regime without laws or courts, decisions over the life or death of citizens were delegated by the regime leaders to lower level cadres. Now facing the prospect of being held accountable for their roles in the mass killings of the Khmer Rouge regime, **Nuon Chea** and **Khieu Samphan** seek to deflect blame to those below their top leadership level, including leaders later purged by the regime. However, the evidence shows that the DK leadership did nothing to prevent crimes committed by local authorities and punished no one for these killings. Rather, the Centre leadership explicitly granted zone and military leaders the right to “smash” — to kill with no legal process. Further, Centre leaders including **Nuon Chea** and **Khieu Samphan**, as detailed below in this brief, incited the killings with constant exhortations to frightened cadres to root out and smash the enemy. Any doubts as to the level of brutality expected were dispelled by the Centre’s own merciless campaign of killings, from the execution of the “seven traitors” and other ranking Lon Nol officials in the immediate aftermath of the Khmer Rouge victory, to the constant purging of even the most senior cadres working closest to the Centre leaders and the brutal killing machine established at the Centre’s own S-21 prison. The example was set of the brutality expected, and any local cadre who failed to show equal enthusiasm for the killing campaign risked being suspected of disloyalty and executed.
60. Contrary to **Nuon Chea** and **Khieu Samphan**’s late attempts to deflect the blame for all the killings to some of their own victims, no evidence indicates that cadres, such as the six zone leaders purged by the regime (Ya, Koy Thuon, Kang Chap, Chou Chet,

⁸⁹ **E3/12** CPK Central Committee Decision, 30 Mar 1976, EN 00182809.

Rhos Nhim and Sao Phim), were targeted because of their roles in killing innocent Cambodians. Rather, these senior leaders were targeted because they were seen as a threat to the absolute dictatorship of Pol Pot and his acolytes and they were replaced by even more murderous cadres. **Nuon Chea** himself has given his reason for the killing of many of these “friends”, some of whom he claims he “loved”,⁹⁰ and none of his explanations mention any motivation to punish those responsible for killing innocent Cambodians. Rather, **Nuon Chea**’s “friends”, including Northeast Secretary Ya (Ney Saran), longtime party leader Keo Meas, Northwest Zone leader Rhos Nhim, Industry Minister Koy Thuon, Deputy Prime Minister Vorn Vet, West Zone leader Chou Chet, and East Zone leader Sao Phim, were accused of conspiring with Vietnam and plotting against Pol Pot and **Nuon Chea**.⁹¹

61. The Prosecution has never alleged that **Nuon Chea** and **Khieu Samphan** ordered or were even aware of each individual killing. What the evidence does establish is that they were aware that mass killings were ongoing and continued to incite cadres to smash “enemies,” a clear signal that their intention was to promote the campaign to seek out and kill without any due process whole categories of people based on mere suspicion that they might oppose the regime. **Nuon Chea**’s attempts to justify the killings only highlight the arbitrary nature of the decisions to kill. In an interview he said, “We would investigate someone gradually until we knew his background. Then we would solve him.”⁹² He claimed to have been unaware of the killings of “ordinary people”⁹³ then immediately acknowledged the vast numbers saying, “Pol Pot and I knew nothing about the ordinary people. But there were so many of them being brought in.”⁹⁴ When asked, “When did you realize that villagers were being killed?” his indifference was blatant. Nuon Chea answered, “I can’t really remember the exact moment. I just went on with my work” — then he laughed.⁹⁵
62. **Khieu Samphan** has acknowledged that in the middle of 1978, “I did hear of massive arrests and atrocities committed in Preah Vihear province.”⁹⁶ In response, he arranged

⁹⁰ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757535.

⁹¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757530-37. *See also* EN 00757532 [Nuon Chea says that Rhos Nhim was taken to S-21 because he was accused of killing seven Thai pilots during Sihanouk’s rule].

⁹² **E3/4001R** Video *Enemies of the People*, 2010, 01:02:59-01:03:09.

⁹³ **E3/4001R** Video *Enemies of the People*, 2010, 01:03:16-01:03:22.

⁹⁴ **E3/4001R** Video *Enemies of the People*, 2010, 01:03:16-01:03:27.

⁹⁵ **E3/4001R** Video *Enemies of the People*, 2010, 01:03:38-01:03:49.

⁹⁶ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN

to transfer his own in-laws from Preah Vihear to Siem Reap, but did nothing for other victims of the purge there.⁹⁷

FEIGNING IGNORANCE TO DODGE RESPONSIBILITY

*I must confess that I discovered the systematic nature of the repression only very recently. To be frank, it wasn't until I saw the movie 'S-21: The Khmer Rouge Death Machine' by director Rithy Panh.*⁹⁸

– **Khieu Samphan**

*I never met, never supervised, or ordered Duch to mistreat or kill anyone. Everyone should be aware that soldiers or security personnel would never listen to anyone besides their own commanders. Therefore, there is no reason that Duch should listen to me. Frankly speaking, I heard the name of Duch only after 1979.*⁹⁹

– **Nuon Chea**

63. Since it became apparent that there would be a tribunal to judge those most responsible for the crimes of Democratic Kampuchea, **Khieu Samphan** has tried to convince the world that he was an innocent bystander who, though Head of State, had no power and knew nothing of the crimes that were being perpetrated by the regime he represented. While hundreds of ordinary Cambodians and lower-level cadres have testified about the inhumane conditions, disappearances, torture, and killings that created an atmosphere of terror, **Khieu Samphan** - who had travelled around the country; who was a member of the Central Committee and regularly attended Standing Committee meetings; who had access to reports from foreign media and governments about the ongoing human rights violations; and who lived, worked, and ate in constant proximity to Pol Pot and **Nuon Chea** - claims to have been totally unaware of the ongoing crimes. This claim is highly implausible, and **Khieu Samphan's** own inconsistent statements make it clear that his denials entirely lack credibility.
64. In a radio interview in 2007, **Khieu Samphan** was asked about “the killing fields policy” and said that “Pol Pot hunted down and made arrests with the participation from the Standing Committee; he never did anything alone.”¹⁰⁰ The only way that

00103793.

⁹⁷ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.13.35-14.17.15.

⁹⁸ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103781.

⁹⁹ **E1/237.1** Nuon Chea, T. 31 Oct 2013, 09.35.03-09.37.16.

¹⁰⁰ **E3/587** Khieu Samphan Interview, 15 Oct 2007, EN 00680031.

Khieu Samphan could know of Pol Pot's role and know of the Standing Committee's role is if he was aware not only of the arrests but also of the whole process of decision-making that led to the arrests. **Khieu Samphan** went on to say that in villages, "the arrests were conducted when they found the family history of those to be arrested, because the suspects were the relatives of those in power" adding that "they executed those who had not been respectful to them, those with whom they had not been satisfied, and those who had disappointed them with their ideas or thoughts as in 'no gain in keeping, no loss in weeding out!'"'.¹⁰¹ Again, **Khieu Samphan**'s statements demonstrate that he was well aware of the Khmer Rouge leadership's policy of targeting all those related to or associated with any of its rivals - the "string" - and executing people solely on the basis of this association.

65. **Khieu Samphan**'s claims that he was ignorant of the brutality of the regime are patently incredible. The evidence detailed *infra* in this brief proves that he visited cooperatives and worksites, first accompanying Prince Sihanouk to the Central and Northwest Zones and later conducting a "study-tour" of the West and Southwest Zones.¹⁰² Certainly if Norodom Sihanouk, who was generally confined to his home and treated like a prisoner by the Khmer Rouge, was able to observe the inhumane conditions of those labouring at the worksites they visited together, **Khieu Samphan** could not have been unaware.¹⁰³
66. **Khieu Samphan** claimed in his book that he only learned of S-21, the execution and torture centre at Tuol Sleng, when he saw the movie *S-21: The Khmer Rouge Killing Machine*, which was not released until 2003. However, his lawyers recently quoted from an Ieng Thirith interview in which she said she saw reports on Tuol Sleng when she was with **Khieu Samphan** in Havana and claims they were both surprised.¹⁰⁴ The conference in Havana was in September 1979, more than two decades before **Khieu Samphan** now claims to have learned of S-21.

¹⁰¹ **E3/587** Khieu Samphan Interview, 15 Oct 2007, EN 00680032.

¹⁰² **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103788.

¹⁰³ **D299.1.42R** Video *Jungle War*, 2000, 00:29:33-00:30:26 ["At the beginning, from September 1975 until April 1976, I, as head of state, travelled through my country, through Cambodia, together with Khieu Samphan. I saw that the communes were concentration camps. I saw how work went on day and night. When the moon shone, people could not sleep. Sleep was not allowed. People had to work. I saw what people ate, for there was no rice. The rice was mixed with maize and other things, beans, even leaves, the chopped up stalks of banana plants. The diet was very, very bad"].

¹⁰⁴ **E3/659** Ieng Thirith Interview, Oct-Nov 1980, EN 00182323.

67. No one who lived through the DK regime was unaware of the disappearances and the atmosphere of terror these created. **Khieu Samphan**, who worked at the centre of the regime, worked and dined daily with Pol Pot and **Nuon Chea**, travelled the country, and regularly attended the meetings of the “Expanded Standing Committee”, would obviously be much more informed than most about these crimes. Many of those purged were close associates of **Khieu Samphan**, including: Hou Yuon and Hou Nim, long-time friends of **Khieu Samphan** who had served as ministers with him in the GRUNK government; Doeun, Chairman of Office 870 Committee, whose only other member was **Khieu Samphan**; Pang, who worked with the central leadership as head of the administrative Office S-71; and Vorn Vet, Deputy Prime Minister for the Economy (who shared responsibilities with **Khieu Samphan** regarding DK exports and other commerce matters). In 1976, **Khieu Samphan** dismissed foreign reports of atrocities in Cambodia as “irritating and meaningless noise”.¹⁰⁵
68. **Khieu Samphan**’s claims of ignorance are also contradicted by statements that show he knew of arrests and executions at the time they occurred and continued to try to justify them long afterwards. For example, in an interview in August 1980,¹⁰⁶ **Khieu Samphan** claimed that Vietnamese agents had obtained important positions in the Khmer Rouge movement in 1975, that “some of them were in charge of major zones” and “this was an attack on us from the inside out.” **Khieu Samphan** said “we fought constantly against these attempts and defeated them” and “we managed to deal with those people completely”.¹⁰⁷ When asked what percentage of these enemy agents were in the senior ranks of the Party, **Khieu Samphan** said, “Less than half in the Central Committee, but nearly half in the Standing Committee.”¹⁰⁸ **Khieu Samphan** acknowledged to the Co-Investigating Judges that “I observed that some members of the central committee disappeared one after another.”¹⁰⁹ He demonstrated his knowledge of the purge campaign by discussing at length the reasons for Chan Chakrei’s arrest, explaining it was based on the confessions of persons alleged to have thrown a grenade behind the palace, who had implicated military officers and who had in turn implicated Chakrei. **Khieu Samphan** emphasised that “Pol Pot did not just

¹⁰⁵ **E3/275** Khieu Samphan Speech, 15 Apr 1976, EN 00167634.

¹⁰⁶ **E3/203** Khieu Samphan Interview, 4 Aug 1980, EN 00424013. *See also* **E1/222.1** Stephen Heder, T. 11 July 2013, 15.42.13-15.46.54 and **E1/226.1** T.18 July 2013 10.30.11-10.32.12.

¹⁰⁷ **E3/203** Khieu Samphan Interview, 4 Aug 1980, EN 00424013 (*emphasis added*).

¹⁰⁸ **E3/203** Khieu Samphan Interview, 4 Aug 1980, EN 00424014.

¹⁰⁹ **E3/210** Khieu Samphan WRI, 14 Dec 2007, EN 00156949.

arrest cadres randomly. These were matters that had to be investigated, monitored, and seen clearly.”¹¹⁰ When an interviewer mentioned the killing of **Khieu Samphan’s** friends Hou Yuon and Hou Nim along with many other long-serving cadres and then asked, “As far as you know, there weren’t any cases where somebody innocent was accused?” **Khieu Samphan’s** answer was definitive: “No, none.”¹¹¹

69. What were Hou Nim and Hou Yuon guilty of? **Khieu Samphan** was aware that they were killed for merely criticising Pol Pot’s policies. He told the Co-Investigating Judges, “I would not have survived if I dared to reveal any disagreement or objection to anything. The obvious example of that was the case of Hou Nim and Hou Yun.”¹¹²
70. Before his arrest, **Nuon Chea** acknowledged the regime’s killing policies and defended them, indicating that he would explain all at this trial.¹¹³ However, in his statement at the close of the Case 002/01 trial, **Nuon Chea**, like **Khieu Samphan**, sought to understate his powers and role in the regime and cast all blame on others. Despite previous statements acknowledging that he was number two in the regime and that he discussed and agreed upon all policies with Pol Pot, **Nuon Chea** told the Court that during the DK regime “I did not have any authority”.¹¹⁴ **Nuon Chea** further claimed that he had never given any orders to Duch, had never met Duch and only heard Duch’s name after 1979.¹¹⁵ Yet in prior interviews, **Nuon Chea** talked about having extensive discussions with Duch during the DK regime and having discussed Duch with Ta Mok.¹¹⁶ **Nuon Chea** had previously corroborated Duch’s account that they specifically discussed an S-21 confession implicating **Khieu Samphan** which he had ordered Duch to ignore and had claimed, “Duch was not happy with me because I always blamed him for making mistakes.”¹¹⁷

JUSTIFYING MASS MURDER

Nuon Chea said he was not particularly disturbed when his former comrades and friends were executed: “The Party decided to kill them because they were betraying the party and the nation. I was not

¹¹⁰ **E3/4035** Khieu Samphan Interview, 22 Feb 2012, EN 00789052.

¹¹¹ **E3/3169** Stephen Heder, *Working Papers: Pol Pot and Khieu Samphan*, EN 00002771.

¹¹² **E3/37** Khieu Samphan WRI, 14 Dec 2007, EN 00156757.

¹¹³ **E3/81** Video *Pol Pot’s Shadow*, 2002, 21:20-24:09.

¹¹⁴ **E1/237.1** Nuon Chea, T. 31 Oct 2013, 9.08.13-09:10.33.

¹¹⁵ **E1/237.1** Nuon Chea, T. 31 Oct 2013, 9.35.03-09.37.16.

¹¹⁶ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757538.

¹¹⁷ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757520.

scared or sad when they were killed. They had done wrong and betrayed us, so they received the kind of treatment they deserved.”¹¹⁸

– *Thet Sambath, Behind the Killing Fields*

71. **Nuon Chea** has argued that:

Evidence of preparation and attempts to foment treasonous rebellion against the CPK and the DK government ... absolves **Nuon Chea** of criminal responsibility for the charges of the crimes against humanity of murder, torture and extermination ... at the various security centres[.]¹¹⁹

72. These arguments are legally baseless and morally abhorrent. It follows from **Nuon Chea**’s arguments that any totalitarian regime is free to torture and summarily kill any of its perceived critics simply on the suspicion that they are disloyal to the leadership of the regime. One does not need to speculate as to what dreadful consequence could result from such a principle; we need only look at what in fact happened under the DK regime.

73. There is no credible evidence that the thousands of victims detained, tortured and killed at DK security centres, many of whom were children, were planning a rebellion. Rather, the evidence shows that the regime indiscriminately detained and executed tens or hundreds of thousands of men, women, and children based only on the fact that they had been implicated in “confessions” obtained by torture; the fact that they were former Lon Nol officers or were soldiers from units whose commanders the regime suspected of disloyalty; the basis that they were of Cham or Vietnamese ethnicity; the fact that they had criticised Khmer Rouge rule; or the fact that they were somehow related or connected to a person in one of these categories. The more the regime killed, the greater the discontent with its policies and the more justified the top leaders felt in their paranoia.

74. The Khmer Rouge leadership abolished all courts in Cambodia and took no steps to create new ones. The People’s Representative Assembly (PRA), which was headed by **Nuon Chea** and had exclusive law-making power according to the Constitution, met only once and, even he admits, never passed any laws.¹²⁰ In this lawless environment,

¹¹⁸ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757531.

¹¹⁹ **E395/2** Nuon Chea’s Submissions on the Relevance of Evidence of Treasonous Rebellion to His Individual Criminal Responsibility in Case 002/02, 10 June 2016, para. 30.

¹²⁰ **E1/220.1** Nuon Chea, T. 9 July 2013, 10.12.37-10.14.35.

there was no possibility of due process and the regime did not even try to pretend that there was.

75. **Nuon Chea**, who has ironically complained that in these ECCC proceedings he has been denied a fair trial and “rights guaranteed under national and international laws”, claims that the arrests and detentions at S-21 were lawful,¹²¹ and that the regime had the right to execute thousands of people without a trial, without any judicial review, and without any credible proof of wrongdoing.
76. **Nuon Chea** has argued that any evidence that people fought back and resisted a purge or opposed Pol Pot’s rule justifies the regime’s campaign of extrajudicial killings of its “enemies”. Certainly, not all of those targeted waited passively to be arrested and murdered; there were groups and individuals who resisted. Some simply attempted to escape with their lives,¹²² while others sought to liberate their own communities from the cruel rule of the Pol Pot regime. Witnesses in this trial have described the Cham rebellions at Koh Phal and Svay Khleang villages, where men and boys armed with knives and swords fought against automatic weapons and artillery in a desperate attempt to preserve their religion. Others have described the resistance of former Khmer Rouge soldiers who fought in the forests in mid-1978 to escape the regime’s mass executions of East Zone forces.¹²³ Other evidence shows that the populace in Chikreng District in Sector 106 revolted in April 1977 after a rumour spread of the return of Sihanouk and the imminent demise of the DK regime; it is estimated that this revolt resulted in the loss of eight to ten thousand lives.¹²⁴ One Kuy village (a generally favored ethnic minority) revolted and the entire population of 700 was killed.¹²⁵
77. It is also true that some individuals went to Vietnam and cooperated with the Vietnamese invasion that brought an end to the Democratic Kampuchea regime. **Nuon Chea** has labeled anyone who cooperated with the Vietnamese to free Cambodia from the yoke of Khmer Rouge rule that was enslaving and killing millions of Cambodians a traitor. Yet, **Nuon Chea** himself was recruited by a Vietnamese cadre to join the

¹²¹ **E395/2** Nuon Chea’s Submissions on the Relevance of Evidence of Treasonous Rebellion to His Individual Criminal Responsibility in Case 002/02, 10 June 2016, para. 19.

¹²² **F1/3.1** Toat Thoeun, T. 6 July 2015, 11.39.53-11.42.15[“Q: Mr. Witness, after your arrest, how many men did you lead into the forest to start openly an armed conflict with the Centre’s troops? When exactly was that? A: At first, nine of us went to the cooperative. We considered ourselves thieves, to steal rice to eat”].

¹²³ **E1/493.1** 2-TCW-1065, T. 1 Nov 2016, 13.48.34-14.00.33.

¹²⁴ **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397051.

¹²⁵ **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397050.

Vietnamese-led Indochinese Communist party (ICP),¹²⁶ trained for two years in Vietnam,¹²⁷ and then helped lead a movement nurtured and directed by Vietnamese aiming to overthrow the elected government and monarchy of Cambodia. After the Lon Nol coup, a Vietnamese diplomat explained the presence of large numbers of their troops in Cambodia saying, “**Nuon Chea** has asked for help and we have liberated five provinces of Cambodia in ten days.”¹²⁸

78. **Nuon Chea**’s claim that those killed at S-21 and other execution centres were tools of Vietnam finds no support in the evidence. Many top-level leaders who were purged commanded significant armed forces, yet none led any military operation against the Pol Pot regime. If these commanders had in fact been agents of Vietnam, one would expect they would have aided the large-scale Vietnamese incursion into Cambodia in late 1977, but this did not happen. Rather, Sao Phim and his East Zone forces in particular led the DK’s resistance to the incursion.¹²⁹
79. None of the zone leaders resisted arrest or made any attempt to escape. As confirmed by eyewitnesses at this trial, in late May 1978 when Centre forces carried out large-scale arrests of Sao Phim’s East Zone commanders, Sao Phim did not flee across the nearby border to Vietnam, but rather went to Phnom Penh with only a few bodyguards to speak to Pol Pot and sort things out. Despite this demonstration of loyalty, when Sao Phim arrived across the river from the Royal Palace, Pol Pot’s forces attacked him and Sao Phim eventually committed suicide as Centre forces closed in on him.¹³⁰
80. Contemporaneous documents which survive in the Soviet and East German archives make it clear that Vietnam had no agents penetrating the higher levels of the CPK. Ironically, these documents prove that the Vietnamese government thought its main supporter within the DK government was **Nuon Chea** himself.¹³¹ Vietnam’s mistaken

¹²⁶ **E1/16.1** Nuon Chea, T. 5 Dec 2011, 13.51.19-13.53.32 [“When I arrived in Cambodia in 1951, there was a Vietnamese person who persuaded me to join the Indochinese Communist Party”].

¹²⁷ **E1/16.1** Nuon Chea, T. 5 Dec 2011, 15.08.45-15.11.29 [“Q: So how long did you live in Vietnam for your political training? A: It was more than a year”].

¹²⁸ **E3/9644** Dmitry Mosyakov, *The Khmer Rouge and the Vietnamese Communists*, EN 01085975.

¹²⁹ **E1/494.1** 2-TCW-1065, T. 2 Nov 2016, 14.24.45-14.30.28.

¹³⁰ **E1/506.1** Sin Oeng, T. 5 Dec 2016, 10.43.09-10.49.27; **E1/505.1** Sin Oeng, T. 1 Dec 2016, 15.55.34-15.57.46. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150203-07.

¹³¹ **E3/10722** Reports from Ministry of Foreign Affairs of the German Democratic Republic, EN 01331573; **E3/9644** Dmitry Mosyakov, *The Khmer Rouge and the Vietnamese Communists: A History of Their Relations as Told in the Soviet Archives*, EN 01085974-75 [“Le Duan, leader of the Vietnamese communists, in a conversation with the Soviet ambassador, called a politician of ‘pro-Vietnam orientation’ as the occupant of the second most important post in the party. Speaking of Nuon Chea, Le Duan literally emphasised ‘he is our man indeed and my personal friend’”].

confidence in the friendship of **Nuon Chea** is perhaps understandable given the time **Nuon Chea** spent training in Vietnam, his fluency in Vietnamese, his own boasts about being able to obtain military assistance from Hanoi, and his long cooperation with Vietnam to overthrow Cambodia's government.¹³² In reality, **Nuon Chea** was no friend of Vietnam and the failure of the Hanoi government to realise this confirms that they had no insights into the inner workings of the CPK or DK government. Had the Vietnamese government had any agents within the CPK, they would have surely realised that **Nuon Chea** was not their supporter.

81. CPK policies, particularly the Khmer Rouge attacks which targeted civilians inside Vietnam, encouraged the Vietnamese to invade. Mass malnutrition and overwork at cooperatives and worksites, and the mass execution of thousands of East Zone forces who had fought on the front line to resist the Vietnamese invasion in 1977, weakened any chance of military resistance. As **Khieu Samphan** would only acknowledge many years later, Pol Pot's "ultra radical policy and his brutal methods were bleeding the nation dry and making it a weak defendant against Vietnam."¹³³
82. **Nuon Chea's** attempts to justify his purge campaigns fail. There was nothing patriotic about summarily executing many thousands of Cambodian men, women and children without legal process in an attempt to preserve the rule of Pol Pot and his shadows. These killings cannot be morally or legally justified, they were simply mass murder.

THE CO-PROSECUTORS' CLOSING BRIEF IN CASE 002-02

83. This Overview is a very short summary of the vast evidence in this case, which is discussed in more detail in the remainder of this almost 800 page brief. Over the course of Case 002, during 499 days of trial,¹³⁴ 278 individuals have appeared before the Chamber, including 172 witnesses, 11 experts, and 95 Civil Parties.¹³⁵ The Chamber has admitted 16,591 documents, including contemporaneous DK materials, analytical works, audio and video recordings, and interviews by the Co-Investigating Judges and DC-Cam. These documents range in size from single-page DK telegrams or photographs to books of several hundred pages. Given its volume, it is not possible to

¹³² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757513.

¹³³ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103782.

¹³⁴ Case 002/01 lasted 224 trial days, with Case 002/02 lasting the remaining 275 trial days.

¹³⁵ In Case 002/01, 92 individuals appeared before the Chamber, including 58 witnesses, three experts and 31 Civil Parties. In Case 002/02, 186 individuals testified, including 114 witnesses, 8 experts and 64 Civil Parties.

discuss all of the evidence.¹³⁶ Therefore what follows is an examination of the most important testimonies and documents and a discussion of how this evidence proves beyond any reasonable doubt that **Nuon Chea** and **Khieu Samphan** are guilty of the charges in Case 002/02.

II. LAW

A. CRIMES

84. The Accused are charged with crimes set out under articles 4, 5, and 6 of the ECCC Law which confer jurisdiction on the ECCC over genocide, crimes against humanity (“CAH”) and grave breaches of the Geneva Conventions 1949 (“GC” or “GCs”) respectively.
85. The commission of any of these crimes may occur through act or omission¹³⁷, and is not limited to direct physical perpetration.¹³⁸ Unless otherwise provided, the perpetrator must have acted with intent, encompassing both direct intent that the crime be committed (*dolus directus* of the first degree), and 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).¹³⁹

GENOCIDE

86. 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 commission¹⁴⁰ of at least one of the listed categories of acts of genocide (detailed below).¹⁴¹ 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”.¹⁴²

¹³⁶ This brief also contains a set of Annexes relating to various issues discussed in this brief which are listed in **Annex 1 Index to Annexes to Co-Prosecutors' Closing Brief in Case 002/02**.

¹³⁷ Case 001-**E188 Duch** TJ, para. 480; *Tadić* AJ, para. 188; *Nahimana* AJ, para. 478.

¹³⁸ **D427** Closing Order, para. 1431; *Gacumbitsi* AJ, para. 60; *Seromba* AJ, para. 161. *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 (US, 1962), section 2.06(1)-(2); Archbold: Criminal Pleading, Evidence and Practice (UK, 2007), §18-7.

¹³⁹ Case 001-**E188 Duch** TJ, para. 481; **F36** Case 002/01 AJ, para. 1054; *Lukić* TJ, para. 900; *Limaj* TJ, para. 509; *Kvočka* TJ, para. 251. *See also* ICC Statute, art. 30(2)(b).

¹⁴⁰ 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.

¹⁴¹ *See* section **Genocide – Actus Reus** below.

¹⁴² *Krstić* AJ, para. 20; *Croatia v Serbia*, para. 132; *Al Bashir*, First Arrest Warrant Decision, para. 139; Darfur Commission Report, para. 491.

The Protected Group

87. Consistent with the Genocide Convention, the ECCC Law prescribes four categories of protected group: national, ethnical,¹⁴³ 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.¹⁴⁴ Where more than one group is targeted, the elements of genocide must be considered in relation to each group separately.¹⁴⁵
88. 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.¹⁴⁶ In its Resolution 96(I), the UN General Assembly defined genocide as “a denial of the right of existence of entire *human groups*.”¹⁴⁷ This was followed by the UN Secretariat (1948),¹⁴⁸ and the ICJ (1951),¹⁴⁹ and later reconfirmed by the ICJ,¹⁵⁰ ICTY¹⁵¹ and ICTR.¹⁵² The ICTY Trial Chamber in *Krstić* noted:
- [t]he 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.¹⁵³
89. 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,¹⁵⁴ ICTR,¹⁵⁵ and Darfur Commission¹⁵⁶ have all confirmed that it

¹⁴³ 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.

¹⁴⁴ *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.

¹⁴⁵ *Stakić* AJ, para. 28; *Karadžić* TJ, para. 541; *Brđanin* TJ, para. 686.

¹⁴⁶ *Krstić* TJ, para. 556; *Brđanin* TJ, para. 682.

¹⁴⁷ UNGA Resolution 96(I), 11 December 1946, UN doc. A/RES/96(I), p. 188 (*emphasis added*).

¹⁴⁸ The 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 April 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”].

¹⁴⁹ *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*)].

¹⁵⁰ *Croatia v. Serbia*, paras 87, 504; *Bosnia v. Serbia*, paras 161, 194, 422.

¹⁵¹ See e.g. *Krstić* AJ, para. 36 [“its perpetrators identify entire human groups for extinction”].

¹⁵² See e.g. *Akayesu* TJ, para. 522; *Kayishema* TJ, para. 99.

¹⁵³ *Krstić* TJ, para. 556.

¹⁵⁴ *Jelisić* TJ, para. 69.

¹⁵⁵ *Akayesu* TJ, paras 511, 516, 702; *Musema* TJ, para. 162.

¹⁵⁶ Darfur Commission Report, paras 498, 501.

falls within the Genocide Convention and CIL 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.

90. The determination of what constitutes a protected group in any given case is conducted on the basis of both objective and subjective criteria.¹⁵⁷ The objective criteria include the relevant political, social, historical and cultural context.¹⁵⁸ 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,¹⁵⁹ including by the use of derogatory epithets.¹⁶⁰ In some instances, the victim may perceive herself to belong to the group.¹⁶¹ 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.¹⁶²

91. 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."¹⁶³ However, the Co-Prosecutors submit 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 this context, the ICJ was

¹⁵⁷ *Gacumbitsi* TJ, para. 254; *Semanza* TJ, para. 317; *Blagojević* TJ, para. 667; ISIS-Yazidi Report, para. 105; Darfur Commission Report, paras 499-501.

¹⁵⁸ *Kamuhanda* TJ, para. 630; *Semanza* TJ, para. 317; *Rutaganda* TJ, para. 373; *Musema* TJ, para. 163; *Krstić* TJ, para. 557.

¹⁵⁹ *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* TJ, para. 98; ISIS-Yazidi Report, para. 104; Darfur Commission Report, para. 499.

¹⁶⁰ ISIS-Yazidi Report, para. 104; Darfur Commission Report, para. 511.

¹⁶¹ *Brđanin* TJ, para. 683; *Musema* TJ, para. 161; *Rutaganda* TJ, para. 56; *Kayishema* TJ, para. 98; *Krstić* TJ, para. 559.

¹⁶² *Bagilishema* TJ, para. 65.

¹⁶³ *Akayesu* TJ, para. 512.

interested 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 nationality of another State or who may be stateless.¹⁶⁴ As Oppenheim cautioned, “nationality” in the sense of citizenship of a state must not be confused with membership in a certain nation in the sense of “race”.¹⁶⁵

92. 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.¹⁶⁶ The finding that the Bosnian Muslims constituted a “protected group” was then followed without further analysis in *Blagojević*,¹⁶⁷ *Brđanin*,¹⁶⁸ *Popović*,¹⁶⁹ *Karadžić*,¹⁷⁰ and *Tolimir*.¹⁷¹ In fact, 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.¹⁷² The ICJ also accepted Bosnian Muslims as a “targeted group”

¹⁶⁴ Schabas, *Genocide in International Law* (2000), 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.

¹⁶⁵ Oppenheim’s *International Law*, Vol 1, p. 857 (Robert Jennings & Arthur Watts eds., 9th ed. 1992).

¹⁶⁶ *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.

¹⁶⁷ *Blagojević* 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.

¹⁶⁸ *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”.

¹⁶⁹ *Popović* TJ, para. 840.

¹⁷⁰ *Karadžić* TJ, para. 2574.

¹⁷¹ *Tolimir* TJ, para. 750, confirmed on appeal: *Tolimir* AJ, para. 185.

¹⁷² See e.g. *Blagojević* 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 acknowledging 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 confirming that it would use the term “ethnic” throughout the judgment “for the sake of brevity”], 603, 2598.

without confirming which, if any, of the four categories it considered them to fall into.¹⁷³

93. An *ethnic* group has been characterised as one “whose members share a common language or culture.”¹⁷⁴ 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).¹⁷⁵ In the *Al Bashir* case, the ICC has found the Fur, Masalit, and Zaghawa to 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.¹⁷⁶
94. 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.”¹⁷⁷ However, “race” has proved difficult to characterise. The IMT referred to the Jewish people as a “racial group” rather than a “religious group” without any meaningful analysis.¹⁷⁸ 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:

¹⁷³ *Bosnia v. Serbia*, para. 196.

¹⁷⁴ *Akayesu* TJ, para. 513; *Kayishema* TJ, para. 98. To describe the intangible term “culture”, the UN Committee on Economic, Social and Cultural Rights has provided: “The Committee considers 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 UNESC, 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 November 2001 defines culture as “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs”.

¹⁷⁵ *Akayesu* TJ, paras 170-171, 702.

¹⁷⁶ *Al Bashir* First Arrest Warrant Decision, para. 137.

¹⁷⁷ *Akayesu* TJ, para. 514; *Kayishema* TJ, para. 98.

¹⁷⁸ IMT Judgment, p. 304.

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin¹⁷⁹

95. A **religious** group is “one whose members share the same religion, denomination or mode of worship.”¹⁸⁰ The recent Syria Commission Report classified the Yazidis as a religious group, based on both objective and subjective criteria.¹⁸¹

ACTUS REUS

96. 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.
97. As the Closing Order charges only killings, the Co-Prosecutors confine their analysis accordingly, noting the Chamber’s power to recharacterise facts under Internal Rule 98(2).

Killing Members of the Group

98. The material elements of killing as an act of genocide are the same as those of murder as a CAH.¹⁸² Numeric assessment of the number of people killed is not required for the *actus reus* to be established.¹⁸³ The victim must have belonged to a protected group,¹⁸⁴ or the perpetrator of the crime believed that she did.¹⁸⁵ Killing in the context of genocide does not need to have been premeditated.¹⁸⁶

¹⁷⁹ ICEAFRD, art. 1(1).

¹⁸⁰ *Akayesu* TJ, para. 515; *Kayishema* TJ, para. 98.

¹⁸¹ ISIS-Yazidi Report, paras 103-105.

¹⁸² *Karadžić* TJ, para. 542.

¹⁸³ *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.

¹⁸⁴ *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.

¹⁸⁵ *Bagilishema* TJ, para. 65; *Gacumbitsi* TJ, para. 255; *Muhimana* TJ, para. 500; *Ndindabahizi* TJ, paras 468-9; *Kajelijeli* TJ, para. 813; *Seromba* TJ, para. 318; *Rutaganda* TJ, para. 56.

¹⁸⁶ *Kayishema* 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.

MENS REA

Intent To Destroy the Group “As Such”

99. It is the intent “to destroy, in whole or in part, a [protected group] as such¹⁸⁷” that distinguishes genocide from other crimes.¹⁸⁸ As set out above,¹⁸⁹ 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. 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 murder, extermination and/or 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.¹⁹⁰

100. 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*”,¹⁹¹ such that even where members of the group or their descendants live on, they cannot be identified and do not identify themselves as belonging to the group. It has been posited 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 her membership in a protected group,¹⁹² 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.”¹⁹³ Yet this interpretation would render the wording “as such” otiose, since the intention to destroy the group in whole or part already encompasses the notion of the victim’s perceived membership in the targeted group. At the same time, it falls short of capturing the

¹⁸⁷ 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 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)].

¹⁸⁸ *Jelisić* TJ, para. 66; *Kayishema* TJ, para. 91; *Croatia v. Serbia*, paras 132, 139.

¹⁸⁹ See para. 88.

¹⁹⁰ *Brđanin* TJ, para. 698; *Sikirica* Acquittal Judgment, para. 89; *Stakić* TJ, para. 521.

¹⁹¹ *Bagilishema* TJ, para. 64; *Jelisić* TJ, para. 79; ILC 1996 Draft Code (with commentaries), p. 45. See further *Blagojević* TJ, para. 665; *Brđanin* TJ, para. 698.

¹⁹² See e.g. *Niyitegeka* AJ, para. 50; *Akayesu* TJ, para. 521.

¹⁹³ *Niyitegeka* AJ, para. 53.

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.¹⁹⁴ Such 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.¹⁹⁵

101. 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.¹⁹⁶ 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.”¹⁹⁷ 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.
102. Some international jurisprudence has found that the intended “destruction” of a group must be “physical or biological”.¹⁹⁸ 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 its people, but also of, *inter alia*, its history, traditions, the relationship between its members, the relationship with other groups, and the relationship with the land that binds the individual members of the group.¹⁹⁹ 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 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

¹⁹⁴ *Bosnia v. Serbia*, para. 187. See also *Jelisić* TJ, para. 79; *Akayesu* TJ, para. 522.

¹⁹⁵ *Jelisić* TJ, para. 79;

¹⁹⁶ *Karadžić* Rule 98bis AJ, para. 22; *Stakić* AJ, paras 33-35; *Croatia v. Serbia*, para. 130.

¹⁹⁷ *Krstić* AJ, Part Diss Op Shahabuddeen, para. 48.

¹⁹⁸ See e.g. *Krstić* AJ, para. 25; *Karadžić* TJ, para. 553; *Croatia v. Serbia*, para. 136.

¹⁹⁹ *Blagojević* TJ, para. 666.

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 ...²⁰⁰

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.²⁰¹

103. Indeed, the Convention itself reflects this viewpoint, given that 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.²⁰² Where the children are transferred without physical harm, and even where they are provided a higher standard of material life in the new group,²⁰³ transferring children is an effective method to destroy the group characteristics “binding together a collection of people as a social unit.”²⁰⁴ 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 children.”²⁰⁵ This is precisely what a recent report of the Commission of Inquiry on Syria warning of an ongoing genocide of Yazidis by

²⁰⁰ Krstić AJ, Part Diss Op Shahabuddeen, para. 49.

²⁰¹ Krstić AJ, Part Diss Op 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].

²⁰² Genocide Convention, art. II(e).

²⁰³ 3 Official Records of the General Assembly Summary of the 6th Committee (1948) (83rd Meeting), p. 195 (Venezuela).

²⁰⁴ Krstić AJ, Part Diss Op Shahabuddeen, para. 50. *See also Düsseldorf 1999 Judgment*, para. 38.

²⁰⁵ 3 Official Records of the General Assembly Summary of the 6th Committee (1948) (83rd Meeting), p. 195 (Venezuela). *See also* p. 186 (Greece and France) (classifying the forced transfer of children as cultural genocide).

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.”²⁰⁶ 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.

104. Similarly, acts like deportation/forced transfer of a particular group, which does not fall within the listed acts constituting the *actus reus* of genocide, can bring about 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 a 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.²⁰⁷

Here, the *Blagojević* Trial Chamber accepted prior ICTY jurisprudence 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.

105. 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 possibility that the Muslim community in the area could reconstitute itself.”²⁰⁸ Indeed,

²⁰⁶ ISIS-Yazidi Report, para. 148.

²⁰⁷ *Blagojević* TJ, para. 666; *Krstić* AJ, Part Diss Op Shahabuddeen, paras 45-58; *Tolimir* AJ, para. 254; *Düsseldorf 1999 Judgment*, para. 38.

²⁰⁸ *Krstić* AJ, para. 31.

before 1975, some States had listed the forced transfer of adults, in addition to children, as genocidal acts.²⁰⁹

106. Likewise, forced conversions, or forced renunciation 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.”²¹⁰ 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.
107. Additionally, non-listed acts may be considered evidence confirming the intent to destroy the group.²¹¹ 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”.²¹² 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.”²¹³
108. 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

²⁰⁹ See **Bolivia**: Penal Code - promulgated by Decree Law No. 10426 of August 23, 1972, art. 138; **El Salvador**: Penal Code Of The Republic Of El Salvador (Decree N° 1030) – 1973, art. 361; **Ethiopia**: Penal Code of the Empire 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.

²¹⁰ ISIS-Yazidi Report, para. 159.

²¹¹ *Tolimir* AJ, para. 254; *Karadžić* TJ, para. 553; *Krstić* AJ, paras 33, 133; *Krstić* TJ, para. 580; *Blagojević* AJ, para. 123;

²¹² *Krstić* AJ, Part Diss Op Shahabuddeen, para. 53.

²¹³ *Bosnia v. Serbia*, para. 344, quoting *Krstić* TJ, para. 580.

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."²¹⁴

In Whole or in Part

109. 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.²¹⁵
110. 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.²¹⁶ Numbers alone are "not in all cases the ending point of the inquiry".²¹⁷ 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.²¹⁸ These criteria are not exhaustive.²¹⁹ The part must be significant enough that its destruction will have an impact on, or threaten, the survival of the group as a whole.²²⁰ This requirement may be established where, for example, the leadership of a group is targeted for destruction.²²¹
111. 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.²²² 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.²²³ The

²¹⁴ Krstić AJ, Part Diss Op 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.

²¹⁵ Seromba TJ, para. 319; Semanza TJ, para. 316; Bagosora TJ, para. 2115.

²¹⁶ 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.

²¹⁷ Krstić AJ, para. 12; *Karadžić Rule 98bis* AJ, para. 66.

²¹⁸ Krstić AJ, paras 8, 12, 28-29; Karadžić TJ, para. 555; *Bosnia v Serbia*, para. 200; *Croatia v. Serbia*, para. 142.

²¹⁹ Krstić AJ, para. 14; *Bosnia v. Serbia*, para. 201.

²²⁰ 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.

²²¹ Jelisić TJ, para. 82; *Sikirica* Acquittal Judgment, para. 77; *Milošević* Acquittal Decision, para. 132.

²²² Jelisić TJ, paras 80, 83; Krstić TJ, paras 589-590; *Bosnia v. Serbia*, para. 199.

²²³ Krstić AJ, para. 13; Karadžić TJ, para. 555; Tolimir TJ, para. 749; *Bosnia v Serbia*, para. 199; *Croatia v Serbia*, para. 142.

applicability of these factors and their relative weight will vary depending on the circumstances of a particular case.²²⁴

Establishing Intent

112. In *Krstić*, the ICTY Appeals Chamber noted that genocidal intent is not usually susceptible to direct proof, but could often be inferred from the facts and circumstances of the case.²²⁵ Such facts need not form part of the *actus reus* of the crime.²²⁶
113. 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;²²⁷ speeches or projects laying the groundwork for and justifying the acts aimed at undermining the foundation of the targeted group;²²⁸ and the political doctrine which gave rise to the acts referred to.²²⁹ 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 relevant acts of genocide.²³⁰
114. The crime of genocide does not require the existence of a policy or plan,²³¹ although the existence of either may facilitate proof of intent and of the crime itself.²³² 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

²²⁴ *Karadžić* TJ, para. 555; *Krstić* AJ, para. 14.

²²⁵ *Karadžić* Rule 98bis AJ, para. 80, citing *Gacumbitsi* AJ, para. 40; *Rutaganda* AJ, para. 525; *Kayishema* AJ, para. 159.

²²⁶ *Tolimir* AJ, para. 254; *Krstić* AJ, para. 33. See also *Croatia v. Serbia*, paras 162-163, 478; *Bosnia v. Serbia*, para. 190.

²²⁷ *Karadžić* TJ, para. 550; *Karadžić* Rule 98bis AJ, para. 80; *Tolimir* AJ, para. 246; *Popović* AJ, para. 468; *Hategekimana* AJ, para. 133; *Jelisić* AJ, para. 47; *Seromba* AJ, para. 176; *Gacumbitsi* AJ, paras 40-41; *ISIS-Yazidi* Report, para. 152.

²²⁸ *Gacumbitsi* AJ, para. 43; *Kamuhanda* AJ, paras 81-82; *Karadžić* TJ, para. 550; *Tolimir* TJ, para. 745.

²²⁹ *Seromba* AJ, para. 176.

²³⁰ *Karadžić* TJ, para. 550; *Stakić* AJ, para. 55; *Karadžić* Rule 98bis AJ, para. 56; *Tolimir* AJ, paras 246-247; *Mpambara* TJ, para. 121. See further *Croatia v. Serbia*, para. 419. See also section **Law – Genocide – Mens Rea – Intent to Destroy the Group “As Such”**.

²³¹ *Popović* AJ, para. 430; *Jelisić* AJ, para. 48; *Kayishema* AJ, para. 138; *Simba* AJ, para. 260.

²³² *Jelisić* AJ, para. 48; *Semanza* AJ, para. 260; *Rutaganda* AJ, para. 525; *Bosnia v. Serbia*, para. 373.

economic gain, fear, hatred, or revenge) is irrelevant.²³³ 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.²³⁴

115. 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.²³⁵ 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.²³⁶ There is no requirement that the perpetrator chose the most efficient method to accomplish the objective of destroying the targeted group or part thereof.²³⁷

Applicable Modes of Responsibility

116. 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. As neither attempts nor conspiracy have been charged in the Closing Order, the Co-Prosecutors confine their analysis to the meaning of "participation in acts of genocide".
117. Read together with article 29^{new} of the ECCC Law, the phrase "participation in acts of genocide" indicates that the common forms of criminal participation listed in article 29^{new} (committing, planning, instigating, ordering, aiding and abetting, and superior responsibility) are equally applicable to article 4.
118. The term "participation" is not a term of art; its ordinary meaning is "the act of taking part in something, such as ... a crime ...".²³⁸ "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.²³⁹ Moreover, article 29^{new} 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

²³³ *Karadžić* TJ, para. 554; *Simba* AJ, paras 88, 269; *Kayishema* AJ, para. 161; *Stakić* AJ, para. 45; *Jelisić* AJ, para. 49.

²³⁴ *Kayishema* AJ, para. 149; *Akayesu* TJ, paras 192-193; *Muhimana* AJ, para. 32; *Rutaganda* AJ, para. 537; *Ntabakuze* AJ, para. 241.

²³⁵ *Ndindabahizi* AJ, para. 135; *Mpambara* TJ, para. 8.

²³⁶ *Krstić* AJ, para. 32.

²³⁷ *Krstić* AJ, para. 32.

²³⁸ Black's Law Dictionary, 9th ed. (2009).

²³⁹ See e.g. *Kayishema* AJ, para. 185; *Musema* TJ, para. 114; *Kamuhanda* TJ, para. 588; *Čelebići* AJ, para. 351.

abetted, or committed the crimes referred to in article ... 4 ... of this law shall be individually responsible for the crime.”²⁴⁰ Under the same provision, an accused may be responsible as a superior for genocide.²⁴¹

119. 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 similar to those found in article 29*new* (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”.²⁴²
120. Accordingly, the Accused may be responsible for genocide under all the modes of criminal participation listed in article 29*new*.²⁴³ The Co-Prosecutors note that participation in a joint criminal enterprise (“JCE”) amounts to “commission” within the scope of article 29*new* of the ECCC Law,²⁴⁴ and responsibility for participation in a JCE is a form of responsibility relevant to genocide.²⁴⁵ Indeed, a number of ICTY and ICTR defendants have been convicted of genocide pursuant to the basic form, JCE I.²⁴⁶

CRIMES AGAINST HUMANITY

121. Article 5 of the ECCC Law confers jurisdiction on the ECCC over CAH. CAH formed part of CIL during the period of the ECCC’s temporal jurisdiction.²⁴⁷ The specific offences include murder, extermination, enslavement, imprisonment, torture, deportations, persecutions on political, racial and religious grounds, and other inhumane acts. The elements of each of these offences are discussed below.

²⁴⁰ ECCC Law, art. 29*new*.

²⁴¹ ECCC Law, art. 29*new* [“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”].

²⁴² *Krstić* AJ, paras 138-139.

²⁴³ General discussion of those modes of responsibility is found below. See section **Law – Individual Criminal Responsibility**.

²⁴⁴ **D97/15/9** PTC JCE Decision, para. 49; Case 001-**E188** *Duch* TJ, para. 511; **E100/6** TC JCE Decision, para. 22; **E313** Case 002/01 TJ, para. 690.

²⁴⁵ *Tadić* AJ, para. 188; *Rwamakuba* JCE Genocide Decision, para. 31.

²⁴⁶ See e.g. *Karadžić* TJ, para. 5831; *Karemera* TJ, paras 1616-1617, 1623, 1628, 1634, 1639, 1644, 1648, 1653, 1657-1658.

²⁴⁷ Case 001-**F28** *Duch* AJ, paras 101-104; **D427/2/15** NC and IT Closing Order Appeal Decision, para. 133; **E313** Case 002/01 TJ, para. 176; Case 001-**E188** *Duch* TJ, paras 283-296; **D427** Closing Order, paras 1299, 1306, 1313.

GENERAL REQUIREMENTS

122. 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.”²⁴⁸ Under CIL in 1975, the definition of CAH did not require a nexus to an armed conflict, war crimes, or crimes against peace.²⁴⁹ The individual components of the *chapeau* requirement are addressed in turn below.

1. Attack

123. 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.²⁵⁰ The acts which constitute an attack need not themselves be punishable as CAH, and are not limited to the use of armed force.²⁵¹ 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 it, without necessarily being part of it.²⁵²

2. Widespread or Systematic

124. The attack must be widespread *or* systematic; either is sufficient.²⁵³ The term “widespread” refers to “the large-scale nature of the attack and the number of victims”²⁵⁴ 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.”²⁵⁵ 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.”²⁵⁶

²⁴⁸ ECCC Law, art. 5; Case 001-**F28** *Duch* AJ, para. 106.

²⁴⁹ **F36** Case 002/01 AJ, paras 711-721; Case 003-**D87/2/1.7/1/1/7** PTC Nexus Decision; **E95/8** TC Nexus Decision; Case 003-**D87/2/1.7/1** OCIJ Nexus Decision.

²⁵⁰ Case 001-**E188** *Duch* TJ, para. 298; **E313** Case 002/01 TJ, para. 178; *Kordić* AJ, para. 666; *Kunarac* AJ, para. 86; *Nahimana* AJ, paras 916-918; *Taylor* TJ, para. 506.

²⁵¹ Case 001-**E188** *Duch* TJ, para. 298; **E313** Case 002/01 TJ, para. 178; *Nahimana* AJ, paras 916, 918; *Kordić* AJ, para. 666; *Taylor* TJ, para. 506.

²⁵² Case 001-**E188** *Duch* TJ, para. 299; **E313** Case 002/01 TJ, para. 178; *Kunarac* AJ, para. 86; *Tadić* AJ, para. 251; *Sesay* TJ, para. 77.

²⁵³ Case 001-**E188** *Duch* TJ, para. 300; **E313** Case 002/01 TJ, para. 179; *Kunarac* AJ, para. 93.

²⁵⁴ Case 001-**E188** *Duch* TJ, para. 300; **E313** Case 002/01 TJ, para. 179; *Kordić* AJ, para. 94; *Nahimana* AJ, para. 920; *Taylor* TJ, para. 511.

²⁵⁵ Case 001-**E188** *Duch* TJ, para. 300; **E313** Case 002/01 TJ, para. 179; *Blagojević* TJ, para. 545.

²⁵⁶ Case 001-**E188** *Duch* TJ, para. 300; **E313** Case 002/01 TJ, para. 179; *Kordić* AJ, para. 94; *Nahimana* AJ, para. 920; *Sesay* TJ, para. 78.

Systematicity may be established by evidence of a “non-accidental repetition of similar criminal conduct.”²⁵⁷

3. Directed Against any Civilian Population

125. 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.²⁵⁸
126. 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.²⁵⁹ 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.”²⁶⁰ As the laws of war recognise the legitimacy of targeting one’s enemies in a conflict, it is logical that the lawful killing of enemy combatants who have not been rendered *hors de combat* is excluded from the scope of CAH. In all other instances, those entitled to protection should be regarded as “civilian” for the purposes of article 5. The Co-Prosecutors therefore respectfully disagree with the jurisprudence of this Chamber and SCC, in which both Chambers found that civilian should be defined so as to exclude soldiers *hors de combat*.²⁶¹ The term “any” ensures that CAH are not restricted in their application to a particular group of civilians, distinguished by their nationality, ethnicity or any other factor.²⁶²
127. CAH may include a state’s attack on its own population.²⁶³ This includes a state or organisation’s *own* armed forces, who qualify as civilians for the purposes of CAH.²⁶⁴

²⁵⁷ **E313** Case 002/01 TJ, para. 179; *Kordić* AJ, para. 94.

²⁵⁸ Case 001-**E188** *Duch* TJ, paras 305, 308; **E313** Case 002/01 TJ, para. 182; *Kunarac* AJ, para. 91; *Taylor* TJ, para. 507.

²⁵⁹ *Akayesu* TJ, para. 582; *Bisengimana* TJ, para. 48; *Tadić* TJ, para. 639; *Limaj* TJ, para. 186; *Blaškić* TJ, para. 214; *Kordić* AJ, para. 421

²⁶⁰ *Blaškić* TJ, para. 214.

²⁶¹ **F36** Case 002/01 AJ, para. 738; Case 001-**E188** *Duch* TJ, para. 304; **E313** Case 002/01 TJ, paras 185-186.

²⁶² **E313** Case 002/01 TJ, para. 187; Case 001-**E188** *Duch* TJ, para. 312; *Vasiljević* TJ, para. 33; *Semanza* TJ, para. 330.

²⁶³ Case 001-**E188** *Duch* TJ, para. 312; **E313** Case 002/01 TJ, para. 187; *Mrkšić* TJ, para. 441; *Kunarac* TJ, para. 423.

²⁶⁴ Case 003-**D191/18** ICIJ Decision on Status of State’s Own Armed Forces. The Co-Prosecutors adopt the position set out by the International Co-Prosecutor in his recent filing on this issue: Case 003-**D191/1**

This position accords with the pre-WWII evolution of CAH,²⁶⁵ all post-WWII jurisprudence,²⁶⁶ pre-1975 international instruments dealing with CAH,²⁶⁷ and pre-1975 international human rights norms protecting the same fundamental rights as CAH,²⁶⁸ which apply to all of a State's subjects, irrespective of their occupation.²⁶⁹ The result is a logical imperative. Where the victims belong to the perpetrator's own armed forces, their combatant quality is entirely irrelevant. The IHL definitions of "combatant" and "civilian" were written to regulate armed conflicts, whether international or non-international, between opposing forces to establish their rights and duties with regard to each other, primarily to determine which persons may be legitimately targeted and who must be protected. Where the perpetrators and victims are not engaged in armed conflict with each other, whether or not this takes place in the context of an armed conflict, mechanically transferring the terms "combatant" and "civilian" as they are defined in IHL into the law of CAH is wholly inapposite. Moreover, this approach would produce the absurd result of permitting a government or organisation to commit

Submissions on Status of State's Own Armed Forces.

²⁶⁵ From their inception, CAH were intended to protect the human rights of every national of a state, including military personnel, against the widespread or systematic brutality of governmental or other organisations. In the 1919 Commission Report on the responsibility of Germany and its allies for crimes committed during World War I, the Commission recognised a species of international crime "against the laws of humanity" (See *e.g.* 1919 Commission Report, pp. 113, 115) applicable to the attacks by Turkey against its own nationals, chiefly Armenians, on its own territory. In formulating those conclusions, the Commission relied on evidence that the Turks had targeted Armenians *within the Ottoman army* by disarming Armenian soldiers, transferring many to labour brigades and subjecting many to eventual execution. See 1919 Commission Report, pp. 112-113 and Annex I, p. 30, referring to the report of the British Commission under Viscount Bryce on the Treatment of Armenians in the Ottoman Empire, in particular "A Summary of Armenian History Part VI: Deportation of 1915-Procedure", paras 3, 4, 7.

²⁶⁶ Case 003-D191/18 ICIJ Decision on Status of State's Own Armed Forces, paras 35-43; Case 003-D191/1 Submissions on Status of State's Own Armed Forces, para. 8.

²⁶⁷ Case 003-D191/18 ICIJ Decision on Status of State's Own Armed Forces, paras 44-45; Case 003-D191/1 Submissions on Status of State's Own Armed Forces, para. 9.

²⁶⁸ **Right to life:** ICCPR, art. 6(1); ECHR, art. 2; UDHR, art. 3; **Freedom from torture:** ICCPR, art. 7; UDHR, art. 5(2); ECHR, art. 3; **Freedom from cruel, inhuman or degrading treatment:** UDHR, art. 5; ECHR, art. 3; ICCPR, art. 10; **Freedom of choice in marriage:** UDHR, art. 16; ICCPR, art. 23(3); **Freedom from forced labour:** ICCPR, art. 8(3); ECHR, art. 4; **Freedom from slavery:** ICCPR, art. 8(1); UDHR, art. 4; ECHR, art. 4; **Freedom from arbitrary arrest or imprisonment:** UDHR, arts 9, 10; ICCPR, arts 9, 14; UDHR, art. 3; ECHR, arts 5, 7; **Freedom of thought, conscience and religion:** ICCPR, arts 18, 27; UDHR, art. 18; ECHR, art. 9; **Freedom from discrimination:** ICCPR, art. 26; UDHR, arts 2, 7; ECHR, art. 14; ICEAFRD.

²⁶⁹ UDHR, preamble (recital 1) ["recognition of the inherent dignity and of the equal and inalienable rights of *all members of the human family* is the foundation of freedom, justice and peace in the world" (*emphasis added*)], art. 2 ["*Everyone* is entitled to all the rights and freedoms set forth in this Declaration, *without distinction of any kind*, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (*emphasis added*)]; ICCPR, preamble (recital 1); ICEAFRD, preamble (recital 3) ("*all human beings* are equal before the law and are entitled to equal protection of the law against any discrimination"); ECHR, arts 1, 14 (*see also Engel Judgment*, para. 54 ["the Convention applies in principle to members of the armed forces and not only to civilians"]; *Grigoriades Judgment*, para. 45 ["Article 10 does not stop at the gates of army barracks. It applies to military personnel as to all other persons within the jurisdiction of the Contracting States"]).

mass atrocities with impunity simply by conscripting those among its subjects it is targeting into its armed forces; it would also mean that armed civilian police would be protected, while unarmed soldiers would not.

128. It is not necessary to show that the entire population of the relevant geographical entity was subject to the attack. A “civilian population” may also include non-civilians without forfeiting its civilian character, as long as the population is predominantly civilian.²⁷⁰
129. 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”.²⁷¹ Soldiers *hors de combat* can also be victims of CAH.²⁷²

4. Jurisdictional Restriction

130. Article 5 of the ECCC Law requires that the attack against a civilian population be based on national, political, ethnical, racial or religious grounds.²⁷³ This requirement is a jurisdictional one that narrows the scope of the ECCC’s jurisdiction over CAH when compared with CIL applicable between 1975 and 1979.²⁷⁴ Whilst the broader attack must therefore be committed on one of these grounds, there is no requirement that it be discriminatory.²⁷⁵ Indeed, except in the case of persecution, discriminatory intent is not required by CIL as a legal ingredient for CAH.²⁷⁶

5. Nexus between Acts of the Perpetrator and the Attack

131. The acts of the perpetrator must constitute part of the attack. The required nexus between the acts of the perpetrator and the attack consists of two elements: the

²⁷⁰ **F36** Case 002/01 AJ, paras 738, 740; **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* AJ, para. 31; *Taylor* TJ, para. 507.

²⁷¹ **F36** Case 002/01 AJ, para. 740; Case 001-**E188** *Duch* TJ, para. 311; **E313** Case 002/01 Judgment, paras 187, 194; *Popović* AJ, para. 569; *Martić* AJ, paras 307-314; *Mrkšić* AJ, paras 28-29, 32-33; *Tolimir* AJ, paras 141-143; *Taylor* TJ, para. 507.

²⁷² Case 001-**E188** *Duch* TJ, para. 311; **E313** Case 002/01 Judgment, paras 187, 194; *Mrkšić* AJ, paras 28-29; *Martić* AJ, paras 311, 313-314.

²⁷³ ECCC Law, art. 5.

²⁷⁴ **F36** Case 002/01 AJ, paras 744-745; Case 001-**E188** *Duch* TJ, paras 313-314; **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 CIL: *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 **F36** Case 002/01 AJ, para. 748.

²⁷⁵ **F36** Case 002/01 AJ, paras 745, 748.

²⁷⁶ **F36** Case 002/01 AJ, paras 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.

commission of an act which, by its nature or consequences, is objectively part of the attack;²⁷⁷ 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.²⁷⁸

132. In relation to the first element, the act need not be committed in the midst of the attack to be sufficiently connected to it. An act committed before or after the main attack, or away from it, could still, if sufficiently connected, be considered to be part of it. The crime must not, however, be an isolated act. A crime would be regarded as an isolated act when it is so far removed from that attack that, having considered the context and circumstances in which it was committed, it cannot reasonably be said to have been part of the attack.²⁷⁹ The acts of the accused persons – even where they are not the direct perpetrators — must form part of the attack.²⁸⁰
133. As for the second element, knowledge of the details of the attack is not required;²⁸¹ it is sufficient that the perpetrator knows of the overall context within which his acts take place.²⁸² The motive of the perpetrator is irrelevant,²⁸³ and it is not necessary for the perpetrator to share the purpose or goal behind the attack.²⁸⁴ It is also irrelevant whether the perpetrator intends his acts to be directed against the targeted population or merely against his victim.²⁸⁵

SPECIFIC OFFENCES

1. Murder

134. Murder was well-established as a CAH under CIL by 1975.²⁸⁶ Moreover, it was foreseeable and accessible to the Accused that they could be prosecuted for murder as a CAH.²⁸⁷

²⁷⁷ **F36** Case 002/01 AJ, paras 752-753; Case 001-**E188** *Duch* TJ, para. 318; **E313** Case 002/01 TJ, para. 190; *Kunarac* AJ, paras 85, 99; *Martić* AJ, para. 316.

²⁷⁸ **F36** Case 002/01 AJ, para. 752; Case 001-**E188** *Duch* TJ, para. 319; **E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, paras 85, 99; *Taylor* TJ, paras 513, 515.

²⁷⁹ Case 001-**E188** *Duch* TJ, para. 318; **E313** Case 002/01 TJ, para. 190; *Kunarac* AJ, para. 100; *Mrkšić* AJ, para. 41; *Semanza* TJ, para. 326.

²⁸⁰ **F36** Case 002/01 AJ, para. 754.

²⁸¹ Case 001-**E188** *Duch* TJ, para. 319; **E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, para. 102; *Taylor* TJ, para. 513.

²⁸² Case 001-**E188** *Duch* TJ, para. 319; *Limaj* TJ, para. 190; *Taylor* TJ, para. 513.

²⁸³ *Kordić* AJ, para. 99; *Tadić* AJ, paras 248, 252.

²⁸⁴ Case 001-**E188** *Duch* TJ, para. 319; **E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, para. 103; *Sesay* TJ, para. 90.

²⁸⁵ Case 001-**E188** *Duch* TJ, para. 319; *Kunarac* AJ, para. 103.

²⁸⁶ See **E313** Case 002/01 TJ, para. 411, and citations therein; Case 001-**E188** *Duch* TJ, para. 331; **D427** Closing Order, para. 1314, fn. 5186. Murder was also criminalised under Cambodian Law in 1975: 1956

135. 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.²⁸⁸ The victim's body is not required as evidence to prove death.²⁸⁹ 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.²⁹⁰ Both the fact of the victim's death and the causation element may be inferred from the circumstances of the case, provided it is established that the only reasonable inference is that the victim is dead as a result of acts or omissions of the perpetrator.²⁹¹ 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.²⁹² 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".²⁹³
136. Contrary to Nuon Chea's claims,²⁹⁴ execution without legal process or compliance with due process guarantees constitutes murder, not capital punishment.²⁹⁵ The right not to be

Penal Code, Articles 501, 503-508.

²⁸⁷ See **E313** Case 002/01 TJ, para. 411; **F36** Case 002/01 AJ, para. 765.

²⁸⁸ **E313** Case 002/01 TJ, para. 412; Case 001-**E188** *Duch* TJ, para. 331; **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.

²⁸⁹ **F36** Case 002/01 AJ, para. 420; **E313** Case 002/01 TJ, para. 413; Case 001-**E188** *Duch* TJ, para. 332; *Lukić* AJ, paras 149, 208, 249, 316; *Bemba* TJ, para. 88.

²⁹⁰ Case 001-**E188** *Duch* TJ, para. 331; *Milutinović* TJ (Vol 1), para. 137; *Čelebići* TJ, para. 424, fn. 435; *Taylor* TJ, para. 413.

²⁹¹ **E313** Case 002/01 TJ, para. 413; Case 001-**E188** *Duch* TJ, para. 332; **F36** Case 002/01 AJ, para. 420; *Šainović* AJ, para. 545; *Dorđević* AJ, para. 763; *Bemba* TJ, para. 88. Circumstances from which deaths can be inferred include (i) incidents of mistreatment directed against the victim; (ii) patterns of mistreatment and disappearances of other individuals; (iii) a general climate of lawlessness at the place where the acts were allegedly committed; (iv) the length of time that has elapsed since the person disappeared; and (v) the fact that the victim has failed to contact other persons that he or she might have been expected to contact, such as family members. See Case 001-**E188** *Duch* TJ, para. 332; *Krnjelac* TJ, para. 327; *Brima* TJ, para. 689.

²⁹² **F36** Case 002/01 AJ, para. 420 citing *Stakić* TJ, para. 201. See also **F36** Case 002/01 AJ, para. 421.

²⁹³ *Krnjelac* TJ, para. 329.

²⁹⁴ **E395/2** Rebellion Filing, para. 28.

²⁹⁵ ICCPR, art. 6(2) ["In countries which have not abolished the death penalty, sentence of death may be imposed *only for the most serious crimes* in accordance with the law in force at the time of the commission of the crime and *not contrary to the provisions of the present Covenant* and to the [Genocide Convention]. *This penalty can only be carried out pursuant to a final judgement rendered by a competent court.* (Emphasis added)]. 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) ["Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save

arbitrarily deprived of one's life may not be derogated from in any circumstances, including national emergency,²⁹⁶ and may never be imposed to effect genocide.²⁹⁷

137. As to *mens rea*, there is no requirement that the killing be premeditated.²⁹⁸ The mental element includes direct intent to kill as well as killing with *dolus eventualis*.²⁹⁹

2. Extermination

138. Extermination was recognised as a CAH by 1975.³⁰⁰ It was foreseeable and accessible to the Accused that they could be prosecuted for extermination as a CAH.³⁰¹
139. The crime of extermination is the act of killing on a large scale.³⁰² 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.³⁰³ The perpetrator's role may be remote or indirect,³⁰⁴ and may include creating conditions of life aimed at destroying part of a population, such as withholding food or medicine.³⁰⁵ There is no requirement that the victims "must have been subjected to conditions *inevitably leading to death*".³⁰⁶

in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law" (emphasis added)]; ACHR, art. 4(2); GCs Common Article 3 ["the following acts are and shall remain prohibited at any time and in any place whatsoever ... *the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilised peoples*" (emphasis added)].

²⁹⁶ ICCPR, arts 6(1) ["Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life"], 4(2) ["No derogation from [art. 6] ... may be made under this provision"]; ECHR, arts 2(1), 15(2) ["No derogation from Article 2, except in respect of deaths resulting from lawful acts of war"]; ACHR, arts 4, 27(2) ["The foregoing provision [regarding derogation of obligations in times of war, public danger, or other emergency that threatens the independence or security of a State Party] does not authorize any suspension of ... Article 4 (Right to Life)"].

²⁹⁷ ICCPR, art. 6(2).

²⁹⁸ **E313** Case 002/01 TJ, para. 412; *Dorđević* AJ, paras 551-552; *Akayesu* TJ, para. 588; *Brima* TJ, para. 690.

²⁹⁹ **F36** Case 002/01 AJ, paras 409-410. See further **E313** Case 002/01 TJ, para. 412; Case 001-**E188** *Duch* TJ, para. 333; **D427** Closing Order, para. 1379; *Kvočka* AJ, paras 259, 261; *Milošević (Dragomir)* AJ, para. 108; *Semanza* AJ, para. 320; *Brima* TJ, paras 688, 690.

³⁰⁰ **E313** Case 002/01 TJ, para. 415 and citations therein; Case 001-**E188** *Duch* TJ, para. 334; **D427** Closing Order, para. 1314, fn. 5187.

³⁰¹ See **E313** Case 002/01 TJ, para. 415.

³⁰² **F36** Case 002/01 AJ, para. 525; *Seromba* AJ, para. 189; *Ntakirutimana* AJ, para. 516.

³⁰³ Case 001-**E188** *Duch* TJ, para. 334; **E313** Case 002/01 TJ, para. 416; **D427** Closing Order, para. 1382; *Seromba* AJ, para. 189; ICC Elements of Crimes, art. 7(1)(b), Elements 1-2.

³⁰⁴ **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 335; **D427** Closing Order, para. 1382; *Seromba* AJ, para. 189; *Ndindabahizi* AJ, fn. 268; *Brđanin* TJ, para. 389.

³⁰⁵ **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 335; **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.

³⁰⁶ **E313** Case 002/01 TJ, paras 421-424.

140. A conviction for extermination requires satisfaction beyond reasonable doubt of the occurrence of mass killings.³⁰⁷ 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.³⁰⁸ Precise identification, description or designation by name of the victims is not an element of the crime of extermination.³⁰⁹ As the *Ntakirutimana* Appeals Chamber pointed out, “[t]o require greater identification of those victims would ... increase the burden of proof to such an extent that it hinders a large number of prosecutions for extermination.” Nor is a determination of the specific number of deaths required.³¹⁰
141. There is no minimum number of victims required to satisfy the requirement that the scale of deaths must be “massive”.³¹¹ While extermination as a CAH has been found in relation to the killing of thousands,³¹² it has also been found in relation to fewer killings.³¹³ 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.³¹⁴ The existence of a “vast murderous enterprise” is not an element of extermination.³¹⁵
142. The requirement of scale must be assessed on a case-by-case basis taking into account the circumstances in which the killings occurred.³¹⁶ Relevant factors include, *inter alia*,

³⁰⁷ **F36** Case 002/01 AJ, para. 421; *Ntakirutimana* AJ, para. 521; *Gacumbitsi* AJ, para. 89; *Sesay* TJ, para. 132.

³⁰⁸ **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.

³⁰⁹ **F36** Case 002/01 AJ, para. 421; *Ntakirutimana* AJ, paras 518, 521, cited with approval in *Stakić* AJ, fn. 552; *Sesay* TJ, para. 132; **D427** Closing Order, para. 1382.

³¹⁰ *Rukundo* AJ, paras 187, 189; *Stakić* TJ, paras 654-655; **D427** Closing Order, para. 1382.

³¹¹ **F36** Case 002/01 AJ, para. 551; **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 336; **D427** Closing Order, para. 1383; *Lukić* AJ, para. 537; *Ndindabahizi* AJ, para. 135.

³¹² *Lukić* AJ, para. 537; *Krstić* TJ, paras 79, 84, 426, 505; *Ntakirutimana* AJ, para. 521.

³¹³ For example, in *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)).

³¹⁴ *Ndindabahizi* AJ, para. 135.

³¹⁵ **F36** Case 002/01 AJ, paras 527-528.

³¹⁶ **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 336; *Lukić* AJ, para. 538; *Sesay* TJ, para. 132.

the time and place of the killings,³¹⁷ the selection of the victims and the manner in which they were targeted,³¹⁸ and whether the killings were aimed at the collective group rather than victims in their individual capacity.³¹⁹ However, there is no requirement that the group or (part of the) population of people killed share any common characteristics,³²⁰ or that the perpetrator intend to destroy a group or part of a group to which the victims belong.³²¹ The preparation and organisation of the crime may also be considered when determining the *actus reus* of extermination.³²²

143. 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,³²³ such as killings taking place in a system of state-run security centres. Where killings on a large scale are the result of a single policy, devised and co-ordinated from central government, by the same individuals, who intended that killings take place on a massive scale, it would be absurd to determine that those individuals were not responsible for extermination, simply because the killings took place at multiple sites.
144. 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.³²⁴ Knowledge of certain death is not required.³²⁵ Neither intent to kill a certain threshold number of victims,³²⁶ nor knowledge of a “vast murderous enterprise”³²⁷ are elements of extermination.

³¹⁷ **F36** Case 002/01 AJ, para. 551; **E313** Case 002/01 TJ, para. 416; *Lukić* AJ, para. 538.

³¹⁸ **F36** Case 002/01 AJ, para. 551; **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 337; *Lukić* AJ, para. 538; *Nahimana* TJ, para. 1061.

³¹⁹ **F36** Case 002/01 AJ, para. 551; **E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 337; *Lukić* AJ, para. 538; *Stakić* TJ, paras 639, 653.

³²⁰ See **F36** Case 002/01 AJ, paras 519-520, citing ILC 1996 Draft Code (with commentaries), p. 48.

³²¹ Case 001-**E188** *Duch* TJ, para. 337; *Musema* AJ, para. 366; *Stakić* TJ, para. 639.

³²² *Lukić* AJ, para. 538, citing *Krstić* TJ, para. 501.

³²³ **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*”].

³²⁴ **F36** Case 002/01 AJ, paras 521-522, 525, relying on *Krstić* TJ, para. 503; *Ntakirutimana* AJ, para. 522; *Gacumbitsi* AJ, para. 86.

³²⁵ **F36** Case 002/01 AJ, para. 520.

³²⁶ *Stakić* AJ, paras 260-261.

³²⁷ **F36** Case 002/01 AJ, paras 527-528; **E313** Case 002/01 TJ, para. 419; Case 001-**E188** *Duch* TJ, para. 337; *Stakić* AJ, para. 259.

3. Enslavement

145. It is undisputed that enslavement was recognised under CIL as a CAH by 1975.³²⁸ Moreover, it was foreseeable and accessible to the Accused that they could be prosecuted for enslavement as a CAH.³²⁹
146. Enslavement is defined as the exercise over a person of any or all powers attaching to the right of ownership.³³⁰ 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 labour.”³³¹ The elements of enslavement may be satisfied without evidence of additional ill-treatment.³³²
147. In examining these indicia, one must above all identify the indicia of “ownership”,³³³ 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.³³⁴ 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.³³⁵ 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.³³⁶
148. Forced or involuntary labour may also constitute enslavement.³³⁷ 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

³²⁸ Case 001-F28 *Duch* AJ, paras 131-132, 139, 144, 152, 161-162 and citations therein; Case 001-E188 *Duch* TJ, para. 342; D427 Closing Order, para. 1314, fn. 5188.

³²⁹ Case 001-F28 *Duch* AJ, paras 161-162.

³³⁰ Case 001-F28 *Duch* AJ, paras 152-153; Case 001-E188 *Duch* TJ, para. 342; 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.

³³¹ Case 001-F28 *Duch* AJ, para. 154; Case 001-E188 *Duch* TJ, para. 342; *Kunarac* AJ, para. 119; *Sesay* TJ, para. 199.

³³² Case 001-E188 *Duch* TJ, para. 344; *Kunarac* AJ, para. 123; *Sesay* TJ, para. 203.

³³³ 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.

³³⁴ Case 001-F28 *Duch* AJ, para. 156.

³³⁵ Case 001-F28 *Duch* AJ, paras 157-158.

³³⁶ *Kunarac* AJ, paras 121, 356; *Taylor* TJ, para. 447.

³³⁷ 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.

identified.³³⁸ The absence of remuneration is not an element of enslavement, but may constitute a relevant evidentiary factor in determining whether the labour was forced.³³⁹

149. 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.³⁴⁰ The absence of consent may be presumed where the expression of consent is impossible,³⁴¹ such as where victims live in "a climate of fear".³⁴² In these circumstances, lack of resistance or the absence of clear and constant lack of consent will not be interpreted as a sign of consent.³⁴³ It has been found that severely overcrowded conditions, deplorable sanitation, lack of sleep, insufficient food, locked doors, frequent beatings, psychological abuse and brutal living conditions rendered it impossible for detainees to consent to work and that their labour was forced.³⁴⁴
150. 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.³⁴⁵

4. Deportation

151. Deportation as a CAH existed under CIL by 1975.³⁴⁶ 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 the Accused, as members of Cambodia's governing authority, that they could be prosecuted for deportation as a CAH.³⁴⁷

³³⁸ Case 001-**E188** *Duch* TJ, para. 344; *Krnojelac* AJ, paras 194-195; *Sesay* TJ, para. 202; *Taylor* TJ, para. 448.

³³⁹ *Sesay* AJ, para. 1082; *Kunarac* AJ, para. 119; **D427** Closing Order, para. 1394.

³⁴⁰ Case 001-**E188** *Duch* TJ, para. 343; *Kunarac* AJ, para. 120; *Sesay* AJ, para. 734; *Taylor* TJ, para. 447.

³⁴¹ Case 001-**E188** *Duch* TJ, para. 343; *Kunarac* AJ, para. 120.

³⁴² *Krnojelac* AJ, para. 194.

³⁴³ *Kunarac* AJ, para. 120; *Krnojelac* AJ, paras 194-195.

³⁴⁴ *Krnojelac* AJ, paras 193-195.

³⁴⁵ Case 001-**F28** *Duch* AJ, paras 152-153; Case 001-**E188** *Duch* TJ, para. 345; **D427** Closing Order, para. 1395; *Kunarac* AJ, paras 116, 122; *Taylor* TJ, para. 446.

³⁴⁶ **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), 319, 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).

³⁴⁷ 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).

152. 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*),³⁴⁸ the two crimes “have the same elements, except in relation to destination.”³⁴⁹
153. 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.³⁵⁰ There is no minimum number of individuals that must be affected by the forced displacement in order for liability to attach.³⁵¹ The words “lawfully present” should not be equated to the concept of lawful residence.³⁵² “Legal” residents include refugees and stateless persons.³⁵³
154. 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.³⁵⁴ It requires that the displacement be involuntary in nature, meaning that the relevant persons had no genuine choice in their displacement.³⁵⁵ Where persons consent to, or even request, their removal, that consent must be real in the sense that it is given voluntarily and as a result of the individual’s free will, assessed in the light of the surrounding circumstances.³⁵⁶ If a group flees to escape deliberate violence and persecution,³⁵⁷ or detainees request a transfer to seek freedom from inhumane living conditions or a coercive prison regime,³⁵⁸ they would not be exercising a genuine choice.
155. 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

³⁴⁸ *Milošević* Acquittal Decision, para. 68; *Krstić* TJ, para. 521; *Krajišnik* TJ, para. 723; *Blagojević* TJ, para. 595; *Brđanin* TJ, paras 540, 544. See further *Stakić* AJ, para. 300.

³⁴⁹ *Milošević* Acquittal Decision, para. 79; *Krnojelac* AJ, para. 218. See further ICC Statute, para. 7(2)(d).

³⁵⁰ **E313** Case 002/01 TJ, para. 450 and citations therein; *Stakić* AJ, para. 278; *Krajišnik* AJ, para. 304.

³⁵¹ *Krajišnik* AJ, paras 309, 333; *Stakić* TJ, para. 685.

³⁵² *Popović* TJ, para. 900.

³⁵³ *Ministries* Judgment, pp. 480, 496, 500, 654; *High Command* Judgment, p. 572; *Eichmann* Judgment, paras 100, 111.

³⁵⁴ *Šainović* AJ, para. 366; *Krajišnik* AJ, paras 319, 333; *Stakić* AJ, paras 279, 281-282; *Naletilić* 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.

³⁵⁵ *Krnojelac* AJ, paras 229, 233; *Stakić* AJ, para. 279.

³⁵⁶ *Stakić* AJ, para. 279; *Krnojelac* AJ, para. 229.

³⁵⁷ *Krstić* TJ, para. 530.

³⁵⁸ *Krnojelac* AJ, paras 229, 233.

military reasons, i.e. on grounds of “military necessity”.³⁵⁹ 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.”³⁶⁰ Whether an act was permissible under international law requires an assessment of the factual context on a case-by-case basis, viewed from the time at which the decision to undertake the displacement was made.³⁶¹

156. To justify a forcible displacement on the basis of “military necessity”, overriding military considerations must make it *imperative*; mere military advantage does not suffice.³⁶² 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” will not be justified.³⁶³ Evidence that the displacement was carried out pursuant to a plan or policy formulated a considerable time in advance may indicate that a transfer was carried out irrespective of any question of military necessity.³⁶⁴ Consideration should be given as to whether other actions by the authority indicate the same military necessity.³⁶⁵
157. 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.³⁶⁶ 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.³⁶⁷ During any legitimate evacuation, the evacuating party must ensure that the evacuees are properly provided

³⁵⁹ Stakić AJ, paras 284-285; Krajišnik TJ, para. 725; GC IV, art. 49.

³⁶⁰ Simić TJ, para. 125, fn. 218; ICRC *Commentary to GC IV*, pp. 280-281.

³⁶¹ E313 Case 002/01 TJ, para. 451.

³⁶² 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”].

³⁶³ Krstić TJ, para. 526.

³⁶⁴ E313 Case 002/01, para. 451; Krstić TJ, para. 526; *Von Manstein* Judgment, pp. 522-523.

³⁶⁵ Naletilić TJ, para. 526 [Holding the transfer was not a lawful evacuation because the civilians were held in the town for a number of days before being transferred, indicating “[n]o imperative military reasons existed”].

³⁶⁶ E313 Case 002/01 TJ, para. 450.

³⁶⁷ E313 Case 002/01 TJ, para. 450; Stakić AJ, para. 284; Krajišnik TJ, para. 725; Blagojević TJ, para. 597; GC IV, art. 49; ICRC *Commentary to GC IV*, pp. 280-281.

for in terms of accommodation, hygiene, health, safety and nutrition, and to the greatest practical extent, families should not be separated.³⁶⁸

158. The *mens rea* requires only that the forced displacement be intentional.³⁶⁹ It does not require an intention to displace the persons across the border on a permanent basis.³⁷⁰

5. Imprisonment

159. Imprisonment was recognised as a CAH by CIL by 1975.³⁷¹ Moreover, it was foreseeable and accessible to the Accused that they could be prosecuted for imprisonment as a CAH.³⁷²
160. The *actus reus* of imprisonment³⁷³ 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.³⁷⁴ If national law is relied upon, the relevant provisions must not violate international law.³⁷⁵ 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;³⁷⁶ (ii) the detainee was informed at the time of the arrest of the reasons for the arrest;³⁷⁷ (iii) the detainee was promptly informed, in detail, of any charges against him and/or formally charged;³⁷⁸ (iv) the detainee was informed of his procedural rights,³⁷⁹ including access to legal counsel;³⁸⁰ 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).³⁸¹ The detainee is entitled to proceedings by which the lawfulness of his detention is decided speedily by a court,

³⁶⁸ **E313** Case 002/01 TJ, para. 450; *Blagojević* TJ, para. 599.

³⁶⁹ *Krajišnik* TJ, para. 726 upheld in *Krajišnik* AJ, para. 304. As noted above (*see* para. 85) this entails both *dolus directus* of the first and second degree. *See further* *Milošević* Acquittal Decision, para. 78.

³⁷⁰ *Stakić* AJ, paras 278, 306-307; *Krajišnik* AJ, para. 304; *Brđanin* AJ, para. 206. The Co-Prosecutors note, 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.

³⁷¹ Case 001-**E188** *Duch* TJ, para. 347; **D427/1/30** IS Closing Order Decision, paras 317-327, 332 and citations therein; **D427** Closing Order, para. 1314, fn. 5190; *Krnojelac* TJ, para. 109 and citations therein. **D427/1/30** IS Closing Order Decision, paras 328-332.

³⁷² A more descriptive name for the crime would be “imprisonment without due process” or, as the ICTY Trial Chamber in *Karadžić* articulated, “arbitrary imprisonment”: *Karadžić* TJ, para. 519.

³⁷³ Case 001-**E188** *Duch* TJ, paras 347-348; **D427** Closing Order, para. 1403; *Kordić* AJ, para. 116; *Krnojelac* TJ, paras 113-115.

³⁷⁴ Case 001-**E188** *Duch* TJ, para. 348; *Krnojelac* TJ, para. 114; *Ntagerura* TJ, para. 702.

³⁷⁵ *Ntagerura* TJ, para. 702.

³⁷⁶ *Ntagerura* TJ, para. 702; ICCPR, art. 9(2); ECHR, art. 5(2).

³⁷⁷ *Krnojelac* TJ, para. 121; *Ntagerura* TJ, para. 702; ICCPR, art. 9(2); ECHR, arts 5(2), 6(3)(a).

³⁷⁸ *Krnojelac* TJ, para. 121; *Ntagerura* TJ, para. 702.

³⁷⁹ ECHR, art. 6(3)(c).

³⁸⁰ ICCPR, art. 9(3); ECHR, arts 5(3)-(4); *Kulomin v. Hungary*, para. 11.3.

and to release if the detention is found to be unlawful.³⁸² He is also entitled to a fair and public trial within a reasonable time, or to release,³⁸³ and to the presumption of innocence until proven guilty.³⁸⁴ Therefore, mere “suspicion” that a person may be involved in 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.

161. As to *mens rea*, it must be shown that the perpetrator intended to arbitrarily deprive the individual of liberty, or that he acted in the reasonable knowledge that his actions were likely to cause the arbitrary deprivation of physical liberty.³⁸⁵

6. Torture

162. The crime of torture was recognised as a CAH by 1975,³⁸⁶ and was also a crime under Cambodian law at that time.³⁸⁷ It was foreseeable and accessible to the Accused that they could be prosecuted for torture as a CAH.³⁸⁸
163. Both the PTC and SCC have determined that the definition and elements of torture contained in the 1975 Declaration on Torture reflected CIL in 1975.³⁸⁹ Moreover, by 1975, the prohibition on torture was a norm of *jus cogens*,³⁹⁰ from which derogations were therefore not permitted under any circumstances, including public emergency or in the name of national security.³⁹¹
164. The *actus reus* of torture requires an act or omission inflicting severe pain or suffering, whether physical or mental.³⁹² In determining whether an act or omission constitutes

³⁸² ICCPR, art. 9(4); ECHR, art. 5(4).

³⁸³ ECHR, arts 5(3), 6(1); ICCPR, art. 9(3).

³⁸⁴ ICCPR, art. 14(2); ECHR, art. 6(2).

³⁸⁵ Case 001-**E188** *Duch* TJ, para. 350; *Simić* TJ, para. 64; *Krnjelac* TJ, para. 115.

³⁸⁶ Case 001-**F28** *Duch* AJ, paras 188, 196, 205-206; **D427/1/30** IS Closing Order Decision, paras 342-351 and citations therein; **D427** Closing Order, para. 1314, fn. 5191.
1956 Penal Code, art. 500.

³⁸⁷ Case 001-**F28** *Duch* AJ, paras 211-212; **D427/1/30** IS Closing Order Decision, paras 352-356.

³⁸⁸ **D427/1/30** IS Closing Order Decision, para. 355; Case 001-**F28** *Duch* AJ, paras 196, 205.

³⁸⁹ *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.

³⁹⁰ International instruments expressly proscribing derogations from the prohibition against torture include ICCPR, arts 7, 4(2); ECHR, arts 3, 15(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)]

³⁹² Case 001-**F28** *Duch* AJ, paras 191-192, 195-196, 201, 205; Case 001-**E188** *Duch* TJ, paras 353-354;

severe pain or suffering, it is necessary to consider all subjective and objective factors.³⁹³ Objective factors include the severity of the harm inflicted. Subjective criteria may include the age, sex, state of health of the victim, or the physical or mental effect of treatment on a particular victim.³⁹⁴ 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 and method used, and the position of inferiority of the victim are all relevant factors.³⁹⁵ 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.³⁹⁶

165. There is no exhaustive classification of the acts that may constitute torture.³⁹⁷ The consequences of the act or omission need not be visible on the victim,³⁹⁸ there is no minimum level of pain that must be inflicted,³⁹⁹ nor is there a requirement that the injury be permanent.⁴⁰⁰
166. 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 kill relatives.⁴⁰¹ Living in a constant state of anxiety and uncertainty as a result of physical abuse and confinement constitutes mental suffering amounting to torture.⁴⁰² Similarly, the credible threat of physical torture constitutes psychological torture.⁴⁰³ Moreover, a person may suffer serious mental harm by witnessing acts against others.⁴⁰⁴ Certain acts are considered by

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.

³⁹³ Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 143.

³⁹⁴ Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 143.

³⁹⁵ Case 001-**E188** *Duch* TJ, para. 355; *Krnojelac* TJ, para. 182.

³⁹⁶ *Krnojelac* TJ, para. 182.

³⁹⁷ Case 001-**E188** *Duch* TJ, para. 355; *Kunarac* AJ, para. 149.

³⁹⁸ Case 001-**E188** *Duch* TJ, para. 355; *Kunarac* AJ, para. 150.

³⁹⁹ *Kunarac* AJ, para. 149; *Kvočka* TJ, para. 143; *Brđanin* TJ, para. 483.

⁴⁰⁰ Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 148; *Brđanin* TJ, para. 484.

⁴⁰¹ Case 001-**E188** *Duch* TJ, para. 355, *Čelebići* TJ, para. 467; *Kvočka* TJ, para. 151; *Krnojelac* TJ, para. 255.

⁴⁰² *Hajrulah* Judgment, paras 101-102.

⁴⁰³ See e.g. *Estrella v Uruguay*, paras 1.6, 8.3, 10; *Maritza Urrutia v. Guatemala*, paras 58.6, 85, 94.

⁴⁰⁴ *Kayishema* TJ, para. 153.

their nature to constitute severe pain and suffering. These include rape,⁴⁰⁵ sexual violence,⁴⁰⁶ and mutilation of body parts.⁴⁰⁷

167. Although, under ICTY/ICTR jurisprudence, the perpetrator need not have acted in an official capacity,⁴⁰⁸ the SCC has found the definition of torture found in the 1975 Declaration on Torture, including the public official requirement, to be declarative of CIL in 1975.⁴⁰⁹ Pursuant to that definition, the act or omission must have been carried out “by or at the instigation of a public official”.⁴¹⁰
168. As regards *mens rea*, the pain and suffering amounting to torture must be inflicted intentionally.⁴¹¹ 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.⁴¹² These purposes do not constitute an exhaustive list under CIL and are instead representative.⁴¹³ 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”.⁴¹⁴

⁴⁰⁵ Case 001-**E188** *Duch* TJ, para. 355; *Kunarac* AJ, paras 150-151.

⁴⁰⁶ *Kunarac* AJ, para. 150.

⁴⁰⁷ Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 144.

⁴⁰⁸ *Kunarac* AJ, para. 148; *Kvočka* AJ, para. 284; *Semanza* AJ, paras 248, 286.

⁴⁰⁹ Case 001-**F28** *Duch* AJ, paras 191-192, 195-197, 205; 1975 Declaration on Torture, art. 1.

⁴¹⁰ This issue is irrelevant to the adjudication on the current trial 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 Co-Prosecutors submit that, while the reference to torturers being officials of a state reflects CIL 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 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.

⁴¹¹ Case 001-**F28** *Duch* AJ, paras 191-192, 195-196, 201, 205; Case 001-**E188** *Duch* TJ, para. 358; **D427** Closing Order, para. 1413; 1975 Declaration on Torture, art. 1; *Krnjelac* TJ, para. 179; *Furundžija* TJ, para. 162.

⁴¹² Case 001-**F28** *Duch* AJ, paras 192, 205; Case 001-**E188** *Duch* TJ, para. 356; **D427/1/30** IS 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 CIL 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 Co-Prosecutors note 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.

⁴¹³ Case 001-**E188** *Duch* TJ, para. 356; *Čelebići* TJ, paras 470-472.

⁴¹⁴ Case 001-**E188** *Duch* TJ, para. 356; *Kunarac* TJ, para. 486.

7. Persecution on Political, Racial or Religious Grounds

169. Persecution as a CAH existed under CIL by 1975.⁴¹⁵ It was foreseeable and accessible to the Accused that they could be prosecuted for persecution as a CAH.⁴¹⁶

170. The *actus reus* of persecution is an act or omission which discriminates in fact and which denies or infringes upon a fundamental right laid down in international customary or treaty law.⁴¹⁷

a) An Act or Omission that Denies or Infringes upon a Fundamental Right

171. “Persecutory acts” can include the other underlying offences for CAH, as well as other acts or omissions that are of equal gravity or seriousness, whether in isolation or in conjunction with other acts.⁴¹⁸ These other acts or omissions may be,⁴¹⁹ but need not necessarily be⁴²⁰ international crimes in and of themselves. Whether the acts actually constitute persecution is a fact-specific inquiry.⁴²¹

172. The context in which an act or omission takes place is important for the purpose of assessing its gravity or severity.⁴²² 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;⁴²³ and (ii) the discriminatory effect it seeks to encourage within the general populace against a targeted group.⁴²⁴

173. 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

⁴¹⁵ Case 001-**F28** *Duch* AJ, paras 216-225 and citations therein; **E313** Case 002/01 TJ, para. 426; Case 001-**E188** *Duch* TJ, para. 374; **D427** Closing Order, para. 1314, fn. 5193.

⁴¹⁶ Case 001-**F28** *Duch* AJ, paras 261, 279-280; **E313** Case 002/01 TJ, para. 426. Religious persecution was a crime under Cambodian Law in 1975. See 1956 Penal Code, arts 209-210.

⁴¹⁷ Case 001-**F28** *Duch* AJ, paras 257, 261-262, 271; Case 001-**E188** *Duch* TJ, para. 376; **E313** Case 002/01 TJ, para. 427; **D427** Closing Order, para. 1415; *Stakić* AJ, para. 327; *Nahimana* AJ, para. 985.

⁴¹⁸ Case 001-**F28** *Duch* AJ, paras 244-245, 253-254, 257-259, 261; **E313** Case 002/01 TJ, paras 432-433; Case 001-**E188** *Duch* TJ, para. 378; *Kordić* 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].

⁴¹⁹ Case 001-**F28** *Duch* AJ, paras 258, 260; *Krnojelac* AJ, para. 219; *Brđanin* AJ, para. 296.

⁴²⁰ Case 001-**F28** *Duch* AJ, paras 244-245, 261; **E313** Case 002/01 TJ, para. 433; *Nahimana* AJ, para. 985; *Brđanin* AJ, para. 296.

⁴²¹ *Brđanin* AJ, para. 295.

⁴²² **E313** Case 002/01 TJ, para. 433; *Nahimana* AJ, para. 987.

⁴²³ Case 001-**F28** *Duch* AJ, para. 259.

⁴²⁴ Case 001-**F28** *Duch* AJ, para. 259.

fair trial, equal protection of the law, citizenship, work, education, marriage, privacy and freedom of movement”⁴²⁵. 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:⁴²⁶ the destruction of religious buildings;⁴²⁷ 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;⁴²⁸ wanton destruction of private and public property, including cultural monuments and sacred sites;⁴²⁹ forced labour;⁴³⁰ forced displacement;⁴³¹ inhumane living conditions;⁴³² enforced disappearances;⁴³³ the denial of the rights to employment, freedom of movement, proper judicial process and proper medical care;⁴³⁴ and hate speech and calls to violence.⁴³⁵ Denying the practice of religion would clearly violate the fundamental right to freedom of thought, conscience and religion.⁴³⁶

b) Discrimination in Fact

174. The act or omission must “discriminate in fact”,⁴³⁷ that is, it must have actual discriminatory consequences.⁴³⁸ 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,⁴³⁹ and the victim belongs to a sufficiently discernible political, racial or religious group.⁴⁴⁰ The group may be defined broadly by the perpetrator. This can be in negative terms and can include affiliates and sympathisers as well as suspects.⁴⁴¹ Persecution might target aggregated groups without any common identity or agenda.⁴⁴²

⁴²⁵ Case 001-**F28** *Duch* AJ, para. 254, following a review of jurisprudence at paras 242-253.

⁴²⁶ Some of which have been cited with approval by the ECCC Trial Chamber. See Case 001-**E188** *Duch* TJ, para. 378.

⁴²⁷ *Kordić* TJ, para. 206.

⁴²⁸ *Kvočka* AJ, paras 323-325; *Kvočka* TJ, paras 190-192; *Stakić* TJ, paras 758-760, 807-808.

⁴²⁹ *Karadžić* TJ, paras 530-534; *Blaškić* AJ, paras 146, 149.

⁴³⁰ *Krnojelac* AJ, paras 198-203.

⁴³¹ *Krnojelac* AJ, para. 222; *Blaškić* AJ, para. 153.

⁴³² *Karadžić* TJ, para. 514; *Krajišnik* TJ, paras 755-756; *Nikolić (Dragan)* SJ, para. 69.

⁴³³ *Gotovina* TJ, para. 1839.

⁴³⁴ *Brđanin* AJ, paras 294-297; *Stanišić & Župljanin* TJ, Vol. I, paras 91-92.

⁴³⁵ *Nahimana* AJ, paras 986-988.

⁴³⁶ ICCPR, arts 18, 27; UDHR, art. 18; ECHR, art. 9.

⁴³⁷ Case 001-**F28** *Duch* AJ, para. 267; **F36** Case 002/01 AJ, para. 667; **E313** Case 002/01 TJ, para. 427.

⁴³⁸ Case 001-**F28** *Duch* AJ, para. 267; Case 001-**E188** *Duch* TJ, para. 377.

⁴³⁹ Case 001-**F28** *Duch* AJ, paras 272-273; **F36** Case 002/01, paras 667, 669, 690; **E313** Case 002/01 TJ, para. 428; Case 001-**E188** *Duch* TJ, para. 377; **D427** Closing Order, para. 1415; *Karadžić* TJ, para. 498; *Kvočka* AJ, paras 363, 366, 455; *Blagojević* TJ, para. 583.

⁴⁴⁰ Case 001-**F28** *Duch* AJ, paras 274-276; **F36** Case 002/01 AJ, para. 667; **E313** Case 002/01 TJ, para. 428.

⁴⁴¹ Case 001-**F28** *Duch* AJ, paras 272-273; *Kvočka* AJ, paras 363, 366, 455; *Simić* TJ, para. 49; *Stakić* TJ,

175. With regard to persecution on political grounds, there is no requirement that the targeted group actually hold a particular political view at all.⁴⁴³ Political persecution may occur where the discrimination is effected according to political motivations or agenda *against* a group based on a subjective assessment as to the group's political threat or danger to the perpetrator.⁴⁴⁴ The group or groups persecuted on political grounds may include various categories of persons, such as: officials and political activists; persons of certain opinions, convictions or beliefs; persons of certain ethnicity or nationality; or persons representing certain social strata (e.g. "intelligentsia", clergy or bourgeoisie).⁴⁴⁵

c) Mens Rea

176. 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.⁴⁴⁶ Discriminatory intent requires that the perpetrator acted with the specific intent to harm the victim because she belongs to a particular community or group.⁴⁴⁷ There is no requirement that perpetrator possess a persecutory intent — that is, intent to remove targeted persons from society or humanity — over and above a discriminatory intent.⁴⁴⁸

177. Intent has been inferred "through a perpetrator's knowing participation in a system or enterprise that discriminated on political, racial or religious grounds."⁴⁴⁹ However, the existence of a discriminatory policy is not a requirement for proving persecution.⁴⁵⁰ 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.⁴⁵¹

para. 734.

⁴⁴² **F36** Case 002/01 AJ, para. 678.

⁴⁴³ **F36** Case 002/01 AJ, para. 669.

⁴⁴⁴ **F36** Case 002/01 AJ, para. 669; Case 001-**F28** *Duch* AJ, para. 272; **E313** Case 002/01 TJ, para. 430, fn. 1290 and citations therein.

⁴⁴⁵ Case 001-**F28** *Duch* AJ, para. 272; **F36** Case 002/01 AJ, para. 669.

⁴⁴⁶ Case 001-**F28** *Duch* AJ, paras 236-240; **E313** Case 002/01 TJ, para. 427; Case 001-**E188** *Duch* TJ, para. 379; **D427** Closing Order, para. 1423; . See also, e.g. *Stakić* AJ, paras 327-328; *Nahimana* AJ, para. 985.

⁴⁴⁷ Case 001-**E188** *Duch* TJ, para. 379; *Kordić* AJ, para. 111; *Blaškić* AJ, para. 165; *Karadžić* TJ, para. 500.

⁴⁴⁸ Case 001-**E188** *Duch* TJ, para. 379; *Kordić* AJ, para. 111; *Blaškić* AJ, para. 165.

⁴⁴⁹ *Simić* TJ, para. 51.

⁴⁵⁰ *Karadžić* TJ, para. 500; *Popović* TJ, para. 967.

⁴⁵¹ *Kvočka* AJ, paras 232-233.

8. Other Inhumane Acts

178. “Other inhumane acts” was established as a CAH under CIL before 1975.⁴⁵² Moreover, it was foreseeable and accessible to the Accused that conduct rising to the level of “other inhumane acts” could be prosecuted as a CAH.⁴⁵³ “Other inhumane acts” is *in itself* a crime under international law.⁴⁵⁴ 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.⁴⁵⁵ 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.⁴⁵⁶ The act or omission must be sufficiently similar in nature and gravity to other enumerated CAH.⁴⁵⁷
179. The SCC has recently held that 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.⁴⁵⁸
180. Whether conduct meets the criteria for characterisation as an “other inhumane act” is therefore a mixed question of law and fact.⁴⁵⁹ The seriousness of the act is to be assessed on a case-by-case basis, taking account of the individual circumstances of the case,⁴⁶⁰ and the facts must be assessed for their gravity holistically.⁴⁶¹ The individual circumstances may include the nature of the act or omission; the context in which it

⁴⁵² **F36** Case 002/01 AJ, para. 576; **D427/1/30** IS Closing Order Decision, paras 371, 379-385, 395-396, 398 and citations therein; **D427/2/15** NC and IT Closing Order Decision, paras 156-157, 165; **E313** Case 002/01 TJ, para. 435; Case 001-**E188** *Duch* TJ, para. 367; **D427** Closing Order, para. 1314, fn. 5194. See also *Stakić* AJ, paras 315-316, fn. 649; *Brima* AJ, para. 183, fn. 275.

⁴⁵³ **F36** Case 002/01 AJ, paras 577-586; **D427/2/15** NC and IT Closing Order Decision, para. 165; **D427/1/30** IS Closing Order Decision, paras 396, 398; **E313** Case 002/01 TJ, para. 435; *Stakić* AJ, para. 315.

⁴⁵⁴ **F36** Case 002/01 AJ, para. 576.

⁴⁵⁵ **F36** Case 002/01 AJ, para. 584; **E313** Case 002/01 TJ, para. 436; **D427/1/30** IS Closing Order Decision, paras 371, 378; **D427/2/15** NC and IT Closing Order Decision, para. 156; *Stakić* AJ, paras 315-316.

⁴⁵⁶ **F36** Case 002/01 AJ, paras 576, 578; **E313** Case 002/01 TJ, para. 437; Case 001-**E188** *Duch* TJ, para. 367; *Stakić* AJ, paras 315-316; *Kordić* AJ, para. 117; *Brima* AJ, paras 183, 198.

⁴⁵⁷ **D427/1/30** IS Closing Order Decision, paras 395-396; Case 001-**E188** *Duch* TJ, para. 367; **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* TJ, para. 960; ICC Elements of Crimes, art. 7(1)(k), Element 2.

⁴⁵⁸ **F36** Case 002/01 AJ, para. 580.

⁴⁵⁹ See e.g. **D427/1/30** IS Closing Order Decision, para. 397; **D427/2/15** NC and IT Closing Order Decision, para. 166. See also Case 004-**D257/1/8** Forced Marriage Considerations: International Judges, para. 18.

⁴⁶⁰ Case 001-**E188** *Duch* TJ, para. 369; **E313** Case 002/01 TJ, para. 438; Case 004-**D257/1/8** Forced Marriage Considerations: International Judges, para. 16; *Kordić* AJ, para. 117; *Lukić* TJ, para. 961.

⁴⁶¹ **F36** Case 002/01 AJ, para. 590.

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.⁴⁶² There is no requirement that the victim suffer long-term effects, although this may be relevant to the seriousness of the acts.⁴⁶³ 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.⁴⁶⁴ 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 as a tool to assess whether the conduct in question reaches the requisite level of gravity.⁴⁶⁵

181. The underlying acts do not therefore require “specific *legal* definitions and elements”.⁴⁶⁶ The SCC recently 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.”⁴⁶⁷ 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.”⁴⁶⁸
182. In addition to the acts surveyed in more detail below, “other inhumane acts” have been found to include: cruel, humiliating, inhumane or degrading treatment;⁴⁶⁹ forced prostitution;⁴⁷⁰ serious physical and mental injury;⁴⁷¹ mutilation, beatings and other types of severe bodily harm;⁴⁷² deplorable detention conditions;⁴⁷³ sexual violence;⁴⁷⁴ using detainees as human shields;⁴⁷⁵ the witnessing of criminal acts against family or

⁴⁶² Case 001-**E188** *Duch* TJ, para. 369; **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.

⁴⁶³ Case 001-**E188** *Duch* TJ, para. 369; **E313** Case 002/01 TJ, para. 439; *Vasiljević* AJ, para. 165; *Lukić* TJ, para. 961, fn. 2887.

⁴⁶⁴ **F36** Case 002/01 AJ, paras 584-585.

⁴⁶⁵ **F36** Case 002/01 AJ, para. 585.

⁴⁶⁶ **F36** Case 002/01 AJ, para. 589 (emphasis in original).

⁴⁶⁷ **F36** Case 002/01 AJ, para. 589

⁴⁶⁸ **F36** Case 002/01 AJ, para. 590.

⁴⁶⁹ *Kupreškić* TJ, para. 566; *Kvočka* TJ, para. 208.

⁴⁷⁰ *Kupreškić* TJ, para. 566; *Kvočka* TJ, para. 208.

⁴⁷¹ *Blaškić* TJ, para. 239; *Kayishema* TJ, para. 151.

⁴⁷² Case 001-**E188** *Duch* TJ, para. 370; *Muvunyi I* TJ, para. 528; *Kvočka* TJ, para. 208; *Tadić* TJ, para. 730.

⁴⁷³ **F36** Case 002/01 AJ, para. 581 citing *Krnojelac* TJ, para. 133.

⁴⁷⁴ *Muvunyi I* TJ, para. 528; *Brima* AJ, paras 184, 186.

⁴⁷⁵ **F36** Case 002/01 AJ, para. 581 citing *Naletilić* TJ, para. 245; *Blaškić* TJ; *Kordić* TJ, para. 773.

friends;⁴⁷⁶ forcible circumcision or castration;⁴⁷⁷ killings in front of children;⁴⁷⁸ injuries to demonstrators;⁴⁷⁹ and forced nudity.⁴⁸⁰

183. In the Case 002 Closing Order, the Accused are charged with Other Inhumane Acts based on enforced disappearances, forced marriages and rapes that occurred as the authorities required consummation of those marriages, forced transfer, and attacks against human dignity. How the conduct involved in each of these satisfies the legal elements of “other inhumane acts” as a CAH is discussed below.

a) Forced Transfer

184. This Chamber⁴⁸¹ and other international tribunals⁴⁸² 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 necessity⁴⁸³—may be considered to 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,⁴⁸⁴ and the distinction as to destination of the forced displacement “has no bearing on the condemnation of such practices”.⁴⁸⁵ The ICC now recognises forced transfer as a discrete CAH.⁴⁸⁶

185. Forced transfer has also been found to rise to the level of gravity of other enumerated CAH and amount to persecution as a CAH,⁴⁸⁷ as well as constituting the offence of unlawful deportation or transfer of civilians as a grave breach.⁴⁸⁸ The gravity requirement for the classification of facts constituting forced transfer as “other inhumane acts” is therefore clearly met.

⁴⁷⁶ **F36** Case 002/01 AJ, para. 581 *citing Kupreškić* TJ, para. 819; *Kayishema* TJ, para. 153; *Brima* AJ, para. 199.

⁴⁷⁷ **F36** Case 002/01 AJ, para. 581 *citing Kenyatta* Confirmation of Charges Decision, paras 270-273.

⁴⁷⁸ **F36** Case 002/01 AJ, para. 581 *citing Kenyatta* Confirmation of Charges Decision, paras 276-277.

⁴⁷⁹ **F36** Case 002/01 AJ, para. 581 *citing Kenyatta* Confirmation of Charges Decision, para. 280.

⁴⁸⁰ *Akayesu* TJ, para. 697; *Brđanin* TJ, para. 1013.

⁴⁸¹ **E313** Case 002/01 TJ, paras 454-455 and citations therein.

⁴⁸² *Stakić* AJ, para. 317; *Krstić* TJ, para. 523; *Kupreškić* TJ, para. 566;

⁴⁸³ **E313** Case 002/01 TJ, para. 450; *Blagojević* TJ, para. 595.

⁴⁸⁴ *Milošević* Acquittal Decision, para. 79; *Krnojelac* AJ, para. 218. *See further* ICC Statute, para. 7(2)(d).

⁴⁸⁵ *Krstić* TJ, para. 522.

⁴⁸⁶ ICC Statute, art. 7(1)(d).

⁴⁸⁷ *Krnojelac* AJ, para. 222; *Blaškić* AJ, para. 153.

⁴⁸⁸ GC IV, art. 147; *Naletilić* TJ, paras 513-527.

b) Attacks against Human Dignity

186. As relevant to Case 002/02, the Closing Order alleges that attacks against human dignity resulted from deprivations of adequate food, water, shelter, medical assistance and minimum sanitary conditions.⁴⁸⁹ This Chamber has held that such deprivations may, depending on the facts, be of similar gravity to the enumerated CAH and thus fall within the ambit of “other inhumane acts”.⁴⁹⁰ According to ECCC and international jurisprudence, similar deprivations in the context of detention can constitute other inhumane acts as CAH.⁴⁹¹ They have been found to rise to the level of gravity of the other crimes enumerated in Article 5 of the ECCC Law and amount to persecution as a CAH,⁴⁹² as well as constituting the offence of cruel treatment as a violation of the laws or customs of war under the ICTY Statute.⁴⁹³ 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.⁴⁹⁴
187. Such deprivations may therefore be of similar gravity to the enumerated CAH and thus may fall within the ambit of “other inhumane acts”.

c) Forced Marriage

188. The OCIJ and SCSL have recognised that forced marriage may be of similar gravity to the enumerated CAH and thus fall within the purview of “other inhumane acts”.⁴⁹⁵ 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 1948.⁴⁹⁶ Numerous other instruments in place by 1975 also recognise the importance of consent before entering into marriage.⁴⁹⁷

⁴⁸⁹ **D427** Closing Order, paras 1434-1440.

⁴⁹⁰ **E313** Case 002/01 TJ, paras 456-458.

⁴⁹¹ Case 001-**E188** *Duch* TJ, para. 370; *Krnojelac* TJ, para. 133; *Kvočka* TJ, para. 209.

⁴⁹² *Blaškić* AJ, para. 155; *Karadžić* TJ, para. 514; *Krajišnik* TJ, paras 745-747, 755–756; *Stanišić and Župljanin* TJ, paras 203, 226-227, 678-679, 681, 683, 701; *Kvočka* TJ, para. 209.

⁴⁹³ *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; *Čelebići* TJ, para. 1119. See further, *Prlić* TJ, Vol 3, paras 1102-1111, 1114-1116, 1118-1120, 1124-1126, 1129-1130, 1132-1133, 1135-1137, 1140-1142, 1145-1147, 1149-1150, 1152-1153 [finding the treatment also constituted the offence of inhuman treatment as a grave breach of the Geneva Conventions].

⁴⁹⁴ *Karadžić* Rule 98bis AJ, paras 48-49; *Brđanin* TJ, para. 691; *Kayishema* TJ, paras 115-116.

⁴⁹⁵ *Brima* AJ, paras 198-201; *Sesay* TJ, paras 2306-07; **D427** Closing Order, paras 1314, 1442-1443, fn. 5195.

⁴⁹⁶ UDHR, art 16(2) [“Marriage shall be entered into only with the free and full consent of the intending spouses”].

⁴⁹⁷ See e.g. 1964 Convention on Consent to Marriage (the Preamble of the Convention recalls article 16 of the UDHR). Article 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

189. Forced marriage occurs when the perpetrator compels a person by force, threat of force, or coercion to serve as a conjugal partner.⁴⁹⁸ ‘Marriage’ implies a relationship of exclusivity between the ‘husband’ and ‘wife’.⁴⁹⁹ 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’,⁵⁰⁰ and may involve the commission of one or more international crimes such as enslavement, rape, sexual assault or sexual slavery, among others.⁵⁰¹ However, forced marriage is not predominantly a sexual crime, and forced marriage occurs regardless of whether the ‘husband’ and ‘wife’ engage in sexual relations.⁵⁰²
190. 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.⁵⁰³ 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.⁵⁰⁴ Similarly, a climate of fear⁵⁰⁵ or situations of captivity or detention⁵⁰⁶ 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.⁵⁰⁷

d) Rape

191. 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 during the

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”].

⁴⁹⁸ *Brima* AJ, para. 196; *Sesay* AJ, paras 735-736.

⁴⁹⁹ *Brima* AJ, para. 195.

⁵⁰⁰ *Brima* AJ, para. 190.

⁵⁰¹ *Brima* AJ, para. 201.

⁵⁰² *Brima* AJ, para. 195.

⁵⁰³ *Sesay* AJ, para. 736; *Stakić* AJ, para. 281.

⁵⁰⁴ 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.

⁵⁰⁵ *Krnojelac* AJ, para. 194.

⁵⁰⁶ *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.

⁵⁰⁷ *Brima* AJ, para. 190.

ECCC's temporal jurisdiction.⁵⁰⁸ 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".⁵⁰⁹ Moreover, the ICTY, ICTR, SCSL and ICC have all recognised rape as a discrete CAH.⁵¹⁰ Rape may also constitute torture where the elements of torture are established.⁵¹¹ The gravity requirement for classification of facts constituting rape as "other inhumane acts" is therefore clearly met.

192. 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 largely adopted the broad definition adopted by the ICTR Trial Chamber in *Akayesu*,⁵¹² finding that "by imposing the consummation of forced marriages,⁵¹³ 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."⁵¹⁴ Both men and women can be subject to physical invasion,⁵¹⁵ and the Accused are charged with acts of sexual violence constituting rape, through enforced consummation of forced marriage, against both men and women.
193. Other narrower definitions of rape have been posited. In Case 001, this 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.⁵¹⁶ The ICC definition falls between the two, 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

⁵⁰⁸ Case 001-**F28** *Duch* AJ, paras 183, 213; **D427/2/15** NC and IT Closing Order Decision, para. 154; **D427/1/30** IS Closing Order Decision, paras 364-365, 371.

⁵⁰⁹ **D427/1/30** IS Closing Order Decision, para. 372; **D427/2/15** NC and IT Closing Order Decision, para. 154.

⁵¹⁰ **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).

⁵¹¹ Case 001-**F28** *Duch* AJ, paras 207-208, 211; Case 001-**E188** *Duch* TJ, paras 355, 366; *Akayesu* TJ, para. 687.

⁵¹² *Akayesu* TJ, para. 598 [defining rape as "a physical invasion of a sexual nature, committed on a person under circumstances which are coercive"].

⁵¹³ Referring to the factual findings in **D427** Closing Order, para. 858.

⁵¹⁴ **D427** Closing Order, para. 1431; *see also* para. 1427.

⁵¹⁵ As reflected in the ICC Elements of Crimes, fn. 15. *See* fn. 517 below.

⁵¹⁶ Case 001-**E188** *Duch* TJ, para. 362; *Kunarac* AJ, para. 127.

of the anal or genital opening of the victim with any object or any other part of the body.”⁵¹⁷

194. The Co-Prosecutors submit that the definitions used at the ICTY, ICC and by this Chamber in Case 001 are unduly narrow as they were written to fit the specific facts where a perpetrator was penetrating, or (at the ICC only) was being penetrated by, a body part of the victim without the victim’s consent. A more 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 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.⁵¹⁸ 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.
195. 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.⁵¹⁹ 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.⁵²⁰ Proof of resistance (or continuous resistance) by the victim is also not required.⁵²¹ A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.⁵²² The circumstances prevailing in most cases charged as war crimes or CAH “will be

⁵¹⁷ 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”.

⁵¹⁸ 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.

⁵¹⁹ *Kunarac* AJ, paras 127-128; *Taylor* TJ, para. 416.

⁵²⁰ Case 001-E188 *Duch* TJ, para. 363; *Kunarac* AJ, paras 129-130; *Taylor* TJ, para. 416; *Brima* TJ, para. 694.

⁵²¹ Case 001-E188 *Duch* TJ, para. 363; *Kunarac* AJ, para. 128; *Gacumbitsi* AJ, para. 155; *Taylor* TJ, para. 416.

⁵²² *Sesay* TJ, para. 148; *Taylor* TJ, para. 416. See also ICC Elements of Crimes, art. 7(1)(g)-1, Element 2, fn. 16.

almost universally coercive,” thus rendering genuine consent impossible.⁵²³ Circumstantial evidence may be used to demonstrate rape.⁵²⁴

e) Enforced Disappearances

196. 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 acts”, all other conditions being satisfied.⁵²⁵ The ICC also recognises enforced disappearance as a discrete crime underlying CAH.⁵²⁶
197. 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.⁵²⁷

GRAVE BREACHES OF THE GENEVA CONVENTIONS

198. Article 6 of the ECCC Law gives the ECCC jurisdiction over grave breaches of the GCs. Grave breaches were crimes under international law during the period of the ECCC’s temporal jurisdiction, which were foreseeable and accessible to the Accused.⁵²⁸ The specific offences listed in Article 6 include wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, wilfully depriving a prisoner of war or a civilian the rights of fair and regular trial, and unlawful deportation or transfer or confinement of a civilian. The elements of these offences are discussed below.

⁵²³ Case 001-**E188** *Duch* TJ, para. 363; *Gacumbitsi* AJ, para. 151; *Taylor* TJ, para. 416.

⁵²⁴ Case 001-**E188** *Duch* TJ, para. 364; *Muhimana* AJ, paras 48-49; *Sesay* TJ, para. 149.

⁵²⁵ **E313** Case 002/01 TJ, paras 444-448 and citations therein; **D427** Closing Order, paras 1314, 1470-1471, 1476, fn. 5197; *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.

⁵²⁶ ICC Statute, art. 7(1)(i).

⁵²⁷ **E313** Case 002/01 TJ, para. 448; **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.

⁵²⁸ Case 001-**E188** *Duch* TJ, paras 402-408; **D427/2/15** NC and IT Closing Order Decision, para. 124.

199. For the commission of these offences to constitute grave breaches, certain general requirements must be met: 1) the specific offences must be committed in the context of an international armed conflict (“IAC”); 2) the perpetrator must be aware of the factual circumstances that established the existence of an armed conflict; 3) the acts must be committed against persons or property protected under one or more of the Geneva Conventions of 1949; and 4) the perpetrator must be aware of the factual circumstances that established this protected status.⁵²⁹

GENERAL REQUIREMENTS

1. International Armed Conflict

200. The requirement of an IAC contains two elements: 1) there must be an IAC; and 2) there must be a nexus between the conflict and the crimes alleged.
201. An IAC must exist in fact.⁵³⁰ An armed conflict exists “whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State.”⁵³¹ An armed conflict assumes an international character when it involves two or more States.⁵³² The geographic and temporal application of the GCs extends beyond the vicinity of the actual hostilities and the cessation of fighting;⁵³³ once it is established that an IAC existed at the place and time relevant to the charges, IHL will apply to the whole territory of the relevant States, whether or not actual combat takes place there, and will continue to apply beyond the cessation of hostilities until a general conclusion of peace is achieved.⁵³⁴
202. There must be a nexus between the IAC and the crimes alleged.⁵³⁵ The nexus requirement is met when it is shown that the alleged crimes were “closely related” to the armed conflict as a whole.⁵³⁶ To this effect, “[t]he armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a

⁵²⁹ Case 001-**E188** *Duch* TJ, paras 409-410; *Naletilić* AJ, paras 110, 116-121.

⁵³⁰ GCs’ common Article 2; Case 001-**E188** *Duch* TJ, paras 411-413; *Tadić* Jurisdiction Decision, para. 79; *Naletilić* AJ, para. 117.

⁵³¹ Case 001-**E188** *Duch* TJ, para. 412; *Tadić* Jurisdiction Decision, para. 70; *Prlić* TJ (Vol 1), para. 84.

⁵³² Case 001-**E188** *Duch* TJ, para. 414; *Kordić* AJ, para. 373; *Bemba* PTC Decision on the Charges, para. 220.

⁵³³ Case 001-**E188** *Duch* TJ, para. 415; *Prlić* TJ (Vol 1), para. 85.

⁵³⁴ Case 001-**E188** *Duch* TJ, para. 415; *Tadić* Jurisdiction Decision, para. 70; *Kordić* AJ, para. 321.

⁵³⁵ Case 001-**E188** *Duch* TJ, para. 416; *Halilović* TJ, para. 28; *Brđanin* TJ, para. 128.

⁵³⁶ Case 001-**E188** *Duch* TJ, para. 416; *Halilović* TJ, para. 28; *Tadić* Jurisdiction Decision, para. 70; *Vasiljević* TJ, para. 24.

minimum, have played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed."⁵³⁷ It is not necessary to establish that there were actual combat activities in the area where the acts are alleged to have occurred or that they were part of a policy or practice tolerated by one of the parties to the armed conflict.

2. Protected Persons

203. Article 6 of the ECCC Law grants the ECCC jurisdiction over "acts against persons ... protected under provisions" of the GCs.⁵³⁸ This reference covers "protected persons" as defined pursuant to article 4 of GC IV (as regards civilian persons) and article 4A of GC III (as regards prisoners of war).
204. GC III extends protection to, *inter alia*, "members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces" who have "fallen into the power of the enemy".⁵³⁹ There is no requirement that such persons are captured during combat.⁵⁴⁰
205. As to civilians, GC IV extends "protected person" status to civilians who are "in the hands of a Party to the conflict or Occupying Power of which they are not nationals."⁵⁴¹ This protects, *inter alia*, civilians who find themselves on territory controlled by an enemy state or in a combat zone, or who are stateless persons.⁵⁴² However, a person may be accorded protected status notwithstanding the fact that he is of the same nationality as a party to the conflict.⁵⁴³ The protected status of an individual does not depend on formal bonds and purely legal relations, but on the substance of relations that exist between the individual and the State.⁵⁴⁴ The crucial consideration when analysing these substantive relations is the allegiance — or lack thereof — that an individual has to a party to the conflict,⁵⁴⁵ which may depend more on ethnic identity than nationality.⁵⁴⁶ Civilians may thus be considered as protected persons for the purpose of GC IV where they are viewed by the State whose hands they are in "as belonging to the

⁵³⁷ Kunarac AJ, para. 58.

⁵³⁸ ECCC Law, art. 6. *See also* Case 001-E188 Duch TJ, para. 417.

⁵³⁹ GC III, art. 4A.

⁵⁴⁰ ICRC Commentary to GC III, p. 50.

⁵⁴¹ GC IV, art. 4(1); Case 001-E188 Duch TJ, para. 418.

⁵⁴² Tadić AJ, para. 164; Naletilić TJ, para. 208; ICRC Commentary to GC IV, pp. 46-47.

⁵⁴³ Case 001-E188 Duch TJ, para. 419; Tadić AJ, para. 166; Aleksovski AJ, para. 151; Čelebići AJ, para. 58.

⁵⁴⁴ Case 001-E188 Duch TJ, para. 419; Tadić AJ, paras 166, 168; Čelebići AJ, para. 84.

⁵⁴⁵ Case 001-E188 Duch TJ, para. 419; Tadić AJ, para. 166; Kordić AJ, paras 328-331; Aleksovski AJ, paras 151-152.

⁵⁴⁶ Prlić TJ (Vol 1), para. 100.

opposing party in an armed conflict and as posing a threat to [that] State.”⁵⁴⁷ Protected persons would thus include ethnic Vietnamese who were Cambodian nationals but viewed as enemies allied with Vietnam by the DK authorities.

3. Awareness of Factual Circumstances

206. The perpetrator, in addition to having the requisite *mens rea* for the specific crimes, must be aware of the factual circumstances establishing: 1) the existence of an IAC; and 2) the victim’s protected status.⁵⁴⁸ Knowledge that a foreign State was involved in the armed conflict will satisfy the first element.⁵⁴⁹ Knowledge that the victim belonged to an adverse party to the conflict will satisfy the second element⁵⁵⁰ (although, as noted above, this is not the only scenario covered under CIL).

SPECIFIC OFFENCES

1. Wilful Killing

207. The elements of the offence of wilful killing⁵⁵¹ under Article 6 of the ECCC Law (grave breaches) are the same as those of murder under Article 5 of the ECCC Law (CAH).⁵⁵²

2. Torture or Inhuman Treatment

208. The grave breach of “torture or inhuman treatment”⁵⁵³ comprises two distinct sub-offences: (a) torture; and (b) inhuman treatment. The elements of the offence of torture under Article 6 of the ECCC Law (grave breaches) are the same as those of torture under Article 5 of the ECCC Law (CAH).⁵⁵⁴ Inhuman treatment is defined as an intentional act or omission which causes serious physical or mental harm or suffering, or constitutes a serious attack on human dignity.⁵⁵⁵ This category is an umbrella clause under which those violations of sufficient seriousness that are not expressly enumerated in Article 6 may be considered to be grave breaches.⁵⁵⁶ Whether any particular act

⁵⁴⁷ Case 001-**E188** *Duch* TJ, para. 419; *Čelebići* AJ, para. 98.

⁵⁴⁸ Case 001-**E188** *Duch* TJ, paras 420-422; *Naletilić* AJ, paras 110-121; *Kordić* AJ, para. 311. See also ICC Elements of Crimes, art. 8(2)(a)(i)-(viii).

⁵⁴⁹ Case 001-**E188** *Duch* TJ, para. 422; *Kordić* AJ, para. 311.

⁵⁵⁰ Case 001-**E188** *Duch* TJ, para. 422.

⁵⁵¹ GC III, art. 130; GC IV, art. 147.

⁵⁵² Case 001-**E188** *Duch* TJ, para. 431; *Brđanin* TJ, para. 380.

⁵⁵³ GC III, art. 130; GC IV, art. 147.

⁵⁵⁴ Case 001-**E188** *Duch* TJ, para. 439; *Brđanin* TJ, para. 482; *Krnojelac* TJ, para. 178.

⁵⁵⁵ Case 001-**E188** *Duch* TJ, paras 440-441; *Čelebići* AJ, para. 426; *Prlić* TJ (Vol 1), para. 113. See also *ICRC Commentary to GC IV*, p. 598; ICC Elements of Crimes, art. 8(2)(a)(ii)-2, Element 1.

⁵⁵⁶ *Čelebići* TJ, para. 543.

constitutes inhuman treatment is a question of fact to be judged in light of all the circumstances.⁵⁵⁷

209. Acts which constitute torture or wilfully causing great suffering or serious injury to body or health will simultaneously constitute inhuman treatment. The offence extends also to encompass other acts which violate the principle of humane treatment, in particular respect for human dignity.⁵⁵⁸ Acts not meeting the threshold of torture because of the failure to prove that they were carried out for a prohibited purpose may also constitute inhuman treatment.⁵⁵⁹ The inhumane treatment of detainees has been deemed to fall within the scope of this category of grave breaches.⁵⁶⁰ Acts such as mutilation and other types of severe bodily harm, beatings and other acts of violence,⁵⁶¹ rape and sexual violence,⁵⁶² and serious physical and mental injury⁵⁶³ have been considered inhuman treatment.
210. As to *mens rea*, the perpetrator must intend the act or omission, acting with intent or *dolus eventualis* with regard to the infliction of the serious physical or mental suffering or serious attack on human dignity as a result of his act or omission.⁵⁶⁴

3. Wilfully Causing Great Suffering or Serious Injury to Body or Health

211. This crime is defined as an intentional act or omission causing great mental or physical suffering or serious injury to body or health, including mental health.⁵⁶⁵ This offence includes acts which do not fulfil the requirements of torture — for example, by requiring a particular purpose — although all acts of torture could fall within the scope of this offence.⁵⁶⁶ Although the victim must be “seriously” harmed, there is no need to prove that the physical or mental injury is permanent or irremediable,⁵⁶⁷ but it must go beyond temporary unhappiness, embarrassment or humiliation,⁵⁶⁸ and beyond harm

⁵⁵⁷ Case 001-**E188** *Duch* TJ, para. 442; *Čelebići* TJ, para. 544; *Blaškić* TJ, para. 155.

⁵⁵⁸ Case 001-**E188** *Duch* TJ, para. 442; *Čelebići* TJ, para. 544; *ICRC Commentary to GC IV*, p. 598.

⁵⁵⁹ Case 001-**E188** *Duch* TJ, para. 443; *Čelebići* TJ, para. 542.

⁵⁶⁰ *Kordić* TJ, para. 256; *Prlić* TJ (Vol 1), paras 115, 117-118. *See further* GC III, arts 13, 25-26, 29, 30, 37; GC IV, arts 27, 82-98.

⁵⁶¹ Case 001-**E188** *Duch* TJ, para. 442; *Tadić* TJ, para. 730; *Prlić* TJ (Vol 1), paras 114-115.

⁵⁶² *Prlić* TJ (Vol 1), para. 116.

⁵⁶³ Case 001-**E188** *Duch* TJ, para. 442; *Blaškić* TJ, para. 239.

⁵⁶⁴ Case 001-**E188** *Duch* TJ, para. 444, *Prlić* TJ (Vol 1), para. 120; *Aleksovski* TJ, para. 56; *Blaškić* TJ, para. 152.

⁵⁶⁵ GC III, art. 130; GC IV, art. 147; Case 001-**E188** *Duch* TJ, para. 450; *Čelebići* AJ, para. 424; ICC Elements of Crimes, art. 8(2)(a)(iii), Element 1.

⁵⁶⁶ Case 001-**E188** *Duch* TJ, para. 453; *Čelebići* TJ, paras 508, 511; *Blaškić* TJ, para. 156.

⁵⁶⁷ Case 001-**E188** *Duch* TJ, para. 454; *Naletilić* TJ, paras 340-342.

⁵⁶⁸ Case 001-**E188** *Duch* TJ, para. 454; *Krstić* TJ, para. 513.

relating solely to the victim's human dignity.⁵⁶⁹ As with inhuman treatment, the *mens rea* incorporates intent and *dolus eventualis* regarding the injury or suffering inflicted.⁵⁷⁰

4. Wilful Deprivation of a Fair and Regular Trial

212. Wilfully depriving a civilian of the rights to a fair and regular trial by denying judicial guarantees as defined in GC III and GC IV is a grave breach of those conventions.⁵⁷¹ These judicial guarantees include: (1) the right of the accused to be judged by an independent and impartial court;⁵⁷² (2) the right to be promptly informed of the offences with which the accused is charged;⁵⁷³ (3) the protection against collective penalty;⁵⁷⁴ (4) the right to protection under the principle of legality;⁵⁷⁵ (5) the freedom from moral or physical coercion to enforce a confession to the charged offence;⁵⁷⁶ (6) the rights and means of defence;⁵⁷⁷ (7) the right not to be punished more than once for the same act or on the same charge (*ne bis in idem*);⁵⁷⁸ (8) the right to be informed of the right to appeal;⁵⁷⁹ and (9) the right not to be sentenced or executed without previous judgment pronounced by a regularly constituted court.⁵⁸⁰

5. Unlawful Deportation or Transfer or Unlawful Confinement of a Civilian

213. This crime comprises two distinct sub-offences: (a) unlawful deportation or transfer; and (b) unlawful confinement. The elements of the offence of unlawful deportation or transfer under Article 6 of the ECCC Law (grave breaches) are the same as those of deportation or forced transfer under Article 5 of the ECCC Law (CAH),⁵⁸¹ with the additional requirement that the civilians be transferred from or within occupied territory.⁵⁸² The elements of unlawful confinement as a grave breach of the GCs are analogous to the elements of imprisonment as a CAH.⁵⁸³ The confinement of a civilian

⁵⁶⁹ Case 001-**E188** *Duch* TJ, para. 453; *Čelebići* AJ, para. 424; *Kordić* TJ, paras 244-245.

⁵⁷⁰ Case 001-**E188** *Duch* TJ, para. 455.

⁵⁷¹ GC III, art. 130; GC IV, art. 147; Case 001-**E188** *Duch* TJ, paras 458-459; ICC Elements, art. 8(2)(a)(vi), Element 1.

⁵⁷² GC III, art. 84.

⁵⁷³ GC III, art. 104; GC IV, art. 71.

⁵⁷⁴ GC III, art. 87; GC IV, art. 33.

⁵⁷⁵ GC III, art. 99; GC IV, art. 67.

⁵⁷⁶ GC III, art. 99; GC IV, art. 31.

⁵⁷⁷ GC III, arts 96, 99, 105; GC IV, art. 72.

⁵⁷⁸ GC III, art. 86; GC IV, art. 117.

⁵⁷⁹ GC III, art. 106; GC IV, art. 73.

⁵⁸⁰ GC III, arts 3, 84; GC IV, arts 64-71, 74-75.

⁵⁸¹ *Prlić* TJ (Vol 1), para. 132; *Krnojelac* TJ, para. 473.

⁵⁸² GC IV, arts 49, 147; *ICRC Commentary to GC IV*, p. 599; *Naletilić* TJ, paras 210, 516-518.

⁵⁸³ Case 001-**E188** *Duch* TJ, para. 464; *Simić* TJ, para. 63; *Kordić* TJ, para. 301. Although, as the *Krnojelac* Trial Chamber made clear, imprisonment as a CAH is not restricted by the provisions of the Geneva

in armed conflict may be lawful in some limited circumstances, but “only in the conditions prescribed by Article 42 [of GC IV]” and “where the provisions of Article 43 [of GC IV] are complied with.”⁵⁸⁴

214. Thus, confinement of a civilian is lawful only where there are *reasonable grounds* to believe that the security of the detaining power “makes it *absolutely necessary*”.⁵⁸⁵ Such a decision must be made only after careful consideration of each individual case, and never on a collective basis.⁵⁸⁶ The mere fact that a person is a national of, or aligned with, the enemy cannot be considered as threatening the security of the country where he lives,⁵⁸⁷ nor can the fact that a person is of military age alone justify confinement.⁵⁸⁸ An initially lawful internment becomes unlawful if the detaining party fails to respect the detainee’s basic procedural rights and does not establish an appropriate court or administrative board to conduct detention reviews as prescribed in Article 43 of GC IV.⁵⁸⁹

B. MODES OF RESPONSIBILITY

215. Article 29^{new} 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. These forms of criminal responsibility are described in more detail below.

B. INDIVIDUAL CRIMINAL RESPONSIBILITY

1. COMMITTED

JOINT CRIMINAL ENTERPRISE

216. 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.

⁵⁸⁴ Conventions. See *Krnojelac* TJ, para. 111.
⁵⁸⁵ *Čelebići* AJ, para. 322; Case 001-**E188** *Duch* TJ, para. 465.
⁵⁸⁶ GC IV, art. 42 (*emphasis added*); Case 001-**E188** *Duch* TJ, para. 465; *Čelebići* AJ, paras 320-321; *Kordić* AJ, paras 70, 72-73; *Kordić* TJ, para. 284. As the ICTY Appeals Chamber has explained, GC IV, art. 5 reinforces the principle that the principle behind Article 42, that restrictions on the rights of civilian protected persons, such as deprivation of their liberty by confinement, are permissible only where there are reasonable grounds to believe that the security of the State is at risk. See *Čelebići* AJ, para. 321; *Kordić* AJ, para. 72.
⁵⁸⁷ *Kordić* TJ, para. 285; *Prlić* TJ (Vol 1), para. 135.
⁵⁸⁸ *Kordić* TJ, para. 284; *Čelebići* AJ, para. 327; *ICRC Commentary to GC IV*, p. 258.
⁵⁸⁹ *Kordić* TJ, para. 284; *Prlić* TJ (Vol 1), para. 134.
GC IV, art. 43; Case 001-**E188** *Duch* TJ, para. 465; *Kordić* AJ, paras 70, 73; *Čelebići* AJ, para. 320.

Participation in a JCE amounts to commission within the scope of article 29^{new} of the ECCC Law.⁵⁹⁰ 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;⁵⁹¹ 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;⁵⁹² and the *Extended* form (“JCE III”) which has been held to be inapplicable to ECCC proceedings.

217. The SCC, PTC, and TC have all found that, by 1975, both JCE I and JCE II were recognised as modes of responsibility under CIL,⁵⁹³ and that criminal responsibility pursuant to these modes was both foreseeable and accessible.⁵⁹⁴ The same chambers have held that JCE III did not exist in CIL by 1975.⁵⁹⁵

1. Actus Reus

218. JCE I is the only form of JCE charged in the Case 002/02 Closing Order and squarely fits the facts of Case 002/02. The *actus reus* is comprised of three elements. First, a “plurality of persons” is required.⁵⁹⁶ The group of people need not be organised in a military, political, or administrative structure.⁵⁹⁷ 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.⁵⁹⁸

⁵⁹⁰ **D97/15/9** PTC JCE Decision, para. 49; Case 001-**E188** *Duch* TJ, para. 511; **E100/6** TC JCE Decision, para. 22; **E313** Case 002/01 TJ, para. 690.

⁵⁹¹ Case 001-**D99/3/42** Case 001 Closing Order Decision, para. 132; Case 001-**E188** *Duch* TJ, para. 507; **D97/15/9** PTC JCE Decision, para. 37; **E313** Case 002/01 TJ, para. 690; *Tadić* AJ, paras 196-201; *Vasiljević* AJ, para. 97; *Gacumbitsi* AJ, para. 158.

⁵⁹² Case 001-**D99/3/42** Case 001 Closing Order Decision, para. 132; Case 001-**E188** *Duch* TJ, para. 507; **D97/15/9** PTC JCE Decision, para. 37; **E313** Case 002/01 TJ, para. 690; *Tadić* AJ, paras 202-203; *Vasiljević* AJ, para. 98.

⁵⁹³ **D97/15/9** PTC JCE Decision, paras 57-72; Case 001-**E188** *Duch* TJ, paras 511-512; **E100/6** TC JCE Decision, para. 22; **E313** Case 002/01 TJ, para. 691; **F36** Case 002/01 AJ, paras 779-789, 807-810.

⁵⁹⁴ **F36** Case 002/01 AJ, para. 1093; **D97/15/9** PTC JCE Decision, para. 72; Case 001-**E188** *Duch* TJ, para. 512; **E313** Case 002/01 TJ, para. 691.

⁵⁹⁵ **F36** Case 002/01 AJ, paras 791-807; **D97/15/9** PTC JCE Decision, paras 77, 83, 87-88; **E100/6** TC JCE Decision, para. 38.

⁵⁹⁶ Case 001-**E188** *Duch* TJ, para. 508; **D97/15/9** PTC JCE Decision, para. 38; **E313** Case 002/01 TJ, para. 692; *Tadić* AJ, para. 227; *Brđanin* AJ, para. 430; *Munyakazi* AJ, para. 160; *Brima* AJ, para. 75.

⁵⁹⁷ Case 001-**E188** *Duch* TJ, para. 508; *Tadić* AJ, para. 227; *Vasiljević* AJ, para. 100.

⁵⁹⁸ Case 001-**E188** *Duch* TJ, para. 508; **E313** Case 002/01 TJ, para. 692; *Brđanin* AJ, para. 430; *Nizeyimana* AJ, para. 318.

219. Second, there must be a common⁵⁹⁹ purpose that amounts to⁶⁰⁰ or involves⁶⁰¹ the commission of a crime over which the ECCC has jurisdiction.⁶⁰² The SCC recently 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* ...⁶⁰³

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 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*.⁶⁰⁴

220. 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.⁶⁰⁵ A common purpose will thus be criminal where it was intrinsically linked to policies the implementation of which amount to the commission

⁵⁹⁹ 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.

⁶⁰⁰ **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”].

⁶⁰¹ **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.

⁶⁰² **F36** Case 002/01 AJ, paras 789, 814; **D97/15/9** PTC JCE Decision, para. 38; Case 001-**E188** *Duch* TJ, para. 508; **E100/6** TC JCE Decision, para. 17; **E313** Case 002/01 TJ, para. 692; *Tadić* AJ, para. 227; *Vasiljević* AJ, para. 100; *Munyakazi* AJ, para. 160; *Brima* AJ, para. 75.

⁶⁰³ **F36** Case 002/01 AJ, para. 808 (*emphasis added*).

⁶⁰⁴ **F36** Case 002/01 AJ, para. 809 (*emphasis added*).

⁶⁰⁵ **F36** Case 002/01 AJ, para. 789; **E100/6** TC JCE Decision, para. 17; **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.

of crimes.⁶⁰⁶ 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".⁶⁰⁷ Finally, the purpose need not have been previously arranged or formulated. It may materialise extemporaneously and be inferred from the facts.⁶⁰⁸

221. Third, the accused must participate in the common purpose.⁶⁰⁹ The accused need not have been involved in the formulation of the common plan⁶¹⁰ or the commission of a crime.⁶¹¹ Neither the accused's position of authority,⁶¹² nor his presence at the time when a crime is committed,⁶¹³ are required. Moreover, the fact that the accused's participation amounted to no more than his "routine duties" will not exculpate him.⁶¹⁴ All that is required is that he participate in some way in the furtherance of the common purpose,⁶¹⁵ which in turn has a direct or indirect effect on the commission of the crimes.⁶¹⁶ That contribution may be in whole or in part by way of omission.⁶¹⁷ As the SCSL Appeals Chamber explained, "the manner in which the members of the JCE interact and cooperate can take as many forms as conceived by the participants to pursue the realisation of their shared common criminal purpose."⁶¹⁸
222. The accused's contribution must be significant,⁶¹⁹ but it is not required to be necessary or substantial.⁶²⁰ As such, it need not be a *sine qua non* for the commission of any

⁶⁰⁶ **F36** Case 002/01 AJ, para. 1075.

⁶⁰⁷ *Rwamakuba* JCE Genocide Decision, para. 25. See also *Brđanin* AJ, para. 425; *Sesay* AJ, paras 106, 316.

⁶⁰⁸ Case 001-**E188** *Duch* TJ, para. 508; *Tadić* AJ, para. 227; *Brđanin* AJ, paras 417-419; *Šainović* AJ, para. 609.

⁶⁰⁹ **D97/15/9** PTC JCE Decision, para. 38; Case 001-**E188** *Duch* TJ, para. 508; **E313** Case 002/01 TJ, paras 692-693; *Tadić* AJ, para. 227; *Stakić* AJ, para. 64; *Munyakazi* AJ, para. 160.

⁶¹⁰ *Simba* AJ, para. 250.

⁶¹¹ Case 001-**E188** *Duch* TJ, para. 508; **E313** Case 002/01 TJ, para. 693; *Tadić* AJ, paras 227, 229; *Šainović* AJ, para. 985; *Sesay* AJ, para. 611.

⁶¹² *Šainović* AJ, para. 1823; *Kvočka* AJ, para. 192.

⁶¹³ *Kvočka* AJ, paras 112-113, 276; *Krnojelac* AJ, para. 81; *Simba* AJ, para. 296. Although it may be an indicator of a co-perpetrator's contribution.

⁶¹⁴ *Popović* AJ, para. 1615.

⁶¹⁵ **D97/15/9** PTC JCE Decision, para. 38; Case 001-**E188** *Duch* TJ, para. 508; **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.

⁶¹⁶ **F36** Case 002/01 AJ, paras 983-984.

⁶¹⁷ *Kvočka* AJ, paras 187, 421. See also **E313** Case 002/01 TJ, para. 693.

⁶¹⁸ *Sesay* AJ, paras 1035, 1063.

⁶¹⁹ **F36** Case 002/01 AJ, para. 980; **E313** Case 002/01 TJ, para. 692; Case 001-**E188** *Duch* TJ, para. 508; **D97/15/9** PTC JCE Decision, para. 38; *Brđanin* AJ, paras 427, 430, 432; *Simba* AJ, para. 303; *Sesay* AJ, para. 611.

⁶²⁰ **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; **E313** Case 002/01 TJ, para. 692; *Brđanin* AJ, para. 430; *Popović* AJ, para. 1378; *Simba* AJ, para. 303.

crime.⁶²¹ 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.⁶²² In making this assessment, a Chamber should consider the totality of the accused's activities; particular contributions should not be assessed in isolation.⁶²³ The contribution must be made to the commission of crimes, but need only further and support the commission of those crimes *indirectly*. As such, even activities that are on their face unrelated to the commission of crimes may be taken into account when determining whether the accused made a significant contribution thereto.⁶²⁴

223. The SCC has held⁶²⁵ the following types of conduct to 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

⁶²¹ Case 001-**E188** *Duch* TJ, para. 508; **F36** Case 002/01 AJ, para. 980; *Kvočka* AJ, para. 98; *Sesay* AJ, para. 401.

⁶²² **E313** Case 002/01 TJ, para. 693; **F36** Case 002/01 AJ, para. 980; *Kvočka* TJ, paras 292, 311; *Kvočka* AJ, paras 101, 192; *Krstić* TJ, para. 642.

⁶²³ **F36** Case 002/01 AJ, para. 980 *citing* *Kvočka* AJ, para. 95; *Šainović* AJ, paras 920, 970-972; *Krajišnik* AJ, para. 217.

⁶²⁴ **F36** Case 002/01 AJ, para. 984.

⁶²⁵ **F36** Case 002/01 AJ, para. 982 *citing* *Krajišnik* AJ, paras 216-217.

organizations and the public denying or providing misleading information about crimes.

224. 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.⁶²⁶ The establishment of the link between the crime in question and the JCE member is to be assessed on a case-by-case basis.⁶²⁷ 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,⁶²⁸ (ii) explicitly or implicitly requested the non-JCE member to commit a crime,⁶²⁹ or (iii) instigated, ordered, encouraged, or otherwise availed himself of the non-JCE member to commit the crime.⁶³⁰ It may also be relevant whether the crimes were committed by forces under the control of the JCE member,⁶³¹ or acting in coordination with forces under the control of the JCE member.⁶³²
225. It is, however, not required that the JCE member exercised effective control,⁶³³ or indeed any “control and influence”⁶³⁴ 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.⁶³⁵ 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*.⁶³⁶ 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.⁶³⁷ For example, it is not necessary for the direct perpetrators of the

⁶²⁶ **F36** Case 002/01 AJ, para. 1040; **E313** Case 002/01 TJ, para. 225; *Brđanin* AJ, paras 410-414, 418, 430; *Krajišnik* AJ, para. 225; *Dorđević* AJ, para. 165; *Sesay* AJ, paras 398-400.

⁶²⁷ *Brđanin* AJ, para. 413; *Martić* AJ, para. 169; *Sesay* AJ, para. 414.

⁶²⁸ *Brđanin* AJ, para. 410; *Sesay* AJ, para. 414.

⁶²⁹ *Krajišnik* AJ, para. 226; *Popović* AJ, para. 1414; *Sesay* AJ, para. 414.

⁶³⁰ *Ibid.*

⁶³¹ *Martić* AJ, paras 169, 195; *Stakić* AJ, paras 79-85; *Sesay* AJ, para. 414.

⁶³² *Martić* AJ, paras 195, 205; *Sesay* AJ, para. 414.

⁶³³ *Šainović* AJ, para. 1368; *Kvočka* AJ, para. 144.

⁶³⁴ *Sesay* AJ, paras 414, 907.

⁶³⁵ *Brđanin* AJ, paras 415, 418.

⁶³⁶ **F36** Case 002/01 AJ, para. 809.

⁶³⁷ *Karadžić* Rule 98bis AJ, para. 79; *Krajišnik* AJ, para. 226. *See also Brđanin* AJ, para. 410.

crime to possess genocidal intent in order for members of the JCE linked to the crime who do have such intent to be held responsible for genocide.⁶³⁸

226. 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.⁶³⁹ 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.⁶⁴⁰

2. Mens Rea

227. To incur responsibility pursuant to JCE I, the accused must share with the other JCE participants both the relevant *mens rea* to commit the crimes within the common purpose⁶⁴¹ at the time of their commission,⁶⁴² and the intent to participate in a common plan aimed at its commission.⁶⁴³ For specific intent crimes, such as persecution or genocide, the accused must also share the relevant specific intent.⁶⁴⁴ Shared criminal intent does not require the accused's personal satisfaction or enthusiasm or his personal initiative in contributing to the JCE.⁶⁴⁵ Moreover, the accused is not required to know about the specific criminal incidents in question.⁶⁴⁶ Intent can be inferred from a person's knowledge, combined with continuing participation in the crimes.⁶⁴⁷ 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*.⁶⁴⁸

⁶³⁸ Karadžić Rule 98bis AJ, para. 79.

⁶³⁹ F36 Case 002/01 AJ, para. 1042.

⁶⁴⁰ F36 Case 002/01 AJ, para. 1042.

⁶⁴¹ Intent for JCE 1, a form of committing, encompasses both (i) direct intent that the crime be committed (*dolus directus* of the first degree), and (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). See F36 Case 002/01 AJ, para. 1054; 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.

⁶⁴² F36 Case 002/01 AJ, para. 1082.

⁶⁴³ F36 Case 002/01 AJ, para. 1053; D97/15/9 PTC JCE Decision, paras 37, 39; Case 001-E188 Duch TJ, para. 509; 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.

⁶⁴⁴ Case 001-E188 Duch TJ, fn. 897; E100/6 TC JCE Decision, para. 16; E313 Case 002/01 TJ, para. 694; Kvočka AJ, para. 110; Krnojelac AJ, para. 111.

⁶⁴⁵ Popović AJ, fn. 2971; Krnojelac AJ, para. 100.

⁶⁴⁶ Šainović AJ, para. 1491; Kvočka AJ, para. 276; Sesay AJ, para. 906.

⁶⁴⁷ Popović AJ, para. 1369; Dorđević AJ, para. 512; Krajišnik AJ, paras 202, 697.

⁶⁴⁸ E313 Case 002/01 TJ, para. 694; Kvočka AJ, paras 97, 188.

2. PLANNED

228. 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.⁶⁴⁹ An accused need not therefore design the conduct alone.⁶⁵⁰ Nor need he be the originator of the design or plan;⁶⁵¹ it is sufficient to endorse a plan proposed by another.⁶⁵² Circumstantial evidence may provide proof of the existence of the plan.⁶⁵³ A conviction for planning does not require a finding of a position of authority.⁶⁵⁴
229. The plan must precede and substantially contribute to the criminal conduct.⁶⁵⁵ Whether particular acts amount to a substantial contribution is to be assessed on a case-by-case basis in light of the evidence as a whole.⁶⁵⁶
230. 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.⁶⁵⁷ Where an accused plans conduct that has the predominant purpose of indiscriminately attacking civilians, he plans conduct that constitutes crimes.⁶⁵⁸
231. 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.⁶⁵⁹ The accused’s *mens rea* may be inferred from the circumstances.⁶⁶⁰ Where it has been determined that the principal perpetrators were aware of the factual circumstances establishing the status of

⁶⁴⁹ **E313** Case 002/01 TJ, para. 698; Case 001-**E188** *Duch* TJ, para. 518; *Taylor* AJ, paras 368, 494; *Kordić* AJ, para. 26; *Milošević (Dragomir)* AJ, para. 268; *Nahimana* AJ, para. 479.

⁶⁵⁰ *Taylor* AJ, para. 494; *Boškoski* AJ, para. 154.

⁶⁵¹ *Boškoski* AJ, fn. 418; *Taylor* AJ, para. 494.

⁶⁵² *Bagilishema* TJ, para. 30; *Semanza* TJ, para. 380.

⁶⁵³ *Nahimana* AJ, paras 958-959; *Brima* AJ, para. 301; *Blaškić* TJ, para. 279.

⁶⁵⁴ *Kanyarukiga* AJ, para. 258.

⁶⁵⁵ Case 001-**E188** *Duch* TJ, para. 518; **E313** Case 002/01 TJ, para. 698; *Kordić* AJ, para. 26; *Nahimana* AJ, paras 479, 492, fn. 2116; *Sesay* AJ, paras 687, 1170.

⁶⁵⁶ *Sesay* AJ, para. 769; *Taylor* AJ, para. 494.

⁶⁵⁷ *Boškoski* AJ, para. 172; *Taylor* AJ, paras 493-494.

⁶⁵⁸ *Taylor* AJ, para. 493; *Boškoski* AJ, para. 171.

⁶⁵⁹ Case 001-**E188** *Duch* TJ, para. 519; **E313** Case 002/01 TJ, para. 698; *Kordić* AJ, paras 29, 31, 112; *Boškoski* AJ, paras 68, 174; *Milošević (Dragomir)* AJ, para. 268; *Nahimana* AJ, para. 479; *Taylor* AJ, para. 494.

⁶⁶⁰ *Galić* TJ, para. 172; *Čelebići* TJ, para. 328.

the victims (e.g. civilian, soldiers *hors de combat*, etc.), such findings are not necessary for a conviction for planning.⁶⁶¹

3. INSTIGATED

232. To be held responsible for instigating, an accused must, by way of an act or omission, prompt another person to act in particular way that has a substantial effect on the commission of the crime.⁶⁶² This mode of liability has also been described as “urging or encouraging.”⁶⁶³ There is no requirement for the instigation to be “direct and public”.⁶⁶⁴ Both positive acts and omissions can constitute instigation,⁶⁶⁵ which may ensue through implicit, written, or other non-verbal prompting by the accused.⁶⁶⁶ It is not necessary to prove the exact instigating language or conduct used by an accused.⁶⁶⁷
233. For an accused to be criminally liable on the basis of instigation, a crime must be shown to have actually been committed,⁶⁶⁸ although the specific identification of the principal perpetrators of the particular crime is not required.⁶⁶⁹ Further, the act of instigation must precede and substantially contribute to the commission of the crime.⁶⁷⁰ However, it is not necessary to prove that the crime would not have occurred without the accused’s involvement.⁶⁷¹ 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*.⁶⁷²
234. 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.⁶⁷³ Where it has been determined that the

⁶⁶¹ Boškoski AJ, para. 67.

⁶⁶² Case 001-E188 Duch TJ, para. 522; E313 Case 002/01 TJ, para. 700; Kordić AJ, paras 27, 32; Taylor AJ, paras 368, 589; Nzabonimana AJ, para. 146.

⁶⁶³ Seromba TJ, para. 304; Mpambara TJ, para. 18.

⁶⁶⁴ Akayesu AJ, paras 478-483.

⁶⁶⁵ Nahimana AJ, para. 595; Taylor AJ, para. 589 upholding Taylor TJ, para. 472; Brđanin TJ, para. 269.

⁶⁶⁶ Case 001-E188 Duch TJ, para. 522; E313 Case 002/01 TJ, para. 700; Taylor AJ, para. 589 upholding Taylor TJ, para. 472; Brđanin TJ, para. 269.

⁶⁶⁷ Semanza AJ, para. 296.

⁶⁶⁸ Case 001-E188 Duch TJ, para. 522; Mpambara TJ, para. 18; Galić TJ, para. 168.

⁶⁶⁹ Karera AJ, para. 318; Boškoski AJ, para. 75.

⁶⁷⁰ Case 001-E188 Duch TJ, para. 522; E313 Case 002/01 TJ, para. 700; Kordić AJ, para. 27; Karera AJ, para. 317; Taylor AJ, para. 589.

⁶⁷¹ Kordić AJ, para. 27; Nyiramasuhuko AJ, para. 3327; Nahimana AJ, paras 480, 502, 660.

⁶⁷² Boškoski AJ, para. 172; Taylor AJ, para. 493.

⁶⁷³ Case 001-E188 Duch TJ, para. 524; E313 Case 002/01 TJ, para. 700; Kordić AJ, paras 29, 32; Boškoski AJ, paras 68, 174; Nahimana AJ, para. 480; Taylor AJ, para. 589.

principal perpetrators were aware of the status of the victims (e.g. civilian, soldiers *hors de combat*, etc.), such findings are not necessary for a conviction for instigating.⁶⁷⁴

4. ORDERED

235. 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.⁶⁷⁵ There is no requirement that the person issuing the order and the direct perpetrator be in a formal superior-subordinate relationship,⁶⁷⁶ or that the accused exercise effective control over him,⁶⁷⁷ 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.⁶⁷⁸ That authority may be informal or of a purely temporary nature.⁶⁷⁹
236. The order need not be given in writing or in a particular form.⁶⁸⁰ The order can be either explicit or implicit, and can be proved circumstantially.⁶⁸¹ 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 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.⁶⁸²
237. 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.⁶⁸³ The order must precede and substantially

⁶⁷⁴ *Boškoski* AJ, para. 67.

⁶⁷⁵ Case 001-**E188** *Duch* TJ, paras 527-528; **E313** Case 002/01 TJ, para. 702; *Kordić* AJ, paras 28, 32; *Milošević (Dragomir)* AJ, para. 267; *Nahimana* AJ, para. 481; *Renzaho* AJ, para. 315; *Taylor* AJ, para. 589.

⁶⁷⁶ Case 001-**E188** *Duch* TJ, para. 527; **E313** Case 002/01 TJ, para. 702 and citations therein; *Kordić* AJ, para. 28; *Galić* AJ, para. 176; *Renzaho* AJ, para. 315; *Sesay* AJ, para. 164.

⁶⁷⁷ *Seromba* AJ, para. 202; *Kamuhanda* AJ, para. 75.

⁶⁷⁸ Case 001-**E188** *Duch* TJ, para. 527; *Boškoski* 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”].

⁶⁷⁹ *Semanza* AJ, para. 363; *Setako* AJ, para. 240.

⁶⁸⁰ Case 001-**E188** *Duch* TJ, para. 527; **E313** Case 002/01 TJ, para. 702; *Boškoski* AJ, para. 160; *Kamuhanda* AJ, para. 76.

⁶⁸¹ Case 001-**E188** *Duch* TJ, para. 527; **E313** Case 002/01 TJ, para. 702; *Galić* AJ, para. 178; *Kamuhanda* AJ, para. 76; *Ndindiliyimana* AJ, para. 291; *Sesay* AJ, para. 164.

⁶⁸² *Galić* TJ, paras 171, 741; *Milošević (Dragomir)* AJ, paras 272-273.

⁶⁸³ Case 001-**E188** *Duch* TJ, para. 527; **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.

contribute to the commission of a crime that is later perpetrated.⁶⁸⁴ But it is not necessary to prove that the crime or underlying offence would not have been perpetrated but for the accused's order.⁶⁸⁵

238. As to the content of the order, it need only order an act or omission; it is not necessary to prove that the order was illegal on its face,⁶⁸⁶ or explicit in relation to the consequences it would have.⁶⁸⁷ The legitimate character of an operation does not exclude an accused's criminal responsibility for ordering crimes committed in the course of that operation if the goal is to be achieved by the commission of crimes.⁶⁸⁸
239. 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.⁶⁸⁹

5. AIDED AND ABETTED

240. Aiding and abetting⁶⁹⁰ consists of practical assistance, encouragement, or moral support that has a substantial effect on the commission of the perpetrated crime.⁶⁹¹ 'Specific direction' is not an element of aiding and abetting liability under CIL.⁶⁹²
241. An aiding and abetting conviction does not require proof that the perpetrator of the crime has been tried or even identified.⁶⁹³ No plan or agreement between the aider and abettor and the principal perpetrator is required for responsibility on the basis of aiding

⁶⁸⁴ Case 001-**E188** *Duch* TJ, para. 527; **E313** Case 002/01 TJ, para. 702; *Boškoski* AJ, para. 160; *Hategekimana* AJ, para. 67; *Taylor* AJ, paras 368, 589.

⁶⁸⁵ *Taylor* AJ, para. 589, upholding *Taylor* TJ, para. 477; *Milutinović* TJ (Vol 1), para. 88.

⁶⁸⁶ *Kordić* 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.

⁶⁸⁷ *Milošević (Dragomir)* AJ, para. 267.

⁶⁸⁸ *Boškoski* AJ, para. 172; *Taylor* AJ, para. 493.

⁶⁸⁹ Case 001-**E188** *Duch* TJ, para. 528; **E313** Case 002/01 TJ, para. 702; *Kordić* AJ, paras 29-30; *Martić* AJ, paras 221-222; *Boškoski* AJ, para. 68; *Renzaho* AJ, para. 315; *Taylor* AJ, para. 589.

⁶⁹⁰ 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).

⁶⁹¹ Case 001-**E188** *Duch* TJ, para. 533; **E313** Case 002/01 TJ, para. 704; *Blaškić* AJ, para. 46; *Šainović* AJ, para. 1649; *Popović* AJ, paras 1732, 1783; *Taylor* AJ, para. 368

⁶⁹² **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.

⁶⁹³ Case 001-**E188** *Duch* TJ, para. 534; *Krstić* AJ, para. 143; *Brđanin* AJ, para. 355.

and abetting;⁶⁹⁴ indeed, it is unnecessary for a principal perpetrator to even be aware of the aider and abettor's contribution.⁶⁹⁵

242. Although the aiding and abetting must have a substantial effect on the commission of the crime,⁶⁹⁶ there is no requirement for a cause and effect relationship, or that such conduct was a condition precedent to the commission of the crime.⁶⁹⁷ Whether a particular contribution qualifies as "substantial" is a fact-based inquiry.⁶⁹⁸ The conduct constituting aiding and abetting can occur before, during or after⁶⁹⁹ the commission of the crime, and in a different place from the crime.⁷⁰⁰
243. 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.⁷⁰¹ While in such cases the authority of the accused is a factor,⁷⁰² it is not otherwise necessary to show the accused had authority over the direct perpetrator.⁷⁰³
244. An accused may also aid and abet by omission, in which case, the *actus reus* and *mens rea* requirements are the same as for aiding and abetting by a positive act.⁷⁰⁴ It must be demonstrated that the accused has "the ability to act, or in other words, that there were means available to the accused to fulfil this duty".⁷⁰⁵ This aspect of aiding and abetting by omission has been interpreted to mean that had the accused acted, the commission of the crime would have been substantially less likely.⁷⁰⁶

⁶⁹⁴ Case 001-E188 *Duch* TJ, para. 534; E313 Case 002/01 TJ, para. 704; *Tadić* AJ, para. 229(ii); *Brđanin* AJ, para. 263; *Seromba* AJ, para. 57.

⁶⁹⁵ *Tadić* AJ, para. 229(ii); *Kalimanzira* AJ, para. 87; *Brđanin* AJ, para. 263.

⁶⁹⁶ See e.g. *Tadić* AJ, para. 229(iii); *Gotovina* AJ, para. 127; *Ntawukulilyayo* AJ, para. 214; *Taylor* AJ, para. 481.

⁶⁹⁷ *Popović* AJ, paras 1740, 1783; *Ndahimana* AJ, para. 149; *Taylor* AJ, para. 522.

⁶⁹⁸ *Lukić* AJ, para. 438; *Kalimanzira* AJ, para. 86; *Taylor* AJ, para. 475.

⁶⁹⁹ 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 E313 Case 002/01 TJ, paras 712-713; *Blagojević* TJ, para. 731; *Furundžija* TJ, para. 230; *Aleksovski* TJ, para. 62; *Brđanin* AJ, para. 277.

⁷⁰⁰ *Mrkšić* AJ, para. 81; *Ntagerura* AJ, para. 372; *Fofana* AJ, para. 72.

⁷⁰¹ *Šainović* AJ, para. 1687; *Brđanin* AJ, paras 273, 277 [referring to the 'silent spectator']; *Ndahimana* AJ, para. 147; *Kayishema* AJ, paras 201-202 [referring to the 'approving spectator']; *Sesay* AJ, para. 541.

⁷⁰² *Ibid.* See also e.g. *Muvunyi I* AJ, para. 80.

⁷⁰³ *Blagojević* AJ, para. 195; *Ndahimana* AJ, para. 672; *Sesay* AJ, para. 541.

⁷⁰⁴ *Popović* AJ, para. 1812; *Mrkšić* AJ, paras 49, 146; *Ndahimana* AJ, para. 482.

⁷⁰⁵ *Šainović* AJ, para. 1677; *Nyiramasuhuko* AJ, para. 2205.

⁷⁰⁶ *Popović* AJ, para. 1741; *Šainović* AJ, paras 1679, 1682, fn. 5510; *Mrkšić* AJ, paras 97, 100.

245. As to *mens rea*, an accused must know, at the time he provides the assistance,⁷⁰⁷ that a crime will probably be committed, and that his conduct assists or facilitates the commission of a crime.⁷⁰⁸ It is unnecessary for the aider and abettor to know the precise crime to be committed by the principal. It suffices that he is aware that one of a number of crimes will probably be committed, and one of those crimes is in fact committed.⁷⁰⁹ 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.⁷¹⁰ 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.⁷¹¹ This knowledge can be inferred from the circumstances.⁷¹²

6. SUPERIOR RESPONSIBILITY

246. Superior responsibility, applicable to both military and civilian superiors, was recognised in CIL by 1975.⁷¹³ Under article 29^{new} of the ECCC Law and CIL, 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;⁷¹⁴
- (2) that the superior knew, or had reason to know, that the subordinate had committed or was about to commit a crime; and

⁷⁰⁷ Krstić AJ, para. 140; Seromba AJ, paras 57-58.

⁷⁰⁸ Case 001-E188 *Duch* TJ, para. 535; E313 Case 002/01 TJ, para. 704; Blaškić AJ, paras 45-46, 49-50; Popović AJ, para. 1732; Nahimana AJ, para. 482.

⁷⁰⁹ Blaškić AJ, para. 50; Šainović AJ, para. 1772; Nahimana AJ, para. 482; Sesay AJ, para. 546.

⁷¹⁰ 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.

⁷¹¹ Case 001-E188 *Duch* TJ, para. 535; E313 Case 002/01 TJ, para. 704; Popović AJ, para. 1830; Krnojelac AJ, para. 52; Blagojević AJ, para. 127; Ndahimana AJ, para. 157; Fofana AJ, para. 367; Vasiljević AJ, para. 142; Krstić AJ, para. 140; Ntakirutimana AJ, paras 500-501.

⁷¹² Case 001-E188 *Duch* TJ, para. 535; Milutinović TJ (Vol I), para. 94.

⁷¹³ Case 001-E188 *Duch* TJ, paras 476-478; E313 Case 002/01 TJ, paras 714, 718-719; D427/2/15 NC and IT Closing Order Decision, paras 190-232; D427/1/30 IS Closing Order Decision, paras 413-460; D427 Closing Order, paras 1307, 1318-1319, 1558.

⁷¹⁴ ECCC Law, art. 29^{new} 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; E313 Case 002/01 TJ, para. 715

(3) that the superior failed to take the necessary and reasonable measures to prevent the commission of the crime or to punish the perpetrators.⁷¹⁵

SUPERIOR-SUBORDINATE RELATIONSHIP

247. Regardless of whether an accused is a civilian or military superior,⁷¹⁶ 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*.⁷¹⁷ It must be shown that the superior had “effective control” over his subordinate,⁷¹⁸ or in other words, the “material ability” to prevent or punish the subordinate’s commission of a crime.⁷¹⁹ The superior-subordinate relationship can be direct or indirect, and need not be exclusive.
248. The test of effective control is the same for both military and civilian superiors.⁷²⁰ 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.⁷²¹
249. The indicators of effective control are a question more of fact than of law, and should be assessed on a case-by-case basis.⁷²² Factors that would demonstrate that an accused exercised effective control over a subordinate include: the nature of the accused’s position, including his position within the military or political structure;⁷²³ the procedure for appointment and the actual tasks performed;⁷²⁴ the accused’s capacity to

⁷¹⁵ ECCC Law, art. 29new; **D427/2/15** NC and IT Closing Order Decision, para. 191; Case 001-**E188** *Duch* TJ, para. 538; **E313** Case 002/01 TJ, paras 715-716 and e.g. *Gotovina* AJ, para. 128; *Gacumbitsi* AJ, para. 143; *Sesay* AJ, paras 842, 873.

⁷¹⁶ Case 001-**E188** *Duch* TJ, para. 477; **E313** Case 002/01 TJ, para. 720; **D427/2/15** NC and IT Closing Order Decision, paras 230, 232; **D427/1/30** IS Closing Order Decision, paras 418, 459-460; **D427** Closing Order, paras 1319, 1558; *Čelebići* AJ, para. 195; *Kajelijeli* AJ, para. 85; *Brima* AJ, para. 257.

⁷¹⁷ 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.

⁷¹⁸ ECCC Law, art. 29; Case 001-**E188** *Duch* TJ, para. 540; **E313** Case 002/01 TJ, para. 720; *Čelebići* AJ, paras 196-197, 303; *Blaškić* AJ, para. 69; *Gacumbitsi* AJ, paras 143-144; *Fofana* AJ, para. 175.

⁷¹⁹ Case 001-**E188** *Duch* TJ, para. 540; **E313** Case 002/01 TJ, para. 715; *Popović* AJ, para. 1857; *Nahimana* AJ, para. 625; *Brima* AJ, para. 257.

⁷²⁰ **E313** Case 002/01 TJ, para. 720; *Aleksovski* AJ, para. 76; *Bagilishema* AJ, para. 50; *Brima* AJ, para. 257.

⁷²¹ *Čelebići* AJ, paras 197-198; *Bagilishema* AJ, paras 50, 52, 55; *Kajelijeli* AJ, para. 87; *Nahimana* AJ, paras 605, 785.

⁷²² **E313** Case 002/01 TJ, para. 720; **D427/1/30** IS Closing Order Decision, para. 459; *Strugar* AJ, para. 254; *Bizimungu (Augustin)* AJ, para. 115.

⁷²³ Case 001-**E188** *Duch* TJ, para. 541; *Halilović* AJ, para. 66. Although *de jure* control is neither necessary nor sufficient to prove effective control, it constitutes *prima facie* a reasonable basis for assuming that an accused has effective control over his subordinates. See e.g. *Čelebići* AJ, para. 197; *Hadžihasanović* AJ, paras 20-21; *Nahimana* AJ, para. 625; *Ntabakuze* AJ, para. 169.

⁷²⁴ Case 001-**E188** *Duch* TJ, para. 541; *Halilović* AJ, para. 66.

issue orders and whether or not such orders are actually executed;⁷²⁵ the authority to invoke disciplinary measures;⁷²⁶ and the authority to release or transfer prisoners.⁷²⁷ The concept of material ability necessarily also takes into account all factors that might impede a superior's ability to prevent and punish.⁷²⁸

KNEW OR HAD REASON TO KNOW

250. 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.⁷²⁹ A superior need not know the precise identity of the subordinates who perpetrate(d) the crimes.
251. 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.⁷³⁰ The standard is met if the information was sufficiently alarming to justify further inquiry.⁷³¹ There is no requirement that there be a “substantial likelihood” or the “clear and strong risk” of subsequent crimes.⁷³² 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.⁷³³ However, criminal responsibility will be imposed on an accused who *deliberately* refrains from finding out the relevant information.⁷³⁴
252. The information received does not need to provide specific information about unlawful acts committed or about to be committed.⁷³⁵ For the purposes of showing that the information was in the superior's possession, it is not necessary to show that he actually acquainted himself with the information, it needs only to have been provided or

⁷²⁵ Case 001-**E188** *Duch* TJ, para. 541; *Strugar* AJ, paras 253-254, 256; *Nyiramasuhuko* AJ, paras 1000, 2109. However, the absence of proof of orders is not demonstrative of a lack of effective control, and the fact that subordinates might perpetrate crimes independently of orders does not show that a superior lacks the ability to prevent or punish those crimes. See *Bagosora* AJ, para. 472.

⁷²⁶ Case 001-**E188** *Duch* TJ, para. 541; *Strugar* AJ, paras 260-262.

⁷²⁷ Case 001-**E188** *Duch* TJ, para. 541; *Čelebići* AJ, para. 206.

⁷²⁸ *Popović* AJ, para. 1857.

⁷²⁹ Case 001-**E188** *Duch* TJ, para. 543; *Bagilishema* AJ, para. 37; *Kordić* TJ, para. 427; *Taylor* TJ, para. 497.

⁷³⁰ 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.

⁷³¹ **E313** Case 002/01 TJ, para. 715; Case 001-**E188** *Duch* TJ, para. 544; *Popović* AJ, para. 1910; *Strugar* AJ, para. 298.

⁷³² *Strugar* AJ, para. 304.

⁷³³ 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.

⁷³⁴ Case 001-**E188** *Duch* TJ, para. 544; *Čelebići* AJ, para. 226; *Blaškić* AJ, para. 406; *Taylor* TJ, para. 499.

⁷³⁵ Case 001-**E188** *Duch* TJ, para. 544; *Čelebići* AJ, para. 238; *Bagilishema* AJ, para. 42; *Nahimana* AJ, para. 791.

available.⁷³⁶ An accused's position of command can be a factor demonstrating his knowledge of the crimes committed by his subordinates.⁷³⁷ The superior need not share his subordinate's intent.⁷³⁸

FAILURE TO PREVENT OR PUNISH

253. 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.⁷³⁹ The existence of a separate legal obligation to act under domestic law is not required.⁷⁴⁰ 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.⁷⁴¹ 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.⁷⁴²
254. The determination of what constitutes necessary and reasonable measures must be made on a case-by-case basis.⁷⁴³ The determination of what is materially possible in terms of fulfilling the duty should be assessed in light of the degree of the superior's effective control.⁷⁴⁴ The existence of a crisis situation does not relieve the superior of his duty.⁷⁴⁵
255. 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.⁷⁴⁶

⁷³⁶ Čelebići AJ, para. 239.

⁷³⁷ Blaškić AJ, paras 56-57.

⁷³⁸ Nahimana AJ, para. 865; Bagosora AJ, paras 384, 399.

⁷³⁹ ECCC Law, art. 29new; Case 001-E188 Duch TJ, paras 545-547; E313 Case 002/01 TJ, para. 716; Boškoski AJ, para. 230; Popović AJ, para. 1943; Nahimana AJ, para. 484; Sesay AJ, paras 502, 842.

⁷⁴⁰ E313 Case 002/01 TJ, para. 720.

⁷⁴¹ Blaškić AJ, para. 77; Hadžihasanović AJ, paras 38-40.

⁷⁴² Bizimungu (Augustin) AJ, para. 104; Bagosora AJ, para. 685.

⁷⁴³ Case 001-E188 Duch TJ, para. 545; E313 Case 002/01 TJ, para. 716; Blaškić AJ, paras 72, 417; Halilović AJ, para. 63; Orić AJ, para. 177; Hadžihasanović AJ, para. 33; Kayishema AJ, para. 302; Bagosora AJ, paras 672, 683.

⁷⁴⁴ Boškoski AJ, para. 231; Popović AJ, para. 1928; Bagosora AJ, para. 672.

⁷⁴⁵ Bagosora AJ, para. 672.

⁷⁴⁶ Halilović AJ, para. 182; Boškoski AJ, paras 230, 234-235; Hadžihasanović AJ, para. 154; Popović AJ, para. 1932; Bagosora AJ, para. 510.

III. FACTS

A. JOINT CRIMINAL ENTERPRISE

256. Each of the crimes charged in this case were committed in order to further a joint criminal enterprise (“JCE”) by a group of persons constituting the leadership of the CPK, including **Nuon Chea** and **Khieu Samphan**. The evidence proves that the members of this joint criminal enterprise joined in a common plan to use criminal means to achieve their objectives, including through the commission of extrajudicial imprisonment and killings, exterminations, forced transfers, enslavement of the population in worksites and cooperatives, persecution of groups of persons they perceived as potential political opponents, including officials and soldiers of the Khmer Republic, Cham and Vietnamese persons, persecution of those practicing religion, particularly Buddhists and Muslims, and forcing couples to wed and consummate their marriages. The members of the JCE engaged in these crimes in order to achieve their political goals, particularly maintaining the leadership in power and furthering their plans to radically alter Cambodian society to achieve an atheist, classless society with a single national and ethnic identity. The criminal plan sought to eliminate the practice of Buddhism in Cambodia, to destroy the ethnic Vietnamese community within Cambodia, and to destroy the Cham people as a distinct group within Cambodia with their own ethnic and religious identity.
257. The evidence shows that all of the crimes charged in Case 002/02 were intentional and part of the CPK’s efforts to further the common purpose described above. **Nuon Chea** and **Khieu Samphan** held the applicable *mens rea* for each of the crimes charged and each made significant contributions to further the JCE as discussed in the sections of this brief on the roles of the Accused.
258. The members of this joint criminal enterprise included, *inter alia*, Pol Pot, Nuon Chea, Khieu Samphan, and Ieng Sary, members of the Standing and Central Committees of the Party, the military leadership of the DK regime, including Son Sen, Sou Met and Meas Muth, Ministers of the DK government including Ieng Thirith and Van Rith, Zone Secretaries, including Ta Mok, Sao Phim, Ke Pauk, Ruos Nhim, Ya, and Chou Chet and Sector and District Secretaries. Each of these individuals contributed to the joint criminal enterprise, even while some of these individuals themselves eventually

became victims of the paranoid leadership's efforts to eliminate all possible opposition through brutal extrajudicial internal purges.⁷⁴⁷

259. Where multiple modes of liability are applicable to the same crime, a Trial Chamber has the discretion to choose the one that best describes the criminality of the Accused conduct.⁷⁴⁸ While other modes of liability have been proven in relation to specific crimes in this case, in the view of the Co-Prosecutors, the basic form of joint criminal enterprise, or JCE I, best describes the liability of Nuon Chea and Khieu Samphan for all of the crimes within the scope of Case 002-02. As senior leaders of the regime, Nuon Chea and Khieu Samphan were among the group of leaders who formulated the JCE and each made unique and critical contributions to the joint criminal enterprise that led to all of the crimes charged. Therefore, in this brief, the Co-Prosecutors will not discuss the Accuseds' liability under each mode of liability charged, but rather will concentrate on their liability under the basic form of joint criminal enterprise.
260. The Co-Prosecutors believe that many of the individual crimes are best understood as part of broader criminal policies set by the regime leaders as part of the JCE. Therefore, we analyse below the JCE's enslavement policy and enemies policy. We discuss the crimes of forced marriage and rape in a single section, as they were each related to the regime's aspiration to increase the population. Genocide and other crimes directed against the Vietnamese are discussed together as all were part of a single genocidal policy towards the group, and the same is done with genocide and other crimes against the Cham.

⁷⁴⁷ The Co-Prosecutors recognize that this articulation of the JCE differs somewhat from how the JCE was described in the Closing Order. While the Closing Order explicitly stated that Nuon Chea and Khieu Samphan intended each of the crimes charged, its description of the JCE grouped the crimes under five general policies, each of which by the language used in the closing order included both crimes and conduct that was not necessarily criminal. In the view of the Co-Prosecutors, the two-step analysis of the common purpose as consisting of five policies that each led to a series of crimes unnecessarily complicates the analysis and the description of the criminality of the common purpose. The Closing Order makes it clear that Nuon Chea and Khieu Samphan each intended each of the crimes charged as a means of furthering the common purpose (See para. 1540: "The Co- Investigating Judges find there is sufficient evidence that the Charged Persons, Nuon Chea, Ieng Sary, Khieu Samphan, and Ieng Thirith committed the crimes listed in this Closing Order through their membership in the Joint Criminal Enterprise and their contribution to the common purpose described above. Further, the Charged Persons not only shared with the other members of the Joint Criminal Enterprise the intent that these crimes be committed as part of the common purpose, they were the driving force behind it.") Therefore, the Co-Prosecutors believe it is unnecessary to group the crimes within policies that also include non-criminal aspects. However, the Co-Prosecutors understand that many of the crimes are best understood as part of a broader but still purely criminal policy set by the regime leaders, and therefore in various sections have grouped several crimes under a single criminal policy.

⁷⁴⁸ Taylor AJ, paras 591-595; **F36** Case 002/01 AJ, para. 1099.

B. COMMON CRIMINAL PLAN

INSTITUTIONALIZING THE POLICY

261. Every state seeks to assert a monopoly on the legitimate use of force within society through an institution generally known as the “police”. Likewise, every state operates intelligence and counter-intelligence organisations in order to guard against subversion and foreign infiltration. In Democratic Kampuchea, these two distinct functions — policing and counter-intelligence — were merged in an organisation known as the *Santebal*,⁷⁴⁹ with a key difference from other states being that *Santebal* operated in an utterly lawless environment.⁷⁵⁰ Reflecting this dual function, the term “*Santebal*” was a CPK neologism, a contraction of the Khmer words *santesok* (“security”) and *norkorbal* (“police”).⁷⁵¹ Hence, *Santebal* was the *security police*, sometimes also referred to internally as the “Special Branch”⁷⁵² or the “political police”.⁷⁵³ *Santebal* units across

⁷⁴⁹ **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 11.15.34-11.20.07 [“My superiors always said the duty of S-21 is not the duties to collect espionage but it is the anti-espionage duty”]; **E3/5798** Kaing Guek Eav, T. 9 June 2009, 09.16.40- 09.21.05 [“Son Sen said that S-21 should be conducted in the manner of the French intelligence organization” [*Direction générale de la sécurité extérieure*, Directorate General on Exterior Security, or “DGSE”]]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.26.02-09.28.40 [“S-21 was the counter-espionage unit – in French, ‘contre-espionnage’”]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 13.56.39 [“Nat and I were called to be informed about the establishment of Santebal”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 14.28.10 [“The word Santebal does not refer exactly to a prison as prisons existed in France or as prisons existed in Cambodia in the time before that ... the role played by Santebal offices in Cambodia at the time, that is, people were kept there, interrogated and later on they were smashed”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.39.17-09.41.18 [“The Santebal at the district level would report to the district secretaries, the Santebal in the sectors would report to the secretaries of the sectors and Santebals within the zones would report to the secretaries of the zones”]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 11.20.33-11.21.51 [“S-21 Office, as well as all the police offices under the Communist Party of Kampuchea, were under the leadership of the Communist Party of Kampuchea; that is, under the orders of the CPK”]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 11.32.31-11.33.37 [“normal people would call it the Central Police Office because it received instructions from the Standing Committee, or to be more specific, the Politburo of the Party Centre or the 870 Committee”].

⁷⁵⁰ **E3/455** Kaing Guek Eav WRI, EN 00149915 [“The CPK’s Special Branch was utterly unique. It did not employ any laws whatsoever”].

⁷⁵¹ **E3/448** Kaing Guek Eav WRI, EN 00154908 [“At the time of Prince Sihanouk and Lon Nol, the Khmer word for “police” was *Norkorbal* (“*Guards of the Country*”). The Khmer Rouge called the police *Santebal* (“*Security Guards*”) ... *Santebal* was the term used for all security centres”]; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.28.37 [“The word Santebal means those who looked after the peace, who preserved the peace in the country”].

⁷⁵² **E3/8368** Statistics List of Special Branch S-21, EN 00225379; **E3/834** S-21 Notebook of S-21 interrogator Pon or Tuy, EN 00184522 [“We apply absolute special-branch methods completely and totally permanently”]; **E3/1560** Kaing Guek Eav WRI, EN 00327326-27 [“In principle, throughout the country the prisoners were handed over to Special Branch and Special Branch interrogated them and they were smashed”]; **E3/359** Kaing Guek Eav WRI, EN 00434339 [“It is the sole Zone 801 Special Branch document that I have seen”], 00434343 [“The core work of Special Branch in that era was sending confessions to upper echelon”].

⁷⁵³ **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.55.22 [Q: “Did they talk to you using that term ‘political police’ to characterize those who worked as interrogators to bring to light the networks?” A: “Yes”]; **E3/833** Notebook of senior S-21 cadre Mam Nai alias Chan, EN 00242263 [“We are the political police”].

the country were based at, and best known by, facilities that were designated as “security offices”.

262. In order to understand how **Noun Chea** and **Khieu Samphan** would have understood and used the term “enemies” and the likely consequences of any decision to “arrest” or “re-educate” someone during the DK regime, it is important to understand that the CPK had well-established and well-known practices that pre-date 17 April 1975. The earliest known CPK security office was called Beung Kanseng Prison.⁷⁵⁴ It began operations at least by 1966 in the revolution’s base area, La Ban Siek commune, Banlung district, Rattanakiri province.⁷⁵⁵ Bun Van Tha was arrested in 1966 and held by the CPK in Beung Kanseng Prison for thirteen years.⁷⁵⁶ “They mistreated the people very badly in 1965 ... at that time they started arresting and killing some people”, Bun Van Tha explained.⁷⁵⁷ During his long detention at Beung Kanseng, the number of prisoners grew from 600 to some 2,000.⁷⁵⁸ “Some prisoners were workers of the rubber plantation, others were just ordinary people, and some others were from the [CPK military] division.”⁷⁵⁹ Prison guards came at night to call out the names of certain prisoners, taking them away, killing them and burying them in bomb craters.⁷⁶⁰
263. As the revolution moved into a new phase in 1970, the Party began to institutionalize its internal security operations by establishing more so-called “security offices” in areas they controlled. A security office in Sector 32 of the Southwest Zone was established early on during the civil war period.⁷⁶¹ **Nuon Chea** has also described how a security office designated “S-39” was “created by Pol Pot in 1971 to root out traitors” and “detect spies who had infiltrated their movement.”⁷⁶² S-39 was “charged with investigating and following suspected enemies,” but was soon closed because Pol Pot did not believe the reports and confessions generated by the security office which “accused many cadre of betrayal, spying and plotting” against the Party,⁷⁶³ and perhaps recognized that it was damaging the war effort. Under the direction of CPK Standing

⁷⁵⁴ **E3/7953** Bun Van Tha Statement, EN 00843456.

⁷⁵⁵ **E3/7953** Bun Van Tha Statement, EN 00843456; Tha believes the prison may have been established as early as 1962; **E3/7953** Bun Van Tha Statement, EN 00843481 [“It might have been 1963, 1962, 1963”].

⁷⁵⁶ **E3/7953** Bun Van Tha Statement, EN 00843458 [“I was imprisoned from 1966 to 1979”].

⁷⁵⁷ **E3/7953** Bun Van Tha Statement, EN 00843455-56.

⁷⁵⁸ **E3/7953** Bun Van Tha Statement, EN 00843457, 00843467.

⁷⁵⁹ **E3/7953** Bun Van Tha Statement, EN 00843457.

⁷⁶⁰ **E3/7953** Bun Van Tha Statement, EN 00843464.

⁷⁶¹ **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.22.26.

⁷⁶² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757526.

⁷⁶³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757526.

Committee member Vorn Vet, in July 1971, Kaing Guek Eav alias Duch established the M-13 security office in Amleang commune of Kampong Speu province.⁷⁶⁴ The task of M-13 was to unmask and kill suspected spies.⁷⁶⁵ In Ta Mok's home base of Tram Kak District, Takeo province, the Kraing Ta Chan Security Centre began operations in 1972.⁷⁶⁶ Also during 1972, in Sector 25 the "M-15 Security Office under the supervision of Teng was established".⁷⁶⁷ The Kok Kduoch security office in Kratie province was up and running by 1973.⁷⁶⁸ Elsewhere in Kompong Speu, the M-99 security office began operations in 1974.⁷⁶⁹ As new categories of enemies were identified by the Party leadership, the network of security offices would grow inexorably.

264. An integrated network of so-called "security offices" was soon established across the entire country.⁷⁷⁰ Shortly after seizing Phnom Penh on 17 April 1975, the CPK Centre organized the country into six zones,⁷⁷¹ each of which was further subdivided into sectors, which in turn were composed of districts, then communes, and finally villages.⁷⁷² At each node in this administrative network, a security office was set up.⁷⁷³ Each office reported to and took instructions from the next higher echelon in the network⁷⁷⁴ all the way up to the highest node in the network, S-21 in Phnom Penh,⁷⁷⁵

⁷⁶⁴ **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.42.43 to 15.45.30; **E3/1569** Kaing Guek Eav WRI, EN 00185475; **E3/504** Kaing Guek Eav WRI, EN 00147525.

⁷⁶⁵ **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.37.43-15.42.43; **E1/190.1** Philip Short, T. 7 May 2013, 11.53.23 to 11.57.10; **E3/785** *Revolutionary Flag*, July 1973, EN 00713998-99.

⁷⁶⁶ **E3/72** Phan Chhen WRI, EN 00490542; **E3/4626** Pech Chim WRI, EN 00380132-33.

⁷⁶⁷ **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.22.26.

⁷⁶⁸ **E3/5176** Uon Rim WRI, EN 00478731.

⁷⁶⁹ **E3/2817** Nic Dunlop, *The Lost Executioner*, EN 00370027-28; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 09.58.06; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 11.55.36; **E3/8618** Ham Im DC-Cam Statement, EN 00289744.

⁷⁷⁰ See **Annex C.1** *Map of DK Zone and Sector Security Offices*; **E3/3199** Map of Zone and Sector Security Offices, EN 00417948-49. See also **E3/457** Kaing Guek Eav Diagram of Security Office Network, EN 00198898; **E1/451.1** Henri Locard, T. 29 Jul 2016, 15.24.58.

⁷⁷¹ See **Annex C.2** *Map of DK Zone and Sector (1976)*.

⁷⁷² Initially, there were also several "independent sectors" [103 (Siem Reap), 106 (Preah Vihear) and 505 (Kratie)], as well as "autonomous" municipalities such as Kampong Som, which reported directly to the Standing Committee. This administrative map evolved over the course of the regime, with communes and villages eventually reorganized into cooperatives: **E3/345** Craig Etcheson, T. 18 May 2009, 15.26.46-15.41.08; **E3/494** Craig Etcheson, Written Record of Analysis, 18 July 2007, EN 00142830.

⁷⁷³ **E1/450.1** Henri Locard, T. 28 July 2016, 11.04.03 ["There was not a single region, province, district, where there was no major prison in Democratic Kampuchea"], 14.11.10-14.17.05 ["There were prisons 'phumipheak' (zone). ... there were 'damban' (sector) prisons. ... every district had a district prison and in some districts ... there were several district prisons ... every people's commune ... had a police – a police center in which the people who are accused, who are tied, were first brought"]; **E3/345** Craig Etcheson, T. 18 May 2009, 15.53.21-16.11.08; **E3/442** Accused's Final Written Submission, EN 00412111-12; **E3/457** Kaing Guek Eav Diagram of Security Office Network, EN 00198898.

⁷⁷⁴ **E3/130** Communist Party of Kampuchea Statute, EN 00184037 [Chapter III, Article 6: "Lower echelon must report to upper echelon on the situation and on work done ... Upper echelon must report to lower

which was overseen by the Standing Committee.⁷⁷⁶ The function of the security offices was to detain “bad elements” for reeducation,⁷⁷⁷ and to “smash” or kill those designated as enemies of the revolution.⁷⁷⁸ More than 260 security offices have been identified by researchers,⁷⁷⁹ four of which are part of Case 002/02.⁷⁸⁰

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- echelons ... regarding instructions which they must carry out”]; **E3/494** Craig Etcheson, Written Record of Analysis, 18 July 2007, EN 00142830.
- ⁷⁷⁵ **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.40.21 [“On the 15th of August 1975, the superior ordered me to organize the police office at Kab Srov in the north of Phnom Penh ... I could not find the place then”]; **E3/5810** Kaing Guek Eav, T. 25 Nov 2009, 11.41.56 [“On the 15th of August, 1975, Son Sen presented and suggested the establishment of S-21”].
- ⁷⁷⁶ **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.01.05-16.07.25 [“S-21 ... is just a Santebal organization under the supervision of the central committee as the other security offices”], 16.07.25 [“S-21 ... was a security office under the supervision of the central committee”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59-13.25.33 [“Regarding the Baray Choan Dek security office: “there was a directive from Office 870... The security centre [was] relocated from that pagoda and the location was given back to the cooperative where meetings were held.... I saw bloodstains on the walls of the main hall and the eating hall”].
- ⁷⁷⁷ **E3/797** Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 18 Aug 1976, EN 00234458 [“No good elements must definitely be screened [purged]”]; **E3/798** Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 Aug 1976, EN 01362642 [“We were able to arrest more than 100 persons during the unrest, and before that, in Sector 25, it had been possible to arrest more than 60 persons”]; **E3/76** FBIS, 26 Sept 1978, EN 00170425-26 [“Bad elements are consigned to production labor ... Those committing repeated or vicious offenses are consigned to production labor in separate worksites or farms in order to reorient themselves through labor”].
- ⁷⁷⁸ **E1/326.1** Om Chy, T. 30 July 2015, 13.09.32-13.20.36 [“It was the sector committee and district committee who spoke about the notion of enemy during meetings ... they would be smashed ... In Tras village there was a security centre; it was located at Baray Choan Dek pagoda”]; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 11.20.07 [“When a decision was made to smash, then other security offices or units had to make the arrest and send to the security office to arrest, to detain, to torture, and to smash”]; **E3/345** Kaing Guek Eav, T. 18 May 2009, 10.03.35-10.17.08; **E3/1560** Kaing Guek Eav WRI, EN 00327327 [“In principle, throughout the country the prisoners were handed over to Special Branch and Special Branch interrogated them and they were smashed”]; **E3/65** Kaing Guek Eav WRI, EN 00147524; **E3/453** Kaing Guek Eav WRI, EN 00147581; **E3/449** Kaing Guek Eav WRI, EN 00159558; **E3/451** Kaing Guek Eav WRI, EN 00204354; **E3/5265** Um Chi WRI, EN 00282346-47 [“If we did not respect their orders, they would smash us ... [Baray Choan Dek Pagoda] was a detention and killing site”].
- ⁷⁷⁹ **E3/2378** Documentation Center of Cambodia, *DK Prison*, EN 00379116-19; **E3/2765** Documentation Center of Cambodia, *Memorials*, EN 00194821-29; **E3/2763** Documentation Center of Cambodia, *Burials*, EN 00379092-115; **E3/2764** Documentation Center of Cambodia, *DK Prisons*, EN 00347406-13; **E3/2366** Documentation Center of Cambodia, *Genocide Sites in Cambodia, 1975-1979*, EN 00188708-34; **E3/2365** Documentation Center of Cambodia, *Map entitled Killing Fields of Cambodia*, EN 00188695; **E3/1807** Craig Etcheson, *The Number' - Quantifying Crimes Against Humanity in Cambodia*, 2000, EN 00089458-75; **E3/3237** Henri Locard, *Democratic Kampuchea Prison Network in West Region*, EN 00087333-68; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087303-32; **E3/3214 (E3/3215)** Henri Locard, *S-21 & Phnom Penh under DK*, EN 00403279-87; **E3/3244** Henri Locard, *Preah Vihear: Sector or Zone 103*, EN 00403276-78; **E3/3219** Henri Locard, *Northeast: Eisan Region - Zone-Sector 105, Mondulkiri*, EN 00403253-62; **E3/3255** Henri Locard, *Northeast: Eisan Region - Zones-Sectors 101, 102, 104, 105, 107, 505, Provinces of Ratanakiri, Mondulkiri, Stung Treng and Kratie*, EN 00403192-242; **E3/3265** Henri Locard, *Stung Treng: Dambo 104 & 103*, EN 00403263-75; **E3/3274** Henri Locard, *Kratie - 505: Special Zone*, EN 00403243-52; **E3/3218** Henri Locard, *Kompong Thom-Uddor Region Sector or Zone 43*, EN 00208411-38; **E3/3209** Henri Locard, *Bophea Region: Dambo 20-24*, EN 00403131-91; **E3/3232** Henri Locard, *Niredey Region*, EN 00217621-89; **E3/2649** Henri Locard, *Kompong Cham: West Bank of the Mekong, Old North Region, Zone or Sectors 41 & 42*, EN 00208385-410; **E3/3863** Henri Locard, *Siem Reap Province: New North Region*, EN 00164149-207.

265. An example that illustrates how the security offices were integrated into a national system is found in the testimony of the painter and S-21 survivor, Vann Nath. Vann Nath was assigned to work as a farmer in O Mony Pir Village, Sangke Commune, in District 41 of the Northwest Zone's Sector 4.⁷⁸¹ On 29 December 1977, Nath was arrested at Balatt Cooperative, about five kilometres from his home village, for reasons that were never explained to him.⁷⁸² "In the cooperative there was a prison and I was sent there. It was a rice barn, and they shackled my legs, the same type of shackles used at S-21".⁷⁸³ Very early the next morning, he was transferred to a district echelon security office at Samrong Pagoda in nearby Samrong Knong Commune, Ek Phnom District.⁷⁸⁴ "The Samrong Pagoda was a very popular detention site in Sector 4", Nath recalled.⁷⁸⁵ The next day, he was transferred yet again, this time to the zone echelon security office in Battambang provincial town at Wat Kandal.⁷⁸⁶ "I did not know that Kandal Pagoda was also a prison".⁷⁸⁷ That first night in the Wat Kandal Security Office,⁷⁸⁸ on the banks of the Sangke River, Nath was removed from his cell and taken for interrogation, where he was hooked up to electrical wires.⁷⁸⁹ "Then they turned on the electricity. After that, I became unconscious".⁷⁹⁰ After a week at the Wat Kandal Security Office, on 7 January 1978, Nath was put on a truck with others and driven off.⁷⁹¹ Late that night, Nath was delivered to S-21.⁷⁹² Nath's journey of terror from O Mony Pir village in Battambang to S-21 in Phnom Penh vividly illustrates the fact that DK's security offices functioned as a tightly integrated network.

⁷⁸⁰ See sections: **S-21 Security Centre, Kraing Ta Chan Security Centre, Au Kanseng Security Centre, and Phnom Kraol Security Complex.**

⁷⁸¹ O Mony Pir is located in present day Battambang Province, Sangkae District, Anlong Vil Commune.

⁷⁸² Balatt is located in present day Battambang Province, Sangkae District, Norea Commune. **E3/7450** Vann Nath, T. 29 June 2009, 09.38.28; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396799-800.

⁷⁸³ **E3/7450** Vann Nath, T. 29 June 2009, 09.41.49; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396799-800.

⁷⁸⁴ **E3/2378** Documentation Center of Cambodia, *DK Prison*, EN 00194821; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, Northwest Region, EN 00087307-08.

⁷⁸⁵ **E3/7450** Vann Nath, T. 29 June 2009, 09.41.49; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396802-03.

⁷⁸⁶ **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396806.

⁷⁸⁷ **E3/7450** Vann Nath, T. 29 June 2009, 09.46.46.

⁷⁸⁸ **E319.1.27** Toat Thoeun WRI, EN 00974019.

⁷⁸⁹ **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396807-08. See also **E3/7674** Vann Nath Sketch of His Torture at Wat Kandal, EN 00163743.

⁷⁹⁰ **E3/7450** Vann Nath, T. 29 June 2009, 09.49.17.

⁷⁹¹ **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396811.

⁷⁹² **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396813-14. See also **E3/7674** Vann Nath Sketch of His Arrival at S-21, EN 00163746.

266. The Trial Chamber heard extensive witness testimony about security offices in every zone of Democratic Kampuchea. In *Phnom Penh*, witnesses testified about S-21,⁷⁹³ S-24 (Prey Sar),⁷⁹⁴ B-1,⁷⁹⁵ K-7,⁷⁹⁶ the Division 310 prison near Wat Phnom,⁷⁹⁷ and another security office on Monivong Boulevard across the street from Calmette Hospital.⁷⁹⁸ In the *West Zone*, the court heard evidence on the the Ta Ney security office,⁷⁹⁹ the Koh

⁷⁹³ **E1/84.1** Khoem Ngorn, T. 11 June 2013, 13.49.18-13.51.19 [“Those accused enemies were Chroeueng and Thoeun. Chroeueng was arrested and sent to S-21, while Thoeun successfully escaped ... do you confirm what you told the Co-Investigating Judges ...? A. Yes, I do”]; **E1/105.1** Ong Thong Hoeung, T. 9 Aug 2012, 13.46.09 [“I went to work at Tuol Sleng for about two to three months”], 13.46.09, [“I organized the files, in particular the confessions of those people who were killed there. Also I organized the list of those prisoners who were taken out and killed”]; **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.51.44-15.54.41 [“I went to...S-21, and I worked there...And there - where I learned that those comrades who disappeared had their names at Tuol Sleng...those friends were sent to be killed at Prey Kong, or Kong Forest”]; **E1/104.1** Ong Thong Hoeung, T. 8 Aug 2012, 15.26.09-15.28.24 [“When we left Dei Kraham we came to work in Tuol Sleng office. We found some names of the Cambodian returnee from overseas...”]; **E3/34** Long Norin WRI, EN 00223558 [“The orders came from the Center or from Pol Pot to S21, and S21 security came right inside...and told them that Angkar called them to study, and after they were arrested they were never seen to return”]; **E3/97** Ong Thong Hoeung WRI, EN 00287107 [“...it is safe to assume that he was tortured and executed. I worked at Tuol Sleng from August to November 1979”]; **E3/420** Prum Sou WRI, EN 00422379 [“Bang Hang was arrested and sent to upper level, probably Tuol Sleng, and many other cadres of the Sector's office were arrested to Zone Security Centres in Siem Reap province”]; **E3/361** Chhouk Rin WRI, EN 00766452-56; **E3/362** Chhouk Rin WRI, EN 00268895-96 [“Son Sen sent me to the East Zone along with others in late 1977 to arrest all the cadres there who were traitors ... the military commanders were sent to a reeducation site, probably meaning S-21, I imagine”]; **E3/1647** Khoem Ngorn WRI, EN 00375678-79 [“There were purges against those alleged as enemies, CIA or KGB. Chroeueng and Thoeun were alleged as enemies. Chroeueng was arrested and sent to S-21”]; **E3/3959** Kung Kim WRI, EN 00278683 [“Those prisoners were only at my location for two or three nights before they were taken to Tuol Sleng”].

⁷⁹⁴ **E1/83.1** Khoem Ngorn, T. 7 June 2012, 14.26.03-14.28.20 [“I heard from others that those who worked as a spy or those who was lazy or those who stole the cooperative's property, for example potatoes or so. So those people were considered enemies”]; **E3/1648** Khoem Ngorn WRI, EN 00183607 [“Pheuang beat people ... and arrested people who were sent to Prey Sar... Prey Sar was the only prison Ngon knew existed for sure ... Those sent to Prey Sar were accused of being lazy or were reported by those engaged in surveillance”].

⁷⁹⁵ **E1/83.1** Khoem Ngorn, T. 7 June 2012, 15.32.27 [“It was the Ministry of Foreign Affairs and it was, of course, B-1, but amongst them there were other houses for guest”]; **E3/1647** Khoem Ngorn, WRI, EN 00375676 [“There were purges against those alleged as enemies ... Many people went missing at B-1; and it is unknown to where they were taken or transferred”].

⁷⁹⁶ **E1/71.1** Pean Khean, T. 2 May 2012, 14.10.43-14.13.32 [“After Phnom Penh was liberated, I recall K-1, K-3 and K-7. K-7 was at the riverfront. K-3 and K-1 were at the riverfront to the south of the Independence Monument”]; **E3/435** Pean Khean WRI, EN 00375889 [“I knew that K -7 was located in the north of the Independence Monument, along the riverside, near Unnalaum pagoda”].

⁷⁹⁷ **E1/138.1** Kung Kim, T. 24 Oct 2012, 15.41.50-15.43.41 [“Q: When was that prison of Division 310 established? A... in late 1975 and 23 early 1976”], 15.49.50-15.52.00 [“As the guards providing security at the prison, we noted that the interrogators were not members of our division ... they were in a higher command than our division”]; **E1/139.1** Kung Kim, T. 25 Oct 2012, 09.37.14-09.39.06 [“This prison was located to the east of - to the southeast of Wat Phnom”]; **E3/3959** Kung Kim WRI, EN 00278683 [“In late 1975 or early 1976, I was assigned to guard a prison north of Watt Phnom ... I saw prisoners being tortured by the Khmer Rouge in that prison ... Those prisoners ... were taken to Tuol Sleng”].

⁷⁹⁸ **E1/319.1** Sem Hoeun, T. 22. June 2015, 10.06.31-10.32.19 [“People from the cooperatives or from the sector were arrested, and put into the security office ... Male and female people and children were put and tortured in that security office ... It was opposite Calmette Hospital”]

⁷⁹⁹ **E1/452.1** Henri Locard, T. 1 Aug 2016, 09.13.42, 09.22.39, 14.24.50. *See also* **E3/2419** Henri Locard and Moeung Sonn, *Prisoner of the Khmer Rouge*, EN 00293632-82.

Khyang security office,⁸⁰⁰ and the Damrei Srot prison and its associated worksite, Trapaing Pring.⁸⁰¹ Witnesses testified about *East Zone* security offices including Trapeang Leak Kbal, Tuol Prasrey,⁸⁰² Samraong village security office,⁸⁰³ Toek Thla village security office,⁸⁰⁴ and O Reang Ov district security office.⁸⁰⁵ *Southwest Zone* security offices featured in witness testimony were the Sector 35 security office,⁸⁰⁶ the Kraing Ta Chan Security Centre,⁸⁰⁷ Tbaung Kdei,⁸⁰⁸ Krang Chheh,⁸⁰⁹ the Angk Roka

⁸⁰⁰ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 11.22.49-11.25.17 [“I never went there, but I was told by my combatants that there was a security centre at Kaoh Khyang, and it was quite a fair distance between Prey Nob and Kaoh Khyang”]; **E3/80** Meas Voeun WRI, EN 00491655 [“there was a security centre in Prey Nob district (Kampong Som province); it was Koh Khyang Security Centre ... some ... Division 1 soldiers were arrested and sent to Koh Khyang security centre”]; **E1/183.1** Chuon Thi, T. 24 Apr 2013, 15.23.07 [“When I arrived in Koh Khyang Prison, they shackled my ankles and tied up my arms for 24 hours. In that prison, once every two days, they took me out to be interrogated”]; **E1/451.1** Henri Locard, T. 29 July 2016, 09.31.24; **E1/452.1** Henri Locard, T. 1 Aug 2016, 09.13.42; **E3/4593** Chuon Thi WRI, EN 00513318 [“I used to hear when soldiers said that they knew about a security centre in Koh Kyang (in Koh Kong) but I never went there. Koh Kyang Prison was established in 1978 for detaining the lazy, the stealer who were civilians”]. See also **E3/2419** Henri Locard and Moeung Sonn, *Prisoner of the Khmer Rouge*, EN 00293744-91.

⁸⁰¹ **E1/216.1** Lev Lam, T. 2 July 2013, 09.18.19-09.20.00 [“I walked near the Damrei Srot prison and I saw they buried the dead bodies”], 09.41.19-09.43.40 [“There were about 200 families; some still alive, some had disappeared”], 10.04.52-10.07.29 [“During the sorting of the people I was not aware of it. But would be put to one side. And for the other people, they would be put to another group. And later on, those people in the latter group disappeared”], 10.13.25-10.15.55 [“After the meeting and after the sorting out of the biographies, some of those people disappeared; they were smashed”], 11.03.00-11.04.40 [“Q. Are you able to provide an estimate to the Court of the total number of people who were killed at that execution site? A. In total, there could be six - 70 to 80 people who were killed”]; **E3/4630** Lev Lam WRI, EN 00274645 [“I knew another place [prison camp] called Trapaing Pring which was also located in Svay Chuk commune. Trapaing Pring was a worksite for only cadre prisoners”], 00274647 [“At that time, there was an order to kill approximately 100 families in early rainy season in 1975; this order was immediately implemented”].

⁸⁰² **E3/5788** Chum Sokha WRI, EN 00380712-16 [“I was tortured only once during the interrogation. It was called the Tuol Prasrey security centre, north of Chhae Kach Mountain”].

⁸⁰³ **E1/136.1** Chum Sokha, T. 22 Oct 2012, 13.49.57-13.52.35 [“Uncle Meak had been arrested ... So, he was detained at the security centre at Samraong village”], 13.54.06 [“And later on I learned that because of his connection as a military officer, he was tempered and forced to work hard in a security centre in Trapeang Leak Kbal, to the east of my Kdei village”]; **E3/5788** Chum Sokha WRI, EN 00380712, 00380716 [“Men Meak was imprisoned in the security centre in Samraong Village, Samraong Commune, Prey Veng District, Prey Veng Province”].

⁸⁰⁴ **E1/136.1** Chum Sokha, T. 22 Oct 2012, 16.05.24 [“I had suffered dearly when I was arrested and detained at a security centre in Ba Phnum district ... I was interrogated”]; **E3/5788** Chum Sokha WRI, EN 00380712, 00380716 [“I was brought by a Khmer Rouge soldier to the security centre called Sne...west of Toek Thla Village”].

⁸⁰⁵ **E1/451.1** Henri Locard, T. 29 Jul 2016, 09.36.14.

⁸⁰⁶ **E1/181.1** Chhouk Rin, T. 22 Apr 2013, 14.09.26 [“...I know that people have been arrested to put in the security centre. Numbers of soldiers were arrested and sent to Kampot, but I did not know the whereabouts of that security centre”]; **E3/361** Chhouk Rin WRI, EN 00766452, 00766456; **E3/362** Chhouk Rin WRI, EN 00268895-96.

⁸⁰⁷ **E1/451.1** Henri Locard, T. 29 July 2016, 09.27.14, 09.43.54, 15.28.05-15.40.08; **E1/452.1** Henri Locard, T. 1 Aug 2016, 14.18.42-14.30.48; **E1/215.1** Pech Chim, T. 1 July 2013, 09.25.20-09.27.24 [“It could have been established earlier than 1972. It was the affairs of the sector, not the district. It was for the purpose of re-educating people, that is, those bad people, so that they would become good people”], 12.08.48 [“Krang Ta Chan Security Centre was in District 105, but it was under the supervision of the Sector”], 15.33.50-15.35.55 [“The existence of the Krang Ta Chan Security Centre, after the arrival of the Vietnamese in 1979”]; **E3/4609** Sou Sotheavy WRI, EN 00434882 [“I heard from the chairman of

security office,⁸¹⁰ the Sanlung reeducation office⁸¹¹ and Office 15 in Po Ban village.⁸¹²

Witnesses also testified before the Trial Chamber on *Northwest Zone* security offices including the Tuk Thkoul reeducation office,⁸¹³ the Mortar Fort security office⁸¹⁴ near Tuol Po Chrey, Thkaul prison,⁸¹⁵ Tuol Tapev security office, Charoek security office,⁸¹⁶

Sanlung prison that there was another prison called Krang Ta Chan prison located in Tram Kak district, Takeo province”]; **E3/4626** Pech Chim WRI, EN 00380132-33 [“As I knew about it at that time, they called that Center the educational center (Kraing Ta Chan Security Center). That Center was created since 1972 by the Sector party and the District party”], 00380133 [“That Security Center located in Kraing Ta Chan village, Kous (11M) commune, District 105 (Tram Kak district), Takeo province”].

808 **E1/136.1** Chum Sokha, T. 22 Oct 2012, 13.49.57-13.52.35 [“Uncle Meak had been arrested and put in the detention facility to the south of the village ... he was one of the many prisoners who were forced to work in the rice field. So, he was detained at the security centre at Samraong village”], 13.54.06 [“And later on I learned that because of his connection as a military officer, he was tempered and forced to work hard in a security centre in Trapeang Leak Kbal, to the east of my Kdei village”], 16.05.24 [“On top of this, I had suffered dearly when I was arrested and detained at a security centre in Ba Phnum district. In captivity, I was shackled and my hands were bound behind my back and I was interrogated”]; **E3/5788** Chum Sokha WRI, EN 00380712, 00380716 [“Other villagers told me that my father was taken to a prison in the pagoda building in Tbaung Kdei Village”].

809 **E1/197.1** Sou Sotheavy, T. 27 May 2013, 09.59.00-10.01.20 [“And, second: The Khmer people who died during the three years period as in Tuol Sleng, Krang Chheh, Krang Ta Chan and Choeung Ek; do you acknowledge the deaths of those people at those prisons? That’s all I have”]; **E3/4609** Sou Sotheavy WRI, EN 00434881 [“That prison was called Krang Chheh ... When I first entered, I saw a blackboard on the wall, and there were many torturing tools such as pincers and whips. When I arrived at that prison, I did not hope to survive”].

810 **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.43.38-11.28.36.

811 **E1/197.1** Sou Sotheavy, T. 27 May 2013, 09.59.00-10.01.20 [“And, second: The Khmer people who died during the three years period as in Tuol Sleng, Krang Chheh, Krang Ta Chan and Choeung Ek; do you acknowledge the deaths of those people at those prisons? That’s all I have”]; **E3/4609** Sou Sotheavy WRI, EN 00434882 [“Sanlung Re-education Office was for detaining prisoners in general ... This prison was the district prison located in Angkor Chey district in Khmer Rouge regime”].

812 **E1/135.1** Yim Sovann, T. 19 Oct 2012, 15.44.20-15.46.24 [“They took my father to Banteay Yuon, where the office -- Security Office 07 was located, and it was the prison centre”], 15.48.35-15.51.00 [“My mother refused to give the ring to them, so they escorted -- they frog-marched my sister to Security Office 07 and then they were -- she were transfer to Security Office 08, and then she disappear from that time onward”], 15.56.31-15.58.55 [“I think that from 1975 to late 1976, those who were tied with their hands behind their backs were either the 17 April People or the Lon Nol soldiers because they were considered enemies ... Those who were taken to Security Office 15 disappeared; they never returned”], 15.56.31-15.58.55 [“It was Village 1 and 2, where we went to harvest crops over there ... when we were staying there before we were re-evicted to Pursat province. The security centre was located in either Village 1 or 2; I do not recall”], 16.01.20-16.03.33 [“I saw people from the Eastern Zone were tied up with both hands behind their backs and transported along the rice paddy ... And I realized that those people were sent to Security Centre Number 8”]; **E3/5787** Yim Sovann WRI, EN 00379313 [“There was a security centre there; it was called Munti 15... These people were accused of being enemy and taken to the security centre with no hope to survive. People who were taken there always disappeared”].

813 **E1/138.1** Lay Bony, T. 24 Oct 2012, 12.03.44-12.05.38 [“When they frogmarched us from Tuk Thkoul (phonetic) Prison to Boeng Kol Re-education Centre, there were many members in our team disappeared”]; **E3/3958** Lay Bony WRI, EN 00379161-62 [“Finally, we reached a place called the Thkaol refashion centre at 02.00 p.m. Thkaol was located in Sector 23 under Trapeang Chornng Commune, Bakan District, Pursat Province”].

814 **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/4637** Sum Alat WRI, EN 00242126 [“Artillery security office known as mortar fort office (currently, military operation sub-region of 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”].

815 **E1/187.1** Lim Sat, T. 2 May 2013, 11.02.5-11.05.37 [“if they could find them they could bring them there. I don’t know where they would be taken to, but wherever these people were brought to, they just

Trapaing Chorn security office,⁸¹⁷ Tuol Kaun Ngar,⁸¹⁸ Tuol Watp,⁸¹⁹ the Northwest Zone security office at Wat Kandal,⁸²⁰ the Wat Samraong security office,⁸²¹ and the Balatt Cooperative security office.⁸²² In the *Northeast Zone*, Au Kansang security office was described by witnesses in considerable detail.⁸²³ In the *New North Zone*, witnesses presented evidence on the North Zone security office,⁸²⁴ the Pongro security office,⁸²⁵

disappeared”]; **E3/4601** Lim Sat WRI, EN 00412159 [“I was also in Thkaul prison in Bakan district at that time... I was in Thkaul security centre for about one year”].

⁸¹⁶ **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/4637** Sum Alat WRI, EN 00242126 [“Charoek security office located on Charoek village, Kanchor commune, Kandieng district. Artillery security office known as mortar fort office (currently, military operation sub-region of Pursat province)”].

⁸¹⁷ **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/4637** Sum Alat WRI, EN 00242126 [“I have a friend who was arrested and taken to security office 07 also known as Trapaing Chorn security office in Bakan district. He disappeared until today”].

⁸¹⁸ **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/4637** Sum Alat WRI, EN 00242126 [“During the period, I knew about the existence of the following security offices ... Pits at Tuol Kaun Ngar. It was a hill in the jungle where corpses were buried”].

⁸¹⁹ **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/4637** Sum Alat WRI, EN 00242126 [“I knew about the existence of the following security offices ... From 1975 through 1979, Tuol Watp (was an economic building for rice ration distribution)”].

⁸²⁰ **E3/7450** Vann Nath, T. 29 June 2009, 09.46.46.

⁸²¹ **E3/7450** Vann Nath, T. 29 June 2009, 09.41.49; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396802-03.

⁸²² **E3/7450** Vann Nath, T. 29 June 2009, 09.38.28-09.41.49; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396799-800.

⁸²³ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.03.24-15.05.25 [“Q: ...why the re-education centre or the Au Kanseng Security Centre was created within Division 801? A: ... the bad elements --irregular elements could be contained and detained at the centre”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.45.48 [“Normally it was in the form of education and re correction. We received - we had to try to provide orientation to them ... That’s what we did when we were working at Au Kanseng Security Centre”], 11.23.11 [“They were sent from a unit; a person by the name of Nau who was assigned to work at the Au Kanseng Re-education Centre because he would like to understand the enemy communication line”]; **E1/157.1** Ung Ren, T. 9 Jan 2013, 15.30.00-15.32.38 [“I knew that there was a security or prison in the Boeng Kanseng area - was through the people who live near the prison or the security centre”]; **E3/402** Ung Ren WRI, EN 00381035 [“I knew that there was a security office somewhere in Au Kanseng because I knew and heard someone who had said that prisoners had broken out of the prison”]; **E3/5784** Partial Transcript of Recorded Interview with Ung Ren, 17 Sept 2009, EN 00877219-20; **E3/405** Chhaom Se WRI, EN 0040612-13, 0040616 [“Division 801 Re-education and corrections office at Au Kansaeng. Created in late 1976 and early 1977. This office was created during the situation of the internal enemy movement occurring throughout the country”].

⁸²⁴ **E1/194.1** Prum Sou, T. 21 May 2013, 10.25.28-10.27.44 [“After his arrest, he was placed at the Security Centre. And after the report, that person, Phean, disappeared”]; **E1/451.1** Henri Locard, T. 29 Jul 2016, 09.43.54; **E3/420** Prum Sou WRI, EN 00422379 [“Bang Hang was arrested and sent to upper level, probably Tuol Sleng, and many other cadres of the Sector’s office were arrested to Zone Security Centres in Siem Reap province”].

⁸²⁵ **E1/143.1** Pe Chuy Chip Se, T. 12 Nov 2012, 13.35.06-13.37.19 [“People who had to be detained at Pongro Security Office ... crimes as indicated”], 13.46.57-13.49.35 [“The Mkak execution site is to the northwest of Pongro Security Centre”], 14.27.19-14.32.24 [“As for Lon Nol soldiers who were evacuated

the Prey Sloek security office (also known as Kraing Tasam),⁸²⁶ and the Rovieng district security office.⁸²⁷ In the *Central Zone*, extensive witness evidence was heard on the Wat Au Trakuon security office,⁸²⁸ the Phnom Pros district security office,⁸²⁹ the Chamkar Leu district security centre,⁸³⁰ the Met Sop security centre,⁸³¹ and the Wat Baray Choan Dek security office.⁸³² Finally, for *Kratie Special Sector 505*, witness testimony covered

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- in 1975, they were not captured and sent to Pongro Security Office”]; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2012, 09.08.47-09.10.48 [“The Pongro Security Centre was located in Chi Kraeng district”], 09.39.33-09.41.00 [“The report concerning the killing in 1974 -- I witnessed it myself. They frog marched -- the prisoners whom they accused of being the bandits were placed in security office - Pongro Security Office”], 10.27.40-10.30.30 [“I knew the reason for the shutdown. The people who worked in that security centre were accused of betrayal by the Khmer Rouge and that was not only for the Pongro Security Centre. The accusation was nationwide, because ... betrayal”]; **E3/396.1** Pe Chuy Chip Se WRI, EN 00225210-00225211 [“In 1972, I walked up the wrong road by mistake to the Pongro Security Office and was arrested by the Khmer Rouge there”], 00225214 [“There were approximately over 100 prisoners in the security office; sometimes they took prisoners away and new prisoners were brought in”].
- ⁸²⁶ **E1/218.1** Sum Alat, T. 4 July 2013, 11.52.01-11.54.58 [“So far as I know, there were plenty of places where people were detained. I already made it clear in my statement regarding the security centres where people had been detained”]; **E3/463.1** Sum Alat WRI, EN 00242126 [“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 kilometres from the place where I lived”].
- ⁸²⁷ **E1/131.1** Meas Voem, T. 8 Oct 2012, 09.44.28-09.46.18 [“When I was at Preah Vihear, Bong Soeung, in Siem Reap, [I] released people at Rovieng district. Indeed, these 500 people were kept. They were not merely detained, they were kept in a location without any fences or wall, but in solitary confinement, but later on they were all released.”]; **E3/424.1** Meas Voem WRI, EN 00421072 [“Approximately 500 people were arrested and detained in the security centre in Rovieng District”].
- ⁸²⁸ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.38.58-15.50.12; **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.08.28-10.26.48; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.33.55-15.36.25; **E1/347.1** Seng Srun, T. 15 Sept 2015, 09.10.08-09.29.47; **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.21.13-15.28.35; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 09.21.32-15.46.56 [“Everybody knew that if people were called to go to Au Trakuon pagoda, it means their fate would be sealed there”]; **E1/349.1** Him Man, T. 17 Sept 2015, 11.02.49-15.04.21; **E1/350.1** Him Man, T. 18 Sept 2015, 09.41.11-10.06.34; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.03.29-15.56.00; **E1/374.1** Muy Vanny, T. 12 Jan 2016, 09.20.45-09.48.53; **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.46.48-15.24.09; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.05.51; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.48.56-09.53.38, 10.51.54-10.54.00; **E1/450.1** Henri Locard, T. 28 July 2016, 15.21.58.
- ⁸²⁹ **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.02.32 [“It did not belong to the sector or to the zone, it was for the district. And that centre was for re-educating any people who were bad, who were found in the district. It was I who was re-educating those people at that place”]; **E1/35.1** Prak Yut, T. 30 Jan 2012, 13.45.52-13.50.20; **E1/401.1** Alexander Hinton T. 14 Mar 2016, 13.49.30-14.05.00; **E1/402.1** Alexander Hinton T. 15 Mar 2016, 10.11.03-10.13.00, 10.36.40; **E1/403.1** Alexander Hinton T. 16 Mar 2016, 15.46.42-15.51.11.
- ⁸³⁰ **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.43.22.
- ⁸³¹ **E1/487.1** Preap Sokhoeun T. 20 Oct 2016, 15.04.09, 15.25.20- 15.27.07-15.06.30.
- ⁸³² **E1/301.1** Or Ho, T. 19 May 2015, 13.58.06 [“Q: You told an investigator, ‘Born and Vut were arrested and taken to Baray Choan Dek pagoda and they were never seen to return. I knew this because I recognized the security person who worked at the Baray Choan Dek pagoda security office’... Is that correct? A: Yes, that is correct”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.45.41-15.49.03 [“The village chief ... told me that these people were put at Baray Choan Dek and they never came out of this security site again”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02 [“My siblings came to tell me that my father was killed at Baray Choan Dek pagoda”]; **E1/309.1** Uth Seng, T. 3 Jun 2015, 9.44.15 [“Baray Choan Dek pagoda was the place where people were killed ... people went to dig the grave in order to find gold”]; **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26 [“The pagoda was turned into a security centre ... for the people who were transferred from somewhere else into that security office, they were killed”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.20.36 [“The security centre was within the compound of Baray Choan Dek pagoda”].

Phnom Kraol,⁸³³ Prasral⁸³⁴ and Kok Kduoch security offices.⁸³⁵ This extensive witness testimony shows remarkable consistency in how these far-flung security offices operated, further corroborating the fact that the security office system was a national network organized and managed under a centrally-enforced policy.⁸³⁶

267. **Nuon Chea, Khieu Samphan** and the other top leaders of the CPK thus assembled all of the elements required to carry out mass murder on an historic scale. They established no court system and no procedures to prevent arbitrary arrests and killings but rather put in place policies authorizing regional and military leaders to kill people inside and outside the Party. They defined broad and constantly expanding categories of “enemies” who they insisted needed to be killed. They constantly exhorted Party members to maintain “revolutionary vigilance” to identify and target those many types of “enemies”. They encouraged torture as a means to identify “enemies” despite being well aware that these statements derived from torture were inherently unreliable. They did nothing to discourage the killing or to punish the perpetrators but rather did the opposite by purging the ranks of their own closest associates among the top-ranked and

⁸³³ **E1/151.1** Phan Van alias Kham Phan, T. 11 Dec 2012, 14.17.23 [“At the district level, there was no education centre. There was only one education centre located in Phnom Kraol”], 13.51.39 [“At that time, I did not understand the role or functions of K 17 because my father was overly (sic) in charge of K 17 when Phnom Kraol was called ‘105’”], 13.55.56 [“Q: And, of those who have passed away, could you please identify who your father’s close associates and collaborators were? A: There were these two people, Uncle Sophea and Phoun, and Uncle Mey”]; **E3/57** Pham Van WRI, EN 00290507-08 [“The security office of Sector 105 was in Phnom Kraol under Ta Sophea control (also called Ta Sophea’s office). The prisoners were brought in from districts within Sector 105”].

⁸³⁴ **E1/88.1** Yun Kim, T. 19 June 2012, 14.16.03-14.18.46 [“in Sambour district there were two security offices, one in Kok Kduoch and Prasral”]; **E1/89.1** Yun Kim, T. 20 Jun 2012, 10.26.42-10.28.41 [“Koh Sam Tauch is a small island to the upper part of the Srae Khoean. It was not a major security centre. However, some prisoners were detained at Sam Tauch”]; **E3/410** Yun Kim WRI, EN 00412193-94 [“Another Security Centre was in Prasral which is located about 10 kilometres from Kok Kduoch. Prasral was a working site where people were punished, they were asked to work in rice farming and to build dike. They were made to perform forced labour”].

⁸³⁵ **E1/88.1** Yun Kim, T. 19 June 2012, 14.16.03-14.18.46 [“in Sambour district there were two security offices, one in Kok Kduoch and Prasral”]; **E1/89.1** Yun Kim, T. 20 June 2012, 10.26.42-10.28.41 [“Koh Sam Tauch is a small island to the upper part of the Srae Khoean. It was not a major security centre. However, some prisoners were detained at Sam Tauch..”]; **E3/410** Yun Kim WRI, EN 00412193 [“There was a Security Centre in Kok Kduoch ... Only when I moved to Sambo commune in 1977, I found out existence of KokKduoch”].

⁸³⁶ **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.01.05 [“S-21... is just a Santebal organization under the supervision of the central committee as the other security offices”]; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25 [“S-21 ... was a security office under the supervision of the central committee”]; **E3/453** Kaing Guek Eav WRI, EN 00147583-84 [“You have asked me whether there was any hierarchy between the District, Sector and Zone security centres. In fact, the hierarchy was organized on the basis of the Party network”]; **E1/451.1** Henri Locard, T. 29 July 2016, 15.41.32-15.47.15; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59 [Regarding the Baray Choan Dek security office: “There was a directive from Office 870 regarding the pardon granted to those allegedly CIA and KGB networks. The security centre had been relocated from that pagoda, and the location was given back to the cooperative where meetings were held. I attended meetings there”].

long-standing members of the CPK leadership. Finally, they put in place a nationwide institutional mechanism — security offices — to implement the process of mass killing on an industrial scale. As a result of this CPK “enemies” policy, demographers estimate that between 800,000 and 1.3 million people were violently murdered in the brief three years, eight months and twenty days of the Democratic Kampuchea regime.⁸³⁷

1. POLICY TO ENSLAVE THE POPULATION

*I witnessed that some of my colleagues were mistreated although they were really sick and these colleagues were not allowed to take rest. They verbally challenged or refused the assignment and they were beaten at that time ... I could not say anything. But it was painful in my heart. I was doing my utmost at that time, I had to work. Women had periods and they had cramps in their abdomen. They need sanitation but we were deprived of this. We were treated as animals.*⁸³⁸

– Civil Party Nuon Narom

“SEIZING THE PEOPLE”

268. According to David Chandler, “seizing the people” has its origins in antiquity, and had been applied in Cambodia by Thai armies in the 19th century.⁸³⁹ Philip Short observed that it “means, simply, controlling the population”, pointing out that it was standard operating procedure for the Chinese communists.⁸⁴⁰ The idea of “seizing the people” was originally instituted by the CPK as a military strategy to deprive the enemy of population. “Whenever there were fightings, then we evacuated people”, Duch explained to the Trial Chamber.⁸⁴¹ “[W]e took those people so that ... we undermined the enemies’ strengths”.⁸⁴² After the Khmer Republic’s disastrous Chenla II offensive in 1971,⁸⁴³ Ke Pauk recalled, “the Central Committee ordered me ... to sweep and clean enemies around Kampong Thom.”⁸⁴⁴ Nuon Chea took a key lesson from the Kampong

⁸³⁷ **E3/2413** Ewa Tabeau and They Kheam, *Demographic Expertise Report*, EN 00385260-61 [“Summing up, it seems that early estimates heavily underestimated the scale of the actual killing by the Khmer Rouge. According to the latest results, the scale was about 1 million, and belonged to a broader interval of 0.7 to 1.3 millions. This interval, after the final correction, becomes 0.8 to 1.3 million”].

⁸³⁸ **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.35.58-09.38.22.

⁸³⁹ **E1/92.1** David Chandler, T. 19 July 2012, 11.24.52-11.27.28; **E3/17** David Chandler, *Brother Number One*, EN 00393014.

⁸⁴⁰ **E1/190.1** Philip Short, T. 7 May 2013, 13.50.07-13.52.04.

⁸⁴¹ **E1/51.1** Kaing Guek Eav alias Duch, T. 20 Mar 2012, 09.45.21-09.46.56.

⁸⁴² **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.45.21-09.46.56.

⁸⁴³ **E3/29** Craig Etcheson, *The Rise and Demise of Democratic Kampuchea*, EN 00393297-301.

⁸⁴⁴ **E3/2782 (E3/2783)** Ke Pauk Pauk’s Autobiography from 1949-1985, EN 0089710.

Thom operation: “This is a very important strategic line: control the people and [seize] the people.”⁸⁴⁵

269. But it was precisely *control* that initially eluded the CPK. It was only through a process of trial and error between 1970 and 1973 that the CPK gradually developed a methodology for controlling people and their economic activity. After the revolutionary forces took over Kratie in 1970, for example, CPK leaders lamented that nonetheless “the old society still remained”,⁸⁴⁶ and in the city markets, businessmen were still “the masters”.⁸⁴⁷ Consequently, in May 1972, the CPK Central Committee closed the markets in all of the CPK controlled zones.⁸⁴⁸ Meeting again one year later to assess those measures,⁸⁴⁹ the Central Committee concluded that while closing markets “was a very mighty revolutionary movement that struck right at the economic foundations of the capitalists and feudalists”,⁸⁵⁰ still, “only by organizing cooperatives could we gain control of the economy”.⁸⁵¹ On 20 May 1973,⁸⁵² the CPK decided to establish cooperatives in all the areas they held.⁸⁵³ The CPK leaders came to view this decision as a “turning point”, because after this, “the people had to depend on the revolution and the revolution was able to control them”.⁸⁵⁴

⁸⁴⁵ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422.

⁸⁴⁶ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401478-79 [“The revolution made some changes regarding the problem of land ... but in another part the old society still remained. ... The business and the enemy were acting as masters to the point that at times the businessmen handed out paddy as a favor to make merit from the people when our people experienced shortages”], EN 00401481 [“If we continued in this fashion there was a danger that the businessmen would become our bosses”].

⁸⁴⁷ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401480 [Private persons “still played the leading role” in commerce and “still acted as the masters: rice was up to them, salt was up to them, gasoline was up to them”]. See also **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396456-57 [in Kratie during March 1971, “the town market was even more crowded than before liberation”].

⁸⁴⁸ **E3/731** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865708-09 [“In the congress of the Party Centre in May 1972 ... the Party started the process of organizing the cooperative”]; **E3/10** *Revolutionary Flag*, Sep-Oct 1976, EN 00450510 [“The Party made an assessment ... and decided to close the markets in the liberated zones in 1972”]; **E3/166** *Revolutionary Flag*, Feb-Mar 1976, EN 00517819 [“We began waging socialist revolution in 1972 ... by dissolving private commerce and then the State conducted commerce by itself and dissolved the markets”].

⁸⁴⁹ **E3/731** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865709 [“in mid-1973, the Party Centre held another congress to examine the status of class struggle within the Party and the mass people”].

⁸⁵⁰ **E3/10** *Revolutionary Flag*, Sep-Oct 1976, EN 00450510.

⁸⁵¹ **E3/10** *Revolutionary Flag*, Sep-Oct 1976, EN 00450511.

⁸⁵² Hoping to exploit the enduring popular anger over DK cooperatives, in 1983 the successor regime to the DK designated 20 May as the *Tiveer Chang Kamhoeng*, or the “Day of Hatred,” a commemoration which is still observed today, 34 years later.

⁸⁵³ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636008 [“On 20 May 1973, the Party decided to organize peasant cooperatives”]; **E3/12** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182811 [20 May 1973 was the “Birth of the Peasant Cooperative Organization”].

⁸⁵⁴ **E3/731** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865712. See also **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.50.54-09.52.56 [If the Party “stopped the use of money” in a liberated zone, they could “control

270. With the launch of the cooperative policy on 20 May 1973, the CPK practice of “seizing the people” came into full bloom. Soon after adopting this policy, the population of Kratie was forced out of the town and marched into the northeastern jungles to an uncertain fate.⁸⁵⁵ Also in 1973, in the Prey Veng river town of Banam, the brutality of “seizing the people” became manifest: “We took everyone in Banam town, expelling the ethnic Vietnamese, the ethnic Chinese, the military, the police; we took everyone, taking away the people from the enemy.”⁸⁵⁶ In early November 1973, CPK troops briefly captured portions of Kampong Cham provincial town, taking 15,000 people with them when they retreated.⁸⁵⁷ Whenever the CPK took a town or village — Pich Chenda, O’raing, Ch’bar,⁸⁵⁸ Bos Khnor, Damnak Chang’aur,⁸⁵⁹ Kampot,⁸⁶⁰ Stung Treng,⁸⁶¹ everywhere — it was the same thing: the “systematic policy by the Khmer Rouge,” Francois Ponchaud explained, was to empty “all the towns or villages they had previously occupied.”⁸⁶²

that situation” and “expand our liberated zone”].

⁸⁵⁵ **E1/189.1** Philip Short, T. 6 May 2013, 14.31.14-14.34.21; **E1/92.1** David Chandler, T. 19 July 2012, 11.18.34-11.23.29; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396456, 00396465 [“Kratie was evacuated in the second half of 1973”].

⁸⁵⁶ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422, EN 00491425; **E1/223.1** Stephen Heder, T. 15 July 2013, 09.52.33-10.04.01.

⁸⁵⁷ **E1/221.1** Stephen Heder, T. 10 Jul 2013, 15.14.12-15.16.36, 15.21.59-15.26.43 [describing forced transfer of people and “on the spot” executions “after the partial occupation by Khmer Rouge forces of Kampong Cham provincial town”]; **E1/222.1** Stephen Heder, T. 11 July 2013, 09.08.47-09.12.05 [the evacuation of Kampong Cham was “primarily” by “compulsion”]; **E1/92.1** David Chandler, T. 19 July 2012, 11.18.39-11.23.29; **E1/178.1** Francois Ponchaud, T. 9 April 2013, 09.44.59 [“We also learned that in 1970, people were evacuated into the forest. I was in Kampong Cham”], 13.44.46-13.50.18; **E1/99.1** Rochoem Ton alias Phy Phuon, T. 31 Jul 2012, 11.27.17-11.29.40 [the troops that attacked Kampong Cham “belonged to the Centre and the 304”]; **E3/370** Francois Ponchaud WRI, EN 00333952; **E3/17** David Chandler, *Brother Number One*, EN 00393014 [when CPK troops withdrew from Kampong Cham: “they rounded up several thousand people to take with them”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396465; **E3/88** William Shawcross, *Sideshow: Nixon, Kissinger and the Destruction of Cambodia*, EN 00430015; **E3/3328** Wilfred Deac, *Road to the Killing Fields*, EN 00430757-58 [“The K.R. took with them as they retreated ... more than fifteen thousand people, what an official report called the ‘single greatest increase in population for the Khmer Rouge in 1973’”]; **E3/2782** (**E3/2783**) Ke Pauk’s Autobiography from 1949-1985, EN 0089710 [the Central Committee “told me to organize zone military forces to take over Kampong Cham”].

⁸⁵⁸ **E3/5178** Chan Bun Leath (Bun Loeng Chauly) WRI, EN 00274097 [“In 1974, all people living on this mountain, at Pich Chenda, O’raing, Ch’bar were evacuated to Koh Nbek district”].

⁸⁵⁹ **E1/178.1** Francois Ponchaud, T. 9 Apr 2013, 13.44.46-13.50.18; **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 09.09.07-09.12.27.

⁸⁶⁰ **E3/3328** Wilfred Deac, *Road to the Killing Fields*, EN 00430775-76 [describing 1974 CPK attack on Kampot town in which: “half of Kampot’s fifty thousand civilians fled into the countryside as rockets and shells peppered the city”].

⁸⁶¹ **E1/92.1** David Chandler, T. 19 July 2012, 11.18.34-11.23.39.

⁸⁶² **E3/370** Francois Ponchaud WRI, EN 00333952; **E1/178.1** Francois Ponchaud, T. 9 Apr 2013, 13.44.46-13.50.18 [“when the Khmer Rouge captured a village, they set the houses in the village on fire, executed the village chief, and evacuated the people to the forest.”]. See also **E1/92.1** David Chandler, T. 19 July 2012, 11.18.34-11.23.39 [there was a “consistent pattern” of CPK evacuations of cities and towns before Phnom Penh]; **E1/98.1** Rochoem Ton, T. 30 July 2012, 14.09.32-14.14.37; **E1/209.1** Nou Mao, T. 19 Jun

271. Events at Oudong in March 1974 were an ominous portent of what “seizing the people” held in store for the future. By 1974, it was clear to all that the CPK routinely executed captured Khmer Republic soldiers and civil servants,⁸⁶³ or, as Ke Pauk succinctly put it, the CPK “annihilated the enemies”.⁸⁶⁴ But in 1973, the Party had also informed its cadres that they should not be concerned if the civilians it was seizing starved to death:

In the evacuation of people from the areas under the control of the enemy to the liberated zones, we took strong and optimistic views of mass population to successfully send them away to the countryside with no worry that people could be fraught with difficulty due to the lacks of everything ... Although we were in the situation that we were lack of rice as we are now, we dared to evacuate many more people.⁸⁶⁵

272. And starvation or execution was precisely what awaited the 20,000 people displaced from Oudong.⁸⁶⁶ Nou Mao, a CPK commune committee member from Oudong District, described what happened to the former Oudong residents:

The superior at the upper level told us that we had to receive people from Udong ... they evacuated some people all the way through Amleang ... There was nothing over there. The land was barren ... We had nothing to eat but wild potatoes and some wild plants. So there were a lot of casualties. Some people died of starvation. Some died of diseases, because they did not have access to medicines ... they were not prepared for the people. People had nothing to eat. No — not sufficient rice to eat; and they ate virtually everything edible. They did not have rice stock for them to eat, or any foodstuffs to eat. So, most — some of them eventually died of starvation, and some disappeared mysteriously, and some barely survived.⁸⁶⁷

As the famous CPK slogan had it, “No gain in keeping, no loss in weeding out”.⁸⁶⁸ The same fate awaited the millions yet to be displaced from Phnom Penh, and in the second round of forced transfer from September 1975 on through 1976.

⁸⁶³ 2013, 11.40.20-11.41.52; **E243.1** Francois Ponchaud, *Cambodia: Year Zero*, EN 00862037.
E1/190.1 Philip Short, T. 7 May 2013, 13.34.38-13.38.54; **E1/178.1** Francois Ponchaud, T. 9 Apr 2013, 13.44.46-13.50.18; **E1/221.1** Stephen Heder, T. 10 July 2013, 14.33.53-14.40.25, 15.12.38-15.14.12; **E1/92.1** David Chandler, T. 19 July 2012, 11.18.34-11.23.29; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396455.

⁸⁶⁴ **E3/2782 (E3/2783)** Ke Pauk’s Autobiography from 1949-1985, EN 00089711.

⁸⁶⁵ **E3/785** *Revolutionary Flag*, July 1973, EN 00713996.

⁸⁶⁶ **E3/1683** David Chandler, *The Tragedy of Cambodian History*, EN 00193314 [“Twenty thousand people were led off into the countryside, where the ‘class enemies’ among them were executed and the others put to work”]; **E3/3328** Wilfred Deac, *Road to the Killing Fields*, EN 00430777 [“More than 20,000 civilians were herded into the countryside to be killed or forced to live and work in communes”].

⁸⁶⁷ **E1/209.1** Nou Mao, T. 19 June 2013, 11.31.03-11.41.52.

⁸⁶⁸ **E3/2812** Henri Locard, *Pol Pot’s Little Red Book: The Sayings of Angkar*, EN 00394618; **E1/398.1** Sales Ahmat, T. 9 Mar 2016, 14.37.36-14.39.02 [“Angkar’s slogan was like that, ‘Keeping is no gain, taking

273. *Seizing the people*, first in various provincial towns before 1975, and ultimately in Phnom Penh on 17 April 1975, then relocating them to rural cooperatives, thus was a *supreme act of class warfare* by the CPK.⁸⁶⁹ In a single blow, the CPK thereby was able to dissolve the economic infrastructure of the class enemy while simultaneously destroying the political and ideological superstructure of society as it had previously existed.⁸⁷⁰ These acts of class warfare also instantaneously transformed the means of production,⁸⁷¹ converting the captured populations from groups of individuals into a collective entity, a factor of production,⁸⁷² which then could be allocated at the cooperative echelon to fuel the economic engine of the CPK's new state power.⁸⁷³ As described by TC Expert Philip Short, "Cambodian people were no longer individual human beings, each with hopes and fears, desires and aspirations. They had become soulless instruments in the working out of a grand national design".⁸⁷⁴
274. In the final analysis, then, the CPK concept of "seizing the people" was about three key objectives. First, it was about transforming the economic basis of society by eliminating *all* private ownership,⁸⁷⁵ thus destroying the despised feudalist-capitalist-imperialist system and clearing the way for a new socialist order.⁸⁷⁶ Second, it was about gaining total control over each and every individual in Cambodia, creating a uniform class of slave labourers to produce rice for the regime, which would then be used as capital to trade for weapons and other advanced industrial goods.⁸⁷⁷ Third, it was about isolating and identifying enemies who could then be destroyed.⁸⁷⁸

away is no loss, so smash them''].

⁸⁶⁹ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636009; **E3/747** *Revolutionary Flag*, Aug 1978, EN 00499785; **E3/731** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865716.

⁸⁷⁰ **E3/166** *Revolutionary Flag*, Feb-Mar 1976, EN 00517819 ["By early 1975 the ... capitalist political-economic regime was attacked and liquidated"].

⁸⁷¹ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636009.

⁸⁷² **E1/191.1** Philip Short, T. 8 May 2013, 12.10.50.

⁸⁷³ **E1/35.1** Nuon Chea, T. 30 Jan 2012, 09.16.29; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 09.36.29-09.40.59; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396446-47; **E3/8** CPK, *The Party's Four-Year Plan to Build Socialism in All Fields*, Sept 1976, EN 00104020 ["The entire production force is collective, no matter how we allocate the forces of human beings, livestock, and equipment"].

⁸⁷⁴ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396517; **E1/190.1** Philip Short, T. 7 May 2013, 15.40.53.

⁸⁷⁵ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636037.

⁸⁷⁶ **E3/8** CPK, *The Party's Four-Year Plan to Build Socialism in All Fields*, Sept 1976, EN 00104052.

⁸⁷⁷ **E3/8** CPK, *The Party's Four-Year Plan to Build Socialism in All Fields*, Sept 1976, EN 00104020.

⁸⁷⁸ **E3/196** Nuon Chea, Statement of the Communist Party of Kampuchea to the Communist Workers' Party of Denmark, 30 July 1978, EN 00762402 ["We smashed the plan. Immediately after liberation, we

275. Referring to “seizing the people”, the Defence emphasised “**Nuon Chea** does not dispute that the CPK employed that terminology ... The CPK’s economic rationale for the evacuation of Phnom Penh ... depended on bringing the population within its newly established economic order.”⁸⁷⁹ This is true, as far as it goes. However, a crucial detail this **Nuon Chea** formulation neglects to mention is that the new “economic order” was based on mass slavery. The cooperatives were not just economic policy, but also social policy and security policy, which, by any other name, constituted enslavement. The August 1975 issue of *Revolutionary Flag* used the term “subjugated” to describe the condition of the people forcibly displaced from the cities.⁸⁸⁰ This makes it clear the CPK knew, and intended, that the “New People” were to be enslaved. Once the CPK had “seized the people” and subjected them to slavery, the CPK never let them go — except through death.

THE INDICIA OF DK ENSLAVEMENT

276. The Trial Chamber found in Case 001 that enslavement “is characterised by the exercise of any or all powers attaching to the right of ownership over a person.”⁸⁸¹ The CPK was explicit about their claimed right of ownership over persons: “They have been subjugated to state ownership ... we had power over private persons”.⁸⁸² In the instant case, as was made entirely clear by the evidence presented before the Chamber, *all* of the indicia of enslavement are present, as is the *mens rea* of the Accused.⁸⁸³

277. *Control of everyone’s movement* was inherent in the fact that the entire population was confined to cooperatives and worksites for the duration of the DK regime.⁸⁸⁴ **Nuon Chea** testified that people were not permitted to leave the cooperatives;⁸⁸⁵ **Khieu Samphan** observed that in “the cooperatives people were not free”.⁸⁸⁶ Forced transfer

evacuated the cities. The CIA, KGB and Vietnamese agents there left for the countryside and were unable to implement the plan”]; **E3/50** CPK, Third Year Anniversary of the Organization of Peasant Cooperatives, 20 May 1976, EN 00636011, 00636015; **E3/747** *Revolutionary Flag*, Aug 1978, EN 00499785.

⁸⁷⁹ **E295/6/3** Nuon Chea’s Closing Submissions in Case 002/01, EN 00947704-05.

⁸⁸⁰ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401486.

⁸⁸¹ Case 001-**E188** *Duch* TJ, para. 342. The the Supreme Court Chamber affirmed the Trial Chamber’s definition of enslavement; Case 001-**F28** *Duch* AJ, para. 152.

⁸⁸² **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401486.

⁸⁸³ Certain indicia of enslavement are treated in detail elsewhere in this brief; on the control of sexuality, see section **Forced Marriage and Rape—Repression of Sexual and Marital Freedom**.

⁸⁸⁴ **E3/196** Nuon Chea, *Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark*, 30 July 1978, EN 00762402; **E3/729** *Revolutionary Youth*, Oct 1975, EN 00357903.

⁸⁸⁵ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 10.05.37 [“If they were to live in the cooperatives they could not go anywhere else”].

⁸⁸⁶ **E3/108** Meng-Try Ea and Sopheak Loeung, Note takings (Khieu Samphan and Nuon Chea), 9-11 Jun

also amounts to *control of movement*. The CPK leadership emphasised in *Revolutionary Flag*, “This is a very important strategic line: control the people and [seize] the people”.⁸⁸⁷ “Freedom of movement was prohibited”, Em Phuong told the Trial Chamber, explaining that he would “always stay in my village as instructed by the regime.”⁸⁸⁸

278. *Control of the physical environment* was comprehensive in the cooperatives and worksites, including housing,⁸⁸⁹ access to food,⁸⁹⁰ restrictions on association,⁸⁹¹ and denying the freedom to live as a family.⁸⁹² In turn, the cooperatives and worksites were comprehensive nationwide.⁸⁹³ There were cooperatives everywhere, in Phnom Penh,⁸⁹⁴ the Old North/Central Zone,⁸⁹⁵ the Southwest Zone,⁸⁹⁶ the West Zone,⁸⁹⁷ the Northwest

2006, EN 00000928 [“They evacuated people to live in cooperative. In the cooperative people were not free”].

⁸⁸⁷ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491424-25.

⁸⁸⁸ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.51.00-10.53.35. *See also* **E1/314.1** Keo Kin, T. 11 June 2015, 09.39.52-09.42.05; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.21.53-14.23.36; **E1/319.1** Sem Hoeurn alias Kim, T. 22 June 2015, 10.58.56-11.00.57; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 11.04.08-11.08.32; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.05.04; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.34.30-14.36.51; **E1/265.1** Sao Hean, T. 18 Feb 2015, 09.26.00-09.30.35.

⁸⁸⁹ **E1/77.1** Ny Kan, T. 29 May 2012, 11.27.57; **E1/79.1** Sakim Lmut (Sar Kimolomouth), T. 31 May 2012, 09.24.20; **E1/84.1** Sao Sarun, T. 11 June 2012, 11.44.49; **E1/136.1** Chum Sokha, T. 22 Oct 2012, 15.45.52-15.50.22; **E1/138.1** Lay Bony, T. 24 Oct 2012, 09.32.17; **E1/146.1** Or Ry, T. 23 Nov 2012, 09.19.38-09.20.51; **E1/147.1** Toeng Sokha, T. 4 Dec 2012, 13.50.05.

⁸⁹⁰ Food rations for different categories of workers were specified in the Party’s planning documents, but the operational conditions imposed by the Party ensured that the actual rations provided to the workforce rarely reached the mandated levels. *See* **E3/8** CPK, *The Party’s Four-Year Plan to Build Socialism in All Fields*, EN 00104053. *See also* **E1/68.1** Solath Ban, 25 Apr 2012, 10.16.52; **E1/197.1** Sang Rath, 27 May 2013, 14.01.13; **E1/92.1** David Chandler, T. 19 July 2012, 13.44.28-13.46.01 [“All over the country, in all kinds of evidence you get, you’ve evidence of food supply going down, nutrition going down, starvation coming up, deaths from malnutrition going up, all connected, I think, to the kind of scare qualities of this 3 tons target”]; **E1/146.1** Chau Ny, T. 23 Nov 2012, 14.06.40; **E1/198.1** Huo Chantha, T. 29 May 2013, 14.21.07; **E1/200.1** Soeun Sovandy, T. 4 June 2013, 11.34.01-11.35.52; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150224 [in the Southwest Zone: “Twenty to thirty percent of the population died of starvation in 1977-78”].

⁸⁹¹ **E1/314.1** Keo Kin, T. 11 June 2015, 09.39.52-09.42.05; **E3/4095** Kraing Ta Chan Security Office Notebook, EN 00747245-46.

⁸⁹² **E1/191.1** Philip Short, T. 8 May 2013, 11.29.50-11.33.44 *See also* **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396553.

⁸⁹³ **E1/51.1** Kaing Guek Eav, T., 20 Mar 2012, 11.16.30-11.21.24; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 09.33.14-09.35.35; **E1/73.1** Pean Khean, T. 17 May 2012, 10.16.41-10.19.39; **E1/98.1** Rochoem Ton, T. 30 July 2012, 14.27.26-14.29.22; **E3/273** FBIS, 2-29 Jan 1976, EN 00167850, EN 00167863; **E3/284** FBIS, 1-25 Feb 1977, EN 00168403, EN 00168430; **E3/1358** FBIS, 1-31 Aug 1977, EN 00168272; **E3/1362** FBIS, 17 May 1978, EN 00170040.

⁸⁹⁴ **E1/80.1** Sakim Lmut, T. 4 June 2012, 13.43.14-13.44.51 [“I do not know clearly because I only stay for a short while at the cooperative and then I was told to move to a cooperative near the vicinity of Phnom Penh near Stung Meanchey area”].

⁸⁹⁵ **E1/309.1** Uth Seng, T. 3 June 2015, 11.02.35-11.04.18; **E1/303.1** Pech Sokha, T. 21 May 2015, 11.36.29; **E1/307.1** Un Ron, T. 28 May 2015, 09.23.18-09.30.15; **E1/131.1** Meas Voeun, T. 8 Oct 2012, 09.42.34-09.44.28, 14.16.53; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23-10.19.55 [“This 1st of January Dam is located at the Kampong Thma, which is in Baray district ... The workers were brought in

Zone,⁸⁹⁸ the Northeast Zone,⁸⁹⁹ the East Zone,⁹⁰⁰ and the Kratie Special Sector (505).⁹⁰¹ **Nuon Chea**⁹⁰² and **Khieu Samphan**⁹⁰³ both lauded the productive potential of the cooperatives and the control over people that the cooperatives afforded the CPK.

279. The CPK restricted freedom of thought and expression and exercised many forms of *psychological control* in order to maintain their domination of the enslaved population. Continuous “political-psychological” manipulation was an explicit part of the CPK

from various places. A lot of people were transferred to that worksite and they were placed in different cooperative”].

⁸⁹⁶ **E1/105.1** Ong Thong Hoeung, T. 9 Aug 2012, 11.29.14-11.31.12 [“Often, when I meet our peasants, as was the case last week in Chhouk in Kampot province, I questioned the members of the cooperatives to know if they do indeed eat three times a day -- if they have three meals a day”]; **E1/215.1** Pech Chim, T. 1 July 2013, 10.52.51-10.54.22 [“Q: On the 17th of April 1975, what position did you hold within District 105? A: I was ... a member of the district committee, and I received people ... from Phnom Penh for them to settle in the cooperative”], 13.38.08-13.40.32 [“There was a meeting at Popel commune ... to receive those evacuees ... And after we organized the cooperatives, we placed them in the cooperatives”]; **E1/80.1** Sakim Lmut, T. 4 June 2012, 13.41.47-13.43.14 [“Q: ... You said yesterday that you and your family were evacuated to a cooperative in Kien Svay. ... A: Only a few weeks later, they formed the cooperative and we requested to stay in that cooperative”]; **E1/136.1** Yim Sovann, T. 22 Oct 2012, 09.52.48-09.54.29; **E1/141.1** Mom Sam Oeurn, T. 06 Nov 2012, 09.43.15-09.46.45 [“Q: So, on the 20th of April 1975, where did you arrive? A: We had to go on along the riverbank, we had to go further and further, until we reached Samraong commune”], 11.43.31-11.45.55 [“My children were ordered to build roads in Tuol Krasang. Five of them went to this worksite ... the other child was ordered to Chhoung Leap Pagoda, and the other one was ordered to work in a different worksite”]; **E1/197.1** Sou Sotheavy, T. 27 May 2013, 09.35.04-09.36.27 [“When I returned to my home village, we were forced along with the 17 of April People to live in the cooperatives”]; **E1/148.1** Pech Srey Phal, T. 5 Dec 2012, 09.38.59-09.40.36, 10.10.21-10.13.49; **E1/147.1** Toeng Sokha, T. 4 Dec 2012, 11.40.55-11.43.36 [“At Bati district, we were made to stay in that area ... My family all knew that I was a schoolteacher, and the head of the cooperative could have come to take or to write the biography of mine”]; **E1/136.1** Chum Sokha, T. 22 Oct 2012, 09.52.48-09.54.29 [“From 1975 to 1976, I was mistreated ... I worked at cooperatives; the cooperatives that I had been working after I had been evacuated by Phnom Penh. I had to work and live in Pou Ban (sic) commune, Kaoh Thum District”].

⁸⁹⁷ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.05.42-15.13.18; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 09.33.14; **E1/209.1** Nou Mao, T. 19 June 2013, 13.39.15-13.48.17; **E1/127.1** Khiev En, T. 1 Oct 2012, 09.32.14-09.34.26, 09.38.32-09.40.50.

⁸⁹⁸ **E1/148.1** Pech Srey Phal, T. 5 Dec 2012, 11.26.31-11.28.10; **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.05.42-15.13.18; **E1/146.1** Chau Ny, T. 23 Nov 2012, 12.01.27-12.09.41; **E1/135.1** Yim Sovann, T. 19 Oct 2012, 15.36.03-15.38.22, 15.39.45; **E1/138.1** Lay Bony, T. 24 Oct 2012, 09.14.09-09.15.49; **E1/199.1** Sophan Sovany, T. 30 May 2013, 11.32.20-11.34.24; **E1/199.1** Yim Ruomdoul, T. 30 May 2013, 14.24.31-14.27.41; **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 15.27.55-15.30.21.

⁸⁹⁹ **E1/17.1** Klan Fit, T. 6 Dec 2011, 13.46.56-13.49.37, 14.38.24, 15.48.31; **E1/99.1** Rochoem Ton, T. 31 July 2012, 11.33.35, 11.53.25; **E1/82.1** Sao Sarun, T. 6 June 2012, 09.20.09-09.23.01.

⁹⁰⁰ **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.28.39-11.31.01, 11.35.28; **E1/63.1** Saut Toeung, 18 April 2012, 15.05.42-15.13.18; **E1/183.1** Chuon Thi, T. 24 Apr 2013, 11.13.50-11.16.23; **E1/104.1** Ong Thong Hoeung, T. 8 Aug 2012, 15.52.37-15.55.55; **E1/198.1** Chheng Eng Ly, T. 29 May 2013, 15.57.00-15.59.48 [“You also told the Court earlier that when you reached Roka Kaong, you were incorporated into a cooperative”].

⁹⁰¹ **E1/88.1** Yun Kim, T. 19 June 2012, 09.26.50-09.30.34; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.18.20-09.24.55.

⁹⁰² **E1/35.1** Nuon Chea, T. 30 Jan 2012, 09.39.22-09.41.07 [“we gathered people to establish cooperatives and those cooperatives would be significant in generating foods to feed the people”].

⁹⁰³ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498302 [“since the cooperatives had been first organized in 1971, the CPK had been able to control rice, control the economy, control the people”].

programme for controlling people in the cooperatives.⁹⁰⁴ Regular “criticism and self-criticism” sessions for cadres, soldiers and ordinary people alike sought to forge a “revolutionary consciousness” which was meant to displace former belief systems.⁹⁰⁵ The CPK destroyed the family,⁹⁰⁶ religion,⁹⁰⁷ and the monarchy,⁹⁰⁸ all sources of loyalty, attachment and meaning for individuals, all of which were to be replaced by loyalty to *Angkar* alone.⁹⁰⁹ Casting the CPK leadership as the anonymous,⁹¹⁰ omnipresent,⁹¹¹ all-seeing⁹¹² and all-powerful⁹¹³ *Angkar* also successfully created fear,⁹¹⁴ uncertainty⁹¹⁵ and submission.⁹¹⁶

⁹⁰⁴ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636026 [“The political-psychological, propaganda and educational affairs shall be extensive, detailed and carried out continuously”]

⁹⁰⁵ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636026 [“short term one-to-two hour indoctrination sessions shall be organized frequently. Break time shall be used for recuperation and re-education”]; **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 15.16.55, 15.07.30-15.33.58.

⁹⁰⁶ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 13.44.35 [“So Angkar would marry couples. Children would – you know, different songs that exist -- revolutionary songs speak about Angkar, how you should have gratitude towards Angkar. So again, in the sort of quasi -- quasi-religious, quasi-spiritual sense of Angkar as being the parent, as being the sort of divine being that existed, that people began to forge new relationships with. And so it took on many of the notions of personalized dependency, of gratitude that existed before, that were given to parents and families, that were given to monks”], 13.45.34-13.47.00 [“again, disbanding the family, having people work in sexually-segregated work teams, having children sometimes being kept apart from their parents, and the disbanding of the family, those were all systematic ways to mobilize and -- and take this attachment and redirect it towards Angkar”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.22.49-09.25.09 [“Angkar only allowed us to meet our family members every tenth day and during the day time on that day”]; **E3/8** David Chandler, Ben Kiernan and Chanthou Boua, *Pol Pot Plans the Future*, EN 00104080 [“The new cadres told us to forget about ‘family-ism’ and not to miss our wives and children, whom we were now allowed to visit for only three days every three months”].

⁹⁰⁷ Depriving people of familiar, comforting religious rituals was a practice that Expert Witness Peggy Levine refers to as *ritualcide*. See **E1/481.1** Peggy Levine, T. 11 Oct 2016, 11.03.48; **E1/482.1** Peggy Levine, T. 12 Oct 2016, 09.04.16-10.22.28. See also **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.38.36; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.29.41-09.33.44.

⁹⁰⁸ See “To Kill Two Kings” in **E3/29** Craig Etcheson, *The Rise and Demise of Democratic Kampuchea*, EN 00393335-43.

⁹⁰⁹ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.22.39-11.23.44 [“Ankgar, I think for some people, suggested almost a deity, a mysterious presence. And Ankgar, itself, could take on functions like Angkar as a parent. ... Ankgar is mentioned so for some people it became almost like Buddha or a god, not Buddha in the sense of the Buddha, but as a deity or some sort of entity that’s responsible for what’s going on in their lives”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.44.19-13.45.57 [“We were asked to love Angkar without any limitation”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.54.42-15.57.56 [“We sacrifice ourselves to Angkar and Angkar would organise our life”].

⁹¹⁰ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 13.51.48-13.53.38 [“The people who presided over the meeting as they were referred to as Angkar, but I didn’t know where that Angkar came from, we just knew that Angkar was from above”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 15.17.49-15.19.52 [“Everybody talked about Angkar, but nobody ever saw who Angkar was”]; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.49.07 [“Actually, I do not know where Angkar was. I only heard the people refer ‘Angkar Leu,’ ‘Angkar Leu’”]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.09.05 [“nobody knew who Angkar was”].

⁹¹¹ **E1/482.1** Peg Levine, T. 12 Oct 2016, 10.22.28-10.23.48 [an interviewee told Levine: “Angkar could come out of the ground at any time; we’re not even safe today”].

⁹¹² A slogan spread by the CPK had it that “Angkar has [the many] eyes of the pineapple”, suggesting that it

280. The CPK leadership ensured that “*measures taken to prevent or deter escape*” were enforced at all cooperatives and worksites. At a Standing Committee meeting on 26 March 1976 attended by **Khieu Samphan**, **Nuon Chea** demanded vigilance against escapees from cooperatives “who do not return,” observing that “the bases have taken measures on this problem already.”⁹¹⁷ Telegrams sent to the Accused from zone authorities repeatedly describe some of those “measures”, including execution, meted out to anyone who attempted to escape the cooperatives.⁹¹⁸ “When I was caught sneaking out,” Meas Sokha testified, “I was tortured and brought back to my unit.”⁹¹⁹

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- could see in all directions. See **E3/2812** Henri Locard, *Pol Pot's Little Red Book*, EN 00394743; **E1/268.1** Srei Than, T. 24 Feb 2015, 11.17.43-11.24.39 [“At that time we learnt of a saying that ‘Angkar has eyes everywhere’”]; **E3/1245** News from Democratic Kampuchea, May 1977, EN 00280606.
- ⁹¹³ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.23.44-11.24.50 [“Angkar was feared in many different ways because Angkar could kill”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.53.57-11.55.57 [“My father was arrested in the next morning ... I saw three militiamen came and they told him to go and to see Angkar”]; **E1/256.1** Say Sen, T. 4 Feb 2015, 15.47.43-15.51.53 [“The office chief [of Krang Ta Chan] told me and they said they will send Nop Nem to see Angkar and he was taken for execution”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.23.28-11.26.25 [“a monk was killed by Angkar and was buried near the vicinity of the pagoda compound”]; **E1/301.1** Or Ho, T. 19 May 2015, 10.00.01-10.03.04 [“Angkar would kill all intellectuals at that time”].
- ⁹¹⁴ **E1/482.1** Peg Levine, T. 12 Oct 2016, T. 12 Oct 2016, 09.18.44-09.20.25 [“the concept of Angkar ... creates yet a whole other cosmological dimension of suspicion and dread”], 09.33.35-09.35.01 [“there’s already a pre-existing foundational system by which people perceive roaming spirits, possessing spirits, transforming spirits, trickery spirits, spirits that could trick you, it made perfect sense that people would start to experience a particular kind of fear that was familiar to them when they couldn’t figure out what was going on. And the possibility of Angkar being some force that was hard to reckon with became larger over time”], 10.10.09-10.12.38 [“that subliminal Angkar fear that was omnipresent for them”].
- ⁹¹⁵ **E1/482.1** Peg Levine, T. 12 Oct 2016, 09.30.13-09.33.35 [“If deceased ancestors’ spirits roam, someone said to me, certainly Angkar must have the capacity to do the same”].
- ⁹¹⁶ **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.54.38-09.57.17 [“They told me to be loyal to Angkar to avoid any incident happening to me”]; **E1/351.1** No Sates, T. 29 Sept 2015, 14.01.21-14.03.28 [“I had to work hard because I did not want to be wrong with the Angkar”]; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 10.19.45-10.22.05 [“I was frightened despite the fact that I was loyal to Angkar”]; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.18.16-11.20.35 [“I worked wherever I was assigned by Angkar. And nobody could protest that”]; **E1/370.1** Pak Sok, T. 5 Jan 2016, 11.17.10-11.18.54 [“I tried to refashion myself in order to gain trust from Angkar”]; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.18.47 [“I was at the mercy of Angkar”].
- ⁹¹⁷ **E3/218** CPK, Minutes of Standing Committee on Results of Negotiations with Vietnam regarding the Eastern Border, 26 Mar 1976, EN 00182657.
- ⁹¹⁸ **E3/1205** To Beloved and Missed M-870, [“Our soldiers stationed at Krek took into custody a man named Nhoep Norn ... This man escaped from Laak village ... May Office 870 be informed accordingly, and your advice would be appreciated”]; **E3/951** Report to Angkar 870 from Nhim, EN 00185215 [“There were sort of people movements by enemies, though we smashed most of them. They could rarely make it to either escape or enter”]; **E1/863** Report to Angkar 870 from Nhim, EN 00321961 [“On 5/5/78, in Sectors 1 and 4 ... a total of 60 to escape to Thailand. But we smashed 58 of them”]; **E3/1222** Telegram 11 to Brother Mut (cc: Brother Nuon, Office), EN 00233660 [“Five of them fled into the forest, were pursued and arrested by us”].
- ⁹¹⁹ **E1/247.1** Meas Sokha, T. 08 Jan 2015, 11.01.02-11.04.17; **E1/287.1** Iem Yen, T. 02 Apr 2015, 09.19.50-09.22.36 [“I was with the children’s unit, and due to the hard work condition, I ran away from the unit. And then the unit chief arrested me, and I meant I was then sent back to the children’s unit. And I was tortured there”]; **E3/328.1** Lat Suoy, T. 11 Aug 2015, 15.02.06 [“His order was to catch those workers who were fleeing from the mobile unit. And if we could catch them, then we would send them to the upper echelons to resolve the matters”].

281. The use of *force* and the *threat of force or coercion* were ubiquitous in DK, and was a method to ensure the regime could exercise the powers of ownership over ordinary Cambodians. **Khieu Samphan** was frank, if understated, when he wrote that “some coercion was required” to “control the people” in the cooperatives.⁹²⁰ The coercive nature of the cooperatives was made plain in the CPK journal *Revolutionary Youth*, which noted that “99.9% of the Kampuchean people have been obliged to live in the countryside”.⁹²¹ “At that time everybody, including myself,” Ry Pov explained to the Trial Chamber, “tries to abide by the organisation discipline and we did not dare to violate it as we were afraid that we would be taken away and killed.”⁹²²
282. The *duration* of the CPK’s exercise of powers attaching to the right of ownership of persons was exactly three years, eight months and twenty days — the entire period of the regime⁹²³ — but that is true only if one neglects the fact that the CPK began these practices prior to 17 April 1975,⁹²⁴ and continued them after 6 January 1979.⁹²⁵ **Khieu Samphan** has confirmed that through the end of 1978 the CPK was, “fully in control of the situation ... in various departments and in the cooperatives.”⁹²⁶ Many witnesses have testified that it was only when Vietnamese soldiers approached that they were finally able to escape their confinement in the cooperatives.⁹²⁷

⁹²⁰ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498302 [“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”]; **E3/4049** Khieu Samphan Interview, EN 00789058 [Elsewhere, with less understatement, Khieu Samphan observed, “There had to be coercion for a while, coercion to join cooperatives, because nobody would voluntarily take part in cooperative”].

⁹²¹ **E3/729** *Revolutionary Youth*, 10 Oct 1975, EN 00357903.

⁹²² **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.05.04. *See also* **E1/321.1** Him Han alias Ream, T. 24 Jun 2015, 11.20.53-11.23.04.

⁹²³ *Kunarac* AJ, para. 121 [The ICTY Appeals Chamber has held that “the duration of the enslavement is not an element of the crime,” but is one factor to consider in assessing “the quality of the relationship between the accused and the victim”; in the instant case, given that the duration extends across the entire temporal jurisdiction of this court, it should be considered as an indicium of enslavement].

⁹²⁴ *See* section **Policy to Enslave the Population – “Seizing the People”**, above, where it is shown that the CPK ordered its captives to be confined to cooperatives beginning on 20 May 1973, and before.

⁹²⁵ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00283161-62.

⁹²⁶ **E3/703** Khieu Samphan, “What Are the Truth and Justice About the Accusations Against Democratic Kampuchea of Mass Killings from 1975 to 1978”, EN 00004004.

⁹²⁷ Note the recurring use of the word “escape” to describe their departure from the cooperatives. **E1/505.1** Preap Chhon, T. 1 Dec 2016, 10.59.26 [“The Vietnamese troop were approaching ... Militiamen and cooperative chiefs said, ‘you all have wings now, and you all want to fly away from us.’ ... they did not force us to stay with them as well”]; **E1/475.1** Noem Oem alias Nim Kimsreang, T. 16 Sept 2016, 10.36.25 [“At the time of the collapse of the regime, he escaped with me to Pursat and Battambang”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 16.02.08 [I decided to stay on waiting for the Vietnamese to come ... we were released, and the unit chiefs had already escaped and fled. Those who could walk, they further walked away to other destinations”]; **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 15.15.53 [“After 1979, when the Vietnamese troops liberated us, she went back to Srae Cham”]. *See also* **E3/5544** Khouy

283. The *assertion of exclusivity* goes to the sense of *ownership* or *control* exercised by the accused over the victims, and the ownership and control exercised by the CPK over people in the cooperatives and worksites was essentially total.⁹²⁸ In response to a question about the forcible displacement of the population of Phnom Penh, **Nuon Chea** told the Trial Chamber, “Those who were residing in Phnom Penh were the gangsters or others which we could not fully control.”⁹²⁹ **Nuon Chea** also explained to the Trial Chamber that the elimination of money by CPK in fact was designed to give the Party the control over the people that the Party was seeking.⁹³⁰ Similarly, **Khieu Samphan** noted that the cooperatives enabled the Party to exercise control over the population.⁹³¹ This control was total. “Even if we had to relieve ourselves,” Ry Pov testified, “we had to inform our group chief or unit’s chief, to get their permission first. If we were longer than usual, then we were accused of having a psychological sickness.”⁹³²
284. The evidence of *cruel treatment and abuse* presented to the Trial Chamber is far too voluminous to recount in any detail here. The cruelty of the forced transfer of the population of Phnom Penh was covered in Case 002/01 and is outside the scope of Case 002/02, but the cruelty and abuse which awaited victims at their destinations in the cooperatives would be even worse. People were forced to work long hours without rest,⁹³³ held to grossly unrealistic production targets,⁹³⁴ provided starvation-inducing food rations,⁹³⁵ and subjected to deadly discipline.⁹³⁶ The Standing Committee was

Muoy WRI, EN 00377836 [“I lived and worked in the mobile unit at Prey Nob until the Vietnamese came. Then the unit chairperson tried to force me to flee up into the mountains, but I did not go with them. I tried to escape and return to Srae Cham”]; **E1/314.1** Keo Kin, T. 11 June 2015, 15.30.52 [“Vietnamese troops were advancing toward the area, and we didn’t have to do anything else but to pack our belonging”].

⁹²⁸ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498302 [“The CPK had been able to ... control the people”]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401486 [“They have been subjugated to state ownership”].

⁹²⁹ **E1/35.1** Nuon Chea, T. 30 Jan 2012, 09.55.13.

⁹³⁰ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.50.54-09.52.56 [If the Party “stopped the use of money” in a liberated zone, they could “control that situation”].

⁹³¹ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, October 2007, EN 00498302 [“Since the cooperatives had been first organized in 1971 the CPK had been able to ... control the people”].

⁹³² **E1/262.1** Ry Pov, T.12 Feb 2015, 11.02.28-11.03.24.

⁹³³ **E1/314.1** Keo Kin, T. 11 June 2015, 09.39.52-09.42.05; **E3/5266** Kem Nha Statement, 14 Jan 2009, EN 00282319-20.

⁹³⁴ **E3/751** *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”]; **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728655-56; **E3/5266** Kem Nha Statement, 14 Jan 2009, EN 00282322.

⁹³⁵ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.38.18 [recalling training from Khieu Samphan, “I still recall what he told us and the political lines at that time. They wanted to uncover the enemy burrowing from within, and in doing so, we had to assign much hard labour; we had to give them a lot of work, little food

completely indifferent to the facts that those enslaved in the cooperatives were held against their will and denied essential provisions. They proved this when they wrote, “Be vigilant against no-good elements among the new people taking advantage of things, because these contemptibles would not stay with us even if we were to give them sufficiency”.⁹³⁷

285. *Forced labour*, of course, was at the centre of the CPK’s joint criminal enterprise. **Khieu Samphan** actually bragged about the fact that the Party Centre forced hundreds of thousands of people to work on infrastructure and agricultural projects,⁹³⁸ including the 1st January Dam (Central Zone),⁹³⁹ the Trapeang Thma Dam (Northwest Zone),⁹⁴⁰ the Kampong Chhnang Airfield (West Zone),⁹⁴¹ and the Tram Kak Cooperatives (Southwest Zone).⁹⁴² The CPK leadership saw the entire population, including children,⁹⁴³ as a slave labour force to be used at their command.⁹⁴⁴ For example, the

to eat so that they - so that we could uncover the enemies from within ... I was rather terrified, myself, and my colleagues were a bit terrified upon hearing that statement”]; **E1/18.1** Romam Yun, T. 7 Dec 2011, 09.35.06; **E1/77.1** Ny Kan, T. 29 May 2012, 15.14.24; **E1/104.1** Ong Thong Hoeung, T. 8 Aug 2012, 14.24.03; **E1/112.1** Sim Vun, T. 22 Aug 2012, 11.34.15; **E1/136.1** Yim Sovann, T. 22 Oct 2012, 09.54.29; **E1/68.1** Saloth Ban, T. 25 Apr 2012, 10.16.52; **E1/170.1** Pin Yathay, T. 7 Feb 2013, 09.30.20; **E1/197.1** Sang Rath, T. 27 May 2013, 14.03.58; **E1/198.1** Chan Sopheap, T. 29 May 2013, 12.01.10; **E1/199.1** Po Dina, T. 30 May 2013, 15.23.10; **E3/1060** Report from Division 801 Committee Roeun to Uncle 89, 29 Mar 1977, EN 00574313; **E3/179** Report from M-560 to Angkar, 29 May 1977, EN 00183013.

⁹³⁶ **E1/247.1** Meas Sokha, T. 08 Jan 2015, 11.01.02-11.04.17.

⁹³⁷ **E3/216** *Record of the Standing Committee’s Visit to the Northwest Zone, 20-24 Aug 1975*, EN 00850976.

⁹³⁸ **E3/200** FBIS, Khieu Samphan Statement, 15 Apr 1977, EN 00004166 [“Each construction site of a reservoir, canal or dam is manned by as many as 10,000, 20,000 or even 30,000 workers”].

⁹³⁹ See section **1st January Dam Worksite**. See also **E1/290.1** Pech Chim, T. 22 Apr 2015, 15.55.20-16.02.06; **E1/301.1** Or Ho, T. 19 May 2015, 10.48.17-16.00.29; **E1/302.1** Pech Sokha, T. 20 May 2015, 14.59.50-16.07.11; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.18.23-16.00.02; **E1/306.1** Hun Sethany, T. 27 May 2015, 9.05.32-15.23.16; **E3/5275** Ban Seak WRI; **E3/5264** Ke Un WRI; **E3/5287** Men Le WRI; **E3/5293** 2-TCW-850 WRI; **E3/375** Ban Seak WRI.

⁹⁴⁰ See section **Trapeang Thma Dam Worksite**. See also **E1/323.1** Sen Sophon, T. 27 July 2015, 13.40.14-13.56.53; **E1/324.1** Mam Soeum alias Heng Samuoth, T. 28 July 2015, 13.50.36-14.18.23; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.51.36-14.38.44; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.07.55-15.59.55; **E3/510** Saom Phan WRI, EN 00290355-60, 00705472, 00705460, 00705367; **E3/508** Tann Than WRI, EN 00277839-43; **E3/5600** Im Chaem Statement, EN 00217508-55.

⁹⁴¹ See section **Kampong Chhnang Airfield Construction Site**. See also **E1/312.1** Chan Morn, T. 9 June 2015, 9.39.14-16.08.30; **E1/314.1** Keo Kin, T. 11 June 2015, 9.16.00-15.50.26; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.01.13-15.34.39; **E1/318.1** Kong Siek, T. 17 June 2015, 10.43.03-11.43.42; **E1/319.1** Sen Hoeum, T. 22 June 2015, 10.40.58-13.54.33; **E3/5278** Chan Man WRI, EN 00292819-27; **E3/467** Keo Leou WRI, EN 00205071-74; **E3/5536** Seng Mon WRI, EN 00359931-36; **E3/71** Seng Mon WRI, EN 00288619-37; **E3/5307** Seng Mon WRI, EN 00651629-30; **E3/5537** Sokh Chhay WRI, EN 00404290-98; **E3/5497** Yoeun Sambau WRI, EN 00345956-62.

⁹⁴² See section **Tram Kak District Cooperatives**. See also **E1/247.1** Meas Sokha, T. 8 Jan 2015, 10.52.52-12.05.19; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.02.24-14.38.42; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.14.18-14.44.29; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.56.24-14.54.58.

⁹⁴³ **E3/200** FBIS, Khieu Samphan Statement, 19 Apr 1977, EN 00004168 [“Our children are happy ... helping to build dams and embankments and dig reservoirs and ditches”]; **E1/137.1** Sokh Chhin, T. 23 Oct 2012, 09.23.04-09.26.00 [“Children ... who were about six years old, they would be forced to work in various locations”].

Standing Committee decided they desired for a half million people to be allocated to the Northwest Zone for forced labour in cooperatives,⁹⁴⁵ so they simply gave the order,⁹⁴⁶ and it was done.⁹⁴⁷ Using a simile often heard from survivors of the DK regime, Chum Samoeurn told the Trial Chamber, “I was forced to work as an animal.”⁹⁴⁸

1. The Estimated Profits of Slavery

286. Why would Pol Pot, **Nuon Chea** and **Khieu Samphan** enslave an entire people? What could they possibly hope to gain by committing such a heinous crime? In fact, the leadership of the CPK envisioned many profits from the enslavement of the Cambodian people. They imagined that enslaving the entire population would enable them to eliminate a socio-economic system that they desperately desired to destroy. They imagined the enslaved masses would toil endlessly, producing more rice than ever before, which they could trade for advanced industrial goods. They imagined that reducing the people to slavery would give them control of human reproduction, so they could force ordinary Cambodians to bear children who would become cadres, soldiers and workers. And most importantly, with total control over the population, they could identify and then smash anyone and everyone that opposed their brutal rule.

⁹⁴⁴ **E3/259** Constitution of Democratic Kampuchea, EN 00184834 [“All important general means of production are the collective property of the people’s State and the common property of the people’s collectives”], 00184836 [“There is absolutely no unemployment in Democratic Kampuchea”]; **E3/214** Statute of Communist Party of Kampuchea, EN 00184024 [“Construct socialism in an absolute monopoly in every sector”], 00184025 [“Each party member must trust and depend upon the power of the popular masses, ... the worker-peasants in the unions and cooperatives”].

⁹⁴⁵ **E3/216** Standing Committee Meeting Minutes, 20-24 Aug 1975, EN 00850978 [“The labour force must be increased. Three or four hundred thousand more would not be enough... It’s imperative to add four or five hundred thousand more”].

⁹⁴⁶ **E3/781** CPK, Governing and Carrying Out Policy and Restoring all Fields of the Country, Sept 1975.

⁹⁴⁷ **E1/137.1** Sokh Chhin, T. 23 Oct 2012, 09.56.38-11.31.18; **E1/138.1** Lay Bony, T. 24 Oct 2012, 09.09.28-09.11.37; **E1/145.1** Or Ry, T. 22 Nov 2012, 11.51.28-15.53.03; **E1/146.1** Or Ry, T. 23 Nov 2012, 09.16.47-09.19.38; **E1/170.1** Pin Yathay, T. 7 Feb 2013, 09.21.32-09.23.52, 10.15.55-10.17.50; **E1/199.1** Sophan Sovany, T. 30 May 2013, 11.30.46-11.53.03; **E1/209.1** Nou Mao, T. 19 Jun 2013, 11.54.52-13.34.52.

⁹⁴⁸ **E1/321.1** Chum Samoeurn, T. 24 June 2015, 15.47.48-15.51.09. *See also* **E3/324.1** Sen Sophon, T. 28 Jul 2015, 09.37.40-09.40.37 [“They went around and forced us to go to work, like cattle”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.01.41-10.03.52 [“I was in charge of all the monks there, and I was called to a meeting ... everybody had to work based on the instructions of Angkar. Nobody would have free time anymore. Everybody had to engage in labour. Everybody, with no exceptions ...”]; **E3/326.1** Om Chy, T. 30 Jul 2015, 11.16.30-11.18.25 [“Through my observation about those small units, nobody volunteered to go to work or engage in this kind of hard work”]; **E3/333.1** Tak Boy, T. 19 Aug 2015, 11.08.03-11.09.29 [“We were required. We were forced to work at that place. No one could refuse the assignment. Otherwise, we would disappear. We had to go anywhere they wanted us to go”]; **E1/467.1** Phan Him, T. 31 Aug 2016, 13.59.42-14.01.34 [“I was forced to work day and night digging dark canals and building dykes without having enough food to eat”]; **E1/137.1** Sokh Chhin, T. 23 Oct 2012, 09.23.04-09.26.00 [“Children ... who were about six years old, they would be forced to work in various locations”].

2. Destroying the System

287. Seizing state power was only the first step in the CPK's plan; their ultimate aim was to completely "uproot" the existing political-economic-social system and replace it with something entirely new.⁹⁴⁹ The cooperatives, and the people enslaved within them, were the "cornerstone" of this plan.⁹⁵⁰ The cooperatives enabled the CPK to "demolish" the market economy,⁹⁵¹ "eliminate" the power, status and property of the privileged classes,⁹⁵² and to use the poorest peasants as a "proletarian tool" to cement their own political power.⁹⁵³ This was the transcendent prize, and the CPK leaders decided that the only way they could hold onto that prize was to continue enslaving, or to kill, anyone who did or even might oppose their plan.⁹⁵⁴

⁹⁴⁹ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636014 ["Abolishing this feudal class requires attacking the whole regime including its political, military, economic and cultural components. This attack consists of uprooting. This is the hallmark of our absolute revolution"]; **E3/165** Khieu Samphan, *Speech of Chairman of the Presidium at the Opening of First Conference of the First Legislature of the People's Representative Assembly of Kampuchea*, 11 Apr 1976, EN 00184053 ["Today is a day to forever end the black era of the sorrowful oppression of the imperialists and the colonialists both old and new in all sectors, political, military, economic, cultural, over our Kampuchean people"].

⁹⁵⁰ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636008 ["In the new phase of socialist revolution and socialist construction, peasant cooperative serves as a cornerstone in ensuring the great victory of the Great Socialist Revolution and the socialist construction at present and in future"]; **E3/216** CPK, *Record of the Standing Committee's Visit to the Northwest Zone*, EN 00850976 ["The power of the cooperatives is very mighty and indomitable"].

⁹⁵¹ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636015 ["After liberation we evacuated the people from Phnom Penh and from all provincial towns. We launched attacks to demolish markets, ownership, high-level capitalism, medium-scale capitalism, low-level capitalism, artisans and laborers"].

⁹⁵² **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636037 ["The Party's stance in the past, at present and in future is to eliminate absolutely all forms of private ownership, eradicating it from the Party, revolutionary ranks and from national society. The elimination is to be done without compromise"]; 00636019 ["In future, our peasant cooperatives will increase their real elements as an absolute proletarian tool of the Party which will eliminate other classes"]; **E3/730** *Revolutionary Youth*, Dec 1975, EN 00363425 ["Now they have gone down to increase production in the countryside in the framework of the cooperatives and are subjugated to the cooperatives economically and politically. Therefore, whether they want to or not, they must force themselves to accept the leadership of the workers/peasants"].

⁹⁵³ **E3/50** CPK, *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636014 ["If the democratic revolution is implemented thoroughly, then the poor and lower-middle-class peasant forces will be liberated as a result; we will have isolated and suppressed the feudalist, capitalist and middlemen. We will have thoroughly implemented the democratic revolution thanks to the peasant cooperatives"]; 00636019 ["In future, our peasant cooperatives will increase their real elements as an absolute proletarian tool of the Party which will eliminate other classes"]; **E3/734** *Revolutionary Youth*, July 1976, EN 00360785 ["The other feudalist-capitalist individuals have been dispersed and scattered and... are totally subordinated to our peasants in the cooperatives both economically and politically"].

⁹⁵⁴ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450531 ["We give freedom to the worker-peasant people. As for the feudalist and capitalist groups, they must be in a narrow framework. Who should freedoms should be given to and who should they not be given to must be clear"].

288. It turned out, however, that there was more opposition to their slave system than they had bargained for. “Among our veteran worker-peasant people in our revolutionary ranks, in the ranks of our army, in our upper- and lower-level production cooperatives, whether in greater or lesser degrees,” the Party warned in September 1975, “still carry the remnant scurf and bad influence of imperialist-feudalist-capitalist outlooks, stances, ideologies, worldviews, and credos.”⁹⁵⁵ Their concerns about the cooperatives would only grow. “Enemies still continue their activities”, they fretted in June 1976, “In the cooperatives, we must gain mastery ... it is imperative to grasp the cooperatives.”⁹⁵⁶ By August 1977, the Party leadership concluded that they had a “cooperative problem.”⁹⁵⁷ “The various oppressor classes”, they announced, “have seized power in the cooperatives.”⁹⁵⁸ The problem was that those labouring under such horrendous conditions simply were not producing the massive rice surpluses that the Party Centre had planned: “If we ... let other classes hold power in those cooperatives, there will never be any food. None in 75. None in 76. None in 77. None in 78.”⁹⁵⁹ The CPK had succeeded in destroying the system, but had failed to build a new one.

3. A Super-Great Leap Propelled by the Manual Labour of Slaves

289. The CPK needed millions of slaves because their economic strategy was to industrialise rapidly from capital gained by exporting millions of tons of rice — and someone had to grow all that rice.⁹⁶⁰ 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 1979,⁹⁶¹ roughly tripling average annual production in the 1960s.⁹⁶² CPK leaders envisioned that this would allow them to export more than a million tons of rice in 1977, and more than two million tons by 1980,⁹⁶³ earning nearly a billion and a half dollars⁹⁶⁴ with which they

⁹⁵⁵ **E3/729** *Revolutionary Youth*, Oct 1975, EN 00357909.

⁹⁵⁶ **E3/760** *Revolutionary Flag*, June 1976, EN 00509615.

⁹⁵⁷ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399240 [“If we do not govern well inside our cooperatives and let other classes hold power in those cooperatives, there will never be any food. None in 75. None in 76. None in 77. None in 78. None in 80... this is why we must quickly get to a resolution of the cooperative problem”].

⁹⁵⁸ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399239.

⁹⁵⁹ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399240.

⁹⁶⁰ **E3/8** CPK, *The Party’s Four-Year Plan to Build Socialism in All Fields*, EN 00104022 [“We stand on agriculture as the basis, so as to collect agricultural capital with which to strengthen and expand industry”], 00104023 [“Objectives: ... To seek, gather, save, and increase capital from agriculture, aiming to rapidly expand our agriculture, our industry, and our defense rapidly”].

⁹⁶¹ **E3/8** CPK, *The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980*, EN 00104025.

⁹⁶² **E3/29** Craig Etcheson, *The Rise and Demise of Democratic Kampuchea*, EN 00393208.

⁹⁶³ **E3/8** CPK, *The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980*, EN 00104026.

⁹⁶⁴ **E3/8** CPK, *The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980*, EN 00104026.

would purchase weapons and other machinery.⁹⁶⁵ While they did not achieve their targets, optimistic rice production figures reported to the Party Centre — 2.2 million tons in 1975,⁹⁶⁶ 1.9 million in 1976, 2.7 million in 1977⁹⁶⁷ — persuaded CPK leaders that they could begin building capital through exports,⁹⁶⁸ and even give rice aid to other countries.⁹⁶⁹ **Nuon Chea** continued exhorting cadres “to produce the maximum amount of rice ... to push the building of our country even faster in a great and miraculous leap.”⁹⁷⁰

⁹⁶⁵ **E169/4/1.1.1** *Revolutionary Youth*, July 1975, EN 00815129 [“If we storm the attack on the production work, producing plenty of rice, fish, meat, timber, rubber, corn, bean and sesame etc ... we will be able to ... export the excess crops to other countries in exchange for the machinery for the factories, for weaponry, and for other necessary goods”]; **E3/781** CPK, Examination of Control and Implementation of the Policy Line on Restoring the Economy and Preparations to Build the Country in Every Sector, Sept 1975, EN 00523588 [“We can produce 3 million tonnes of rice. We save 1.8 million tonnes for the people to eat, 400,000 for Social Action. We still have 800,000 tonnes. This amount we will take for sale outside and gain some capital. This capital is used to build the country. This capital will be used for national construction and national defence”]; **E3/745** *Revolutionary Flag*, Mar 1978, EN 00504070 [“We export rice overseas in order to import various raw materials to serve industry and the livelihood of our people”].

⁹⁶⁶ **E3/3290** Malcolm Caldwell, *Cambodia — Rationale for a Rural Policy, Part IV*, EN 00419231 [In 1976, Pol Pot told a journalist, “The size of the 1975 wet season harvest makes exports already feasible in 1976 ... The 2.2 million tons of rice reaped in the first postwar years, less 1 million tons needed for domestic consumption and the amount needed for seed, will free for export five or six times the volume of the prewar period”].

⁹⁶⁷ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237999 [Becker says the rice production figures Pol Pot was receiving in 1976 (1,900,000 tons) and 1977 (2,700,000) were “highly questionable”].

⁹⁶⁸ **E3/139** *Revolutionary Flag*, Nov 1976, EN 00455284-85 [“We must export hundreds of thousands of tonnes of rice during 1976. Our being able to export rice like this after a war casts a tremendous influence in the international world”]; **E3/3453** DK Ministry of Commerce Meeting Minutes, 6 December 1976, EN 00725123 [“This year, our rice yield is sufficient. We will allocate some of it for overseas sales ... We plan to supply 50,000 tons of husked rice to our Korean friends in 1977, so please inform us of your criteria”]; **E3/191** Nuon Chea Statement, 16 Jan 1977, EN S00004076 [“We have a surplus of more than 150,000 tonnes of rice for export. This means we have fulfilled our 1976 plan”]; **E3/201** Khieu Samphan Statement, 15 Apr 1977, EN 00419513 [“We have 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”]; **E3/213** CPK, Preliminary Explanation Before Reading the Plan, EN 00104071 [“We must export large quantities of rice. In 1977 we plan to export between 800,000 and one million tons of *padi*”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150196 [“In 1978, DK officials claim to have exported 100,000 tonnes of rice the previous year to rice-deficit countries such as Yugoslavia, Madagascar and Hong Kong”].

⁹⁶⁹ **E3/2412** Francois Ponchaud, *Kampuchea: A Revolutionary Economy*, EN 00598524-25 [“In 1975, for political reasons, the new authorities announced that they were donating 3,000 tons of rice to the People’s Republic of Laos. In early 1977, Ieng Sary donated 100,000 tons of rice to the governments of Malaysia and Singapore”]; **E3/490** French Ministry of Foreign Affairs, *Cambodia Review*, 11 May 1976, EN 00610832 [reporting a 3,000 ton rice donation to Laos in December 1975]; **E3/3290** Malcolm Caldwell, *Cambodia — Rationale for a Rural Policy*, EN 00419227 [“The Laotian newspaper *Khaosan Pathet Lao* reported on May 25, 1976, the Kampuchea had handed over the last lot, 3,000 tons, of a food present consisting of rice”]; **E3/817** CPK, *Presentation by the Comrade Party Secretary during the session of the first meeting of the Council of Ministers*, 22 April 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”].

⁹⁷⁰ **E3/165** Nuon Chea Statement to the People’s Representative Assembly of Kampuchea, 14 Apr 1976, EN 00184076.

290. **Nuon Chea's** 'great miraculous leap' turned out to be a great stride backwards. Lower echelon cadres exaggerated their rice output,⁹⁷¹ knowing that if they failed to meet production targets, they risked being perceived by the Centre as a problem that needed to be "resolved".⁹⁷² The result was widespread starvation,⁹⁷³ and the Party Centre was well aware of the problem.⁹⁷⁴ It was a death spiral; as starvation continued to spread,⁹⁷⁵ rice production continued to fall.⁹⁷⁶ "[B]y the middle of 1977," David Chandler has written, "in much of the country and for the first time in Cambodian history, rice had

⁹⁷¹ **E3/1797** Anne Yvonne Guillou, *The Khmer Rouge Health System*, EN 00641671 ["In order to conceal insufficient yields, the cadres massaged the figures and reduced food rations in order to send rice to the Centre at all costs. From 1976-1977, the country was truly in the grip of famine and many people died as a result"]; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048799 ["The taxation of village produce was too high to allow for adequate rations for the producers. Huge quantities of rice were removed from the villages, and stored in army warehouses or exported in exchange for weapons and ammunition purchased in China"].

⁹⁷² **E3/791** CPK, *Views on Current Revolutionary Situation in Kampuchea*, EN 00721437-38 ["It is strange that Battambang is experiencing shortage as it is regarded as rice granary for the entire Kampuchea ... We managed to deal with the issue by first dealing with cadres"].

⁹⁷³ **E1/24.1** Romam Yun, T. 10 Jan 2012, 14.47.16 ["The food was not enough. Some people were hanging themselves because they could not really stand the situation. People at the sector zone or provincial level only pretended to say that people in the community were 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"]; **E1/70.1** Saloth Ban, T. 30 Apr 2012, 10.01.49 ["People said they suffered from not having enough food to eat, and arrests were made in the base -- local areas"]; **E1/76.1** Ny Kan, T. 28 May 2012, 10.14.13 ["People were afraid regarding the food shortages... they could not have enough to feed the influx of evacuees"]; **E1/79.1** Sakim Lmut, T. 31 May 2012, 09.19.26 ["There was no proper arrangement for people to have proper food in the cooperative"]; **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.45.51; **E1/92.1** David Chandler, T. 19 Jul 2012, 13.44.28 ["All over the country, in all kinds of evidence you get, you've evidence of food supply going down, nutrition going down, starvation coming up, deaths from malnutrition going up, all connected, I think, to the kind of scare qualities of this 3 tons target"]; **E1/146.1** Chau Ny, T. 23 Nov 2012, 14.06.40 ["At that cooperative, a lot of people died of food shortages and starvation"]; **E1/149.1** Kim Vandy, T. 6 Dec 2012, 10.11.05; **E1/198.1** Huo Chanthar, T. 29 May 2013, 14.21.07; **E1/200.1** Soeun Sovandy, T. 4 Jun 2013, 11.34.01 ["They said that it serve us well when we came to the countryside enduring starvation. That's what they mocked at us"].

⁹⁷⁴ **E3/213** David Chandler, *Pol Pot Plans the Future*, EN 00103997 [The Party Centre was acutely aware that the two largest zones, the North and the Northwest, were consuming more rice than they were producing, yet still delivering rice to the Centre for export]; **E3/213** CPK, *Report of Activities of the Party Center According to the General Political Tasks of 1976*, EN 00104093 [Despite starvation in the Northwest Zone, it sent 50,000 tons of rice to the Centre for export], 00104094 [The entire North Zone had a rice deficit of 12,000 tons in 1976, yet Party Centre planned to increase the rice quota for North Sector 106 by a factor of 10 for 1977]; **E3/232** Minutes of Meeting on Base Work, 8 March 1976, EN 00182632 ["The goal of 106 in 1977 is to export for sale at least 100,000 tons of rice"].

⁹⁷⁵ **E1/277.1** Nut Nuov, T. 16 Mar 2015, 11.12.30-11.16.08; **E1/302.1** Or Ho, T. 20 May 2015, 11.25.51-11.28.12; **E3/1686** David Chandler, *A History of Cambodia*, EN 00422844 ["By early 1976, food was already scarce, since the surpluses from the first harvests had been gathered up to feed the army, to be stored, or even to be exported. The situation deteriorated in 1977 and 1978, when many parts of the country were stricken with famine. Many survivors recall months of eating rice gruel without much else"]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150120 [People were starving by the tens of thousands in the Northwest Zone in 1976].

⁹⁷⁶ **E1/184.1** Ruos Suy, T. 25 Apr 2013, 10.29.33-10.31.51 ["No milled rice was ever distributed to the people in the local - in Cambodia. But they were - it was destined for exporting. However, when time passed, rice production decreased, that's why exports also decreased"]; **E3/17** 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"].

virtually disappeared from the diet.”⁹⁷⁷ But still the CPK tried to stick to its wildly unrealistic plan for rice exports.⁹⁷⁸ The Party Centre’s priorities were clear: “We must export large quantities of rice. In 1977 we plan to export between 800,000 and one million tons of *padi*.”⁹⁷⁹ In 1978, **Khieu Samphan** demanded that the people sacrifice to meet the CPK’s rice production quotas, ordering them to “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.”⁹⁸⁰ *At all costs*, he demanded; only much later did **Khieu Samphan** finally admit the deadly cost of the rice policy that he had enforced upon his slaves: “Depriving the people of rice in order to transport rice to the State to meet quotas led to a great loss of life.”⁹⁸¹

4. The Production of Children

291. Nothing more clearly reveals the CPK’s enslavement of the population than their claim of ownership over the reproductive capacity of their slaves. “They knew that they gave birth to the children”, one survivor told the Trial Chamber, “but the children belong to *Angkar*.”⁹⁸² In late 1976, **Nuon Chea** laid out the CPK’s population goal: “We need from 15 to 20 million people to meet the needs of our land.”⁹⁸³ Two years later, **Khieu Samphan** confirmed that the CPK was still aiming to “increase the population to 15 to 20 million inhabitants in the next 10 to 15 years”.⁹⁸⁴ In order to realise this population policy,⁹⁸⁵ the CPK forced young people to get married,⁹⁸⁶ then forced them to

⁹⁷⁷ **E3/1686** David Chandler, *A History of Cambodia*, EN 00422849.

⁹⁷⁸ **E3/1362** FBIS, Phnom Penh Radio, 11 May 1978, EN 00170028 [“Since historic 17 April 1975, Democratic Kampuchea has determinedly deepened its socialist revolution ... the Kampuchean people become self-sufficient but they have even accumulated hundreds of thousands of tons of rice for export”]; **E3/2059** DK Ministry of Commerce, Export Statistics in 1978 (from January to September), EN 00583647 [Showing 29,758.145 tons exported year-to-date].

⁹⁷⁹ **E3/213** CPK, *Preliminary Explanation Before Reading the Plan*, EN 00104071.

⁹⁸⁰ **E3/562** FBIS, Khieu Samphan Statement, 15 Apr 1978, EN S 00010564.

⁹⁸¹ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498287.

⁹⁸² **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.57.56; **E3/9614** Theresa de Langis, *Like Ghost Changes Body*, EN 01037068 [“They said they had married us to produce children for Angkar”] (*emphasis added*).

⁹⁸³ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491436.

⁹⁸⁴ **E3/562** FBIS, Khieu Samphan Statement, 15 Apr 1978, EN S 00010565; **E3/1586** Ieng Sary Statement, EN 00079815 [In a speech to the UN General Assembly, Ieng Sary announced, “We need a population of 15 to 20 million in 10 years time ... our objective is to bring about a very rapid increase in our population”].

⁹⁸⁵ **E3/775** CPK, *Revolutionary and Non-Revolutionary World Views Regarding the Matter of Family Building*, EN 00417943 [“Building our revolutionary families is not just for our personal interest or happiness ... it is so that the revolution may achieve its highest mission to ... advance toward socialism and communism”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.16.27-14.19.49 [Q. “Were you informed at study sessions or in written documents or in meetings that Angkar wanted to increase the population?” A. “Yes, I heard about that. They wanted to increase the population since the population of our country was rather small”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 14.41.19-14.43.35 [“The order from the top required

consummate those marriages,⁹⁸⁷ and sometimes killed those who refused.⁹⁸⁸ Exactly as they did with rice, then, the CPK aimed to double or triple their “yield” of human beings in a very short time. Numerous studies have shown that this CPK population policy entailed forced marriage and forced pregnancy.⁹⁸⁹ “We could not protect our

us to ... increase the population among people”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.05.50-15.07.11 [“I will remember it until I die ... They made an announcement that, ‘The population of Cambodia is not that great and for us, male and female youths we strive to work best.’ And for that reason Angkar required us to get married to increase the population”].

⁹⁸⁶ **E1/322.1** Kong Uth, T. 25 June 2015, 10.59.10-11.01.51 [“I did not dare to refuse the marriage and if I dare to do so I would be accused of opposing them. I would be accused of being against Angkar”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.19.02-09.22.06 [“She was around 15 to 16 years old, and she didn’t consent to the marriage. And my mother also didn’t want my sister to get married, since she was young. But we did not have any choice, and we were afraid that we would be mistreated”], 11.11.09 [“She told me that she would not marry that man as she didn’t love him... but she was forced to and she could not refuse”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 15.49.18 [“Anyone would weep, regardless whether you were a single virgin or whether you are a widow. And there was no permission at all from our parents, they just mixed and matched us, and that’s how we all wept. All 60 of us stood together and wept”].

⁹⁸⁷ **E1/308.1** Seang Sovida, T. 02 June 2015, 11.11.09-11.14.10 [“Maybe because they monitored their activity at night, then they decided to consummate the marriage. And I only heard from my mother regarding this, that later on she was deprived of food, and I asked my mother why, and that’s what she told me because she initially didn’t consummate the marriage”]; **E1/473.1** Kasumi Nakagawa, T. 14 Sept 2016, 09.18.16 [“It was not rape to the eyes of the Khmer Rouge. It was a duty and a responsibility as a part of revolution that once a man and a woman became a couple, they had to consummate a marriage”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 14.32.27-14.54.58 [“They only came to spy on us on the first night whether we consummate the marriage and after that they did not come to eavesdrop anymore”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 13.52.54-13.54.40 [“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”]; **E1/305.1** Meas Layhur, T. 26 May 2015, 09.46.36-09.48.56 [“They came to watch over whether we got along with each other and whether we consummated our marriage. Not only me were watched over by militiamen, the militiamen would come to watch over the newlyweds”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 13.43.25-13.46.03 [“They pointed their guns at us. We were ordered to take off our clothes so that we could consummate the marriage. Militia people had a torch to shed light on us and they also had guns. 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 off his penis and to insert it into my thing. It was so disgusting, but we had no choice. And those militia people were so young. And after we actually had sex, then they said, ‘Let’s move to another couple because this couple already had sex.’ To me, I can never forget what happened that night”]; **E1/480.1** Peg Levine, T. 10 Oct 2016, 15.40.59-15.45.22 [“I inquired formally during each interview, ‘Were you told to have sex at the time of your wedding?’ Forty per cent of respondents said yes... Nearly 30 percent stated that they were under surveillance”]; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 14.31.22-14.33.00 [“After we got marriage, we were constantly under surveillance, they looked inside the window, they stood outside and we were told to stay together and consummate our marriage. They conducted surveillance the whole night”].

⁹⁸⁸ **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.16.56-11.18.38 [“I had to marry that one because, otherwise, I would be killed and for that reason, I had to force myself to marry that man”], 15.49.18 [“It was Comrade Thol and Comrade In. They refused to get married and they would rather die. And because we saw what happened to the two couples, then the rest of us had to get married in order to survive”]; **E1/324.1** Mam Soeurn, T. 28 July 2015, 15.53.32 [“After the wedding or marriage ... if they refuse to consummate the marriage, they would risk their lives because it was against the decision of Angkar”].

⁹⁸⁹ **E3/2959** 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”]; **E3/3416** 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... 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

bodies,”⁹⁹⁰ remembered one rape victim. As a result of this CPK policy, “We were forced to mate like dogs and cats.”⁹⁹¹

292. And, just as with their plan for growing rice, the CPK’s plan for growing the population was also an abject failure. In 1978, Pol Pot claimed DK’s crude birth rate was 50 per 1000, with the crude death rate at 13 per 1000.⁹⁹² Studying the structure of population age cohorts, however, demographers have estimated that in fact, DK’s birth rate was 33.4 — a third lower than Pol Pot’s number — and the crude death rate 40, more than three times higher than Pol Pot claimed.⁹⁹³ The reasons for the lower birth rate include depressed fertility from stress, starvation and family separation,⁹⁹⁴ while the increased death rate was undoubtedly impacted by starvation, disease, exhaustion, executions and dramatically increased infant mortality.⁹⁹⁵ **Nuon Chea** once boasted that Cambodia’s population grew by 620,000 between 1976 and 1978;⁹⁹⁶ in reality, under CPK rule, Cambodia’s population fell by approximately 1.7 million.⁹⁹⁷

2. POLICY TO PERSECUTE AND KILL ENEMIES

We go on the offensive against the enemy and continue to sweep them clean even more strongly. Attack the enemy, sweep clean the foreign agent

the *Angkar* to see if ... they were having sex”]; **E3/9614** 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”]; **E3/9240** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 00992283 [“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”].

⁹⁹⁰ **E3/9614** Theresa De Langis, *et al.*, *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037076.

⁹⁹¹ **E3/9614** Theresa De Langis, *et al.*, *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037076; **E1/472.1** Kasumi Nakagawa, T. 13 Sept 2016, 15.55.57 [“A lot of women get angry because they could not escape from the pregnancy. They didn’t love the husband. They didn’t want that child”].

⁹⁹² **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488637.

⁹⁹³ **E3/2413** Ewa Tabeau and They Kheam, *Demographic Expertise Report*, EN 00385384.

⁹⁹⁴ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237929 [“Many women stopped menstruating entirely, partly because of malnutrition, partly because of the trauma”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.40.06-14.43.20 [“Most female workers in my village had no menstrual cycle because they did not have enough food to eat”]; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 15.47.48-15.51.09 [“When my menstruation was interrupted... that affected me physically and emotionally”]; **E3/16** Khieu Samphan, *The Recent History of Cambodia and My Positions On It*, EN 00498284 [“But how was this goal to be accomplished if the women’s menstrual periods stopped due to hunger? The leadership saw this problem”]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 14.35.12-14.36.17 [“Such incident of having no children did not happen to only me, but also to other people ... we experienced miscarriages, one after another. Perhaps we were too exhausted as a result of hard work”].

⁹⁹⁵ **E3/2413** Ewa Tabeau and They Kheam, *Demographic Expertise Report*, EN 00385384 [The infant mortality rate during the DK regime has been estimated 263 per thousand, more than double the already very high rate of the late 1960s].

⁹⁹⁶ **E3/686** Nuon Chea Statement, EN S 00030349.

⁹⁹⁷ **E3/2413** Ewa Tabeau and They Kheam, *Demographic Expertise Report*, EN 00385262.

*enemies, the embedded enemies, the class enemies; don't let them be able to keep trying to carry out activities, even a little.*⁹⁹⁸

- Revolutionary Flag

EVOLUTION OF THE POLICY

293. The Communist Party of Kampuchea adopted an extreme line against “enemies” from its inception in 1960.⁹⁹⁹ As Nuon Chea described it, “After 1960 our Revolutionary Organisation clearly decided that political action and armed violence must be used to overthrow and crush the enemy.”¹⁰⁰⁰ He explained that the CPK’s Secret Defence Units were established in 1961 to provide the means to “covertly smash the enemy, the government agents and various reactionaries”.¹⁰⁰¹ Nuon Chea described the CPK’s revolution as “just,” in part because it “smashed and eliminated enemies”.¹⁰⁰²
294. The CPK’s enemy policy was initially aimed primarily at “external enemies”, that is, people associated with the regime they were attempting to overthrow, especially the hated “class enemy”.¹⁰⁰³ But the policy also applied to “internal enemies” within the revolutionary organisation.¹⁰⁰⁴ As Kaing Guek Eav alias Duch testified, “After 1970, spies were regarded as the key enemies.”¹⁰⁰⁵ With the revolution approaching victory in 1974, however, the CPK’s youth journal refocused attention on its most despised enemies, instructing their militant youths that they must “have a blazing national anger and class anger toward the enemy who are the invasive imperialist, and toward the class-enemy who used to oppress, suck blood and chew bone of our poor people.”¹⁰⁰⁶

⁹⁹⁸ **E3/135** *Revolutionary Flag*, June 1977, EN 00446862

⁹⁹⁹ **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 13.47.13.

¹⁰⁰⁰ **E3/147** Nuon Chea Speech, 16 Jan 1977, EN 00168467; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757506 [Nuon Chea studied writings of Mao Tse Tung that “talked about secret work and the people who pretended they were communists but were really spies”]; **E1/22.1** Nuon Chea, T. 14 Dec 2011, 12.00.04-12.02.48.

¹⁰⁰¹ **E1/21.1** Nuon Chea, T. 13 Dec 2011, 09.18.35-09.29.24; **E3/147** FBIS, *Nuon Chea Speech*, 16 Jan 1977, EN 00168467.

¹⁰⁰² **E3/26** Nuon Chea Interview with Japanese Journalist, 25 May 2009, EN 00329515.

¹⁰⁰³ **E3/728** *Revolutionary Youth*, Sept 1975, EN 00773404 [“If our people have a clear revolutionary awakening and national hatred and class hatred, they will join and be involved most enthusiastically in making revolution to smash the enemy”]; **E3/750** *Revolutionary Youth*, Nov 1975, EN 00522475, [“Their class-anger is blazing, and they have determined to join in the revolution rank ... to smash the class-enemy that oppressed the Kampuchean people for over 2 thousand years in the past”]; **E3/213** Summary of the Results of the 1976 Study Session, EN 00104081 [“We seized victory in the context of a fierce and uncompromising fight to the death with the class enemy, both inside the country and coming from outside the country, especially in our revolutionary ranks and even within our Party”].

¹⁰⁰⁴ **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865699; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 10.24.36-10.26.49; **E1/26.1** Nuon Chea, T. 12 Jan 2012, 09.28.48-09.31.32.

¹⁰⁰⁵ **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.15.38.

¹⁰⁰⁶ **E3/146** *Revolutionary Male and Female Youths*, Aug-Sept 1974, EN 00538736.

295. From the start, the CPK had an expansive conception of “enemies”, one that extended far beyond enemy soldiers. In war, targeting enemy military personnel and facilities is not prohibited under international law. Deliberate attacks against civilians, however, are always illegal, and the CPK attacked many different groups of civilians that it defined as “enemies”. The categories of people and institutions that the CPK defined as “enemies” evolved and grew over time. In the pre-1975 period, the CPK targeted numerous types of civilians, including class enemies (capitalists, imperialists, feudalists, landowners, and “reactionary compradors”),¹⁰⁰⁷ government enemies (civil servants, bureaucrats and policemen),¹⁰⁰⁸ internal enemies (spies, infiltrators, and traitors),¹⁰⁰⁹ and ordinary people (truck drivers, rubber plantation workers, factory

¹⁰⁰⁷ **E1/81.1** Sao Sarun, T. 5 Jun 2012, 15.50.43 [“We received instructions from Ta Laing to fight against the American Imperialists, the feudalists and the capitalists”]; **E1/135.1** Yim Sovann, T. 19 Oct 2012, 15.15.54 [“The 17 April people were considered as enemies, feudalists, capitalists. I didn’t understand why we were treated in this manner”]; **E1/143.1** Pe Chuy Chip Se, T. 12 Nov 2012, 14.27.19 [“The person who told me that the inmates were the imperialists or capitalists were the chief of security officers”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486226-33; **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399240 [“The no-good classes holding power in the cooperatives, what is their true nature? They are counter-revolutionary”]; **E3/25** *Revolutionary Flag*, Dec 1976 - Jan 1977, EN 00491412 [“The strategic line of the Party that was set in 1960 when the determination was made that it was imperative to ... attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea”]; **E3/135** *Revolutionary Flag*, June 1977, EN 00446861-62 [“Continue to sweep them clean even more strongly. Attack the enemy, sweep clean the foreign agent enemies, the embedded enemies, the class enemies”]; **E3/776** Strengthening and consolidating the analysis of all situations and problems based on the stance of the party’s proletariat class, EN 00716394 [“We had to fight imperialism, landlord feudalism, and reactionary capitalism”]; **E3/775** Revolutionary and Non-Revolutionary World Views regarding the Matter of Family Building, EN 00417944 [“The enemy is the reactionary feudalists-capitalists”]; **E3/11** *Revolutionary Flag*, Sept 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”], 00486230 [“The contradiction between the peasants and the landowners is a life-and-death contradiction”].

¹⁰⁰⁸ **E1/138.1** Lay Bony, T. 24 Oct 2012, 10.26.54 [“As for the ordinary civilians, while I was at the tempering office, I learned that not only soldiers had been arrested, but civilians were also arrested, as they were alleged or being capitalists or feudalists”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529 [“In the base areas, as for the characteristics of the contradictions that we can detect, most of them are government officials, policemen, soldiers, and students”]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401483 [“Government agents, spies, and pacifist agents were eliminated”].

¹⁰⁰⁹ **E1/26.1** Nuon Chea, T. 12 Jan 2012, 09.31.32 [Q: “What happened to the people who the Secret Defence Unit determined to be spies who had infiltrated the party?” Q: “Those people later on were rounded up and sent to S-21 where their confessions or testimonies would be taken further”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.15.38 [“After 1970, spies were regarded as the key enemies”]; **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.50.15 [“After there were no more spies sent to M-13, it was on the 1st of January 1975, the date we never received any more spies”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486253 [“We do not consider these traitors, these counterrevolutionary elements, to be part of the people. They are enemies of Democratic Kampuchea”]; **E3/790** Decisions of the Party Committee Conference of All Divisions, EN 00714788 [“As for the old enemy infiltration within our revolutionary army, it is eliminated by our revolutionary army on time”]; **E3/70** *Revolutionary Flag*, July 1978, EN 00184321 [“The Duties of Seeking Out, Forestalling and Eliminating the Espionage and Infiltration Activities of Enemies of All Types”]; **E3/791** Views on the Current Situation of the Revolution of Kampuchea, EN 00721439 [“We have identified and screened elements of enemy infiltration out of revolutionary tasks and duties, streamlining our nationwide leadership”]; **E3/785** Strengthening and Improving the Party’s Leadership Stance and Leadership Attitude, EN 00713999 [“If the spies are

workers, etc.).¹⁰¹⁰ In the post-17 April 1975 period, while continuing to imprison and kill these previous categories of “enemies”¹⁰¹¹ (including doctors,¹⁰¹² medical staff,¹⁰¹³

arrested to be executed in the meeting before the people, some people may be frightened of us. They think that we are extremely cruel. The stance to smash the spies is correct but it is inappropriately carried out”]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401483 [“Government agents, spies, and pacifist agents were eliminated”]; **E3/776** Strengthening and consolidating the analysis of all situations and problems based on the stance of the party’s proletariat class, EN 00716396 [“Once we have defeated our enemies and our traitors, we have to analyze what kind of tricks those enemies and traitors would use so that we will take action in educating the public and the revolutionary Party interiors to continue eradicating those enemies and traitors”]; **E3/734** *Revolutionary Youth*, July 1976, EN 00360789 [“In some cases our revolutionary youth nature will transformed by them into traitors to our own Party, revolution, and people”]; **E3/735** Minutes of the Meeting of the Standing Committee, 21 Jul-2 Aug 1976, EN 00104089 [“We have also expelled the hidden, buried traitors from within the Party, the army, and the people”].

¹⁰¹⁰ **E1/88.1** Yun Kim, T. 19 June 2012, 14.27.28 [“I don’t know about the arrest of the ordinary people, but when it comes to the arrest of cadres, a meeting would be convened”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 11.32.05 [“With regard to ordinary people ... there was a young kid who was sent from the enemy zone ... he was 12 years old ... there was an order to execute this boy”]; **E1/148.1** Pech Srey Phal, T. 5 Dec 2012, 11.11.47 [“In fact, we were ordinary people, but then, they sent us for refashioning and tempering”]; **E1/138.1** Lay Bony, T. 24 Oct 2012, 10.26.54 [“As for the ordinary civilians, while I was at the tempering office, I learned that not only soldiers had been arrested, but civilians were also arrested, as they were alleged or being capitalists or feudalists”]; **E3/3440** *The Tuol Sleng Archives and the Cambodian Genocide*, EN 00002298 [“Becker describes 750 executions recorded in 1976 at Tuol Sleng: 164 factory workers, 112 people from the population at large, 61 students, 35 professors, 20 doctors and nurses, 49 engineers, 55 bureaucrats from the old regime, 209 soldiers from the old regime, and 47 students and dignitaries from overseas”]; **E3/7953** Bun Van Tha Statement, EN 00843455-57 [“They shot at the workers on the trucks when the trucks got stuck in the holes they had dug ... Some of the prisoners were workers of the rubber plantation, others were just ordinary people, and some of the others were from the [military] division”].

¹⁰¹¹ **E1/135.1** Yim Sovann, T. 19 Oct 2012, 16.11.42 [“The civil servants from the former regime were all gathered and sent to that site for execution”]; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2013, 09.27.54 [“Those 17 April People or the civil servants or the former soldiers or policemen of the former regime, they would be monitored, and if they made any small mistake ... they would be killed”]; **E1/216.1** Lev Lam, T. 2 July 2013, 10.13.25 [Q: “What happened to the 17 April evacuees who had been identified as Lon Nol soldiers, civil servants or capitalists?” A: “After the meeting and after the sorting out of the biographies, some of those people disappeared; they were smashed”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 11.24.07-11.29.20 [“After 1975, the monarchy were to be smashed as long as they were encountered; there was no discrimination ... I believe that the royal family members were also smashed. ...The feudalists landlords were also smashed”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.14.42-10.18.29 [“After 1975, former soldiers and officers of the Lon Nol regime were the key enemies”]; **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.01.08 [“On the 23rd of April 1979 (sic), at 5 a.m., there was a truck coming to pick all those military officers and all the public servants, all the heads of all departments from Battambang ... they were executed there”]; **E1/148.1** Pech Srey Phal, T. 5 Dec 2012, 09.57.21-10.01.52 [“We also heard after three days people would be allowed to return to the capital city, in particular those who were former soldiers, officials, teachers, doctors, because these people were needed to work in Phnom Penh ... Most of them were teachers and professors ... those people who registered were those public servants of the old regime”]; **E1/93.1** David Chandler, T. 20 July 2012, 09.38.32 [“This was beginning ... what seemed to be a purge of intellectuals in the Party”], 15.06.26 [“‘Marginalization’ seems to be something of a euphemism because a good many of the elite and the intellectuals were killed”]; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.59.00 [Intellectuals were targeted during the early stage of S-21 operation when Nat was still the chairman”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529 [“In the base areas, as for the characteristics of the contradictions that we can detect, most of them are government officials, policemen, soldiers, and students”]; **E3/3440** *The Tuol Sleng Archives and the Cambodian Genocide*, EN 00002298 [“Becker describes 750 executions recorded in 1976 at Tuol Sleng: 164 factory workers, 112 people from the population at large, 61 students, 35 professors, 20 doctors and nurses, 49 engineers, 55 bureaucrats from the old regime, 209 soldiers from the old regime, and 47 students and dignitaries from overseas”].

engineers,¹⁰¹⁴ police,¹⁰¹⁵ professors,¹⁰¹⁶ teachers,¹⁰¹⁷ students,¹⁰¹⁸ relatives,¹⁰¹⁹ and ordinary people¹⁰²⁰), the CPK's definition of enemies gradually expanded to include groups such as ethnic Vietnamese civilians,¹⁰²¹ Chams,¹⁰²² Buddhists,¹⁰²³ Khmer Krom,¹⁰²⁴ New People,¹⁰²⁵ residents of the East Zone,¹⁰²⁶ and CPK cadres and soldiers.¹⁰²⁷

296. Duch confirmed that the CPK "enemies" policy was applied outside of lawful combat activities. "The policy was applied the same", Duch explained to the Trial Chamber. "Whenever the Party regarded someone as an enemy we had to smash him or her, and we had no way to contest it. When the Party determined a person as an enemy, we had nothing but to smash that enemy for the Party."¹⁰²⁸ Duch also testified that "smash means executed ... the ultimate goal is that the person is dead."¹⁰²⁹ Stephen Heder confirmed this interpretation of the word "smash".¹⁰³⁰ The term "smash" was used throughout the DK period to describe extra judicial killings.¹⁰³¹

297. In the June 1974 issue of *Revolutionary Flag*, the policy authorizing summary executions of enemies was made chillingly plain. "For example: If the spies are arrested to be executed in the meeting before the people, some people may be frightened of us. They think that we are extremely cruel. The stance to smash the spies is correct but it is

¹⁰¹² See **Annex F.49** *List of Civilian (Doctor) S-21 Prisoners*.

¹⁰¹³ See **Annex F.50** *List of Civilians (Medical Staff) S-21 Prisoners*.

¹⁰¹⁴ See **Annex F.51** *List of Civilians (Engineers) S-21 Prisoners*.

¹⁰¹⁵ See **Annex F.52** *List of Civilians (Police) S-21 Prisoners*.

¹⁰¹⁶ See **Annex F.53** *List of Civilians (Professors) S-21 Prisoners*.

¹⁰¹⁷ See **Annex F.54** *List of Civilians (Teachers) S-21 Prisoners*.

¹⁰¹⁸ See **Annex F.55** *List of Civilians (Students) S-21 Prisoners*.

¹⁰¹⁹ See **Annex F.56** *List of Civilians (Relatives) S-21 Prisoners*.

¹⁰²⁰ See **Annex F.57** *List of Civilians (Ordinary People) S-21 Prisoners*.

¹⁰²¹ See section **Crimes Against the Vietnamese**.

¹⁰²² See section **Crimes Against the Cham**.

¹⁰²³ See section **Policy to Persecute and Kill Enemies – Persecution of Buddhists**.

¹⁰²⁴ See section **Crimes against the Vietnamese – Not a Military Target: The Destruction of the Ethnic Vietnamese**.

¹⁰²⁵ See section **1st January Dam Worksite; Tram Kak District Cooperatives – Political Persecution (New People)**.

¹⁰²⁶ See section **Policy to Persecute and Kill Enemies – Internal Enemies – False Defence Narratives – East Zone Massacre**.

¹⁰²⁷ See section **Policy to Persecute and Kill Enemies – Internal Enemies**.

¹⁰²⁸ **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.14.42-10.18.29 See also **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.43.59-09.46.27 [The Party's policy towards the enemy is stable, as the renounced enemy would be smashed ... We had stable policies against the enemies, that is, the enemies were to be killed"].

¹⁰²⁹ **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.55.05.

¹⁰³⁰ **E1/224.1** Stephen Heder, T. 16 July 2013, 15.12.04 ["Smash (*komtech*) ... Smash means kill"], 15.15.32-15.12.04 ["Smash' which I agree according to many respondents was a euphemism generally used to mean "kill"]].

¹⁰³¹ For example, **E3/2445** DK Report, 12 June 1977-17 Sept 1977, EN 00363653-00363654; **E3/2447** DK Report, 6 Sept 1977, EN 00355473-74; **E3/918** Telegram 254 from Sae to Committee 870, 10 Jan 1978, EN 00182757-58; **E3/1077** Telegram 324 from North Zone Secretary Se to Committee 870, 10 Apr 1978, EN 00340539-42.

inappropriately carried out. Like it or not, it is already authoritarianism. Therefore, it provides more negative impacts on politics.”¹⁰³² The only concern was with keeping the “smashing” secret, so as not to alienate the population under the control of the revolution.

298. Categories of “enemies” were pronounced by the CPK Standing Committee,¹⁰³³ and these abstract categories were subsequently disseminated to lower echelons through Party publications such as *Revolutionary Flag* and *Revolutionary Youth*, as well as through speeches and training sessions given by members of the Party Centre.¹⁰³⁴ Individuals who might fall into one or another category of “enemies” were then identified using one of several methodologies.¹⁰³⁵ First, all Cambodians, including CPK cadres and RAK soldiers, were required to fill out elaborate personal biographies, which would then be screened by security officials seeking to discover traits associated with various enemy categories.¹⁰³⁶ Second, in cooperatives and at worksites, all

¹⁰³² **E3/785** *Revolutionary Flag*, June 1974, EN 00713999.

¹⁰³³ **E3/525** Instructions of 870, EN 00183999 [“We must be absolute politically, ideologically and organizationally in eradicating enemy espionage activities, pacification agents, and psychological warfare. The Zone and Sector Party echelons and the Battlefield Command Committees, and the Ministry and Office Party Committees must come up with clear measures and cooperate closely”]; The CPK leadership developed many slogans to encapsulate and popularize their many different types of enemies. See Chapter 4, “The Hunt for ‘Enemies of the People’” in **E3/2812** Henri Locard, *Pol Pot’s Little Red Book: The Sayings of Angkar*, EN 00394786-00394844.

¹⁰³⁴ For example, see **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399230-36; **E3/25** *Revolutionary Flag*, Dec 1976 - Jan 1977, EN 00491412 [“The strategic line of the Party that was set in 1960 when the determination was made that it was imperative to ... attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea”]; **E1/73.1** Pean Khean, T. 17 May 2012, 10.20.56; **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.18.00-11.20.30, 11.21.47.

¹⁰³⁵ **E1/452.1** Henri Locard, T. 1 Aug 2016, 13.40.33; **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 14.26.30 [“In the communes you had the club that crept around at night listening to people; they were also surveillance mechanism. You had institutional mechanisms, such as giving life histories and engaging in criticism and self-criticism sessions”].

¹⁰³⁶ **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 15.17.50 [“The practice of writing biographies was the same as an exercise and also looking and talking about weak points and strong points and, again, people had to be very careful in the way they couched their life histories”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42 [“Base people did not need to make biographies, only New People were asked to make biographies. Their biographies were already made in 1971 or 1972, only the 17 April people were required to make biographies”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.14.22 [“They were researching those people and by the end they were rounded up based on the names they have from the collection of biographies. So messengers would gather those people and walk them in line. The same thing applied to Base People. If they have any relatives who held senior positions in the previous regime, they would be arrested and killed as well”]; **E1/300.1** Vong Sarun, 18 May 2015, 11.15.48 [“They instructed me to write my own biography and that it would not be long before I die”]; **E1/319.1** Sem Hoeun alias Kim, T. 22 June 2015, 15.50.28 [“I changed the biography because I want to avoid the surveillance conducted on me”]; **E3/804** Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, EN 00233718 [“Regarding the results of mastering the biographies ... some comrades hid their biographies. We need to be wary of those whose parents were purged or cleansed and those whose family members were cleansed”]; **E1/354.1** Ban Seak, T. 6 Oct 2015, 10.59.38 [“Even to my younger relative, if they did not have a clean biography, they were smashed”]; **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.53.45 [“I examined their biographies of those who

Cambodians were required to participate in “criticism and self-criticism” sessions, in which people were expected to reveal their own faults, as well as those of others, frequently resulting in the “unmasking” of enemies.¹⁰³⁷ Third, the CPK engaged in the widespread practice of direct surveillance of the population, often day and night.¹⁰³⁸

were good and who were not good and for those who were good, I, myself, re-educated them. Concerning those who were considered to oppose Angkar, I – and I could not help re-educate them; I would refer them to Angkar ... And I do not know what would happen after the reports were submitted by me and I do not know what the upper echelon would do to those who were identified by me”]; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.44.12 [“They sent me to Prey Sar because they were aware of my biography that I was related to my cousins”]; **E1/448.1** 2-TCW-1005, T. 26 July 2016, 09.36.52 [“All the biographies had to be consistent with the original draft. If the biographies were not consistent with the original one, they would not be acceptable”]; **E1/449.1** 2-TCW-1005, T. 27 July 2016, 10.50.19-10.52.30 [“We did not trust other, because of the biographies. Biographies sometimes said one particular individual betrayed or was a traitor. Later on, that individual was arrested; as a result, the rest of us were afraid”].

¹⁰³⁷ **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 15.16.55 [“The idea of criticism and self-criticism sessions came from the notion that revolutionary consciousness was in some sense unstable. It constantly had to be fashioned and re-fashioned and people had to get together and talk and look at their weaknesses, how they had been led astray”]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 09.15.33 [“It was necessary for us to do a bit of self-criticism and we had to say the good things we had done as well as the bad things in order to improve ourselves. So that – the struggle back then was such that we risked losing our lives at any moment if we were not honest”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.12.30 [“The theory that they used at the time was ‘self-criticism.’ It means that we had to watch one another who were our work colleagues in order to catch the mistakes, in order to criticize during the meeting”]; **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32 [“After the criticism and if the person did not deter, he or she would disappear. And the meeting would be called later to advise and warn others not to follow the steps of the individual that disappear”]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22-14.12.20 [“I realized the mistake I made ... In my case, I criticized the group chief, but for some reason, I did not disappear”], 15.25.15 [“People disappeared after the criticism and self-criticism meetings. People disappeared continuously; however, what we heard was that this worker or that worker was not active in carrying out the work. For that reason, he or she was sent for re-education”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.03.54-14.06.03 [“We were invited to be in criticism and self-criticism sessions. And if we did not deter our mistakes, we would be in trouble ... If we were criticized for a few times, and we still failed to meet the work quota, we would disappear, or we would be taken away for re-education”]; **E1/451.1** Henri Locard, T. 29 July 2016, 09.30.04 [“They had to confess or engage in self-criticisms during the education or re-education sessions during the evening. They would receive a warning. And if the offense was repeated several times, at that point, one could be imprisoned”].

¹⁰³⁸ **E1/453.1** Henri Locard, T. 2 Aug 2016, 09.26.15 [“There were the chlop, the militia men or the militia, and they were despised. They were the people who were watching people in the people’s communes. Basically, they were the people who would listen to conversations at night under people’s homes or who were in charge of monitoring people’s behaviour or of relating whatever so and so might have said”]; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.45.51 [“Militia was created in 1970 or 1971 to control and supervise the commune and villages”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 11.08.30 [“The role of the militiamen, as I experienced, was to monitor the activity of the people at their houses”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 15.30.07 [“The commune militia reported to the commune and also, they made a copy and reported to the security. And that is in relation to the security situation or matter that happened within the commune”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 14.39.08 [“The district asked the militia men to go listen secretly to people under their houses to listen to what people would talk about and then they would report to the unit chief in the district and which would lead to the arrest”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 14.10.42 [“I saw a militiaman below my house. I was frightened with that person but I don’t know their purpose to be there. But I knew from other couples who married earlier. So, if the militiamen reported that the couple was not get along very well ... they reported and the couple was in trouble. When I saw that militiaman, I was in fear”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 10.54.51 [“The unit chief send the chlop or the militiamen to -- to listen to them at night and they assign two militiamen per house of a couple to -- to listen to the couple”]; **E1/317.1** Yean Lon, T. 16 June 2015, 14.26.01 [“I, in fact, didn’t want to join them, but I was afraid as I was being monitored at that time”];

Finally, when individuals were arrested and taken away for interrogation, they would be tortured to reveal their personal “strings”, or networks of associates, who were purportedly implicated in the treasonous activities of the torture victim.¹⁰³⁹ Combined, these methods yielded a constant stream of “enemies” to be processed through what would become a ubiquitous network of security offices. From here, all that was needed was a rhetorical spark, and the conflagration would erupt into full flame.

299. On 30 March 1976, the CPK Central Committee issued a decision authorizing various organs of the revolutionary apparatus to “smash” enemies “inside and outside the ranks” of the Party.¹⁰⁴⁰ While in one respect this policy decision simply codified practices that had existed since mid-1960s,¹⁰⁴¹ the decision to sanction the killing of enemies uncovered “inside” the Party marked a fateful passage. The killing of CPK cadres had now been formally endorsed by the most authoritative organ of the Party. In some areas, the decision to “smash” was delegated from the Zone to the Sector.¹⁰⁴²

E1/305.1 Meas Layhuor, T. 26 May 2015, 09.46.36 [“After my marriage, the militia came to conduct surveillance on me”]; **E1/318.1** Yean Lon, T. 17 Jun 2015, 09.37.42 [“The militia monitor our activities. And if the militia would know that, they would implicate us or accuse us of betraying them or betraying the communal interest, then I would be killed”]; **E1/349.1** Him Man, T. 17 Sept 2015, 11.04.48 [“That was the conclusion that we made that we were under watch by the militia and if any of us was found to pray to Allah, then we would be risking our life”]; **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.55.38 [“We were in a situation that we were under constant monitoring by the militia group”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.35.16, [“They did not trust New People at all. We were watched and we were under surveillance so we were not trusted”]; **E1/320.1** Sem Hoeun, T. 23 June 2015, 11.04.56 [“We were under constant surveillance so that they make sure that our activities were not to violate the principles or regulations of the Democratic Kampuchea and if were to violate it, then we would be detained and smashed”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.12.21 [“Angkar also assigned a special force in order to oversee this surveillance activity”].

¹⁰³⁹ **E1/452.1** Henri Locard, T. 1 Aug 2016, 09.17.45; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757534 [“Nuon Chea said, matter-of-factly, that Doeun was killed because he was ‘Koy Thuon’s string’”]; **E3/1575** S-21 Confession of Long Muy alias Chuon, EN 00208755 [Son Sen annotation on the cover sheet: “This man is a string of the Cambodian-Chinese, interpreter/translator”]; **E3/345** Kaing Guek Eav, T. 18 May 2009, 14.13.18 [“He sent them because these people originally came from the city, the string, the network of Vorn Vet and my network”]; **E3/524** Kaing Guek Eav, T. 22 May 2009, 15.49.36 [“At P.J., I taught people to interrogate and also I prepared report to the superior regarding the string of traitors”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 16.23.03 [“I was focused on looking for the traitors and the strings of traitors”]; **E3/2447** Request to Report to the Respected Party, EN 00355474 [Annotation from District Secretary Kit to Kraing Ta Chan Security Centre Chief An: “He is an organized string of the CIA”]; **E3/745** *Revolutionary Flag*, Aug 1978, EN 00504072 [“We discovered all these strings, and we fundamentally eradicated them all and renewed the face of this Zone a lot”].

¹⁰⁴⁰ **E3/12**, Decisions of the Central Committee on a Variety of Questions, EN 00103998.

¹⁰⁴¹ The killing of enemies outside the Party, as well as “spies” and “traitors” inside the Party, had a long pedigree in the CPK before 1976: **E3/2124** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396374; **E3/1815** Ben Kiernan, *How Pol Pot Came to Power*, 00487385; **E3/7953** Bun Van Tha Statement, EN 00843456-67.

¹⁰⁴² **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00143624 [“Continue to investigate and search for enemies of all kinds who have hidden and burrowed [inside the revolution], and cleanly sweep them thoroughly from inside of various bases, units, offices and ministries”]; **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368-83; **E3/1077** Telegram Number 324 entitled “Respectfully Presented

Persons nominated for killing by the district echelon were often condemned by sector authorities, but executed at district security offices.¹⁰⁴³ In some places, authorisation to kill reportedly was delegated as low as the commune echelon.¹⁰⁴⁴ Following the Central Committee decision, the power to arrest was deemed as synonymous with the power to kill.¹⁰⁴⁵ The result was an historic spasm of slaughter.¹⁰⁴⁶

300. Though the Party warned cadres to be discreet about killing enemies in plain sight of the Cambodian people,¹⁰⁴⁷ there was nothing secret about the CPK policy to kill enemies when it came to global audiences. For example, when the CPK overran Oudong in 1974, **Khieu Samphan** proudly proclaimed on the CPK's clandestine radio station that his forces had killed 5,000 enemies: "On 18 March, our People's National Liberation Armed Forces liberated another city, Udong, by annihilating all the puppet soldiers there, along with their reinforcements; in other words, over 5,000 enemies were eliminated".¹⁰⁴⁸ Many of the "enemies" **Khieu Samphan** bragged of killing were captured soldiers and innocent civilians, including Buddhist nuns.¹⁰⁴⁹ After the CPK

to Beloved Committee 870", 10 April 1978, EN 00340540 ["In Sector 103, we carry out the purge of the hiding-burrowing-enemy... The purge of the enemy in this Sector 103 has made people very happy"]; **E3/401** Pech Chim WRI, EN 00381024-25 ["For the decision ... that related to the people of District 105, which was sent ... If there were some names ... crossed by the red ink, it meant that the sector level had decided that these names were to be purged. To purge meant to kill"].

¹⁰⁴³ **E3/2012** Report from the Educational Office of District 105, EN 00276596 ["Concerning the issue of all the prisoners who were arrested from the Chieng Tomg commune (Iron smith commune), they are to be interrogated in order to find out their whole networks, then smash them"]; **E3/2012** Report from the Educational Office of District 105, 30 July 1977, EN 00276593-97; **E3/4098** Report to the Party on the confessions of prisoners, EN 00322114; **E3/918** Telegram 254, Respectfully Presented to Beloved Committee 870, EN 00182757-58 ["Sectors and Districts should take the measures of searching the enemy and attack the enemy at the entrance gate when we can grasp the enemy trick"]; **E3/5524** Pran Chhen WRI, EN 00426300-01.

¹⁰⁴⁴ **E3/5204** Sman At WRI, EN 00242083; **E3/5311** Mour SETHA WRI, EN 00373368-69; **E3/5234** Chak Mulip WRI, EN 00288207; **E3/5265** Um Chy WRI, EN 00282347; **E3/5527** Seng Srun WRI, EN 00423723; **E3/5543** Loeung Bunny WRI, EN 00387501.

¹⁰⁴⁵ **E3/357** Ban Seak WRI, EN 00242931-33 ["It was clear at that time that when someone was marked as having been arrested, this meant that the person had also been killed. Those who had the power to arrest also had the power to decide on execution"].

¹⁰⁴⁶ **E3/2413** Ewa Tabeau and They Kheam, *Demographic Expertise Report*, EN 00385262.

¹⁰⁴⁷ **E3/785** *Revolutionary Flag*, June 1974, EN 00713999 ["If the spies are arrested to be executed in the meeting before the people, some people may be frightened of us ... The stance to smash the spies is correct but it is inappropriately carried out"].

¹⁰⁴⁸ **E3/167** Khieu Samphan speech, 11 Apr 1974, EN 00280586.

¹⁰⁴⁹ **E1/221.1** Stephen Heder, 10 Jul 2013, 14.33.53-14.35.46, ["I also interviewed some people who said that there had been executions on the spot of some categories of people, including Buddhist nuns. And I have a pretty clear recollection of the state of those bodies. I certainly saw the bodies ... there were definitely bodies of women dressed as Buddhist nuns who had been killed there"], 15.12.38-15.14.12 ["There was talk about executions of military personnel, civil servants, and then there was the specific mention of the nuns and I was then taken or went to see the bodies of the nuns ... Khmer Republic civil servants and Khmer Republic military personnel"]; **E1/190.1** Philip Short, T. 7 May 2013, 13.37.35; **E1/191.1** Philip Short, T. 8 May 2013, 14.25.19-14.27.03 ["In the case of Udong, they were executed after they left"]; **E3/1683** David Chandler, *The Tragedy of Cambodian History*, EN 00193314 ["When their troops

seized power, they continued to brag about their killing prowess on their radio station.¹⁰⁵⁰ For example, in August 1977, Radio Phnom Penh announced that “the U.S. imperialists, their lackeys and all traitors have been smashed and eradicated from our soil”.¹⁰⁵¹ A month later, the same station declared that the Revolutionary Army “courageously raised the banner of the struggle to smash all types of enemies”.¹⁰⁵² After the Party Centre orchestrated the East Zone massacre in mid-1978, Radio Phnom Penh proclaimed victory: “In June 1978, we smashed and crushed completely a scheme to stage a coup d’etat to topple Democratic Kampuchea from within ... we have completely smashed and wiped out the enemies of all stripes who attempted to topple our Democratic Kampuchea.”¹⁰⁵³

301. When it came to revolutionary cadres, however, the CPK’s internal propaganda exhorting them to kill was constant and shrill.¹⁰⁵⁴ The Party Centre’s obsession with “enemies” and determination to incite cadres to kill “enemies” can be gleaned from the fact that references to “smashing” the enemy appear no fewer than 471 times in the

overran the former royal capitol of Udong, north of Phnom Penh, in March 1974, some twenty thousand people were led off into the countryside, where the ‘class enemies’ among them were executed and the others put to work”].

¹⁰⁵⁰ **E3/118** FBIS, Radio Phnom Penh, 21 Apr 1975, EN 00166994 [Khieu Samphan speech: We have “totally smashed ... and completely crushed the most traitorous, fascist and corrupt regime of traitors Lon Nol, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret and Sosthene Fernandez”]; **E3/273** FBIS, Radio Phnom Penh, 18 Jan 1976, EN 00167841 [“[Army task is to] smash the enemy including the U.S. imperialists and the traitors”]; **E3/286** FBIS, Radio Phnom Penh, 17 Apr 1977, EN 00168246 [Ieng Sary speech: “Our Cambodian people and Revolutionary Army have smashed all the enemies’ tricks [and] crushed their spy network”]; **E3/1358** FBIS, Radio Phnom Penh, 7 Aug 1977, EN 00168275 [“[In Monduliri, the Army is] smashing of the enemies of all stripes”].

¹⁰⁵¹ **E3/1358** FBIS, Radio Phnom Penh, 14 Aug 1977, EN 00168282.

¹⁰⁵² **E3/143** FBIS, Radio Phnom Penh, 17 Sept 1977, EN 00168751.

¹⁰⁵³ **E3/75** FBIS, Radio Phnom Penh, 15 Aug 78, EN 00168977.

¹⁰⁵⁴ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401497 [“After several months of fighting and sweeping them away, the enemy was smashed. We were mighty, militarily mighty and politically mighty, both inside and outside the country”]; **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853 [“Imperialist ringleaders were all expelled from our country, their servants of every type were liquidated permanently and disappeared”]; **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496 [“As for the enemies ... smash them even more so they cannot raise their heads ... and we will achieve additional major victories”], 00478501 [“It is imperative to purge, to clean up, and to sweep clean the no-good elements and the enemy elements”], 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 ...’Y[uon]’ and their running dogs ... permanently clean”]; **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185342 [“Our duty is therefore is to attack absolutely... enemy is being smashed to smithereens, scattered to the winds and liquidated”], 00185343 [“We must see the enemy's face clearly ... sweep them cleanly away, sweep, and sweep and sweep again and again ceaselessly, so that our Party forces are pure”]; **E3/746** *Revolutionary Flag*, July 1978, EN 00428291 [“During the first 6 months of 1978, our Party has impelled forward the countrywide movement to sweep cleanly away the concealed enemy boring from within”], 00428296 [“In order to sweep out the concealed enemy even more absolutely cleanly... expanding the purge in the ranks of the Party, the ranks of the masses and in the army”], 00428303 [“In the great mass movement to attack and smash ... bringing about a strategic victory for the nation, the people, the Party and the revolution”].

pages of *Revolutionary Flag* and *Revolutionary Youth* between 1975 and 1978, even in the limited set of surviving issues of these once-secret publications.¹⁰⁵⁵ Throughout the DK regime, CPK enemies were variously characterised as “bad elements”,¹⁰⁵⁶ “cliques”,¹⁰⁵⁷ “bandits”,¹⁰⁵⁸ “contemptible”,¹⁰⁵⁹ “agents embedded inside”,¹⁰⁶⁰ “sneakily embedded”,¹⁰⁶¹ “burrowing from within”,¹⁰⁶² “traitors and traitorous strings”,¹⁰⁶³ “[causing] trouble for the people”,¹⁰⁶⁴ “human vermin”,¹⁰⁶⁵ “CIA, KGB and Yuon territory-swallowers”,¹⁰⁶⁶ “noxious to the uttermost”,¹⁰⁶⁷ “the uttermost danger”,¹⁰⁶⁸ “genocidal”,¹⁰⁶⁹ and “stink[ing] to high heaven and degradingly despised as nothing”.¹⁰⁷⁰ One torture victim went to his death as a “pacification agent”.¹⁰⁷¹ Just as often, however, “enemies” were referred to in a generic, undefined manner, without specifying precisely who, or where, or what they might be. Trial Chamber Expert David Chandler

¹⁰⁵⁵ **E3/5** *Revolutionary Flag*, Aug 1975; **E3/731** *Revolutionary Youth*, Aug 1975; **E3/728** *Revolutionary Youth*, Sept 1975; **E3/748** *Revolutionary Flag*, Oct-Nov 1975; **E3/729** *Revolutionary Youth*, Oct 1975; **E3/730** *Revolutionary Youth*, Dec 1975; **E3/735** *Revolutionary Youth*, Jan 1976; **E3/166** *Revolutionary Flag*, Feb-Mar 1976; **E3/759** *Revolutionary Flag*, Apr 1976; **E3/732** *Revolutionary Youth*, Apr 1976; **E3/733** *Revolutionary Youth*, May 1976; **E3/760** *Revolutionary Flag*, June 1976; **E3/753** *Revolutionary Youth*, June 1976; **E3/4** *Revolutionary Flag*, July 1976; **E3/734** *Revolutionary Youth*, July 1976; **E3/193** *Revolutionary Flag*, Aug 1976; **E3/10** *Revolutionary Flag*, Sept-Oct 1976; **E3/755** *Revolutionary Youth*, Sept 1976; **E3/756** *Revolutionary Youth*, Oct 1976; **E3/757** *Revolutionary Youth*, Nov 1976; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977; **E3/758** *Revolutionary Youth*, Dec 1976, EN 00544861; **E3/768** *Revolutionary Youth*, Mar 1977; **E3/742** *Revolutionary Flag*, Apr 1977; **E3/770** *Revolutionary Youth*, May 1977; **E3/135** *Revolutionary Flag*, June 1977; **E3/743** *Revolutionary Flag*, July 1977; **E3/193** *Revolutionary Flag*, Aug 1977; **E3/11** *Revolutionary Flag*, Sept 1977; **E3/772** *Revolutionary Youth*, Sept 1977; **E3/773** *Revolutionary Youth*, Oct-Nov 1977; **E3/139** *Revolutionary Flag*, Nov 1977; **E3/140** *Revolutionary Flag*, Dec 1977-Jan 1978; **E3/726** *Revolutionary Youth*, Jan-Feb 1978; **E3/744** *Revolutionary Flag*, Feb 1978; **E3/745** *Revolutionary Flag*, Mar 1978; **E3/774** *Revolutionary Youth*, Mar-Apr 1978; **E3/748** *Revolutionary Flag*, May-June 1978; **E3/746** *Revolutionary Flag*, July 1978; **E3/749** *Revolutionary Flag*, Sept 1978; **E3/765** *Revolutionary Youth*, Oct 1978; **E3/766** *Revolutionary Youth*, Nov 1978.

¹⁰⁵⁶ **E3/1110** Report on the meeting of the Commerce Committee, 25-26 July 1976, 26 July 1976, EN 00583829.

¹⁰⁵⁷ **E3/763 (E3/764)** Guidance of the Central Committee, 20 June 1978, EN 00275219.

¹⁰⁵⁸ **E3/1061** Division 801 Secretary Roenun to Beloved Uncle 89, 24 Mar 1977, EN 00538730.

¹⁰⁵⁹ **E3/2424** Chhoeun to Lovely Comrade Elder Brother District Police, 27 July 1978, EN 00322217.

¹⁰⁶⁰ **E3/952 (E3/511 and E3/953)** Telegram 04 from Central Zone Secretary Ke Pauk to Pol Pot, 2 Apr 1976, EN 00182658.

¹⁰⁶¹ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496.

¹⁰⁶² **E3/746** *Revolutionary Flag*, July 1978, EN 00428291; **E3/175** Letter from North Zone Secretary Se to 870 Committee, July 1978, EN 00583931.

¹⁰⁶³ **E3/970** Division 502 Secretary Met to Beloved Comrade Brother Duch, 30 May 1977, EN 00335202.

¹⁰⁶⁴ **E3/147** FBIS, *DK Media Reports for January 1977*, 3-27 Jan 1977, EN 00168467.

¹⁰⁶⁵ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396454.

¹⁰⁶⁶ **E3/857** Working with the Committees of Every Unit of Organization, 12 Sept 1977, EN 00355487.

¹⁰⁶⁷ **E3/746** *Revolutionary Flag*, July 1978, EN 00428291.

¹⁰⁶⁸ **E3/746** *Revolutionary Flag*, July 1978, EN 00428291.

¹⁰⁶⁹ **E3/746** *Revolutionary Flag*, July 1978, EN 00428289.

¹⁰⁷⁰ **E3/746** *Revolutionary Flag*, July 1978, EN 00428289.

¹⁰⁷¹ **E3/871** Telegram 21 from Chhon to Pol Pot, 21 Mar 1976, EN 00185241.

suggested that this ambiguity was deliberate, as it was “menacing and very helpful to the regime to keep everybody off balance.”¹⁰⁷²

302. Consistent with these exhortations from the CPK Party Centre for cadres to seek out and “smash” enemies, the Party constantly stressed the need for “revolutionary vigilance” against every form of enemy activity.¹⁰⁷³ The demand for “revolutionary vigilance” against enemies was thus a recurring theme in the speeches of CPK leaders at the top echelon of the Party.¹⁰⁷⁴ “Revolutionary vigilance” was constantly stressed in CPK publications, from the CPK Statute,¹⁰⁷⁵ to *Revolutionary Flag*¹⁰⁷⁶ and

¹⁰⁷² **E1/93.1** David Chandler, T. 20 July 2012, 09.25.12-09.26.11.

¹⁰⁷³ **E3/817** Presentation by Comrade Party Secretary during the First Meeting of the Council of Ministers, 22 Apr 1976, EN 00143467 [“We must raise the spirit of revolutionary vigilance even higher”].

¹⁰⁷⁴ **E3/232** CPK Standing Committee Meeting Minutes, 8 Mar 1976, EN 00182634 [Pol Pot: “Our vigilance must be even higher”]; **E3/196** Nuon Chea, Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark, July 1978, EN 00762397 [“Cadres are also instructed in revolutionary vigilance, that is, taking care to be on guard against the enemy”]; **E3/200** Khieu Samphan Speech on Radio Phnom Penh, EN S 00004165 [“We must wipe out the enemy in our capacity as masters of the situation... Everything must be done neatly and thoroughly ... We must further steel ourselves, remain alert, constantly maintain the spirit of revolutionary vigilance and continue to fight and suppress all stripes of enemy at all times”]; **E3/857** Working with the Committees of Every Unit, EN 00355487-88 [Ieng Sary: “We must raise revolutionary vigilance really high”]; **E3/810** Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 Sept 1976, EN 00195352 [Son Sen: “We must indoctrinate the view of revolutionary vigilance to attack enemy trickery”].

¹⁰⁷⁵ **E3/130** Communist Party of Kampuchea Statute, EN 001840254 [“The Party must have high-level revolutionary vigilance toward all enemy activities and trickery, direct or indirect, overt or secret, which have the intent to destroy the Party by every means”].

¹⁰⁷⁶ **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495805 [“The high Revolutionary vigilance stance in terms of ideology shall be strengthened on a daily basis so that the Party’s worker class will never be influenced by the non-Revolutionary ideology of the feudalism, landlord, capitalist and bourgeois classes and other non-Revolutionary ideologies of other classes”]; **E3/25** *Revolutionary Flag*, Dec-Jan 1975-1976, EN 00865711 [“Lifting the vigilance spirit as high as possible for the organizational work because all kinds of enemies, inside and outside, have the plan to destroy us strategically from one generation to another”] and 00865718 [“The spirit of revolutionary vigilance must be highly promoted in all sectors included politic, ideology, and organization”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450534 [“raise the spirit of revolutionary vigilance at every location”]; **E3/25** *Revolutionary Flag*, Dec-Jan 1976-1977, EN 00491404 [“They are traitor forces ... We eradicated them in time because our socialist revolution was good, our revolutionary vigilance was high, and our organization was meticulous”]; **E3/768** *Revolutionary Youth*, Mar 1977, EN 00525944 [“Constantly raise high our spirit of revolutionary vigilance, assessing and monitoring every dark maneuver and activity of the enemies of all types”]; **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478500 [“Continue to constantly raise high our spirit of vigilance toward the enemies inside the Party, inside the Army, and among the people”]; **E3/135** *Revolutionary Flag*, June 1977, EN 00446876 [“Our 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”]; **E3/743** *Revolutionary Flag*, July 1977, EN 00476168 [“We must raise high our spirit of revolutionary vigilance against both internal and external enemies and their running dogs of every type”]; **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519855 [“We indoctrinate among the people and inside the Army about this view of vigilance”], 00519859 [“Raise the spirit of vigilance throughout the country in every unit”]; **E3/727** *Revolutionary Flag*, Aug 1978, EN 00185327 [“We must have ever increasingly revolutionary vigilance, especially as regards the internal enemy”].

Revolutionary Youth,¹⁰⁷⁷ and in Party study documents.¹⁰⁷⁸ The imperative to maintain “revolutionary vigilance” against enemies was emphasised in all DK units of organisation, from Office 870¹⁰⁷⁹ to S-21,¹⁰⁸⁰ in Centre military divisions,¹⁰⁸¹ and beyond.¹⁰⁸²

INDEFENSIBLE DEFENCES OF THE POLICY

303. **Nuon Chea** insists that the Co-Prosecutors misconstrue the literal words of the CPK policy on “enemies”, arguing that the policy was actually much more subtle. “You could not treat everyone as enemy”, **Nuon Chea** told the Trial Chamber. “Even in the royal family, in the Monarch, in particular, there were people who were nationalists”.¹⁰⁸³ Despite **Nuon Chea**’s purportedly fond memories of the royal family, the CPK murdered almost every one of them they could get their hands on.¹⁰⁸⁴ “After 1975, the monarchy were to be smashed as long as they were encountered; there was no

¹⁰⁷⁷ **E3/758** *Revolutionary Youth*, Dec 1976, EN 00544866 [“Our revolutionary male-female youths should not be subjective, do not underestimate the enemies, and must maintain the revolutionary vigilance and practical and serious measures for dealing with and destroying them”], 00544867 [“Our revolutionary male-female youths, who are the vanguard and leading forces on all revolutionary works, must promote the spirit of constant revolutionary vigilance highly, and have the correct, strong, firm, and practical measures for all sectors for dealing with and smashing the enemies back at all time”].

¹⁰⁷⁸ **E3/213** Summary of the Results of the 1976 Study Session, EN 00104081 [“Raise high the level of revolutionary consciousness and vigilance towards both internal and external enemies”], 00104083 [“A vision and standpoint of constantly high revolutionary vigilance inside the Party, the armed forces, and our collective worker-peasant people”].

¹⁰⁷⁹ **E3/780** Committee 870, Declaration of Constant and Absolute Fight against the Invading and Land-Swallowing *Yuon*, EN 00721189 [“Constantly lift the spirit of revolutionary vigilance, track down and identify agents of the *Yuon* enemy to prevent them from hiding anywhere”].

¹⁰⁸⁰ **E3/810** Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 Sept 1976, EN 00195344 [Huy Sre, Member of S-21 Committee: “There is not yet a high level of vigilance in the work”]; **E3/833** Notebook of senior S-21 cadre Mam Nai alias Chan, EN 00814576 [“Our measures: 1. To enforce Revolutionary vigilance inside the Party and inside the armed forces; To hotly enforce Revolutionary vigilance among the people”].

¹⁰⁸¹ **E3/13** Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 Oct 1976, EN 00940344 [Son Sen: “Concretely operationalizing revolutionary vigilance means having a firm grip on our units of organization, ensuring that the enemy is unable to bore from within, and doing whatever needs to be done to ensure that our army is clean”]; **E3/1165** Division 703 Secretary Pin Telegram to Office 62 at RAK General Staff, 22 Dec 1976, EN 00525766 [“With the Respect of the Loftiest Revolutionary Vigilance, done on 22 December 1976 for the Division 703 Committee”]; **E3/13** Minutes of Meeting of Secretaries of Divisions and Independent Regiments, 9 Oct 1976, EN 00183990 [Division 502 Secretary Sou Met: “This experience proves that our Party has a solid grip on things and a stance of constant vigilance”], EN 00183990 [Division 164 Secretary Meas Muth: “This lesson has strengthened another degree the standpoint of revolutionary vigilance”].

¹⁰⁸² **E3/165** Speech of Chairman of the Presidium at the opening of first conference of the first legislature of the People’s Representative Assembly of Kampuchea, 11-13 Apr 1976, EN 00184054 [Khieu Samphan: “We continue to strengthen and expand the force of great solidarity of the entire nation and people and to raise revolutionary vigilance to a high level at all times”]; **E3/1094** Office 401 To Respected, Beloved and Missed Angkar, 4 Aug 1978, EN 00143623 [“Measures have already been taken by being vigilant”].

¹⁰⁸³ **E1/25.1** Nuon Chea, T. 11 Jan 2012, EN 10.05.48.

¹⁰⁸⁴ **E3/1813** Craig Etcheson, *After the Killing Fields*, EN 00078868. See also **E3/2813** Norodom Sihanouk, *Prisonnier des Khmers Rouges*, EN 00359360 [Sihanouk says all of his children and grand-children, except for two sons by Monique, nearly 20 people in all, were disappeared by the CPK].

discrimination”, Duch clarified. “I believe that the royal family members were also smashed”.¹⁰⁸⁵

304. The royal family and its millennium-old institutions were the ultimate expression of the “feudalist” society that the CPK aimed to destroy. Former King Norodom Sihanouk was clear-eyed about this, describing the “Khmer Rouge” as “mortal enemies of Sihanouk and the monarchy”.¹⁰⁸⁶ Pol Pot declared at a CPK Standing Committee meeting on 13 March 1976, with both **Nuon Chea** and **Khieu Samphan** present, that the revolution had in fact successfully exterminated feudalism in Cambodia: “We must end feudalism, just like this. The chess game has gotten to that point. The entire feudalist regime has been permanently smashed and dug out by the revolution. The kings existing over 2,000 years must, in the end, be clean. We have no way out other than this one”.¹⁰⁸⁷ The CPK had appointed Sihanouk as the first DK Head of State, and when Sihanouk asked permission to resign, Pol Pot, **Nuon Chea** and their colleagues decided to let him live, but also warned: “We do not kill him. ... We will maintain him, but if he keeps on struggling to free himself, we must end it”.¹⁰⁸⁸ The CPK was supremely unsentimental about their many enemies. The CPK policy on enemies was that if the Party wanted to kill someone, then that would be *ot panya ha* – no problem. And the CPK wanted to kill *very* many “enemies”. We now turn to some specific instances of mass extrajudicial murder by the CPK.

FORMER KHMER REPUBLIC SOLDIERS AND OFFICIALS

*They were taken away and smashed. This was the way they did to high ranking officers. During the regime, nobody was put on trial*¹⁰⁸⁹

– Witness Prum Sarun

305. Throughout the DK regime, the leadership instructed cadres to identify, arrest, and often execute former soldiers and officials of the Lon Nol regime. Across the country, CPK cadres lured former Khmer Republic soldiers and officials into revealing their past

¹⁰⁸⁵ **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 11.24.07-11.29.20. *See also* **E3/35** Ke Pich Vannak WRI, EN 00346158-59 [“He was a prince named Tara Depau ... there was an urgent order from the upper echelon banning a meeting between Prince Sihanouk and Tara Depau. It said that ‘the son is not allowed to see the father.’ ... After 1979 I heard people say some royal families were killed during 1976 at Prey Sos Kyal and and Phnom Ampil area in Steung Trang district ... Kry told me that Tara Depau was killed along with his two body guards”].

¹⁰⁸⁶ **E3/2813** Norodom Sihanouk, *Prisonnier des Khmers Rouges*, EN 00395359 (free translation).

¹⁰⁸⁷ **E3/197** Minutes of Meeting of the CPK Standing Committee Meeting, 11 March 1976, EN 00182641.

¹⁰⁸⁸ **E3/197** Minutes of Meeting of the CPK Standing Committee Meeting, 11 March 1976, EN 00182641.

¹⁰⁸⁹ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 15.20.00-15.23.42.

positions and regularly took biographies. Former soldiers and officials and their families were then subject to harsher living and working conditions, and considered enemies unless they maintained perfect compliance with *Angkar*'s instructions. They were arrested for minor "offences", tortured, and executed without due process at much higher rates than civilians not associated with the Khmer Republic regime.

306. CPK policy was particularly severe regarding Khmer Republic officers and high-ranking officials of the former regime, whom the Khmer Rouge considered inherently non-reformable. From the beginning of the DK regime, the Centre's policy was to execute all Lon Nol military officers and high-ranking officials in order to eliminate any threat of a counterrevolution. While the evidence varies from time and place as to the exact level of rank above which all were to be killed, the evidence consistently shows efforts to kill all higher-ranking officers. Those few that survived did so by hiding their military background.
307. In 1977, the CPK leadership, increasingly paranoid about the perceived sabotage of the revolution, again exhorted cadres to systematically purge the cooperatives of "elements of the former regime." This involved mass arrests and killings of those connected to the Khmer Republic regime for any indication of opposition to the revolution, including lower-ranking soldiers, officials, and their families.

1. Evolution of the Policy

308. During the war with the Khmer Republic, the FUNK leadership took a dual approach to Khmer Republic soldiers and officials. First, they incited the killing of Khmer Republic soldiers and officials using inflammatory and indiscriminate statements.¹⁰⁹⁰ Second,

¹⁰⁹⁰ **E3/167** FUNK Publication, *Nouvelles du Cambodge* No. 698, 11 Apr 1974, EN 00280586 ["On 18 March, our People's National Liberation Armed Forces liberated another city, Oudong, by annihilating all the puppet soldiers there along with their reinforcements; in other words over 5,000 enemies were eliminated, 1,500 of whom were captured"]; **E3/30** FBIS, *Khieu Samphan 14 Jan Message to CPNLA F Fighters*, 15 Jan 1975, EN 00166709-10 [the CPNLA F had "annihilated close to 20 battalions of enemy troops and liberated tens of thousands of our people from the demonic claws of the traitor Lon Nol and his clique"]; **E3/637** *Khieu Samphan, Hou Yun and Hu Nim Statement*, 17 Apr 1975, EN 00740933 ["some 1,550 heads of enemy's military personnel and officers including hundreds colonels, captains, lieutenants and major-lieutenants have been smashed, while ten thousands of people have been liberated"]; EN 00740938 ["All in all, up to mid-January 1973, the Kampuchean people's liberation armed forces and our people have obtained great victories. We have smashed a total of 10,245 heads of the enemies and liberated dozens of bases"]; **E3/118** FBIS, *Khieu Samphan Congratulates CPNLA F on Neak Luong Victories*, 3 Apr 1975, EN 00166923-25 [including the specific Khmer Republic brigades that were defeated and the number of soldiers (5,000), "field-grade officers" (20) and "general officers" (65) who were "killed, wounded [or] captured"]; **E3/116** *Khieu Samphan, Hou Yun and Hu Nim Statement*, 9 Sept 1972, EN 00485282-83 [Hou Yun and Hu Nim issued a statement appealing to people to ... "fight resistantly to eliminate the main traitors ... and their subordinates," using "all types of

they encouraged Lon Nol soldiers and officials to save themselves by defecting before it was too late. Only seven “supertraitors” were not given this option — the Khmer Rouge announced these men would be killed.¹⁰⁹¹ All others were told they could avoid this fate by switching their allegiance immediately.¹⁰⁹² In the days leading up to 17

weapons such as small and big guns, knives and sticks to kill the traitors”]. See also **E3/7278** Alexander Hinton, *A Head for an Eye*, EN 00993748-49 [“This class grudge facilitated a great deal of violence during DK. ... This hatred was quickly directed at the first targets of revenge, the Lon Nol government and military. Leading officials were rounded up and executed, and a concerted attempt was made to identify other potential enemies”], EN 00993753 [“The Khmer Rouge first killed off virtually the entire military and governmental leadership of the Lon Nol regime and then set out to eradicate other suspected enemies and, in many cases, part or all of their family lines. By taking ‘a head for an eye,’ ... the Khmer Rouge were attempting both to demonstrate their superiority ... and to prevent the cycle of vengeance from continuing thereafter”].

¹⁰⁹¹ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 10.59.45; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.23.20-10.30.03 [confirming radio broadcasts calling for the execution of the seven Lon Nol “super-traitors,” and that the CPK Standing and Central Committees took no action to renounce the call for the execution of those individuals]; **E3/4001R** Video, *Enemies of the People: One day at Po Chrey*, 2010, 22:07-22:11 [Nuon Chea confirmed that the CPK “political orders” were to “liquify” the “five top leaders”]; **E3/116** *Statement of Khieu Samphan, Hou Youn and Hu Nim*, 9 Sept 1972, EN 00485282-83 [appealing to the people to unite with the FUNK and “fight resistantly to eliminate the main traitors including the contemptible Lon Nol, Sirik Matak, Son Ngoc Thanh, In Tam, Lon Non, Hang Thun Hak, and others and their subordinates”]; **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720205; **E3/30** FBIS, *Khieu Samphan Issues Appeal to Compatriots, Monks* 22 Jan 1975, EN 00166721-22; **E3/117** *Khieu Samphan Chairs NUFC Congress Session*, 26 Feb 1975, EN 00166772 [“the national congress declares it absolutely necessary to kill the seven traitors for their treason against the nation, and their fascist, corrupt, criminal acts unprecedented in Cambodian history”]; **E3/120** FBIS, *NUFC Radio Emphasizes 26 February Congress Appeal*, 3 Mar 1975, EN 00166791-92; **E3/120** FBIS, *NUFC Editorial Hails Decisions of 2nd National Congress*, 4 Mar 1975, EN 00166792-93; **E3/120** FBIS, *Further Appeal Urges People to Join CPNLAF Struggle*, 7 Mar 1975, EN 00166795-96; **E3/3718** Ta Kung Pao (Chinese Newspaper), *7 Top Cambodian Traitors Named*, 6 Mar 1975, EN 00001499; **E3/120** FBIS, *Cambodians In Peking Laud Second NUFC Congress*, 11 Mar 1975, EN 00168816; **E3/120** FBIS, *Civil Disturbances Urged*, 14 Mar 1975, EN 00166838-40; **E3/120** FBIS, *Khieu Samphan Appeals for Intensified Struggle*, 15 Mar 1975, EN 00166828; **E3/120** FBIS, *Urgent Appeal*, 17 Mar 1975, EN 00166842-43; **E3/120** FBIS, *RGNUC’s Hou Nim Issues Appeal to Monh on Current Situation*, 22 Mar 1975, EN 00166870 [“There are only seven traitors”]; **E3/120** FBIS, *RGNUC Cabinet issues 25 Mar Communique Appeal*, 26 Mar 1975, EN 00166874; **E3/189** Telegram from the Minister for Foreign Affairs, 21 Mar 1975, EN 00894298; **E3/120** FBIS, *RGNUC’s Hou Youn Issues Appeal to ‘Enemy-Controlled’ Areas*, 29 Mar 1975, EN 00166885-87 [“Conduct more vigorous uprisings against the seven traitors; try by all means to annihilate them”]; **E3/118** FBIS, *AKI: CPNLAF Continuing Offensive ‘Without Compromise’*, 10 Apr 1975, EN 00166937 [noting that while five of the seven super-traitors had fled the country, Sirik Matak and Long Boret remained “in Phnom Penh,” and the “residents and youths will annihilate and put an end to [their] existence”]; **E1/56.1** Kaing Guek Eav alias Duch, T. 29 Mar 2013, 15.22.52-15.27.04, 15.35.41- 15.41.52 [describing hearing broadcasts on the radio]; **E1/201.1** Sydney Schanberg, T. 5 June 2013, 10.40.39-10.46.33; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 13.33.34-13.37.07.

¹⁰⁹² **E3/117** *Khieu Samphan Chairs NUFC Congress Session*, 27 Feb 1975, EN 00166772 [“other low or high-ranking government officials ... army officers, police officers had the full right to join FUNK/GRUNK provided they “immediately cease their service to the seven traitors”]; **E3/120** FBIS, *NUFC Radio Emphasizes 26 February Congress Appeal*, 3 Mar 1975, EN 00166791-92 [“As for our compatriots in Phnom Penh and areas under temporary enemy control ... the great national congress solemnly declared that they are entirely free to join the NUFC provided they stop cooperating with the seven bigshot traitors ... all the various fraternal government employees, politicians and personalities working for all the agencies of the traitors’ regime, brother officers ... now is the time to make up their minds”]; **E3/3718** Ta Kung Pao (Chinese Newspaper), *7 Top Cambodian Traitors Named*, 6 Mar 1975, EN 00001499; **E3/3334** US State Department Telegram, *Khmer Report*, 4 Mar 1975, EN 00413052-3 [Politicians other than the seven traitors, could join FUNK if they stopped cooperating with Lon Nol “now”]; **E3/189** GRUNK Telegram to the Minister for Foreign Affairs, 18 Mar 1975, EN 00894299;

April 1975, the FUNK leadership made clear that all soldiers and officials who did not defect were part of the “traitorous clique”,¹⁰⁹³ whose lives were at risk,¹⁰⁹⁴ and warned their children would be “indelibly marked as the descendants of traitors.”¹⁰⁹⁵ In certain areas controlled by the Khmer Rouge, cadres arrested and killed Lon Nol civil servants, soldiers, and their families.¹⁰⁹⁶

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- E3/3341** US State Department Telegram, *Khmer Report*, 18 Mar 1975, EN 00413196 [“The Prince [Sihanouk], apparently acquiescing in the February 2nd National Congress Decision, noted that the seven principal and former GKR leaders have been sentenced to death, but that others would be granted clemency if they were “not too late” in cooperating with GRUNK”], EN 00413197; **E3/118** FBIS, *Khieu Samphan Issues Statement on Current Situation*, 1 Apr 1975, EN 00166897-98; **E3/118** FBIS, *Penn Nouth Greets Compatriots on Cambodian New Year*, 13 Apr 1975, EN 00166956; **E3/118** FBIS, *Sihanouk Rejects Offer*, 16 Apr 1975, EN 00166971 [“if second-rank traitors wish to save their lives, they should immediately lay down their arms, raise the white flag and rally unconditionally to NUFC, RGNUG and CPNLAF”]. See also **E1/191.1** Philip Short, T. 8 May 2013, 16.06.29; **E3/3338** US State Department Telegram, *EA Press Summary*, 12 Mar 1975, EN 00413155.
- ¹⁰⁹³ **E3/118** FBIS, *Khieu Samphan Issues Statement on Current Situation*, 1 Apr 1975, EN 00166897-98 [“The NUFC ... appeal to all officers, men and members of armed organizations of all categories of the traitorous clique on all battlefields, ... to lay down their weapons immediately”]; **E3/118** FBIS, *Khieu Samphan Appeals to Phnom Penh Citizens to Join NUFC*, 14 Apr 1975, EN 00166948 [“All brother officers and troops in the traitorous army are requested to immediately lay down your weapon and join in the NUFC”], EN 00166949 [“The creation of this organisation is ... designed to continue the treachery of the last bunch of traitors”].
- ¹⁰⁹⁴ **E3/118** FBIS, *Sihanouk Rejects Offer*, 16 Apr 1975, EN 00166971 [“if second-rank traitors wish to save their lives, they should immediately lay down their arms, raise the white flag and rally unconditionally to NUFC”]. See also **E3/189** GRUNK Telegram Addressed to the Minister for Foreign Affairs, 18 Mar 1975, EN 00894299 [the National Congress called upon Lon Nol officials to abandon the seven traitors “while there is still time”].
- ¹⁰⁹⁵ **E3/118** FBIS, *Penn Nouth Greets Compatriots on Cambodian New Year*, 13 Apr 1975, EN 00166956 [“Time is very short ... join the patriotic ranks of the people in order to avoid passing on a bad name to your children who will be indelibly marked as the descendants of traitors”].
- ¹⁰⁹⁶ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.40.28-13.42.38 [“my detention was due to my father being District Chief during the Sihanouk regime”]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 10.02.22-10.04.59; **E3/4846** Say (Sory) Sen WRI, EN 00527773 [“I saw them take my father to kill when I was collecting cow dung on the west side of the prison. ... right after his execution I went to see him. In less than an hour they had transfer the body to the grave. I took my father’s cloths off, washed the blood out and kept it to wear and cover myself”]; **E3/9589** Say (Sory) Sen WRI, A11, A21-25 [he was arrested in 1973]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.18.02-09.20.07 [“For example, one prisoner [in 1974] said he was accused of being connected with [the] former regime because his sibling or relative have a rank of a major or a captain”]; **E1/255.1** Kev Chandara alias Yav, T. 2 Feb 2015, 11.17.53-11.23.46 [“When I was detained at the Centre ... There was not less than 50 victims executed a day. It’s not only for the former Lon Nol officers or soldiers. ... No one survived”], 13.50.39, 16.03.44-16.06.27; **E1/288.1** Bun Sarouen T. 3 Apr 2015, 10.30.04-10.32.17, 11.12.56-11.25.17 [his father was a group chief under the Lon Nol regime and was arrested and detained at Kraing Ta Chan security centre in late 1973 or early 1974]; **E3/5877** Bun Sarouen CPA, EN 01067016-17. See also **E1/282.1** Saut Saing, T. 24 Mar 2015, 11.07.44-11.12.38; **E1/257.1** Saut Saing, T. 25 Mar 2015, 11.07.44-11.12.38 [prisoner was told that there were more prisoners who were former Lon Nol soldiers or civil servants previously under Phan Chhen (chief from 1973 to mid-1975)]; **E1/410.1** Chan Bun Leath alias Bun Loeng Chauy, T. 29 Mar 2016, 09.33.57-09.35.48 [noting that most Lon Nol soldiers in Sector 105 had been purged from 1970 to 1975]; **E3/7752** Phol Phai WRI, EN 00275154-57 [in 1973, the Khmer Rouge “arrested and killed people”, “accusing them of being spies for Sa Yim, the [Lon Nol] subdistrict chief”. They arrested them one by one, beating, interrogating then killing them and arresting their connections. He estimates that “they arrested two or three persons in one day, sometimes five or six, but not every day. ... They said they were taking them to study; as I understood it, they sent them to killing sites”]; **E3/3209** Henri Locard, *Bopheia Region*, 24-26 August 1993, EN 00403133, 00403167.

2. Eliminating the Threat of Counter-Revolution: 1975

309. Even after the Khmer Rouge's victory and the end of Cambodia's civil war, the CPK considered Khmer Republic soldiers and officials to be an inherent threat to the revolution.¹⁰⁹⁷ **Nuon Chea** told the Chamber that in a 1974 meeting, the CPK leadership predicted that when Phnom Penh was captured, Lon Nol soldiers would flee to the border areas where "[t]hey would start fighting; attacking our people through means of guerrilla war and they would drag us to follow them and that there will be no peace."¹⁰⁹⁸ In a 1996 interview, Ieng Sary stated that around 20 April 1975 the Party Centre decided to "do *whatever was required* to keep that group from being able to rise up and oppose the revolution" and extended orders to kill Khmer Republic military officers down the ranks.¹⁰⁹⁹ In the aftermath of the 17 April 1975 victory, the Khmer Rouge immediately executed captured high-ranking officials not among the seven "great traitors", including Ung Boung Hor¹¹⁰⁰ and Lon Non¹¹⁰¹ — a small precursor to the mass executions of officers and former officials around the country.
310. In April and May 1975, CPK leaders, including **Nuon Chea**, disseminated orders to remove or eliminate high-ranking Khmer Republic soldiers and officials.¹¹⁰² Khmer

¹⁰⁹⁷ See e.g. **E1/187.1** Lim Sat, T. 2 May 2013, 10.14.23-10.16.45; **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.32.45-10.35.30; **E3/3327** UN ECOSOC, *Further Submission of the International Commission of Jurists under Decision 9 (XXXIV)*, EN 00075939.

¹⁰⁹⁸ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 15.22.27-15.24.03.

¹⁰⁹⁹ **E3/89** Ieng Sary Statement, 17 Dec 1996, EN 00417606 ["Q: "It was not that everyone was to be killed ... it was not just a few bullets ... the 'great traitors'. It went beyond that ... But there is no documentation speaking of lower-ranking soldiers or civil servants in general. A: So that decision was not made in advance. It was decided ... 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. From what I was told, the group had post-defeat plans ... to take back power. I asked more, and they said that when they had searched the houses of military officers, they were full of grenades and all kinds of weapons." (*emphasis added*)].

¹¹⁰⁰ **E1/201.1** Sydney Schanberg, T. 5 June 2013, 11.09.13-11.10.51 *citing* **E236/1/4/3.1** Sydney Schanberg: *Cambodia Diary 1975*, EN 00898293; **E3/2702** French Ministry of Foreign Affairs Telegram, *Departure of Refugees*, 20 Apr 1975, EN 00504003; **E3/4148** US Embassy in Bangkok Telegram, *American Talks of Phnom Penh After The Fall*, 4 May 1975, EN 00413478; **E3/4679** Ung Bonavan CPA, 15 June 2008, EN 00850654.

¹¹⁰¹ **E1/201.1** Sydney Schanberg T. 5 June 2013, 10.50.17-10.58.47; **E3/604** Bangkok Post, *Relations Confirmed as Khmers Leave*, 2 Nov 1975, EN 00419043. See also **E3/3865** Amnesty International, *Democratic Kampuchea (Cambodia)*, May 1976, EN 00004213; **E3/1287** FBIS, *AKI Reports Sihanouk's 26 March War Criminals Statement*, 2 Apr 1975, EN 00771787.

¹¹⁰² **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.35.53-14.37.54 [assistant to training course in Phnom Penh in 1975: "Q: When Mr. Nuon Chea made his speech, what was the content of such speech after Pol Pot? A: Following Pol Pot ... he was talking about finding individuals who burrow within the Party ... we had to know people who were opposing the Party, who were infiltrating in the Party's line...I felt that Nuon Chea was referring to people who could have been the soldiers in the previous regimes, including Norodom Sihanouk and Lon Nol regimes"]; **E3/10731** [REDACTED] WRI, A47, A53-54 [the witness [REDACTED] attended a month long training session mid-1975 for all military divisions at Olympic stadium. Son Sen spoke there about the "screening and sorting" of enemies,

Rouge radio transmissions instructed cadres to secretly “eliminate all high-ranking military officials, government officials” from second lieutenant upward.¹¹⁰³ In June 1975, a commander of Centre Division 703, ordered the execution of 17 Lon Nol soldiers, mostly former lieutenants or lieutenant colonels, after “examination by the Party”, which had divined in one victim “a feudal, people betraying lineage,” and in another “a nature absolutely opposed to the revolution.”¹¹⁰⁴

where soldiers whose parents or relatives were affiliated with *inter alia* the Lon Nol government would be placed in a separate unit for those with “tendency”]; **E3/7516** Sem Hoeun alias Kim DC-Cam Statement, EN 00183598 [“As a battalion chairman in Pheng’s regiment of Division 310, he attended a series of political study sessions at the Olympic Stadium, along with battalion, regimental and division cadre from all over the country. Son Sen (Khiev) taught and spoke about the need to research to find those with connections to political tendencies, such as having relatives who had served as Republican soldiers. ... Ieng Sary also taught at these study sessions, saying that those connected to traitorous political links would have to be removed, regardless of their status”]; **E3/4527** Stephen Heder *Reassessing the Role of Senior Leaders and Local Officials*, EN 00661465 [“During a series of meetings in Phnom Penh in May, June ... Pol and Nuon refined and expanded the categories whose members must all be killed to include ‘officers, starting from the generals and working down through to the lieutenants, as well as kinh, policemen, military police personnel and reactionary civil servants,’ justifying this position by arguing that such executions were a necessary part of ‘attacking the old social regime’”]; **E3/7342** S-21 Confession of You Peng Kry alias Mon, Deputy Chief of Office 24, 21 Jan 1978, EN 00821429 [contains annotation that reads: “About smashing in accordance with the secret work of the Party that permitted the smashing of senior traitors including Touch Kim and the generals captured on 17 April 1975”]; **E3/3472** US National Security Council Memorandum, *Assessment of Developments in Indochina*, 15 July 1976, EN 00443170 [a Khmer Rouge order went out to kill all army officers and civilian officials of the Lon Nol government]; **E3/3327** UN ECOSOC, *Further Submission of the International Commission of Jurists under Decision 9 (XXXIV)*, EN 00075939 [it was a decision of the Central Committee to wipe out former Khmer Republic officers then common soldiers in 1975 and 1976 respectively to prevent forces uniting against the revolution].

¹¹⁰³ **E3/390** Mat Ly DC-Cam Interview, 1990, EN 00436867-68 [former East Zone DK official: “Domestic policy: ... if they had even been first lieutenants, second lieutenants or had worked in the courts, they were killed. To be able to kill them, they designated them all as enemies”]; **E3/3370** Washington Post, *Reports Hint ‘Blood Debt’ Being Paid*, 12 May 1975 [“Not long after the Communists captured Phnom Penh and consolidated their hold on Cambodia, they issued the following secret instructions: ‘Eliminate all high ranking military officials, government officials. Do this secretly. Also get provincial officers who owe the Communist Party a blood debt.’ ... U.S Intelligence intercepted the radio transmission and sent a translation to the State Department by secret cable. We have obtained a copy of the secret cable ... Other radio reports from the field indicate that the blood reprisals have started. One unit, relaying orders from Communist high command, called for the execution of all military officers from lieutenant to colonel, with their wives and their children. ... Apparently, the Khmer Rouge want to eliminate everyone who might become a threat to Communist control”]; **E3/3393** Los Angeles Times, *Massive Cambodia Bloodbath Reported*, 4 May 1975 [quoting Newsweek Magazine: “All officers down to the rank of second lieutenant were to be killed, along with their wives, the intercepts were said to indicate ... Sources have told Newsweek that the United States intercepted official Khmer Rouge radio transmissions in which the orders for the bloodbath were given, as well as the field reports saying that the initial round of executions had been carried out. The sources say the killings are not isolated cases, but part of a full-fledged campaign”]; **E3/3364** Washington Post, *Cambodian Ex-Officers, Wives Reported Slain by Khmer Rouge*, 6 May 1975 [“The White House yesterday said intercepted radio transmissions indicated that 80 or 90 Cambodian military officers and their wives have been killed since the fall of Phnom Penh. ... [Press Secretary] Nessen said that the intercepted report also indicated that executions, mostly against military officers of the Lon Nol government were continuing”].

¹¹⁰⁴ **E3/832** Execution Order, 4 June 1975, EN 00068915 [“The comrades are asked to implement the policy of the party”] *authenticated by* **E3/537** Ieng Sary Interview, 17 Dec 1996, EN 00417602; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 14.08.29 [“[Pin] said that after 17 April 1975, the situation of those soldiers was rather chaotic and Pol Pot told Khoem Pin to monitor and control the situation”]; **E3/429** Kaing

311. Duch testified that, “after 1975, former soldiers and officers of Lon Nol regime were the key enemies”¹¹⁰⁵ and “the purges of the former regime soldiers and officers” were carried out from “17 April forward.”¹¹⁰⁶ In the aftermath of the fall of Phnom Penh, Duch was assigned to collect vast numbers of documents from the houses of senior Lon Nol leaders “in order to arrest the former regimes and officials”.¹¹⁰⁷ Nhem En, a former S-21 worker trained by Division 703,¹¹⁰⁸ testified that such documents were used to identify former high-ranking Khmer Republic officers, who were then sent to be killed at the Centre’s Division 703 prison in Takhmau,¹¹⁰⁹ a precursor to and component of S-21.¹¹¹⁰ He stated: ¹¹¹¹

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- Guek Eav WRI, EN 00403920-21 [“I know that, after 17 April, soldiers were systematically eliminated. This was confirmed to me by Khoem Pin (Secretary of Division 703) and by Hor, my deputy. After the liberation, soldiers were hunted down and fled. Pol Pot, Vorn Vet and Son Sen were informed of this and asked Khoem Pin to monitor the situation. He told me, for example, that Generals Chea Kim Eng and Chhim Chhuon reported to him to surrender and were liquidated afterwards. Hor told me the same thing about General Deng La Yom”]; **E3/5759** Duch’s Note on Lists in Searching for the Truth, EN 00197748.
- ¹¹⁰⁵ **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.15.38-10.18.29; **E3/345** Kaing Guek Eav, T. 18 May 2009, 09.52.33-09.57.43 [indicating that “people in Lon Nol’s regime” were classified into three categories, the first of which were smashed in 1975 to 1976]. *See also* **E1/71.1** Pean Khean, T. 2 May 2012, 14.27.29-14.32.17 [messenger to Koy Thuon states that Lon Nol soldiers and government officers were to be smashed because they were considered enemies].
- ¹¹⁰⁶ **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.23.01. *See also* **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.09.51-09.15.54, 14.01.24-14.01.14 [“The documents of Division 13 [M-13], the documents that was the heritage of S-21, mentioned that a lot of soldiers and military officials were arrested. So it is clear that those people were collected and smashed”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.07.51-10.15.38; **E3/5757** Duch’s Note on Document, EN 00186652 [“During ... the forced evacuation of the people, the Police Office of the 703rd Division also received orders to carry out secret crimes ... for instance, the use of trickery to arrest soldiers ... and take them to be killed”].
- ¹¹⁰⁷ **E1/433.1** Kaing Guek Eav, T. 7 Jun 2016, 13.56.39; **E3/5795** Kaing Guek Eav WRI, T. 29 Apr 2009, 09.23.01; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.35.36; **E3/442** Kaing Guek Eav, EN 00412117. *Note* Chhim Sam Oeur alias Set, a medic at S-21, was later executed after destroying some of the records collected: **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.09.52. Duch also submitted a report to Nat in 1975 seeking a decision on whether to arrest three former civil servants in Kampong Thom who had falsified their biographies: **E3/1052** Report to Respected Brother 03, 27-29 Nov 1975 *confirmed by* **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 14.20.15; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 10.57.46- 10.59.31, 14.19.08-14.31.09.
- ¹¹⁰⁸ **E1/418.1** Nhem En, T. 19 Apr 2016, 15.41.38.
- ¹¹⁰⁹ **E1/419.1** Nhem En, T. 20 Apr 2016, 15.41.03-15.47.48 [“Books were collected and put onto five GMC trucks. The documents were used to research the former Lon Nol government. The arrests did happen in 1975. Those documents were collected from the library and names were noted down and ... people were arrested afterwards. At Takhmau, the psychiatric hospital, Song Sak was also killed there. Colonels, majors, captains and other Lon Nol high-ranking officers were killed”]. *See also* **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.10.43-10.14.42 [“Before I became the chief or chairman of S-21, that police office had already purged the former soldiers and officials of the former regime ... After 1975, April 1975, I was the chairman of S-21. There were lists of people arrested and I provided trainings on interrogation techniques, so I witnessed this policy. In my capacity as the chairperson, I had regular contacts with my superior, including Son Sen and Nuon Chea”]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.19.40-15.22.31.
- ¹¹¹⁰ **E1/434.1** Kaing Guek Eav, T. 8 Jun 2016, 09.13.12-09.22.22 [“As for the Takhmau hospital that belonged to Nat, Division 703 and the previous supervision ... were part of S-21 or reintegrated into S-21”], 09.28.26 [“Regarding the closure of Takhmau prison ... it was closed around June”] *confirming* **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.49.00; **E3/5759** Duch’s Note on Lists in Searching for the

It was in December 1975, or in November, I witnessed that. They, the Khmer Rouge, wanted to search for the pilots, the former pilots, and also those who were colonels, majors during the Lon Nol regime. It didn't take long to find them. It took about four to ten days, and those people were brought in and killed. I did not overhear it, I saw it by myself.

Nhem En further testified that he delivered letters from Pol Pot and **Nuon Chea** with 'handwriting in red' to the Division 703 Takhmau prison.¹¹¹² On 17 April 1975, fellow Division 703 trainee¹¹¹³ and S-21 worker Prak Khan stood guard during mass executions of two truckloads of "the remaining soldiers of the former regime" and their families at a pagoda in Takhmau.¹¹¹⁴ He testified that the executions were carried out by Oeun, a battalion commander in Division 703, pursuant to an "order to execute the prisoners of war".¹¹¹⁵ When Son Sen later sought to use the Takhmau prison as a DK Ministry office, there were so many dead bodies buried on the property, they were deemed a health risk so exhumed and burned.¹¹¹⁶

312. In Sector 13 in the Southwest Zone, witnesses described a chain of orders to monitor and purge ranking soldiers from before 17 April 1975. Tram Kak District office worker Ek Hoeun testified that District Secretary Khom repeated at mass meetings before and after 17 April 1975 that all "capitalists, feudalists and reactionaries, were the subjects to be smashed", referring to teachers, deputy chiefs, commune chiefs, and soldiers who had served prior regimes.¹¹¹⁷ The former Deputy Chief of Tram Kak Hospital, Riel Son

Truth, EN 00197748; **E1/418.1** Nhem En, T. 19 Apr 2016, 15.52.48 ["for Choeung Ek and Takhmau, it was under Division 703 ... this division was a special division under Son Sen, Pol Pot, Nuon Chea ... 50 per cent of staff in S-21 originated from this division"]. See also **E1/430.1** Suos Thy, T. 2 June 2016, 09.54.02-10.00.25 [prisoners listed as from 'S-21C' were held in the Takhmau premises] discussing **E3/1539** Names of prisoners who died at S-21C, March 1976; **E3/10568** Suos Thy Military Court Statement, EN 00326773 ["Third, 21C was also a guard section, but it guarded the prisoners in Ta Khmao ... In 1976, they moved the criminal location (the former S-21) to S-21 (Tuol Sleng)"]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 11.24.50-11.29.08; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.10.10-14.12.52.

¹¹¹¹ **E1/419.1** Nhem En, T. 20 Apr 2016, 15.41.03-15.47.48. See also **E1/430.1** Suos Thy, T. 2 June 2016, 09.54.02-10.00.25 discussing **E3/1539** Names of prisoners who died at S-21C, March 1976 [lists 153 prisoners who were executed primarily within a week in 1976 and 9 who died of illness].

¹¹¹² **E1/419.1** Nhem En, T. 20 Apr 2016, 10.00.27-10.02.22 [Nhem En delivered letters, some from Pol Pot, from Monivong Hospital to Takhmau "where many prisoners were executed"], 15.37.05 [he saw "the handwriting in red" on the messages, but did not dare open the envelope].

¹¹¹³ **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.55.01-10.57.07.

¹¹¹⁴ **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.08.23-10.35.30.

¹¹¹⁵ **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.53.13-10.55.01.

¹¹¹⁶ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.13.12-09.27.02 ["I told Son Sen that it should not ... since there were many bodies buried on the compound and that we needed time to exhume them ... Since it looked so bad, I requested whitewash powder to spray on those dead bodies in order to avoid spreading infections to the guards"].

¹¹¹⁷ **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 11.08.47.

similarly testified that both prior to April 1975 and again in 1976, the district informed commune and village chiefs that former civil servants from the first deputy chief and above, and former soldiers from the ranks of adjutant and above, were to be purged.¹¹¹⁸

District Secretary Pech Chim testified in response “that was the plan set out by the upper echelon and we had to disseminate such a plan.” He stated that those people subject to the plan had already been gathered during the forced displacement of the population of Phnom Penh and “their fate was ... a disaster”.¹¹¹⁹

313. Commune cadre Sao Van claimed he attended a Sector 13 meeting in one month after 17 April 1975 where the sector secretary told cadres not to harm former Lon Nol soldiers up to the rank of colonel.¹¹²⁰ However, the evidence in this case makes it clear this was not the policy implemented in Sector 13, the Southwest Zone, or anywhere else.¹¹²¹ Sao Van’s fundamental inconsistencies in describing the meeting and orders,¹¹²²

¹¹¹⁸ **E1/278.1** Riel Son, T. 17 Mar 2015, 11.13.37-11.21.39 [“those who were in the army, they had to be purged from the adjutant up. And as for the administration side, it means from the first deputy chief and up or above”], 13.32.15; **E1/279.1** Riel Son, T. 18 Mar 2015, 14.25.39-14.32.40 [there were two meetings: one before 1975, and one after 1975 in Takeo instructing cadres to purge former military ranked adjutant and above, and former civil servants ranked deputy chief and above], 15.05.03-15.22.13 [Pech Chim instructed the chiefs of villages and communes to research whether evacuees were Lon Nol ranking officers or civil servants, and if so, they had to be purged.]; **E3/5511** Riel Son WRI, A9. *See also* **E3/9746** [REDACTED] WRI, A10-23 [“they killed those holding ranks of Second-Lieutenant and higher-ups” one or two weeks after the fall of the Lon Nol regime, and this was ordered by the “top level before arriving at the district level”].

¹¹¹⁹ **E1/291.1** Pech Chim T. 23 Apr 2015, 11.00.37-11.02.29 [“that was the plan set out by the upper echelon and we had to disseminate such plan”], 11.05.16-11.06.56 [“people subject to the plan [to purge Lon Nol officials or officers] had already been gathered on the 17 April 1975, or while they were en route to various provinces. ... If those people indeed were gathered, it meant they had no future. It means their fate was in a disaster”]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.15.03 [Saom gave instructions to purge enemy officers], 11.27.00 [“it was Khom who announced the plan in a meeting aiming at eliminating officers ... The communes got the instruction or the plan and executed that plan instead of me” (*citing* **E3/5511** Riel Son WRI, A9)], 11.30.38-11.34.30 [“They were very afraid of Lon Nol’s men, they had to be vigilant for Lon Nol’s people”]; **E1/215.1** Pech Chim, T. 1 July 2013, 11.39.20 [“Q: Is it right that Angkar gave instructions about purging enemy officers? A: Yes, it is correct”], 15.04.38-15.08.24 [the sector level gave the instructions]; **E1/292.1** Pech Chim, 24 Apr 2015, 16.02.55-16.04.55 [“When Khom convened the meeting, I knew we received the instruction from the sector. ... In that meeting, there was the record of the meeting, and then they decided along the line of the direction of the sector, targeting the officers between the ranks of second lieutenant and colonel”].

¹¹²⁰ **E1/385.1** Sao Van alias Pok, T. 1 Feb 2016, 09.50.16-10.50.42, 11.08.49-11.18.25, 14.26.00-14.37.10; **F1/1.1** Sao Van, T. 2 July 2015, 09.26.20-10.24.07; **E3/9455** Sao Van WRI, A9; **E3/9118** Sao Van DC-Cam Statement, EN 01098761. *Note* Sao Van stated that orders regarding killings may have changed later in the regime: **E1/385.1** Sao Van, T. 1 Feb 2016, 10.48.11-10.50.42 [referring to skulls and bones at Kraing Ta Chan]; **E3/9118** Sao Van DC-Cam Statement, EN 01098778. Sao Van stated that he served as “chief of the Front in Cheang Tong commune” from 30 September 1971, until two months after 17 April 1975, when he was reassigned to Sector 25. The “Front” was subordinate to the Party and the commune committee. He also stated that he did not attend meetings held by the Party, as they were held in secret: **E1/385.1** Sao Van T. 1 Feb 2016, 09.29.17-09.36.45, 14.00.15-14.15.26. The Cheang Tong commune chief from the Party had no recollection of any such orders: **E1/297.1** Khoem Boeun, T. 5 May 2015, 11.10.53-11.27.43 [Cheang Tong commune chief in 1975: “I do not recall that I was in the meeting, and I also do not recall that second lieutenant to colonel, were not mistreated”].

¹¹²¹ *See* paras 315-316 below. Indeed, whilst sector and district cadres may have been instructed not to harm

and his inclination to minimise his knowledge of crimes¹¹²³ further cast doubt on the credibility of his recollections about this meeting. In any event, it is clear that regardless of what he heard in this meeting, Sao Van himself understood that all those associated with the former regime were endangered. He acknowledged that he felt it was imperative that he intervened with the district to save his brother, who served as a mere third assistant to the commune under Lon Nol.¹¹²⁴ Further contradicting Sao Van's

those soldiers, such instructions may have taken place in the context of insisting on zone or sector approval for killings, akin to **E3/12** Decision of the Central Committee regarding a Number of Matters, 30 Mar 1976.

¹¹²² **E1/385.1** Sao Van, T. 1 Feb 2016, 09.50.16-10.15.20 [stating that the meeting was one or two months after 17 April 1975, Ta Mok was not there, and Sector Secretary Saom stated that soldiers ranking from second lieutenant to colonel were to be protected, and did not mention civil servants. Pech Chim stated Ta Mok made the announcement, mirroring what defence counsel told him, and Saom did not speak: **E1/292.1** Pech Chim, T. 24 Apr 2015, 09.40.56-10.04.33], 11.08.49 [stating that the meeting was held at Phnum Trael mountain. Pech Chim stated it was held in Takeo town: **E1/292.1** Pech Chim, T. 24 Apr 2015, 09.40.56-10.04.33], 14.35.14 ["I can say that I stand by my previous statements ... However, I'd like to add that I am getting old, and maybe my memory does not serve me well"]; **F1/1.1** Sao Van, T. 2 July 2015, 09.26.20 [stating that the meeting he described in Takeo was in a separate location to the one Pech Chim described], 10.21.51-10.24.07 [stating that the meeting took place three months after 17 April 1975 in Angkor Chey, Ta Mok was not at the meeting, and that the instruction covered foot soldiers up to the rank of colonel], 11.22.10-11.30.13 [dating the announcement to the immediate aftermath of 17 April 1975, but then giving the impression he was talking about Khieu Samphan's radio announcements prior to 17 April 1975]; **E3/9455** Sao Van WRI, A9 ["After 1975, there was another meeting in the provincial town of Takeo, in the presence of Grandfather Mok, and Saom, who was in the Sector 13 Committee, announced that soldiers with the ranks from Second Lieutenant to Colonel were not to be harmed"]; **E3/9118** Sao Van (Port) DC-Cam Statement, EN 01098761 [stating that the meeting took place one month after 17 April 1975 at Phnum Trael mountain. Ta Mok announced "Soldiers with the rank of colonel or higher would not be killed"].

¹¹²³ **F2/4/2/4.2** Sao Van WRI, A26-27 [stating he was not aware of any detentions or killings from 1973 to 1979, that he never sent anyone to be detained whilst in charge of Cheang Tong Commune, and "[i]f people died, they died because of the war"]. Compare **E1/170.1** Pin Yathay, T. 7 Feb 2013, 11.23.40-11.28.00 [describing disappearances at Ang Roka Pagoda, Cheang Tong Commune, of 40 people who identified themselves as senior military officials and technicians, due to promises that they would work for a new government set up by Norodom Sihanouk]; **E1/263.1** Em Phoeung T. 16 Feb 2015, 09.35.45-09.37.35, 10.46.27-10.51.00, 10.51.00-10.55.41 [Lon Nol officials, policemen, and educators were disappeared from Angk Roka Pagoda, Cheang Tong commune, after promises that Angkar needed skilled people].

¹¹²⁴ **E1/385.1** Sao Van T. 1 Feb 2016, 11.18.25-11.28.17 [he went to District secretary Khom on behalf of his elder brother who was sent to Office 204 from 1975 to 1979], 15.44.35 [admitting that he "could not keep calm" and intervened after the announcement that Lon Nol soldiers below certain ranks were not to be harmed]; **F1/1.1** Sao Van, 2 July 2015, 10.11.07 [his brother and his brother's family were sent to Office 204 "due to his previous position" and that he then lost contact], 11.13.05-11.15.07 ["he was sent for re-education at Office 204, and that was the typical process based on my objective assessment. Of course, when you walk under the rain, you tend to get wet. And that's what happened to him"]. **Office 204: E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.24.49-09.31.36 [before he left Kraing Ta Chan, prisoners were taken to the sector Office 204, and killed at the foot of the mountain]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.08.44-11.09.31 ["Office 204 was a detention centre for former Lon Nol Officials who had been arrested from Angk Ta Saom or elsewhere"]; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 11.07.22-11.11.45 *clarifying* **E3/5837** Kev Chandara WRI, EN 00223455; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 13.38.14 [inhabitants at Office 204 died of malnutrition but were not killed]; **E3/9747** [REDACTED] WRI, A13, A66-81 [he was sent to Office 204 in 1978 as it was discovered that he was a chief of a 10-household unit under Lon Nol. Prisoners included Lon Nol soldiers and civil servants. They were assigned to heavy labour, died of starvation and illness, and 2-3 disappeared each day]; **E3/10569** An Sopheap and Chhaom Se Interview, EN 01079396; **E3/5579** Nhean Poek WRI, EN 00373374 [in 1973,

evidence about instructions regarding former officers, Sector 13 cadre Seng Soeun testified that he received instructions that officials, soldiers, and policemen of the Lon Nol and Sihanouk regimes “needed to be smashed”.¹¹²⁵

314. On the other side of the country, the Northwest Zone Committee ordered the killings of soldiers, resulting in the execution of at least 250 unarmed men at Tuol Po Chrey in the days after the fall of Phnom Penh.¹¹²⁶ Toat Thoeun testified before the Supreme Court Chamber that, approximately one month after “liberation”, Zone Secretary Ros Nhim presided over a meeting in which orders were given to “smash” all “former imperialists” and “former feudalists”.¹¹²⁷ He testified that the Zone leadership said that these orders originated from the “upper echelon”, which meant “those who were in the Centre”.¹¹²⁸
315. During and immediately after the fall of Phnom Penh, the screening of former Lon Nol soldiers and officials, and the execution of higher-ranking officers and officials, proceeded in similar ways across the country.¹¹²⁹ Evacuees were systematically

Tep was accused of serving Lon Nol, held in Office 204 then taken to be killed]; **E3/9762** Tun Soun WRI, A12 [imprisoned at Office 204 and released]; **E3/3232** Henri Locard, *Niredey Region*, EN 00217652 [Office 204 arrestee describing massacres of Lon Nol soldiers, and children dying].

¹¹²⁵ **E1/465.1** Seng Soeun T. 29 Aug 2016, 13.43.41-13.46.29 [he received instructions at sector-level study sessions that officials, soldiers, and policemen of the Lon Nol and Sihanouk regimes “needed to be smashed”]; **E1/466.1** Seng Soeun, T. 30 Aug 2016, 10.46.34-10.54.13 [the relevant “political study sessions” occurred after 17 April 1975. One of the relevant study sessions was delivered by his battalion commander when he was in Kaoh Andet district, Takeo]; **E3/409** Seng Soeun WRI, A43-44; **E3/5643** Seng Soeun DC-Cam Statement, EN 00753896-97 [worked in Sector 13 in mid-1975].

¹¹²⁶ **E1/188.1** Lim Sat, T. 3 May 2013, 09.54.20-09.56.25. *See also* **E1/185.1** Ung Chhat, T. 29 Apr 2013, 15.36.47-15.38.49, 15.48.56-15.55.02; **E1/186.1** Ung Chhat, T. 30 Apr 2013, 09.12.12-09.14.48, 15.12.45-15.14.17; **E1/218.1** Sum Alat, T. 4 July 2013, 10.23.25-10.24.35, 10.28.42-10.53.01, 11.01.30-11.02.51, 11.07.13-11.11.00; **E3/4637** Sum Alat WRI, EN 00242125-26; **E3/364** Lim Sat, WRI, 23 Nov 2008, EN 00250759; **E3/4601** Lim Sat WRI, EN 00412158-59; **E3/5500** Ork Chhoem WRI, EN 00367287-8; **E3/9471** [REDACTED] WRI, A9-11, A21; **E3/9470** [REDACTED] WRI, EN 00981978-9; **E3/5235** Siem Soeum WRI, EN 00289729; **E1/135.1** Yim Sovann, T. 19 Oct 2012, 16.06.04-16.13.38; **E3/5234** Chak Muli WRI, EN 00288200; **E3/4638** Suy Sengchhorn WRI, EN 00242119-20; **E3/9763** [REDACTED] WRI, A9, A16-18.

¹¹²⁷ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.45.52-16.47.32.

¹¹²⁸ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.49.53-16.52.19 [“It was the policy from the upper echelon. ... upper echelon here refers to those who were in the Centre”]. *See also* **E3/5540** Long Mary WRI, EN 00384416 [referring to the emptying of Phnom Penh: “The order [to kill unarmed Lon Nol soldiers] was from my superior, Sary ... Those who surrendered were made prisoners and transported away with trucks”].

¹¹²⁹ **E1/191.1** Phillip Short, T. 8 May 2013, 14.14.21-14.31.36 [“We know that Lon Nol soldiers above a certain rank, unless they were able to dissimulate their rank, ... were executed. There is abundant testimony to that effect. ... What convinced me is that it happened everywhere”] 15.53.10-15.55.06, 16.22.45-16.24.54 [“It would not have been possible for zone commanders to act against or outside the broad policy consensus which had been laid down by the Centre”]; **E1/190.1** Phillip Short, T. 7 May 2013, 14.08.23-14.09.48 [“There was a pattern all over the country of killing former Lon Nol officers whatever their level and of killing officials – former Lon Nol government officials above a certain level. I think – in the case of the officers, the military men, it was much more systematic. For the civil servants, ... it was not – if it was systematic, there were gaps in the system”]; **E1/179.1** Francois Ponchaud, T. 10

interviewed and registered to determine their class background and former occupation.¹¹³⁰ CPK cadres lured former Lon Nol soldiers and civil servants to identify themselves with promises that they would meet Norodom Sihanouk,¹¹³¹ would be reeducated,¹¹³² or returned to their previous careers.¹¹³³ Once identified, they were

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- Apr 2013, 10.08.38-10.32.11 [referring to multiple incidents in Battambang, Pailin, the Centre, and Kampong Cham described in his book where Lo Nol soldiers and officials were taken away in trucks and killed: “I believe that Angkar did the same everywhere ... it was the national revolution; they killed the traitors, they killed those who served the Lon Nol regime and the Americans”].
- ¹¹³⁰ **Phnom Penh:** **E1/148.1** Pech Srey Phal T. 5 Dec 2012, 09.57.21-09.59.42 **E1/199.1** Nou Hoan, T. 30 May 2013, 10.03.48-10.06.32; **E1/138.1** Lay Bony T. 24 Oct 2012, 10.12.33-10.16.33; **E1/170.1** Pin Yathay T. 7 Feb 2013, 10.05.22-10.06.52; **E3/3173** Helen Penfold, *Remember Cambodia*, 27 Nov 2009, EN 00487966-67. **Southwest Zone:** **E1/136.1** Chum Sokha T. 22 Oct 2012, 10.52.30, 11.12.35-11.27.11, 11.17.15, 15.08.01; **E3/5788** Chum Sokha WRI, EN 00380712; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 10.47.11-11.00.00 [“they engaged in propaganda with a view to identifying officers. ... The soldiers, police officers and deputy chiefs revealed their past and the Khmer Rouge registered all that information and thereafter they were led away”]; **E3/9594** Ek (Ul) Hoeun WRI, A117; **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.54.15-11.04.50; **E3/9480** Koem Boeun WRI, A254; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.53.38-16.02.34 *referring to* **E3/5518** Sao Han (Hean) WRI, A22; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.11.57; **E1/321.1** Chum Samoeurn, T. 24 Jun 2015, 15.11.14-15.20.33 [made to give a biography but concealed her father’s connection to the former regime]; **E3/5857** Bin Heng WRI, A1; **E3/4627** Iep Duch WRI, EN 00223476-77 [former Tram Kak District Youth Chairman: “anyone whose biography said they had been a soldier would disappear”]; **West Zone:** **E1/216.1** Lev Lam, T. 2 July 2013, 10.09.37-10.15.55; **E3/4630** Lev Lam WRI, EN 00274646-48; **E3/4634** Sa Sroeng WRI, A2, A4-5; **E3/7752** Phol Phai WRI, EN 00275160. **(Old) North Zone:** **E1/301.1** Or Ho, T. 19 May 2015, 10.00.01-10.03.04 [village chief: “Kao was indoctrinated so that he could go and search for anyone who had ranks in the former regime”]; **E3/5255** Or Ho WRI, EN 00250044 [“17 April people were killed because of the information which originated from them”]. **Northwest Zone:** **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.28.40-14.30.20 [former Lon Nol soldier (bodyguard): “At the time, they took biographies, but those who was loyal to Angkar, they told the truth in their biography. But others, they actually faked their biographies or they fled”]; **E3/9568** Chhum Seng WRI, A1, A7; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 13.47.52-13.52.15 [villages were screened to find relatives of former Lon Nol soldiers]. **Kampong Som:** **E3/5506** Sau Khon WRI, EN 00398862; **E3/1745** Moeung Sonn WRI, EN 00338385. *See also* **E1/369.1** Pak Sok, T. 16 Dec 2015, 14.04.29-14.23.54 [CPK soldiers were also required to regularly make biographies to separate out those with connections to Lon Nol soldiers].
- ¹¹³¹ **Northwest Zone:** **E1/483.1** 2-TCW-960, T. 13 Oct 2016, 15.45.08-15.59.11; **E1/484.1** 2-TCW-960T. 17 October 2016, 09.22.44-09.26.31; **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.01.08-11.05.58; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, 1991, EN 00087305; **E3/5213** Duch Phleu WRI, EN 00275432; **Tuol Po Chrey:** **E1/186.1** Ung Chhat, T. 30 Apr 2013, 09.10.06-09.14.48, 10.37.46-10.39.45; **E3/4598** Ung Chhat WRI, EN 00284418; **E3/4811** Tes Bopha CPA, EN 00893346; **E3/4001R** Video *Enemies of the People: One Day at Po Chrey*, 01:50, 09:25-10:40, 16:40-17:40. Sum Alat testified that former Khmer Republic soldiers and officials were invited to receive Angkar at Tuol Po Chrey: **E1/218.1** Sum Alat, T. 4 July 2013, 09.40.23-10.18.00, 15.25.05-15.28.46. **(Old) North Zone:** **E3/5300** Sum Rithy WRI, EN 00292998.
- ¹¹³² **Northwest Zone:** **Tuol Po Chrey:** **E1/185.1** Ung Chhat, T. 29 Apr 2013, 15.28.10-15.36.47, 15.45.23-15.47.08, 15.48.56-15.55.02; **E1/186.1** Ung Chhat, T. 30 Apr 2013, 09.12.12-09.14.48; **E1/187.1** Lim Sat, T. 2 May 2013, 10.02.16-10.08.00, 10.10.46-10.13.04; **E1/188.1** Lim Sat, T. 3 May 2013, 09.30.20-09.33.44, 10.14.52-10.16.33; **E1/218.1** Sum Alat, T. 4 July 2013, 09.47.26-09.55.10, 10.15.54-10.18.00, 15.16.50-15.19.17, 15.36.19-15.40.17; **E3/4637** Sum Alat WRI, EN 00242125; **E3/5500** Ork Chhoeum WRI, EN 00367287; **E3/9471** [REDACTED] WRI, A9-11; **E3/5235** Siem Soem WRI, EN 00289729; **E3/9470** [REDACTED] WRI, EN 00981978-9; **Trapeang Thma Dam:** **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.20.15-09.21.26 [mobile unit worker then Deputy Platoon Chief at Trapeang Thma Dam: “If the person was found to have a military rank in the former Lon Nol regime, that person would be called to a study session”]; **Phnom Sampeou:** **E3/5213** Duch Phleu WRI, EN 00275432; **E3/5211** Chuch Punlork WRI, EN 00275399. **Southwest Zone:** **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.14.18-11.27.03 [her husband was arrested on the pretence that he was going for a “study session” and killed]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.08.52-09.14.37 [his brother, a former Lon Nol soldier, was invited “for re-

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education” and never returned. Neighbours told him he was killed at Kraing Ta Chan]; **E3/5518** Sao Han (Hean) WRI, A22-23; **E3/9747** [REDACTED] WRI, A15-50 [a member of the district committee gathered 180 former Lon Nol soldiers and officials, including himself, at Wat Soben Pagoda. Khmer Rouge cadres told them they were being sent for re-education, and instead tied them up, took them into the forest and opened fire as the witness managed to flee]. **(Old) North Zone: E1/475.1** Mom Vun, T.16 Sept 2016, 11.13.35-11.15.02 [“By mid-1975, he [her husband] was sent for re-education since they said that he was a former Lon Nol soldier”], 14.29.11-14.32.41 [“He was sent away to attend study session, not to be re-educated, but he disappeared since then. He never returned”]. See also **E1/222.1** Stephen Heder, T. 11 July 2013, 10.22.00-10.24.55 [“The method of arrest is always to call someone in for study sessions. ... The same method was used against Lon Nol officers in 1975. They were asked to go to meet the Organization voluntarily and offered forgiveness but then just taken away and executed”].

Phnom Penh: E1/148.1 Pech Srey Phal, T. 5 Dec 2012, 09.57.21-09.59.42; **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.19.04 -14.27.12; **E1/199.1** Nou Hoan, T. 30 May 2013, 10.03.48-10.06.32 [“there was writing on the blackboard that for those who were public servants or police officers or military officers shall register their names so that Angkar will reorganize our country and you shall be returned to Phnom Penh”]; **E1/137.1** Lay Bony, T. 23 Oct 2012, 15.50.04; **E1/138.1** Lay Bony, T. 24 Oct 2012, 10.12.33-10.16.33; **E3/5613** Seng Mardi WRI, A3, 42. **West Zone: E3/4634** Sa Sroeng WRI, A2, A4-5 [Tbaeng Khpos Village: “they selected the people with the ranks such as soldiers, teachers, medical practitioners ... to have a meeting behind the pagoda ... by saying that ... [Angkar] will let all of you resume your work, if you are a captain you will remain a captain ... After they killed all the males, they used the name list to collect the wives and children by saying that ‘Angkar is taking you to meet your husbands’”]; **E3/4631** Dy Yet WRI, EN 00275128-30; **E3/9582** Ek (Ul) Hoeun WRI, A93-108 [Koh Kong: Lon Nol soldiers were gathered and told they would be sent back to their homes. His son, who was in Meas Muth’s division told him they were in fact killed in the forest]. **Kampong Som: E3/1745** Moeung Sonn WRI, EN 00338385 [“The Khmer Rouge announced to and made Lon Nol ranking officers to come and report to and Angkar so that the Angkar would let [them] work in their new regime”]; **E3/5506** Sau Khon WRI, A3 [“‘Everyone who was a soldier, stand in one location.’ Then they said, ‘Our country is independent. Persons that were soldiers will return to being soldiers. Wait for salaries to be paid this evening’”]. **Southwest Zone: E1/289.1** Thann Thim, T. 21 Apr 2015, 09.48.08-09.50.48 [“there was an announcement that those who had ranks, they would be reinstated. ... After the announcement, these people disappeared”] 14.20.03-14.24.03; **E1/136.1** Chum Sokha, T. 22 Oct 2012, 11.17.15; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 10.03.27-10.06.27 [“[At Champa Leu Pagoda] there were former teachers, soldiers, police, custom officers who were taken away under the pretext that they would be sent back to their previous offices and they disappeared since”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 13.49.35-13.56.00 [“there was an announcement that those who had been soldiers or had worked in the previous regime, they had to admit and after that they would be allowed to return back to work”]; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 10.47.11-11.00.00 [“they engaged in propaganda with a view to identifying officers. ... The soldiers, police officers and deputy chiefs revealed their past and the Khmer Rouge registered all that information and thereafter they were led away”] *confirming* **E3/9594** Ek (Ul) Hoeun WRI, A117 [“The Khmer Rouge announced that everyone would be allowed to go back to work”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.51.00-10.55.41 [“They used the method saying that Angkar need anyone who used to be official during Lon Nol and during Sihanouk regime and Angkar need them to do the job for them ... a few of them had an idea, who hid their identity who could survive”]; **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 09.19.28-09.24.56 [“My father was also a former Lon Nol soldier, ... My family members, including my mother and father, were honest because they hoped he would be returned to his military function”], 09.26.40- 09.28.25 [“I found out that some of my family members and relatives were killed there at Krang Ta Chan”]; **E1/170.1** Pin Yathay, T. 7 Feb 2013, 11.23.40-11.28.00 [describing disappearances at Ang Roka Pagoda, Chean Tong Commune, of 40 people who identified themselves as senior military officials and technicians, on promises that they would work for a new government headed by Norodom Sihanouk]; **E3/9746** [REDACTED] WRI, A10-23 [“they organized a meeting and persuaded those people to tell them what they had done, by promising that they would be assigned to their previous positions”]; **E3/5498** Bun Thien WRI, EN 00384400 [“They were informed that they would go back and do the same job. People with working experience came to meet at the commune. Then, the upper echelon sent a truck to take them away. Those who came to pick the people were military officials ranking from major lieutenants”]; **E3/5649** Bun Thean DC-Cam Interview, 25 May 2004, EN 00885246-47. **(Old) North Zone: E1/464.1** Yos Phal, T. 25 Aug 2016, 11.21.55-11.32.21 [“When I was in Ph’av district, there was this propaganda committee and, as I said, their words were so sweet. ... But in the end they all had been smashed. ... And, frankly, they told them about their rank, for example, a second lieutenant or a first lieutenant, etc. and that’s because of the sweet

arrested,¹¹³⁴ sent to security centres,¹¹³⁵ disappeared,¹¹³⁶ tortured¹¹³⁷, and killed.¹¹³⁸ Former CPK cadre 2-TCW-960 testified to being ordered to gun down scores of unarmed men

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- propaganda that drove them, as well as because of their love for their country and to respond to the needs of the country to have soldiers”]. **Northwest Zone: E1/340.1** Mean Loeuy, T. 2 Sept 2015, 13.54.12-13.57.26 [“they announced that they will take those ranked soldiers away so that they would be reinstated”]; **E3/9765** [REDACTED] WRI, A16, A18-21 [“The Khmer Rouge asked those people to tell them truthfully if they were soldiers or what rank they were holding. They said they would take them to see *Angkar*. If they were a Lieutenant, they would be promoted to a higher rank”]. See also **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 10.10.49-10.12.38 [“Those who wrote their names were promised some jobs. Angkar cheated them and Angkar killed them”], 11.40.07-11.41.48 [“Angkar used lies to actually lure people to follow them, and it was a tactic they used at the time to control the situation”].
- 1134 **E1/136.1** Chum Sokha, T. 22 Oct 2012, 11.18.45 [describing seeing Khmer Rouge forces accompany a lines of more than 20 people tied with thread. His father told him they were Lon Nol soldiers]; **E3/9775** Pen Thol WRI, A4-5 [“the people they had us arrest were people with tendencies toward the Lon Nol regime, such as government officials, soldiers, military police, police officers, teachers, and so on”], A16 [“this is what happened in the beginning of the Khmer Rouge regime from 1975 to early 1976”]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 14.59.41-15.03.20 [describing arrest and interrogation of Sar Phorn, the deputy governor of Doun Penh District under Lon Nol, due to orders from Son Sen]; **E3/7752** Phol Phai WRI, EN 00275160 [“While I was village chairman, they came and arrested people in my village. They were former teachers, soldiers, and policemen”]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416381-82.
- 1135 **E1/136.1** Chum Sokha, T. 22 Oct 2012, 13.49.57 [his uncle, was put in a detention facility upon his arrival in the village as he was a former military officer]; **E1/301.1** Or Ho, T. 19 May 2015, 09.21.05-09.26.48, 09.50.28-09.54.23 [village chief 1975-1978: “when they were learned that they were former official or soldier, we feel pity on these people. If the information leaked to the security personnel ... They were arrested and put into a security office”]; **E3/5788** Chum Sokha WRI, EN 00380711-12; **E3/9775** Pen Thol WRI, A10; **E3/9465** Phann Chhen WRI, EN 01053632; **E3/9832** [REDACTED] WRI, A94; **E3/3209** Henri Locard, *Bophea Region*, 24-26 August 1993, EN 00403167, 00403170, 00403181.
- 1136 **Phnom Penh: E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.19.04-14.27.12, 15.26.31-15.36.01; **E3/5540** Long Mary WRI, EN 00384416. **Southwest Zone: Tram Kak District: E1/289.1** Thann Thim, T. 21 Apr 2015, 09.48.08-09.50.48 [“After the announcement, these people disappeared. I was not allowed to find any information on the matter”]; **E1/170.1** Pin Yathay, T. 7 Feb 2013, 11.23.40-11.28.00 [40 people who identified themselves as senior military officials, doctors and technicians disappeared from Ang Roka Pagoda, Cheang Tong Commune]; **E1/147.1** Toeng Sokha, T. 4 Dec 2012, 14.57.15-14.59.01, 15.02.20-15.04.49; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14.27.20-14.29.24 [her elder brother-in-law Hok Heng, a pilot and lieutenant colonel, disappeared nine days after arriving at Tram Kak District]; **E1/278.1** Riel Son, T. 17 Mar 2015, 15.44.07; **E3/5511** Riel Son WRI, A1, A3, A9; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.39.15-11.42.59 [“As for my other elder brother, he was a soldier ... he got quite high rank. When he reach Champa pagoda, he was [tied] up and I was told that he was brought to a study session and he got his gun and never return”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.51.00-10.55.41 [Lon Nol officials, policemen, teachers and professors were taken away on the claim that they needed skilled workers, and disappeared]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.08.52-09.14.37 [his brother was a Lon Nol soldier and disappeared. He was told he was killed at Kraing Ta Chan]; **E3/5518** Sao Han (Hean) WRI, A22-23; **E3/4627** Iep Duch (deceased) WRI, EN 00223476-77 [“anyone whose biography said they had been a soldier would disappear” and that the Centre decided “what level had to be removed”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 13.49.35-13.56.00 [“some disappeared”]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416383 [Former Popel commune cadre Teng explained: “After the personal histories were done, Chun sent the reports to the district committee and after that, those in Popel who had been Lon Nol soldiers or policemen began regularly disappearing”]. **Kampot: E3/7749** Khem Chhoeun WRI, EN 00275041-42; **E3/9746** [REDACTED] WRI, A10-23 [“they killed those holding ranks of Second-Lieutenant and higher-ups. ... They were not seen to return, so I assumed they were taken to be killed”]; **E3/5498** Bun Thien WRI, EN 00384400 [“Only the ranked people were taken. ... as many as a truck could carry ... at least equivalent to a major lieutenant. ... I never saw them return. They disappeared forever”]; **E3/5649** Bun Thean DC-Cam Statement, EN 00885246-47. See also **E3/3232** Henri Locard, *Research Notes: Niredy Region*, EN 00217671. **(Old) North Zone: E1/197.1** Yos Phal, T. 27 May 2013, 14.16.48-14.36.10 [“I was a police in Lon Nol regime. ... Those from the rank of major-lieutenant, lieutenant, and captain were taken away one after another”]; **E1/464.1** Yos

Phal, T. 25 Aug 2016, 11.12.24-11.32.21 [“at that location there were armed Khmer Rouge soldiers who were also so friendly and smiled. So, nobody ever thought that they were sent for a re-education and they were smashed”]; **E1/301.1** Or Ho, T. 19 May 2015, 10.42.00-10.48.17 [“As for the list of families, 15 families, some of them were in the civil service and some were in the army. ... I have never seen them back”]; **E3/5255** Or Ho WRI, EN 00250044. **East Zone: E1/136.1** Chum Sokha, T. 22 Oct 2012, 15.41.58-15.44.19 [several former members of the Khmer Republic army were arrested and disappeared in Tboung Kdei village in 1975 including his father, two uncles, his father-in-law and his father-in-law’s brother, and four other individuals]; **E3/5260** Khoem Samon WRI, EN 00327160-61 [50 people who had studied or worked “with Lon Nol” were “taken away forever”]. **Northwest Zone: E1/328.1** Lat Suoy, T. 11 Aug 2015, 13.49.42-13.54.34 [those with connections to the Lon Nol regime were arrested and disappeared]; **E3/5211** Chuch Punlork WRI, EN 00275399 [Ta Chham told former Lon Nol soldiers to assemble at Watt Phnom Sampeou. His subordinates arrested them. Among those they had arrested were the Phnom Sampeou Subdistrict chief, and the chief of Phnom Sampeou Lich Village. ... none of them returned and all news of them has been lost up until the present”]; **E3/5213** Duch Phleu WRI, 27 Aug 2008, EN 00275432 [Phnom Sampeou Subdistrict Uch Chhan was sent to study]; **E3/9832** [REDACTED] WRI, 9 July 2014, A54-58; **E3/4590** Francois Ponchaud, *Refugee Accounts*, EN 00820331.

1137 **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.07.14-10.12.52 [describing torture of prisoners alleged to be connected to the former Lon Nol regime at Kraing Ta Chan from 1975 to 1979]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.40.15; **E1/499.1** 2-TCCP-235, T. 11 Nov 2016, 09.43.20 [“I asked many survivors. I asked many of them repeatedly for clarification, and I was told that it is true that my father had been taken for torture at Krang Ta Chan where he was also executed”] 09.56.30 [date was 1975] *confirming E3/9745* 2-TCCP-235 WRI, A165, A166, A174; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.13.30-09.16.15 [discussing witnessing the torture of 30 different people, some from Division 310 and some former Lon No soldiers in 1975].

1138 **Phnom Penh: E1/424.1** Prak Khan, T. 28 Apr 2016, 10.08.23-10.35.30 [witness stood guard at execution of 50 Lon Nol soldiers and their families at Takhmau on 17 April 1975]; **E1/140.1** Sum Chea T. 5 Nov 2012, 09.41.17-09.45.21 [describing receiving orders to lure former Lon Nol soldiers from a fellow soldier Koeun, who also told him they would be killed], 09.41.17-09.47.46, 10.28.35-10.35.38, 16.07.27-16.09.56 [describing being told by Koeun that Lon Nol soldiers were lured by loudspeaker announcements, transported by truck and executed west of Preaek Pnov, four or five days after the takeover of Phnom Penh], 11.23.00-11.28.08 [testifying to the killing of a group of former Khmer Republic soldiers in Tuol Kork, after they were tricked by radio broadcasts into revealing their identities]; **E3/3962** Khoem Samhuon WRI, EN 00293365 [chairman of Company 3 in Division 310 describing orders from Son Sen to arrest high-ranking civil servants of the Lon Nol regime who refused to leave the city and Lon Nol soldiers being treated in a hospital. The witness heard from those who carried out the arrests that a great number were killed and thrown into a well in Tuol Kork, and was shown the blood stained clubs used to carry out the killings]. *See also E3/369* Koy Mon WRI, EN 00272719; **E3/5267** Ut Seng WRI, EN 00282352 [describing killing of two Khmer Republic soldiers by female Khmer Rouge soldiers outside Phnom Penh] *corroborated by E3/2666* French Embassy Letter, Testimony of Brigadier-General Sor Buon, EN 00517767; **Southwest Zone: Tram Kak District: E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.40.15, 15.51.53-15.54.03 [former soldiers who held ranks of captain or lieutenant were detained for no longer than one week, but then were executed. Former high ranking officials did not enter the detention building, but would be marched to the killing site]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.11.36-11.27.03, 14.09.30-14.29.28 [her husband was a military medic and policeman, and was arrested when they were together and called for a study session at 9pm at night. They found an ID card or photograph of him in uniform in searching his clothing the day before. Base people told her that night that her husband was killed behind Leay Bour pagoda]; **E1/253.1** Chou Koemlan, 14.19.01-14.29.28; **E1/499.1** 2-TCCP-235, T. 11 Nov 2016, 09.43.20 [he was told by Kraing Ta Chan survivors that his father was killed there] *confirming E3/9745* 2-TCCP-235 WRI, A165; **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 09.19.28-09.24.56 [“Sixteen of my family members, relatives were killed. My father was a former soldier. I, myself, was also a soldier before 1975, but I behaved differently so I was not investigated. However, some of my family members and relatives were also soldiers. And they were all killed because they were accused of being soldiers or connected to family members who were soldiers”], 09.26.40- 09.28.25 [“And only later on when I visited Krang Ta Chan, some of my family – I found out that some of my family members and relatives were killed there at Krang Ta Chan”]; **Other districts: E3/9747** [REDACTED] WRI, A15-50 [Krivong District: a member of the district committee sent him and 179 other former Lon Nol soldiers and officials to Wat Soben Pagoda in late 1975. They told them they were being sent for re-education, but the Khmer Rouge tied them up, took them to the forest and opened fire as the witness managed to break free and flee]; **E3/505** Tes Heanh

WRI, EN 00275410 [“the Subdistrict militia frequently came... to arrest targeted people, like former Lon Nol officials, Lon Nol soldiers ... I would hear the sounds of gunfire, and in the morning ... would see four to five bodies of the people they had shot. I saw these events three times during the two to three months after the fall of Phnom Penh”]; **E3/3319** UK Government Report, *Human Rights Violations in Democratic Kampuchea*, 14 Jul 1978, EN 00420622; **E3/2419** Henri Locard and Moeung Sonn, *Prisoner of the Khmer Rouge*, EN 00293762-63 [account from Moeung Sonn’s fellow prisoner of the slaughter of soldiers and families at Bokor Mountain]. **Northwest Zone: Tuol Po Chrey: E1/185.1** Ung Chhat, T. 29 Apr 2013, 15.36.47-15.38.49, 15.48.56-15.55.02; **E1/186.1** Ung Chhat, T. 30 Apr 2013, 09.06.55-09.10.06, 09.12.12-09.14.48, 10.33.30-10.35.32, 15.12.45-15.14.17; **E1/187.1** Lim Sat, T. 2 May 2013, 10.08.00-10.13.04, 10.18.20-10.22.22, 10.52.32-10.56.25, 10.58.05-11.02.55, 15.04.37-15.07.48; **E1/188.1** Lim Sat, T. 3 May 2013, 09.22.15-09.24.43, 09.43.29-09.45.34; **E1/218.1** Sum Alat, T. 4 July 2013, 10.23.25-10.24.35, 10.28.42-10.53.01, 11.01.30-11.02.51, 11.07.13-11.11.00; **E3/4598** Ung Chhat WRI, EN 00284418, 00284421; **E3/4637** Sum Alat WRI, EN 00242125-26; **E3/5500** Ork Chhoem WRI, EN 00367287-8; **E3/9471** [REDACTED] WRI, A9-11, A21; **E3/9470** [REDACTED] WRI, EN 00981978-9; **E3/5235** Siem Soem WRI, EN 00289729; **E1/135.1** Yim Sovann, T. 19 Oct 2012, 16.06.04-16.13.38; **E3/5234** Chak Muli WRI, EN 00288200; **E3/4638** Suy Sengchhorn WRI, EN 00242119-20; **E3/9763** [REDACTED] WRI, A9, A16-18. **Other sites: E1/364.1** Prum Sarun, T. 8 Dec 2015, 15.12.15-15.20.00 [Banan District: describing the killings of a ranking soldier, his wife who was grieving over his body, and his own unit chief], 15.20.00-15.23.42 [Prum Sarun was asked by the commander of his battalion to report former high-ranking Lon Nol officers. He states that former Lon Nol soldiers “were taken away and smashed. This was the way they did to high ranking officers. During the regime, nobody was put on trial”]; **E1/365.1** Prum Sarun, T. 9 Dec 2015, 09.15.49-09.18.02; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.26.55-14.32.49 [former Lon Nol soldier in Phnom Srok District states that the Khmer Rouge were “determined to eradicate all Lon Nol soldiers” and executed those who were honest in their biographies]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 13.52.15-13.54.34 [“they arrested the former village chief by the name of Ney Rheam and his wife was also arrested together with him, and they both were executed”]; **E3/9568** Chhum Seng WRI, A1, A7; **E3/9769** Ly Lonn WRI, A104 [Bakan District: the Khmer Rouge killed senior ranking officials, and later their wives.]; **E3/9765** [REDACTED] WRI, A16, A18-21 [describing killings of former commandos and military chiefs with a rank outside Prey Roneam. He never saw those arrested return]; **E3/9490** [REDACTED] WRI, A1, A15. **West Zone: Kampong Tralach District: E1/216.1** Lev Lam, T. 2 July 2013, 10.09.37-10.15.55 [militiaman working in Svay Chuk commune: “My uncle was a Lon Nol soldier stationed in Longveack. ... My uncle came to meet me in my house and I told him to flee, but he said he refused to flee and three days later he was taken away and killed”], 10.15.55-11.44.02 [describing bringing former Lon Nol soldiers and officials identified via biographies to the execution where his uncle was killed, in June 1975. District soldiers were present at the site, and the victims included children. The district soldiers tied people up and took ten away. He later learned that they were killed using clubs or ox-cart axles]; **E3/4630** Lev Lam WRI, EN 00274646-48 [giving details of the orders from the district to Svay Chuk commune to separate the people, and kill “approximately 100 families” including Lon Nol soldiers and civil servants]; **E3/4631** Dy Yet WRI, EN 00275128-30 [describing seeing more than 30 families in two military trucks being transported to be killed. States that she heard at a meeting in April 1975, “about killing the 17 April people and the Lon Nol soldiers. I heard [Svay Chuk commune chief] Yeay Phoeun say that they all had to be killed at the orders of the upper level.” She heard commune and deputy chiefs tell them “Upper level Angkar is having you brothers and sisters go somewhere else because you had high ranks, and that location has support” but saw militiamen carrying bamboo clubs, rifles and axles. Two or three days later, there was a the odour of decaying bodies coming from Prey Sre Val, and she later saw human remains there]; **E3/4634** Sa Sroeung WRI, A2, A4-5 [“they selected the people with the ranks to have a meeting ... After the meeting, the militiamen took those people away first ... before leaving the place, the militiamen wrote down their names and their wives and children’s names to make it easy to take their wives and children later. ... After they killed all the males, they used the name list to collect the wives and children by saying that ‘Angkar is taking you to meet your husbands’. ... they also took them and hit them to death.” The witness further saw dead bodies in Kok Roneam execution site different days as they were not buried and witnessed the executions of a woman and her six-year old child]; **E3/5199** Sim Tun WRI, EN 00275111-12 [the witness, a former district soldier, walked hundreds of Lon Nol soldiers and 17 April people, considered as the enemy, to be killed at Phnom Krech]; **E3/5509** Kep Moeun WRI, A2, 4-5, 9 [commune militiaman states evacuees marked as Lon Nol soldiers disappeared from the cooperative and were killed in the forest]. See also **E3/4633** Duk Phao WRI, A1, A3-8, A12 [Chief of Tbaeng Khpos commune: “Leng and Ta Nan hold meeting to allocate these groups of evacuees ... In fact, they sent these people to be executed. I learnt about this through the reports from three of the commune committee members. ...

gathered on National Road 5 near Thipakdei mountain, who had identified themselves as former Lon Nol officers and officials on the promise of meeting the King.¹¹³⁹ He stated, “I just pulled the trigger and fired. I just followed the order. I fired the whole magazine.”¹¹⁴⁰ These killings at Thipakdei are corroborated by several witnesses, including survivors of the execution.¹¹⁴¹ CPK intelligence officer 2-TCCP-235, assigned to the Pochentong airport “spearhead” on 17 April 1975, described urgently searching for his brother, a Lon Nol military pilot, to smuggle him from the mass gathering of

At Kak Roneam, while returning back to Tbaeng Khpos, I saw many corpses scattering around on the ground of the forest with a sharp stink ... [members of the commune committee] reported back to me about the killing at Kak Roneam, Trapeang Klong and Trapeang Andaung. They reported that execution was carried out under the command of the district”; **E3/4632** Duy Dok WRI, A3-7 [witnessed mass killings of evacuees at Sre Val forest, and corroborates killings at Prey Ta Kuch and Kak Roneam]; **E3/5507** Maut Manh WRI, A5-8 [confirms execution of evacuees at Prey Sre Val]; **E3/5517** Yin Pheng WRI, A1, A4 [former District 12 battalion commander: confirming killings of evacuees gathered at Tbaeng Khpos pagoda]; **E3/5126** Ouk Yon WRI, EN 00163419-20 [estimating 1500 evacuees were killed at Prey Ta Kuch]; **E3/5174** Koem Sokh WRI, EN 00231671 [“All those evacuees might have been killed soon after the evacuation”]. **(Old) North Zone:** **E3/5256** Hok Hoeun WRI, EN 00251304 [describing the killing of evacuees and villagers who had been captains or majors in the military or had been commandos. He states “we could only hear the loudspeaker noise and the screams of the victims”]; **E3/3964** Pechuy Chipse WRI, EN 00225210-11 [hundreds of former Lon Nol officials and soldiers were detained at Chikreng Market then killed]; **E3/3863** Henri Locard, *Report on Siem Reap Province*, EN 00164190-2.

¹¹³⁹ **E1/483.1** 2-TCW-960, T. 13 Oct 2016, 15.45.08-15.59.11 [participated in killings on National Road 5: “The guards ... were told they told that to guard the soldiers who were welcoming Samdech. At the time when the soldiers were on their foot, we heard the gunfires behind the lines of the soldier and there was a person who was in charge there ordered the guards to shoot. ... It occurred after the Khmer Rouge won the victory in the period of 1975 ... people said that they had ranks ... the Lon Nol soldiers were only in uniform but they were not armed. ... there were around 50 soldiers. They were walking from National Road Number 5 toward Street 64 to Thapadei Mountain [Moung Ruessei district, Battambang]”]; **E1/484.1** 2-TCW-960T. 17 Oct 2016, 09.22.50-09.26.30 [“At the time, maybe about three of them fled away, though I did not know whether they survived”].

¹¹⁴⁰ **E1/483.1** 2-TCW-960, T. 13 Oct 2016, 15.53.30- 15.55.24.

¹¹⁴¹ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.31.34-16.33.22 [“I witness these former Lon Nol soldiers were being transported in vehicles on the road from Kampong Preah to Moung and vice versa”], 15.59.07-16.01.28 [“These former soldiers were transported in CMC trucks with net cover. And they were shouting ‘bravo, the King’”], 15.53.27-15.57.45 [“Ten days later I realised that these former soldiers were taken away and killed”, 13.41.49-13.44.38, 15.51.39-15.59.07 [armed forces of Lon Nol in Battambang laid down their weapons and were invited to go and welcome the King, transported in trucks and killed], 16.43.36-16.45.52 [more than ten trucks, carrying approximately 30-40 former Khmer Republic soldiers, passed by Ros Nhim’s residence twice]; **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.01.08-11.05.58 [“As for the lower-rank soldiers below Major Lieutenant, they were transported by truck toward Pailin. ... They said that the soldiers ranking from Major Lieutenant up would be gathered to go to Phnom Penh in order to receive Prince Sihanouk. ... I learned about their fate about one month later ... through one of the drivers. He said the soldiers were transported to Thipakdei mountain and executed there”]; **E3/4966** Thach Saly CPA, EN 00891027-29 [“all of Lon Nol’s soldiers were summoned to meetings held at Iep Khut School and Net Yang School ... I saw six huge trucks, full of about 100 former soldiers each ... I suddenly heard sounds of gunfire. We were being brutally sprayed with bullets from various types of weapons, this lasting for about 20 to 30 minutes. Everyone was shot dead except me”]; **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 10.15.52-10.20.45 [“With regard to Battambang at Phnom Thipakdei, they killed 380 people. ... So I have four witnesses who survived, and two of them walked across that area at different times [and seen bodies and skeletal remains], so this is absolutely true”]; **E3/4590** Francois Ponchaud, *Refugee Accounts*, EN 00820332; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, 1991, EN 00087304-5.

military pilots overseen by Ta Mok, Sou Met, and Meas Muth.¹¹⁴² He testified that he received orders that “any pilot had to be executed upon our entry, and for that reason, I had to find a way to warn my brother.”¹¹⁴³ Other pilots who failed to heed his warning were taken away in trucks and disappeared.¹¹⁴⁴ The CPK security machinery used the confessions of those tortured and executed, to identify further victims.¹¹⁴⁵

316. Lower-ranking soldiers and their families, who were not swept up in executions, were sent to security centres¹¹⁴⁶ or forced to labour under heightened scrutiny.¹¹⁴⁷ There is

¹¹⁴² **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.19.04-14.27.12, **E3/9745** 2-TCCP-235 WRI, A14-41.

¹¹⁴³ **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 15.29.31-15.31.49; **E3/9745** 2-TCCP-235 WRI, A34 [“Ta Mok himself said that those people were taken to be smashed”]. *Contra* **E1/193.1** Ieng Phan, T. 20 May 2013, 09.46.33-09.48.53 [it was “up to the rear to do whatever they do with those people”].

¹¹⁴⁴ **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.19.04-14.27.12; **E3/9745** 2-TCCP-235 WRI, A34 [“Ta Mok himself said that those people were taken to be smashed”], A38-39.

¹¹⁴⁵ **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.08.14-15.10.30 [“was your objective to find information on where other Lon Nol officials were? A: That was the purpose of interrogation at the time”] *discussing* **E3/5794** S-21 Confession of Sar Phorn, 9 Sept 1975, EN 00227633-34, 00227723.

¹¹⁴⁶ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.40.15 [former prisoner: “The number of prisoners increased after the country was liberated ... Those former Lon Nol soldiers were regarded as prisoners of war”]; **E1/136**. Chum Sokha, T. 22 Oct 2012, 13.49.57 [his uncle, was arrested and put in a detention facility upon his arrival in the village as he was a former military officer]; **E3/5788** Chum Sokha WRI, EN 00380711-12; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.08.44-11.09.31 [“Office 204 was a detention centre for former Lon Nol Officials”]; **E3/9775** Pen Thol WRI, A7, A16 [“One day Soeun, who was District Committee, ordered me and four other soldiers to take prisoners, former military policemen, from Prey Chakkrei Security Office to the sector-level security office 200 or 300 metres north of Prey Totueng Market”]; **E3/7709** Bun Sat WRI, EN 00243277-78 [a former Lon Nol soldier, the witness was arrested in April 1975 and transferred through various security centers: “at Chheu Teal Pagoda detention center there were about 700 youths. They were students, soldiers or teachers of Lon Nol regime”]; **E3/9775** Pen Thol, WRI, A10 [“Two former military policemen were detained in the Prey Chakkrei Security Office”]; **E3/9465** Phan Chhen WRI, EN 01053632; **E3/9832** [REDACTED] WRI, A94; **E3/3209** Henri Locard, *Bophea Region*, 24-26 August 1993, EN 00403146.

¹¹⁴⁷ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.48.48-11.50.25 [“those who had relation or were linked to civil servants in the past former regime, we would killed since we were 17 April People. We were afraid of being killed. That is why whenever we were asked to do our work, we would try to perform them”]; **E1/334.1** Tak Boy, T. 20 Aug 2015, 09.11.44-09.16.17 [witness was a former Lon Nol private and describes hard labour in the forest with other privates. Higher ranking soldiers were sent elsewhere. “They wanted to see if we could work hard”]; **E1/149.1** Hun Chhunly T. 6 Dec 2012, 11.01.08-11.05.58 [“As for the lower rank soldiers below Major Lieutenant who were transferred -- transported to Pailin, they were ordered to farm the land near Ou Pong Moan”]; **E3/5857** Bin Heng WRI, A1; **E3/3173** Helen Penfold, *Remember Cambodia*, EN 00487966-67 [“2,000 of us “liberated” soldiers were pressed into labour gangs to build a dam”]; **E3/2666** Embassy of France, *Testimony of Brigadier-General Sor Buon*, 23 June 1975, EN 00517768 [“All officers are sentenced to forced agricultural labour, ... under the unwavering guard of very young armed people. ... The death rate is very high. Brigadier-General Sor Buon believes that at this rate, within a few months, the entire officer corps of the now-defunct FANK will have been eliminated”], EN 00517767 [“At the Taing Krasang camp, ... executions occur almost every day; groups of 3 to 5 officers are taken out and shot close to the camp”]; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, May 2007, EN 00087306 [“Some 6,000 people were initially regrouped and many were massacred ... The others began digging canals to construct Kamping Puoy dam. The dam started being built at the end of 1975. Others were massacred close by and some taken to Phnom Sampou”]; **E3/3209** Henri Locard, *Bophea Region*, 24-26 August 1993, EN 00403188-89; **E3/1714** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170755-56 [“in 1975 that a new batch came. They were mostly soldiers and civil servants and altogether number about 3000. The officers were executed almost immediately. The others were put to work at Ta Rang. ... By the time Vietnamese came in 1979, only

evidence that even in 1975, the CPK slaughtered wives and children of high-ranking officials together with the officials themselves.¹¹⁴⁸

3. Purging the Non-Reformable: 1976

317. Continuing into 1976, the CPK leadership warned cadres to be vigilant to the threat posed by former Lon Nol government officials and soldiers, claiming that many of them could not be “reformed.” Soldiers and police were “extreme reactionaries” and tools of the oppressors.¹¹⁴⁹ Ieng Sary stated that the CPK resolved to “separate out” all those who supported the Lon Nol regime.¹¹⁵⁰ In the September issue of *Revolutionary Flag*, the CPK warned cadres that there were “life-and-death contradictions” with

300 to 500 of the original 3000 were left alive”].

¹¹⁴⁸ **Phnom Penh:** E3/832 Execution Order, 4 June 1975, EN 00068915 [Nos 2, 11 and 17: “all members of his family are traitors”]; E1/424.1 Prak Khan, T. 28 Apr 2016, 10.08.23-10.35.30 [massacre of soldiers and their families in Takhmau]; E1/433.1 Kaing Guek Eav, T. 7 June 2016, 15.54.45 [“[i]n the real situation after 17 April, when the parents were taken away and killed, the children would be taken away and killed as well”]. **West Zone:** E1/216.1 Lev Lam, T. 2 July 2013, 10.15.55-11.44.02; E3/4630 Lev Lam WRI, EN 00274646-48; E3/4631 Dy Yet WRI, EN 00275128-30; E3/4634 Sa Sroeng WRI, A4-5. *See also* E3/4633 Duk Phao WRI, A1, A3-8, A12; **Central Zone:** E3/5267 Ut Seng WRI, EN 00282357-58 [“they were killed along with their entire families, for example, Brother Si, who had an approximately one-year-old infant. Someone asked to keep the child, but they did not permit that. They said, ‘[When you] dig up grass, dig it out by the roots’”]; E3/3327 UN ECOSOC, *Further Submission of the International Commission of Jurists under Decision 9 (XXXIV)*, 25 Jan 1979, EN 00075939 [Testimony of Khmer Rouge official: “in the beginning they killed only men. ... In 1975, however, we were made to change policy ... In the beginning, however, only officers’ families were killed. At the beginning of 1976, however, the family of common soldiers were also killed. One day at Choeung Prey, I cried for a whole day on seeing women and children killed. ... That was the decision of the Central Committee, just as it had been its decision to wipe out the soldiers in 1975-1976”]. **Northwest Zone: Battambang:** E1/364.1 Prum Sarun, T. 8 Dec 2015, 15.12.15-15.20.00 [killing of a soldier’s wife grieving over his dead body]; E1/365.1 Prum Sarun, T. 9 Dec 2015, 09.15.49-09.18.02; E3/5187 Prum Sarun WRI, EN 00274178-79; E3/3559 US State Department Telegram *Life Inside Cambodia*, 31 Mar 1976, EN 00443067. **Banteay Meanchey:** E3/9564 2-TCW-996 WRI, A6-12 [“At that time, I saw them arrest a boy, throw him up, and also hold him up from below with a bayonet. ... He was 5 years old. That boy was Pheum’s son. At that time, I saw them kill the wife, son, and daughter, named Kasi, of the village chairman, Pheum. I saw it first-hand. The Khmer Rouge took the bayonet of a CK rifle to stab the ribs of the village chairman Phoeum’s daughter and then kick her to pull the bayonet out”]; E3/3472 US National Security Council Memorandum *Assessment of Developments in Indochina*, 15 Jul 1976, EN 00443171 [describes the execution of ten former senior civil servants and their families]. **Southwest Zone:** E3/3173 Helen Penfold, *Remember Cambodia*, EN 00487966-68 [testimony of refugee Pam Moeurn: “My wife went ahead, carrying our two-year-old son, and I followed with our two older boys, aged four and twelve. Suddenly a group of men armed with guns, bayonets and knives and carrying ropes charged out of the woods and surrounded us. ... After bayoneting the child they stripped and gagged my wife before killing her. They then yanked my two older sons away and killed them in like manner”]. E3/2419 Henri Locard & Moeung Sonn, *Prisoner of the Khmer Rouge*, EN 00293762-63 [describing slaughter of former Lon Nol soldiers and their families at Bokor mountain].

¹¹⁴⁹ E3/1233 DK Notebook: *Division of Class Status and Status Struggle in Cambodian Society*, undated, EN 00711618 [the police and soldier class are a “special class because they use weapons to serve the dictatorship and oppressing power; ... They are the authoritative tool of the armed forces of class enemy”]; E3/8381 Notebook 071: *About Party*, EN 01369267 [“the special class that carries weapons and serves the ruling dictatorship tool of the class enemy. The economic and political categories connected to oppression are the extreme reactionaries”].

¹¹⁵⁰ E3/94 Ieng Sary Interview, 22 July 1981, EN 00342504 [“In a meeting of leadership in 1976 ... At that time we divided it up ... 3) people who supported Lon Nol”].

government officials, policemen, soldiers, and students, who could not generally be reformed with education.¹¹⁵¹ Chillingly, they encouraged the killing of even the youngest children of these “enemies” telling cadre “when they die, they instruct their children to struggle on against the communists.”¹¹⁵²

318. At education sessions, **Nuon Chea** instructed cadres to identify and smash the enemy, defining the “enemy” as including those who had served the Lon Nol regime.¹¹⁵³ On 9 September 1976, Son Sen ordered Centre Division 164 to “round up” former Lon Nol soldiers.¹¹⁵⁴ CPK cadres in Tram Kak District disseminated the policy to eliminate ranking former officials and soldiers at meetings.¹¹⁵⁵
319. Soldiers of higher ranks were considered “non-reformable” and killed. Ordinary soldiers who had committed minor infractions were also put into this category and

¹¹⁵¹ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529 [“there are class contradictions with the feudalist, landowner and privileged classes (subdistrict chiefs, district governors, provincial governors, government officials, police and soldiers) ... contradictions with capitalists and feudalists that are life-and-death contradictions. ... they do not easily reform. ... In the base areas, as for the characteristics of the contradictions that we can detect, most of them are government officials, policemen, soldiers and students”]; **E3/138** CPK Circular: *Fundamental Introductory Document for Party Member*, 1977, EN 00743798-99 [“Besides this, there is still a contradiction with those in the feudalist class, including the landowner and aristocrat (namely commune chief, district governor, provincial governor, civil servant, police and soldier). ... Some elements might change, but most of them will not. ... if the worker-peasant class is careless, the feudalist-capitalist will regain back its power”].

¹¹⁵² **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529 [“When they die, they instruct their children to struggle on against the communists”]. See also **E3/138** CPK Circular: *Fundamental Introductory Document for Party Member*, 1977, EN 00743799 [“Before they die, these elements will tell their children to keep on resisting the communist”].

¹¹⁵³ **E1/215.1** Pech Chim, T. 1 July 2013, 11.29.35-11.31.01 [“Q: Now, when Nuon Chea was teaching you ... did he ever cover subjects like internal and external enemies? A: Yes, he did. He covered all aspects. Without having covered this subject of enemies, people would never know how to identify enemies from friends”]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.30.38-11.34.30 [“it was said ... that those who served the interests of the enemy were considered as the enemy ... They were very afraid of Lon Nol’s men, they had to be vigilant”]; **E1/187.1** Lim Sat, T. 2 May 2013, 11.20.52-11.34.28 [testifying that Nuon Chea said at meetings that all internal enemies were to be purged. The witness attended one meeting but was told about the other two by the sector] referencing **E3/364** Lim Sat WRI, EN 00250760 [“I saw Mr. Nuon Chea convene those meetings to prepare plans to purge internal enemies like the soldiers and commandos with connections to the Sangkum Reastr Niyum and Lon Nol eras. Purge meetings were held two to three times during 1976”].

¹¹⁵⁴ **E3/813** Division 164 Meeting Minutes, 9 Sept 1976, EN 00143486-87 [Division 164 reports: “The majority among these people are good, but the soldiers engage in no-good movements. Previously, we found two first lieutenants, both of whom have already been arrested.” Brother 89 [Son Sen] instructs: “Soldier elements must be rounded up”].

¹¹⁵⁵ **E1/279.1** Riel Son, T. 18 Mar 2015, 15.05.03-15.22.13 [witness attended two meetings where similar instructions regarding Lon Nol officials were given — one before 17 April 1975, and one in early 1976. Pech Chim instructed the chiefs of villages and communes to research whether evacuees were Lon Nol ranking officers or civil servants, starting from the first deputy chief. If so, they had to be purged.]. See also **E1/291.1** Pech Chim T. 23 Apr 2015, 11.00.37-11.09.41, 11.13.42-11.21.23; **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.15.03-11.30.38 [“it was Khom who announced the plan in a meeting aiming at eliminating officers ... The communes got the instruction or the plan and executed that plan instead of me”] 11.30.38-11.34.30 [“They were very afraid of Lon Nol’s men, they had to be vigilant for Lon Nol’s people”]; **E1/215.1** Pech Chim, T. 1 July 2013, 11.39.20 [“Q. Is it right that Angkar gave instructions about purging enemy officers? A. Yes, it is correct”].

murdered. Nuon Chea told the court, “Communism only eliminates those people ... who could not be educated.”¹¹⁵⁶ CPK cadres sought to arrest Lon Nol government officials and soldiers, identified via biographies, investigations, or prior lists.¹¹⁵⁷ Higher-ranking officers and officials were more likely to be executed,¹¹⁵⁸ whereas lower or non-

¹¹⁵⁶ **E1/21.1** Nuon Chea, T. 13 Dec 2011, 11.27.52-11.29.29.

¹¹⁵⁷ **Southwest Zone: E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 13.36.18-13.37.45 [“what they did was to ask questions at the unit or during our break time ... they would ask our biographies. ... that’s how they obtained the information”], 15.02.20; **E3/9598** [REDACTED] WRI, A14-15 [in late 1976 or early 1977: “Uy Sim [former Lon Nol soldier] was shackled, and ordered to walk around to identify those who had served in the Lon Nol administration”]; **E3/4719** Beng Boeun CPA, EN 00436830 [“There was constant monitoring by the Khmer Rouge militia”]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.12.30 [reached Tram Kak District after mid-1976]; **E3/4659** But Savan SOAS Interview, EN 00351976; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416382-84. **Northwest Zone: E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.27.03-14.31.07 [assigned to Trapeang Thma Dam in 1976: “Chhuoy disappeared. ... His implication was that he had a connection with the former Lon Nol army and that was the main reason for his arrest”]; **E3/9800** [REDACTED] WRI, A68-70 [“In 1976, people were badly treated, and the former soldiers and their relatives were taken to be killed. ... They investigated us. If we had relatives or allegiances with Lon Nol soldiers, we would be taken to be killed”]; **E3/9787** [REDACTED] WRI, A15, A29 [“In the cooperative, there were militiamen who eavesdropped on the people evacuated from Phnom Penh and the provincial town of Pursat in an attempt to identify former Lon Nol soldiers or commandos and those associated with the Lon Nol regime”]. **(Old) North Zone: E1/314.1** Keo Kin, T. 11 June 2015, 11.20.31-11.23.03 [“It was the group chief who made our biography. ... they knew that I had a tendency with the former regime, and they removed ... their confidence in me”]; **E3/1692** Sreng Srun WRI, EN 00242085-86.

¹¹⁵⁸ **Phnom Penh: E3/1538** List of Prisoners Smashed on 22 March, 22 Mar 1976 [lists 47 Khmer Republic soldiers and officers and their ranks] *date confirmed by* **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.46.40-09.51.32; **E3/1539** Names of prisoners who died at Office S-21 C, 2-30 Mar 1976 [includes at least 144 former Khmer Republic soldiers, officials, police and their relatives] *authenticated by* **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.51.32-09.55.59; **E3/3187** Name list of prisoners killed in 1976, EN 00874237-46 [lists 49 former Lon Nol military prisoners at S-21 who arrived between June and September 1976, 46 of whom were killed or died of disease]; **E3/2017** List of prisoners taken from “Ta Lei” who had died, EN 00183670-72; **E3/3973** List of prisoners and the execution dates, EN 00837533 [list of 60 “civil servants of the old regime” entering between November 1975 and 7 January 1978, the majority of whom have execution dates], EN 00837571-81 [list of 206 Lon Nol military detained at S-21, entry dates from October 1975 and execution dates in 1976. Ranks range from private to colonel]; **E1/433.1** Kaing Guek Eav, 7 June 2016, 15.10.30-15.19.40 [“I conducted the interrogation on those former paper factory workers from K-5 to my recollection or perhaps K-10”] *citing* **E3/3652** S-21 Confession of Lang Pring alias Lang Phat, 18 Sept 1975, EN 0078083-84 [handwritten annotation in blue next to Pech Chan: ‘Second Lieutenant’], EN 00780847 [titled “Soldiers in disguise at other factories”], EN 00780849 [blue notation ‘Major’ in the margin next to the name On Sam On]; **E3/3973** List of prisoners and the execution date, EN 00837548 [11 of the 14 Paper Factory workers named in **E3/3652** as former Lon Nol soldiers, including the detainee Lang Phat, were executed on 15 April 1976]. **Southwest Zone: E1/148.1** Kim Vanndy T. 5 Dec 2012, 15.58.08-16.05.12 [describing arrest of his father]; **E1/149.1** Kim Vanndy T. 6 Dec 2012, 10.00.20-10.04.40 [his father, a former colonel, was killed]; **E3/3971** Kim Vanndy CPA, EN 00866008 [dating the arrest to 1976]; **E3/9488** [REDACTED] WRI, A14 [“Lon Nol soldiers arrested from Kampong Saom were taken to be killed and thrown into a well ... near the mountain in Kouk Prech [Kivivong District]”]; **E3/9598** [REDACTED] WRI, A14-15 [late 1976 or early 1977: “Ta Tit declared Uy Sim, a former Lon Nol official as traitor. ... I have never seen Uy Sim again; he must have been taken to be killed”]; **Northwest Zone: E1/138.1** Lay Bony, T. 24 Oct 2012, 09.39.21-09.49.35 [her husband was a high-ranking military officer and was executed in 1976], 11.18.50, 11.42.06-11.44.01 [her husband was arrested after Khmer New Year 1976]; **E3/3958** Lay Bony WRI, EN 00379156, 00379161-62; **E3/9800** [REDACTED] WRI, A68-70, A137 [“In 1976, people were badly treated, and the former soldiers and their relatives were taken to be killed”]; **E3/2071** Henri Locard *Research Notes on Democratic Kampuchea Prison Network*, EN 00087319 [Lim Eng: “more than 500 higher civil servants were chosen to be executed at the foot of Phnom Trayung at the time”], 00087317; **E3/4590** Refugee Accounts, Francois Ponchaud, EN 00820535.

ranking officers and officials were subject to heightened scrutiny,¹¹⁵⁹ and sent to security centres, where many were then killed.¹¹⁶⁰ Surviving S-21 logs from March 1976 onward document mass executions of former Khmer Republic soldiers. These records painstakingly record the victims' ranks and date of execution.¹¹⁶¹ Scores of those

¹¹⁵⁹ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 15.33.24; **E1/365.1** Prum Sarun, T. 9 Dec 2015, 09.41.25 ["the soldiers investigated and monitored me. And they kept me because they said I was good at leading people to work, and I worked hard. I ... never complained about the work ... They instructed me to make a biography once a year. ... I worked very hard to be spared"]; **E3/5187** Prum Sarun WRI, EN 00274178-79.

¹¹⁶⁰ **E1/281.1** Saut Saing, T. 24 Mar 2015, 11.01.32-11.06.33 [guard at Kraing Ta Chan from late 1976: "if you were accused of betraying the Revolution, then you would be sent for re-education and it meant that you would be smashed. ... It included the Lon Nol regime and up to the time that the revolutionary regime took over. Q: Did the prisoners at Kraing Ta Chan include former Lon Nol soldiers or officials or people who were relatives or otherwise connected to former Lon Nol people? A: Yes"]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.38.50-09.51.24 [her husband, a former Lon Nol soldier, disappeared after they were separated in 1976. A guard from Angk Ta Saom prison and a former Kraing Ta Chan prisoner told her that he was sent to Angk Ta Saom then killed at Kraing Ta Chan]; **E3/10732** [REDACTED] WRI, A49-54 [REDACTED] 1975-1977: "The majority [of prisoners killed] were soldiers. ... Even if they had only served as militiamen for four to ten days, they were killed. ... When the interrogator saw report that a prisoner used to be a soldier, but the prisoner did not answer correctly, the prisoner was beaten. Whatever the answer was, in the end, the prisoner was killed"; **E3/1745** Moeung Sonn WRI, EN 00338388-90 [prisoner who buried dead bodies at Ta Ney Prison from December 1975 to June 1976 states that he knew from Khmer Rouge soldiers that officials and soldiers were beaten to death after interrogation, and saw fresh blood, whips and sticks in the interrogation room. He buried bodies with signs of torture]; **E3/7751** Vung Chhin WRI, EN 00275092 ["I was looking for my brothers, I was told that they were sent to Ta Ney [prison]. My brothers were arrested because they had been Lon Nol's soldiers ... [they] have disappeared up to now"]; **E3/7719** Nom Saroeun WRI, EN 00347416 [Thlork Pagoda: "after 1976, the Khmer Rouge gathered up the teachers, students, and former Lon Nol soldiers. Then all the families of those soldiers had their biographies made by the Khmer Rouge soldiers so they could be sent to study. However, ... they were taken to Longeun Pagoda and killed"]; **E3/3559** US State Department Telegram: *Life Inside Cambodia*, 31 Mar 1976, EN 00443063-65, 00443085-86 ["Asked why the KC are focussing on the lowest ranking soldiers of the GKR, people immediately reply that all other military have already been executed, as well as all former civil servants. Often not only the head of the family but also all family members are executed. ... KC also continue to be on the lookout for any undiscovered civil servants"]; **E3/4631** Dy Yet WRI, EN 00275131-33 [district soldier at Damrei Srot prison: "During 1975-1976 and later on as well, accusations were made against people that they were former Lon Nol regime officials or CIA agents; these were serious offenses ... if they were put into the Damrei Srot prison, the great majority died"]. See also **E1/276.1** Nut Nov (Nouv), T. 12 Mar 2015, 13.49.35-13.56.00 [those who opposed the revolution were sent for "re-education"].

¹¹⁶¹ **E3/1538** List of Prisoners Smashed on 22 March, 22 Mar 1976 [lists 47 Khmer Republic soldiers and their ranks. Includes 30 privates, 3 "three strippers" (likely Captain), 1 MP "Striper", 7 corporals, 2 NCOs, 2 sergeants, 1 military medic, 1 "Behind Chinese hospital" considered to be a spy] *date confirmed by* **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.46.40-09.50.29; **E3/1539** Names of prisoners who died at Office S-21 Kor C, 2-30 Mar 1976 [lists 153 prisoners who were executed primarily within a week and 9 who died of illness. Includes at least 144 former Khmer Republic soldiers, officials, police, and their relatives. Lists four children of a former Ministry of Education official Thach Chea (No. 159)] *authenticated by* **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.51.32-09.55.59; **E3/3187** Name list of prisoners killed at 1976, EN 00874237-46 [list of 49 LN Military prisoners at S-21 who arrived between June and September 1976, 46 of whom had either died of disease at S-21 or were killed, and three (including one private) who remained imprisoned. The victims range from a military cashier to a lieutenant-colonel. They include 30 from Ta Lei village]; **E3/3973** List of prisoners and execution dates, EN 00837533 [list of 60 "civil servants of the old regime"], 00837571-81 [list of 206 Lon Nol military detained at S-21, with ranks specified, entry dates from October 1975 and execution dates in 1976- ranks range from private to colonel], 00837548 [11 of the 14 Paper Factory workers named in **E3/3652** as former Lon Nol soldiers, including the detainee Lang Phat, were executed on 15 April 1976]. See **E3/3652** S-21 Confession of Lang Pring alias Lang Phat, 18 Sept 1975, EN 00780843 [handwritten

executed were merely privates.¹¹⁶² The regime also executed Lon Nol soldiers and officials who had been abroad and returned to their country after 17 April 1975.¹¹⁶³ These killings or disappearances were widely reported at the time,¹¹⁶⁴ including in public letters to **Khieu Samphan**.¹¹⁶⁵

320. Ordinary civilians who merely had a connection to soldiers of the former regime were often forced to work under harsher conditions.¹¹⁶⁶ However, the regime increasingly executed not only former officers and officials but their entire families.¹¹⁶⁷ CPK leaders

annotation in blue next to Pech Chan: “Second Lieutenant”], 00780847 [Titled “Soldiers in disguise at other factories”], 00780849 [blue notation “Major” in the margin next to the name On Sam On]; **E3/8493** Daily Prisoner Control List, 11 Apr 1976, EN 00181623 [Listing 132 “Officials” and 43 “Soldiers”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.36.30 [“Immediately after I arrived they arrested the former officers of the Lon Nol’s regime and then they had a format in which the names of those officials were recorded”]. Note **E3/5798** Kaing Guek Eav, T. 9 June 2009, 15 58 48-16 02 32 [“The majority of the soldiers were not interrogated”]. See also **Annex F.2** Figure 4.2, *Khmer Republic Officials Arrested by Month at S-21*, p. 45, Figure 4.1 *Arrest Dates Recorded for Khmer Republic Officials at S-21*, p. 44.

¹¹⁶² **E3/1538** List of Prisoners Smashed on 22 March, 22 Mar 1976 [list includes 30 privates and 1 military medic]; **E3/1539** Names of prisoners who died at Office S-21 Kor C, 2-30 Mar 1976 [27 privates were killed, without any indication of an offence].

¹¹⁶³ **E3/1976** Consolidated Prisoner List from MFA or Abroad [dates of entry and execution ranging from 1976 to 1978 listing prisoners who returned from abroad, including Khmer Republic foreign ministry officials and military officers]; **E3/2269** List containing names of prisoners sent to Kampuchea from Thailand, 25 Nov 76 [list from Northwest Zone of 26 people, who had fled to Thailand from Sector 5, but were returned to DK by Thai authorities, mostly Khmer Republic officials and 11 year old child Hok Daraj]; **E3/8447** Name of prisoners escaped from Battambang to Thailand, 27 Nov 76 [recording entry to S-21 of those 26 people listed in **E3/2269**]; **E3/3187** Name list of prisoners killed in 1976, EN 00874237-46 [list of 49 LN Military prisoners at S-21 who arrived between June and September 1976, 46 of whom had either died of disease at S-21 or were killed. They include 30 from Ta Lei village]; **E3/2017** List of prisoners taken from “Ta Lei” who had died, EN 00183670-72; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397090 [“A former Lon Nol official, Seng Chen An, was sent with his wife to the village of Talei ... He wrote that the internees there were divided into three sections: civilians who had recently returned from abroad, a group of former urban intellectuals ... and military personnel who had come back from the United States”].

¹¹⁶⁴ **E3/2742** French Foreign Ministry Telegram *Cambodian Refugees Sent Back to Their Country of Origin*, 29 Nov 1976, EN 00742298 [26 refugees, including a customs officer, gendarme, district chief and former soldiers, were turned back over to the Khmer Rouge. After their return, the refugees were paraded in public and their fate was not in doubt]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00396991 [“One of the left-wing intellectuals who returned –from North Korea – after the end of the war, stopped for two weeks in Hanoi on his way home in December 1976, and was told by the Cambodian embassy there that only officers from the rank of major upward were targets for execution, along with civilians such as police secret agents”]; **E3/3472** US National Security Council Memorandum: *Assessment of Developments in Indochina*, 15 July 1976, EN 00443170 [“Refugee reports and other information indicate that arbitrary executions are commonplace ... machine-gunned to death over 350 soldiers who returned from Thailand where they had been in training”].

¹¹⁶⁵ **E3/3864** Letter from Amnesty International to Khieu Samphan, 28 Feb 1977, EN 00498337-38 [directly reporting allegations that 26 refugees returned to Cambodia were executed to Khieu Samphan and seeking comment]. See also **E3/3307** Amnesty International Memorandum, 3 Mar 1977.

¹¹⁶⁶ **E1/321.1** Chum Samoeurn, T. 13 Jun 2015, 13.45.54-14.07.23, 14.36.43-14.40.00 [Chum Samoeurn’s father was a former soldier. She was placed in a unit of others connected with the former regime, and then sent to work at Kampong Chhnang airport under harsher conditions].

¹¹⁶⁷ **E3/1539** Names of prisoners who died at Office S-21 Kor C, 2-30 Mar 1976 [lists family of high-ranking Lon Nol officials, including four children of a former Ministry of Education official Thach Chea (No. 159) and five non-military members of Long Boret’s family (Nos 45-49)] *authenticated by* **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.51.32-09.55.59; **E3/5800** Kaing Guek Eav, T. 16 Jun 2009,

explained the policy by teaching cadres it was necessary “to dig out the grass, dig out the root.”¹¹⁶⁸

4. The Great Mass Movement to Attack and Smash:¹¹⁶⁹1977-1979

321. By 1977, the CPK leadership was looking for a scapegoat for the failure of the cooperative policy to achieve economic goals and escalated the effort to identify and purge former Lon Nol soldiers and officials who had successfully concealed their identity. *Revolutionary Flag* reported that in a July 1977 conference for West Zone cadres, the “Party Organization Representative” lamented that “some cooperatives have [former regime] soldiers, not just soldiers as members, but soldiers in the leadership, post-liberation elements”.¹¹⁷⁰ The Representative directed zone cadres to:

attack and smash the enemy and the no-good elements embedded inside and controlling the cooperative. ... by late 1977, at least 50 percent or more of the cooperatives throughout the entire zone be sent up to be good and clean in accordance with the class line. ... and by mid 1978 at the latest, 100 percent.¹¹⁷¹

15.59.42-16 10 58 [live surgical experiments were conducted on Thach Chea’s wife and his children were “smashed according to the principle that even the children would not be spared”]; **E1/138.1** Lay Bony, T. 24 Oct 2012, 09.39.21-09.49.35, 09.44.38-09.47.48 [imprisoned with her husband, a former captain in the Lon Nol army]; **E3/3958** Lay Bony WRI, EN 00379156, 00379161-62; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.39.15-11.42.59 [testifying that her nephew’s wife, a Khmer Rouge medic, disembowelled her nephew. Her nephew was targeted as he was the “son of an enemy”, as his father held a high rank], 13.43.19-13.49.18 [it occurred in 1976 and she was told about it by her aunt], 11.42.59-11.44.30 [“I could do whatever they asked me to do. Otherwise, I would be killed because I was accused of being a daughter of a formal civil servant. I was a wife of an enemy”]; **E1/287.1** Beng Boeun T. 2 Apr 2015, 14.12.30-14.16.59 [former worker in the military records office in Phnom Penh: in mid-1976 he fled from his uncle’s place as the Khmer Rouge had decided to execute his family]; **E3/5300** Sum Rithy WRI, EN 00292993-94 [“Lon Nol soldiers’ spouses were also arrested if they [Khmer Rouge] knew it”]; **E3/9800** [REDACTED] WRI, A68-70 [“In 1976, ... If we had relatives or allegiances with Lon Nol soldiers, we would be taken to be killed”]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416381-82 [“the majority of those arrested in mid-1975 and 1976 were Lon Nol soldiers and policemen. After 1976, this group expanded to encompass their families”].

¹¹⁶⁸ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.14.22-11.16.37 [“If they have any relatives who held senior positions in the previous regime, they would be arrested and killed as well. ... If they dig out the grass, they had to dig out the root as well”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.39.23-09.52.44 [“The spouse and children of the prisoners were treated in the same way as the prisoners. That means they would be smashed ... As for the role of S-21 as well as for every security centre throughout the country, when the husbands were arrested, their spouses were also arrested”].

¹¹⁶⁹ **E3/746** *Revolutionary Flag*, July 1978, EN 00428293 [“The concealed enemies boring from within were exposed”], EN 00428303 [“Even more particularly, in the great mass movement to attack and smash ... bringing about a strategic victory for the nation, the people, the Party and the revolution”].

¹¹⁷⁰ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399232.

¹¹⁷¹ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399236, 00399246. The same claim was made in the Northwest Zone: **E3/1181** General View of Sector 5, Northwest Zone, 27 June 1977, EN 00223176 [Phniet Commune in Sisophon District described as a “newly liberated area where ranking officials, private individuals are hiding”].

Revolutionary Flag made it clear that the instruction was intended not just for the West Zone but the entire country, printing in bold type the following “Notice”:

Notice: Propose that every leadership echelon in the Party concentrate on examining, discussing, and studying this presentation conscientiously in order to take it for implementation in their respective Zones and get good results.¹¹⁷²

322. These orders were part of a broader escalation against perceived enemies in 1977 continuing into 1978,¹¹⁷³ with official magazines exhorting cadres to “constantly be on the offensive against them ... to smash them even more so they cannot raise their heads”¹¹⁷⁴ and “see the enemy’s face clearly ... sweep again and again ceaselessly, so that our Party forces are pure”.¹¹⁷⁵ The Party’s exhortations for a violent purge campaign had its intended effect as such orders were implemented across the country. In the Southwest, a commune reported to the Tram Kak District in April 1977:

For those people who hold a ranking position, we will send them out [to you] consecutively and for soldiers and some teachers who attempted to destroy our revolution, could you please give us advice what to do or let us decide at some bases ... With high commitment to smash the spy of the enemy to its total extinction in order to serve the Socialist Revolution and Building Socialism for our Party and the people.¹¹⁷⁶

323. In the Central Zone, Khmer Rouge cadres gave orders to find and arrest former Lon Nol soldiers, and identify their connections.¹¹⁷⁷ Commune officials made lists noting

¹¹⁷² **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399246 (*emphasis in original*).

¹¹⁷³ See **E3/726** *Revolutionary Youth*, Feb 1978, EN 00278714.

¹¹⁷⁴ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496. See also **E3/742** *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”], 00478502 [“their running dogs must be unmasked and permanently cleaned”]; **E3/135** *Revolutionary Flag*, June 1977, EN 00446862; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486235 [“win over those enemies who could be won ... to neutralize those who could be neutralized ... to isolate the most vicious, in order to attack them”].

¹¹⁷⁵ **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185343. See also **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185342 [“Our duty is therefore is to attack absolutely... whereas the enemy is being smashed to smithereins, scattered and liquidated”].

¹¹⁷⁶ **E3/4103** Report to higher echelon from Popel Commune, 9 Apr 1977, EN 00322133.

¹¹⁷⁷ **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.46.09-10.53.45 [“It was his [the sector secretary’s] order to identify the former Lon Nol soldiers ... He instructed to identify former Lon Nol soldiers who were considered not good and for those who were good, they were spared. ... I was asked to identify those who were not satisfied with us”]; **E3/9525** Prak Yut WRI, A12 [“I received orders from the sector committee to identify, for example, former Lon Nol soldiers and Cham people in my district”]; **E3/9522** Prak Yut WRI, A44 [“I received an order from ... Ta An to collect Cham people and Lon Nol soldiers”]; **E3/9539** Prak Yut WRI, A6 [“He [Sector Secretary Ao An] just told me to target Cham people and former Lon Nol soldiers and arrest them”]; **E3/9496** Prak Yut WRI, A47-56 [“During a monthly meeting Grandfather An ordered me to identify Cham people and Lon Nol soldiers in each commune ... After I reported to Grandfather An, he gave an order to me, and I ordered Sy to organize the arrests. ... People were arrested from the base to be sent to district security, and I sent them to the sector security. ... As far

each person's former rank or duties and family members, which the district level collated and forwarded up to the sector level, who then ordered arrests.¹¹⁷⁸ Family members were also arrested and killed.¹¹⁷⁹ Those with higher ranks were sent to the

as I can recall, I received the order from Grandfather An to arrest people approximately three times”]; **E3/9364** Ke Pauk Autobiography, EN 00089705 [“A little later [than early 1977], there were orders from Phnom Penh to arrest Hos accused of being a major ... they got interrogation reports from Hos”]; **E3/9775** Pen Thol WRI, A20; **E3/9667** Nhim Kol alias Say WRI, A2 [“I was Rom’s [commune chief] recorder in meetings. ... sometimes after the meetings, Rom called a meeting among village chiefs and advised them to search for internal enemies such as the Yuon and Lon Nol soldiers and officials”]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.37.14-09.51.25 *confirming* **E3/3346** Alexander Laban Hinton, *Why do they kill?* EN 00431596 [“Teap, a cadre who worked at Rom’s subdistrict office, described a letter the office had received from Grandmother Yit’s district headquarters in mid 1977: “The letter instructed us to smash internal enemies — Chams, Vietnamese, capitalists, former Lon Nol workers, intellectuals, and CIA agents”]; **E1/464.1** Yos Phal, T. 25 Aug 2016, 11.12.02-11.24.42 [“In my mobile unit, the unit chief himself tried to search for the background of unit members. If someone said that a person was a policeman or a former soldier then that would be noted. ... Those who were soldiers or policemen had been smashed by 1978. ... none from my village knew that I was a former policeman in Phnom Penh”].

¹¹⁷⁸ **E1/376.1** You Vann, T.14 Jan 2016, 15.00.23-15.04.43 [“It’s a general list that we needed ... to record the number of soldiers from the old regimes in each village. ... if that family had soldiers’ member and then we recorded only the parents. If we identified that that person was the soldier and we recorded only that individual as a soldier and his wife”], 15.25.57-15.28.23 [“Q. Who was it who instructed you to purge the people using a microphone at the meeting? A. It was Ta An and Ta Mok”]; **E3/9507** You Vann WRI, A49-54, A58 [“After I submitted the name list I had written up to Prak Yut, they called me to attend a meeting chaired by Ta An in Prey Totueng. At the time, persons responsible for lists and documentation in each district were summoned to take part in that meeting. He explained points to be recorded and emphasized the composition of the people, for example, ... former first and second lieutenants and so on”], A107 [Ta An decided who was to be sent to the upper echelon based on the detailed list she sent. Higher-ranking people were arrested first, followed by those with lower ranks]; **E1/378.1** Prak Yut T. 19 Jan 2016, 10.53.45 [“The commune did, in fact, make the report to me on those bad or good people and, after my analysis; I would send the report up the line”], 11.01.20 [“In the report, we would include the rank of those soldiers so that the upper echelon would know about it and, of course, all of this was done in writing in the report so that the upper echelon would be aware of it”]; **E3/9496** Prak Yut WRI, A47-56 [“I had a meeting with commune chiefs to tell them to identify and make a list of Cham people and former Lon Nol soldiers who took some action such as opposing communal eating and creating other problems”]; **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.32.55-10.36.11, 10.49.40-10.52.35 [was a member of the Long Sword Unit member in 1977], 11.10.23-11.16.47 [“Former Lon Nol soldiers, as well as the New People, were arrested ... They were sent to Au Trakuon pagoda”]; **E3/9660** Say Doeun WRI, A3, A6, A17-19; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.15.34-10.32.50, 10.47.40-10.49.50, 11.27.48-11.30.20 [member of the Long Sword Group: “the first targeted enemies of the Khmer Rouge were New People ... and those who had served in the Khmer Republic and royalist regimes. Not only Cham people were smashed, but also ... the former civil servants of the monarchy and republic regimes”]; **E3/9667** Nhim Kol alias Say WRI, A2, A13, A34 [“When the Southwest group arrived, there were still former Lon Nol soldiers, police officers and officials, and other people who had been evacuated from other places. Then they investigated their backgrounds and arrested them one by one until the Khmer Rouge regime collapsed when the Vietnamese came”]; **E3/5255** Or Ho WRI, EN 00250044 [“they made a different list of names and sent it to me and told me to prepare those persons to board trucks to go live in a new village”].

¹¹⁷⁹ **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.45.00-09.48.25 [“my brother name Ol (phonetic), who was a soldier of Lon Nol regime, was arrested and taken away to be killed. ... My brother had three children and including his wife there were five of them ... they killed the whole family. They did not spare any family members if they found out that they were related”]; **E3/9820** Preap Sokhoeurn WRI, A17-18; **E1/467.1** Phan Him, T. 31 Aug 2016, 15.31.53-15.38.25 [her brother, a former Lon Nol soldier, was arrested and disappeared together with his pregnant wife]; **E3/9318** Phann Him DC-Cam Statement, EN 00679681-82; **E3/9667** Nhim Kol alias Say WRI, A2, A33; **E3/9662** Keo Theary WRI, A16-17 [children of former Lon Nol soldiers were taken away in Kampong Siem District, pursuant to “an order from the upper echelon”, however she concealed her father’s occupation]; **E3/2649** Henri Locard,

sector level,¹¹⁸⁰ whilst those with lower ranks were kept at the district and executed *en masse*.¹¹⁸¹ Given that those sent to the sector were considered the “most important” enemies, the evidence would indicate they met a similar fate.¹¹⁸² Arrests were reported up the hierarchy, sometimes to **Nuon Chea**.¹¹⁸³

324. Testimony and contemporaneous records document an identical process in Tram Kak District in the Southwest Zone. The lower levels were ordered to search out concealed former Khmer Republic soldiers and officials.¹¹⁸⁴ CPK cadres collected biographies and

Kompong Cham, EN 00208391 [“Some [people] were accused of having been Lon Nol soldiers and hanged by the feet to confess. Then, they were executed. Entire families of Lon Nol soldiers would be killed”]. See also **E1/376.1** You Vann, T. 14 Jan 2016, 15.00.23-15.04.43 [“if that family had soldiers’ member and then we recorded only the parents. If we identified that that person was the soldier and we recorded only that individual as a soldier and his wife”].

¹¹⁸⁰ **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.53.45-10.56.24 [“Concerning those who were considered to oppose Angkar, I I could not help re-educate them; I would refer them to the upper level, that is Uncle An”], 10.57.46-11.01.20 [“I meant [referring order to arrest the “most important people”] that they had a high ranks and they could not socialize with people”]; **E3/9539** Prak Yut WRI, A7 [“When Grandfather An ordered me to arrest people, he also ordered me to select and send important people to the sector level”]; **E3/9525** Prak Yut WRI, A12; **E3/9507** You Vann, A107; **E3/9667** Nhim Kol alias Say WRI, A12 [“As for committees and former officials or Lon Nol soldiers, the district sent them to the Sector, but for ordinary people, the district made their own decisions”].

¹¹⁸¹ **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.59.08-11.01.20 [“Concerning the Kouk Pring ... I did not know, at the time, whether my subordinates or the commune chiefs executed those people and, perhaps, they did not tell me about the matter. Ta An instructed me to send the most people to the sector”], 11.02.19 *confronted with* **E3/9496** Prak Yut WRI, A66-67 [“Q: Graves with remains of hundreds of people were found at Kouk Pring at a place called Beong Thom. What did you know about that place? A66: I knew Grandfather Chea killed people there. Q: Did Grandfather Chea kill people on his own or receive an order to do so? A67: I received an order from Grandfather An and I forwarded the order to Grandfather Chea”]; **E3/9539** Prak Yut WRI, A7 [“He gave an order to kill the rest at the execution site in Kouk Pring, Vihear Thum commune”]; **E1/467.1** Phan Him, T. 31 Aug 2016, 15.31.53-15.38.25 [her brother, a former Lon Nol soldier and his pregnant wife were taken away and killed in Cheung Prey district]; **E3/9318** Phann Him DC-Cam Statement, EN 00679681-82; **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.45.00-09.48.25; **E3/9820** Preap Sokhoeurn WRI, A17-18; **E1/464.1** Yos Phal, T. 25 Aug 2016, 11.12.24 -11.24.42 [“Those who were soldiers or policemen had been smashed by 1978”]; **E3/2649** Henri Locard, *Kompong Cham*, EN 00208391.

¹¹⁸² **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.57.46-11.01.20 *clarifying* **E3/9539** Prak Yut WRI, A7. See also **E1/376.1** You Vann, T. 14 Jan 2016, 15.10.50-15.12.25 [“I became so suspicious because those names on the list disappeared”]; **E3/4649** Soeng Leum WRI, EN 00222963 [all those who were connected with the old regime were taken away by truck and killed in 1977 and 1978: “The worst killings took place at Voat Phnum, that is Phnum Srei and Phnum Pros”]; **E3/3346** Alexander Hinton, *Why do they kill?*, EN 00431481-82 [describing a soldier’s account of mass killings of those “on the side of the Lon Nol regime” including soldiers and civil servants at Phnom Pros. “In just over one month in mid 1977, Reap’s troops executed somewhere between five thousand and ten thousand people at Phnom Bros”].

¹¹⁸³ **E3/952** Telegram from Central Zone Secretary Ke Pok to Brother Pol, copied to Nuon Chea and Son Sen, 2 Apr 1976, EN 00182658 [“The enemies are former soldiers ... in so tracking that activity, we captured some elements who were former cooperative team chairmen”]; **E3/9667** Nhim Kol alias Say WRI, A2 [the witness attended meetings and collected statistics on those taken to be killed, which would be used to amend rations. He forwarded the statistics to the commune, who forwarded it to the district].

¹¹⁸⁴ **E3/2048** Chean Tong Commune Report, 30 Apr 1977, EN 00276562-63 [“After having received successive instructions from Angkar about being vigilant about the enemy and purging the enemy officers, we have tracked, examined and found the following persons”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.20.25 [“Do you recall receiving successive recommendations from the upper echelon regarding the enemy and the cleaning up of enemy soldiers in particular high-ranking soldiers or officers? A: Yes. ... I received it from the district”]; **E3/5521** Nut Nov WRI, A57-58, 60.

drew up lists recording the former occupation and rank of people within their area and forwarded them to the upper echelon, who ordered arrests and killings.¹¹⁸⁵ One particularly telling report dated 2 May 1977 referred to prior “successive instructions” from *Angkar* to “purge enemy officers.”¹¹⁸⁶ Tram Kak District officials ordered “harsh” interrogation of arrestees to find their “network.”¹¹⁸⁷ As confirmed by the testimony of

¹¹⁸⁵ **E3/2441** Kus Commune Reports, 9 Sept 1977, EN 00369480 [report informs Angkar of 7 former Lon Nol soldiers who were first or 2nd lieutenants or captains], 00369481 [district prison chief Ann on that same date directs “Kus commune to arrest this [illegible] group”]; **E3/2438** Kus Commune Report, 29 Apr 77, EN 00366665-75 [identifies 35 Khmer Krom families totaling 149 people. It includes 25 former Khmer Republic soldiers and lists the ranks they held (lieutenant, cadet, warrant officer)]; **E3/4103** Popel Commune Report, 11 Apr 1977, EN 00322133 [“For those people who hold a ranking position, we will send them out [to you] consecutively and for soldiers and some teachers who attempted to destroy [and] our revolution, could you please give us advice what to do or let us decide at some bases ... With high commitment to destroy/smash the spy of the enemy to its total extinction in order to serve the Socialist Revolution ... as required”]; **E3/2048** Popel Commune Report, 2 May 1977, EN 00276565 [requesting to send “the following traitors” to the District: Sokh Say, a “soldier who wore stripes” who “fights and curses his wife”, Bien, a 2nd lieutenant who “never had conflicts”, and Sim, who worked under the provincial governor]; **E3/2433** Popel Commune Report, 3 May 1977, EN 00322121 [sending the wife and child of an alleged Free Khmer fighter to the District. The wife was a military medic]; **E3/2048** Ta Phem Commune Report, 28 Apr 1977, EN 00276564 [reporting first and second lieutenants and requesting instructions, having purged other “enemies who held rankss after having received the instructions of the Party”]; **E3/2048** Chean Tong Commune Report, 30 Apr 1977, EN 00276562-63; **E3/2048** Commune Report, 4 March, EN 00276566 [“We are having the subdistrict militia bring in those who held officer ranks. Their names: Keo Net and Chroeng”]; **E3/2432** Names of those who have military ranks in Nhaeng Nhaeng commune, 17 Apr 1977 [listing 11 former soldiers (majors, first and second lieutenants)]; **E3/2450** Letters of confirmation to Comrade Ann from Nhaeng Nhang commune, 17-19 Sept 1977, EN 00322161-63 [reporting sending several ranking soldiers, and one spouse of a Lieutenant Colonel to Kraing Ta Chan]; **E3/2052** Nhaeng Nhang Commune Report, 1977, EN 00276591-92 [request to send former soldiers]; **E1/298.1** Ek (UI) Hoeun, T. 7 May 2015, 11.25.35-11.27.40 [district office worker: “While I was at the office, soldiers who were arrested would be sent to the district Angkar. And as for their communes; for example, once they receive instructions or orders to arrest from the upper echelon for certain individuals, then the names would be circled in red ink and then the district soldiers would bring those people to the district”], 13.44.12-13.45.53 [“As regards the drawing up of those lists, ... he would send a report to the district Angkar and the district Angkar would forward such reports to the province and so on and so forth”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.00.14-11.01.55 [“the villages sent the biographies to the commune and the biographies that were made or collected by the village chiefs, and after that they were forwarded to the commune and the commune sent them all to the upper echelon”], 11.20.25-11.30.15 [confirming receiving successive instructions from the upper echelon regarding the cleaning up of enemy soldiers. The commune identified and interrogated potential enemies] *discussing* **E3/2048** Chean Tong Commune report, 30 Apr 1977, EN 00276562-63; **E3/2048** Popel Commune report, 8 May 1977, EN 00276565 *confirmed by* **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.31.35-11.34.45; **E1/276.1** Nut Nov, T. 12 Mar 2015, 15.08.00 [Nhaeng Nhaeng commune official, then Sre Ronoung Commune Chief: “On the issue of purging the enemy as stated by the sector chairman, it mainly focused on those individuals who opposed the regime of Democratic Kampuchea, those people would be considered the enemy. ... The commune would make a report and the report would be forwarded to the upper echelon, who would make a decision on the matter”]; **E3/5521** Nut Nov WRI, A57 [“enemies ... who had tendency for the Lon Nol people ... were also purged”].

¹¹⁸⁶ **E3/2048** Report from Popel Commune to Tram Kak District, 30 Apr 1977, EN 00276562-63 [identifying one former second lieutenant and one former civil servant to be sent to the district for a decision].

¹¹⁸⁷ **E3/2048** Report to Tram Kak District, 24 Apr 1977, EN 00276568 [district response: “Propose that Comrade An interrogate and confirm to find the network of this Kie Kun. Where are they? Are their names in these reports?”]; **E3/2052** Khpop Trabek Commune Report, 3 June 1977, EN 00742890-91 [10 military listed for “Angkar to decide”. District annotation: “interrogate harshly and thoroughly ... interrogate to find all of their network”]; **E3/4114** Letter from Kraing Ta Chan to Comrade San, 2 Sept 1977, EN 00322156 [letter requesting decision on 27 people implicated by the contemptible Try.

several witnesses, throughout the DK period, cadres tortured victims using bamboo clubs, pliers, plastics bags for suffocation, and whips to confirm their alleged ranks and implicate others.¹¹⁸⁸ Many lower-ranking soldiers were sent to Kraing Ta Chan Security Centre on the pretext of “minor offences,”¹¹⁸⁹ where they were killed.¹¹⁹⁰ Former

Contains a handwritten response directing Ann to “find out and arrest the whole network of the traitors” and to be “always cautious” and “never negligent”. See also **E1/452.1** Henri Locard, T. 1 Aug 2016, 9.16.51-09.19.35 [asked why people were not summarily executed but taken to security centers: “according to revolutionary morality, he could not have acted alone. Individual decisions were unheard of. Therefore, he necessarily must have been part of a plot or a network of people who were conspiring against the revolution”].

¹¹⁸⁸ **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.07.14-10.12.52 [former prisoner at Kraing Ta Chan, heard interrogations as to the ranks of soldiers of the former regime, and stated that the purpose of interrogation was “in relation to CIA spies of Lon Nol”. He stated that if they were alleged to have a connection with the former Lon Nol regime they would be tortured, and that this continued from 1975 to 1979, but decreased as CPK cadres fled: “They used bamboo clubs, about 70 or 60 cm long to beat the prisoners. ... Pliers were used to extract or to hurt the breast or the nipples of female prisoners”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 [prisoner arrested in 1976 (see **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02): “Because I was nearby, 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 “Yuon” CIA. And they had to answer truthfully; otherwise they would be beaten to death. ... A prisoner was suffocated with a plastic bag for five minutes, and then the prisoner confessed, and then they continued to beat that prisoner”], 15.15.05-15.38.30 [describing in detail interrogators suffocating a prisoner with a plastic bag until he was unconscious to force him to confess: “They only asked two questions. What was his position and what was his rank”], 10.31.36-10.35.03 [his mother told him that she was questioned about his father, who was accused of being an agent as he had assisted a Takeo Province governor with directions in 1967 and did not join the Revolution]; **E3/5825** Meas Sokha WRI, EN 00223500; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 [prisoner sent to Kraing Ta Chan in 1977: “I could clearly hear what was being said in the interrogation house. ... They were asking him whether the person had held the rank of 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. ... The man was actually beaten almost to his death before he finally confessed that he had been a captain in order to have the beating stopped”]; **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.41.46-10.52.20 [witness was called to a meeting to find four or five militiamen who tied his hands behind his back. They beat him and repeatedly accused him of having been a Lon Nol lieutenant in Phnom Penh. He insisted he had been a firewood salesman: “I was taken to be tortured. I was seriously tortured”], 10.52.20 [“I was beaten with a bamboo stick ... about the size of my lower arm ... They beat me one after another. After one tired, another man came to beat me until I passed out. After I got conscious, I was transported to Angk Roka”], 10.46.03 [He was arrested in 1977], 11.21.34-11.22.52 [“I was arrested because my elder daughter was in the unit and she ran away together with Iem Yen ... she was arrested and beaten and forced to confess that I was a former lieutenant in Phnom Penh”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.13.44-09.17.58, 13.35.10-13.39.41, 13.54.28 [he was interrogated twice — once by the chief of militia and then again when detained in the prison], 13.56.48-13.59.10; **E3/9468** Thann Thim WRI, A70; **E3/5826** Hun Kimseng WRI, EN 00223490 [witness detained at Kraing Ta Chan from 1976 to June 1978: “Did you ever see them beat other prisoners? A: They beat them; they screamed and bawled like cattle. I heard them beating during interrogations from a distance of about 50 meters”]. See also **E3/5541** Chak Thoeurng WRI, EN 00374818 [describing being arrested and accused in interrogation of being a Lon Nol soldier in Kandal Province]; **E3/5637** Chum Yan DC-Cam Statement, EN 00890576-79.

¹¹⁸⁹ See **Annex G.2**, Figure 1.8, *Alleged Offences of Former Khmer Republic Officials Imprisoned at KTC* [111 planned/attempted to flee; 87 complained/criticized CPK, 26 stole food]; **E3/2450** Letters of confirmation to Comrade Ann from Nhaeng Nhang commune, 17-19 Sept 1977, EN 00322162 [reporting sending two members of the air force and one second lieutenant to Kraing Ta Chan who “used to have disputes mostly about doing works, and active in stealing things, of which they have stolen the hens and eggs very often, and cooked and ate them”], 00322163 [reporting sending one woman to Kraing Ta Chan who was the former spouse of a Lieutenant-Colonel and found the revolution “difficult.” The arrest occurred “according to an advice from Angkar”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.57.14-14.00.52 [“I was told that he [her brother] was accused -- one time that while he was thrashing the rice at

soldiers and officials were identified, arrested, and executed together with their families.¹¹⁹¹ These arrests and killings were then faithfully reported to the upper levels.¹¹⁹² The majority of prisoners recorded in surviving Kraing Ta Chan documents were former Lon Nol officers, soldiers and policemen.¹¹⁹³ These records demonstrate that there was a particular effort to target officers holding the rank of second lieutenant and above.¹¹⁹⁴

325. Two separate reports to the Northwest Zone from May and June 1977 detail efforts to arrest ranking officers and officials “hiding” in cooperatives.¹¹⁹⁵ At Trapeang Thma

night time, he accidentally laid his hand on the hand of another woman ... they could not find any pretext to arrest him so when they could find a pretext to arrest him, they accused him of being that and then taken him away”]; **E3/5879** Oum (Im) Vannak SIF, EN 01069349 [her older brother was arrested at the end of 1977]; **E3/10753** Hun Kimseng WRI, A55 [some prisoners at Kraing Ta Chan were former Lon Nol soldiers].

¹¹⁹⁰ **E3/4083** Kraing Ta Chan Prisoner List; **E1/282.1** Saut Saing, T. 25 Mar 2015, 13.49.48-13.55.04 [former Kraing Ta Chan guard states his cousin, a former soldier, was arrested and killed at Kraing Ta Chan].

¹¹⁹¹ **E3/2048** Report of confirmation from Popel commune, 2 May 1977, EN 00276564 [“The 106 military families smashed by Angkar including those who died totalled 393 persons”]; **E3/2107** District Office 105 Prisoner List, 1977, EN 00290211 [records detention, interrogation and killing of 13 year old boy – the son of a colonel arrested for stealing coconuts to eat]; **E3/2433** Report from Popel Commune, 3 May 1977, EN 00322121 [sending the wife and child of an alleged Free Khmer fighter to the district level. The wife was a military medic]. *See also* **E3/5218** Saut Tha WRI, EN 00276792-93 [guard at Sang Prison, Tonle Bati from late 1977: “If someone was accused of being a Lon Nol soldier, they arrested and brought in the entire family, including the children”]; **Annex G.2** Figure 1.7, *Imprisoned Relatives of Former Khmer Republic Officials* [listing 71 relatives: including wives, sons, brothers, fathers, and husbands of former Khmer Republic officials].

¹¹⁹² **E3/2048** Report of confirmation from Popel commune, 2 May 1977, EN 00276563-64 [“106 households of military personnel equivalent to 393 individuals were smashed”]; **E3/2441** Kus commune Reports, 28 Aug 1977, EN 00369469 [“As for his older brother, Sang Naem, a lieutenant colonel, we smashed him when he was in Angtasaom commune”]; **E3/2423** Leay Bour Commune Report, 29 June 1978, EN 00322216 [“We have arrested 4 enemies and sent them over to comrade elder brother An at the Police Office of District 105.” Three of the four were former Lon Nol military, including one warrant officer and one Chief Corporal]; **E3/2435** Ang Ta Saom Commune Report, 26 Apr 1977, EN 00322141 [“for those who have their ranks as First-Lieutenant or Second Lieutenant, I am going to contact with Comrade Yorn, District military, in order to take them out this evening right away”].

¹¹⁹³ *See* **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416381-82 [“The majority of those arrested in mid-1975 and 1976 were Lon Nol soldiers and policemen. After 1976, this group expanded to encompass their families and the general population”]; **E3/8299** Henri Locard, *Tram Kak District in the Grip of the Khmer Rouge*, EN 00217700 [“Among these 477 detainees [at Kraing Ta Chan], it is possible to identify 225 ex-soldiers, 15 wives one of whom has been identified as of Vietnamese origin) and 6 of their children. If one adds 27 ex-policeman or military policemen, this is a total of 273 victims connected with the forces of law and order of the previous regime”]; **E1/451.1** Henri Locard, T. 29 July 2016, 15.28.05-15.29.30 [“The archives we have, you must understand, are very partial. They date from the end of the regime only ’77, ’78, so at that point in time, there were not many Lon Nol soldiers left to execute”].

¹¹⁹⁴ **Annex G.2** Figure 1.6, *Ranks of Former Khmer Republic Soldiers Imprisoned at KTC* [despite the pyramid structure of the armed forces, officers second lieutenant and above comprise almost half of all soldiers listed in surviving Kraing Ta Chan records].

¹¹⁹⁵ **E3/179** Report from Office 560 of the Northwest Zone, May 1977, EN 00183012 [“As we have observed these acts actually arose from among old veteran soldiers and those with the ranks of second lieutenant, first lieutenant, captain and major who hide themselves in collectives ... We have already taken steps and arrested all of them”]; **E3/1181** General View of Sector 5, Northwest Zone, 27 June 1977, EN 00223176 [Phniet commune in Sisophon District described as a “newly liberated area where ranking officials, private individuals are hiding”].

Dam, worker and former Lon Nol soldier Chhum Seng testified that Ta Val called a meeting in which instructions were given to “monitor and to search out” former soldiers, intellectuals, and students.¹¹⁹⁶ Chhum Seng stated that if a company chief reported an individual to Ta Val, that person would be taken and killed.¹¹⁹⁷ Two members of his company, including one lieutenant, disappeared because “they failed to conceal their backgrounds.”¹¹⁹⁸ Chhuy Huy, a unit chairman, testified that CPK cadres sought the name of a former pilot in his unit, who was then taken and likely shot.¹¹⁹⁹ In Sector 5, former Lon Nol soldiers were executed unless they could hide their background.¹²⁰⁰ Sen Sophon testified that he returned to his village to find that his entire family had been killed due to his father’s position as a former lieutenant, which he had been trying to conceal.¹²⁰¹

¹¹⁹⁶ **E1/331.1** Chhum Seng T. 17 Aug 2015, 15.41.31-15.43.27 [“There was a meeting held by Ta Val, an the meeting was held among the chiefs of companies and battalions, that we had to monitor one person per day and to search out who who was a student, an intellectual or a Lon Nol soldier in the former regime”]; **E3/9568** Chhum Seng WRI, A27-28. *See also* **E3/9564** 2-TCW-996 WRI, A45 [“I would like to clarify further that, when the Southwest cadres wanted to track someone who was related to the civil servants of Lon Nol, they would assign a person to track the one they wanted to arrest”].

¹¹⁹⁷ **E1/331.1** Chhum Seng T. 17 Aug 2015, 15.41.31-15.45.41 [when a person had been identified as a former Lon Nol soldier, “[i]t depended on the immediate supervisor ... If the company chief reported on one particular individual, then that individual would be surely taken away and killed. ... During the time, if the worker who was assigned to carry the earth, and if that person protested and was hated by the company chief, the company chief could exaggerate, make a report on that person was opposed to Angkar, or was the former Lon Nol soldier. ... The report had to be submitted to Ta Val”]; **E1/332.1** Chhum Seng T. 18 Aug 2015, 15.41.21-15.43.14 [“A unit chief could execute any individual, and the order came from Ta Val. As mentioned, a unit chief was given the right to execute anyone who fell into these categories: Lon Nol soldiers”]; **E3/9010** Chhum Seng DC-Cam Statement, EN 00728623.

¹¹⁹⁸ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.43.06-10.45.24.

¹¹⁹⁹ **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.43.58-10.53.03, 11.01.10-11.05.53, 11.07.04-11.08.02 *clarifying* **E3/5283** Chhuy Huy WRI, EN 0321198-99.

¹²⁰⁰ **E1/324.1** Sen Sophon, T. 28 July 2015, 09.23.43-09.33.05; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.56.53-14.10.18; **E3/9765** [REDACTED] WRI, A5-13 [his brother-in-law, who was a major sergeant, and his brother [REDACTED] a Lon Nol soldier, were killed and dropped down a dragon hole], A15-18 [“I was a Major Lieutenant ... I hid myself and did not let anyone know that I had been a Lon Nol soldier”], A85-88 [describing the “dragon hole” down which he saw three dead bodies, including his older brother –in-law [REDACTED], A51 [the killings took place in 1978]; **E3/9508** [REDACTED] WRI, A17-21 [he buried the corpses of Lon Nol soldiers and other enemies killed by the Southwest Zone cadres after 1977]; **E3/9767** [REDACTED] WRI, A22-33 [his older brother-in-law was arrested and killed in 1978 as he was a former Lon Nol soldier (without rank). He had told his brother to flee to Sector 3, but they were also aware of his position]. *See also* **E3/9552** [REDACTED] WRI, A3-4.

¹²⁰¹ **E1/324.1** Sen Sophon, T. 28 July 2015, 09.23.43-09.33.05; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.56.53-14.10.18 [“Sra Em told me that, ‘Uncle Phon, you will be taken away and killed’. And unit chief were told about that and the message were relayed to the militiaman. At that time I was running away ... I reached Chrab village as I stated and I saw an older woman ... [She] said that both my parents were taken away and killed. ... She said since your parents and your younger siblings had all been killed and you had nowhere else to go, then I could stay with her. ... In fact, it was my father who was taken first to be killed since he was a former soldier. But then my mother said if my father was going to be killed, then there was no point of living. ... they were all killed”]. *See also* **E3/9759** [REDACTED] WRI, A31-46 [the witness was taken to Taing Krasang prison, as her husband was a captain in the Lon Nol military. She states that all women whose husbands worked for the Lon Nol regime detained at the office were taken to be killed, except four who survived, including herself], A67-69 [describing the stench from

326. Mass arrests and killings of former Lon Nol soldiers also occurred elsewhere in Battambang.¹²⁰² Commune chief Ta Chham called all residents to a meeting and publicly bludgeoned a man and his son to death, on allegations of Lon Nol connections and possessing a weapon.¹²⁰³ In Pursat, Khmer Rouge cadres gave detailed evidence of orders to search for and kill former soldiers and civil servants of the Lon Nol regime.¹²⁰⁴ One executioner stated that the District Secretary gave the same order at every meeting:

the killing site, and seeing a leg from a corpse on the site dragged by wolves], A81-83 [describing witnessing a man drying gallbladders, who told her that they were from the 100 people he had killed in one night]; **E3/9833** Moul Eng WRI, A147 [“Any relatives of the former Lon Nol soldiers were treated as the elements to be killed. I learned of this as I was a combatant”].

¹²⁰² **E3/5228** Hun Sa WRI, EN 00250274 [“Not being reformable meant that those people still had not abandoned their old ways and still did wrong things. They were sent to upper-level. I saw them take Huy Savuth who was a former Lon Nol soldier, Ta Hen who was a Lon Nol soldier, and It Ngy who was a Lon Nol soldier, and kill them at the Boeng Roluos rice fields after they accused them of being Lon Nol soldiers. I personally saw them take those three and shoot them to death. The next morning, I went to bury all three of the bodies.” The witness also describes the reporting chain in his unit]; **E3/9768** [REDACTED] WRI, A16-30 [Kos Krala District: “Before the arrival of the Southwest, only senior officers of the Lon Nol soldiers had been arrested. ... I was once assigned to transport prisoners to Kos Krala security center. ... I saw 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”]; **E3/9831** [REDACTED] WRI, A38-43 [Sangkae District: “One of my cousins was a Lon Nol soldier. ... during early 1977 ... I saw them tie people up and take them away in lines with their hands tied behind their backs. ... Approximately 30 to 40 people. At that time, I saw my cousin and my uncle among those people. ... They were both former Lon Nol soldiers”]; **E3/5185** In Choeun WRI, 17 June 2008, EN 00274164-65 [in 1978, his nephew and others were escorted from the detention office to Wat Kirrium with their arms tied behind their backs: “they had accused Leang of having been in the Military Police during the Lon Nol regime and being an intellectual. ... I never saw any prisoners survive ... Wat Kirrium”]; **E3/3319** UK Government Report: *Human Rights Violations in Democratic Kampuchea*, 14 July 1978, EN 00420648. See also **E3/7737** Im An WRI, EN 00274161 [in late 1978 Khmer Rouge military cadres came looking for him as he had been a chief in the Lon Nol era. He fled].

¹²⁰³ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 15.33.24-15.36.52 [“[Ta Daok] was perhaps a Lon Nol soldier. He had hidden a gun ... The whole people in the commune of Phnum Sampov went to a meeting ... One of his children was also killed along with him by being beaten to death with a roof beam. That was what I witnessed”]; **E1/365.1** Prum Sarun, T. 9 Dec 2015, 09.26.38-09.31.14 [“Yesterday I actually said that he had concealed weapons and for that reason, he was smashed”]; **E3/5187** Prum Sarun WRI, EN 00274178-79; **E3/5212** Dy Piech WRI, EN 00275426 [“in late 1977, similar sentencing occurred against Ta Daok whom they had accused of betrayal saying he had child who had been Lon Nol soldier”]; **E3/505** Tes Heanh WRI, EN 00275410-11; **E3/5228** Hun Sa WRI, EN 00250274; **E3/7737** Im An WRI, EN 00274159.

¹²⁰⁴ **E3/10683** [REDACTED] WRI, A16, A57, A65, A68-72, A75-109 [REDACTED], A109 [REDACTED] **E3/9778** [REDACTED] WRI, A43, A79-87 [she attended a meeting at the District Office once a month, where they were told: “Track the activities of enemies in the villages and the cooperatives.” ... Some people who were relatives of civil servants or soldiers of the Lon Nol regime were accused of being ‘the enemy.’ ... ‘Anyone appearing to be an enemy who raised their head must be swept clean and smashed.’”]; **E3/9788** [REDACTED] WRI, A107-108 [Khmer Rouge soldier: “The killing of Lon Nol soldiers were carried out by a different unit. ... They were killed in 1976 or 1977. My uncle, cousins and other relatives who were soldiers under Lon Nol regime were brought to be killed at Kandieng District. They were transported in a convoy of vehicles to be killed”].

“to sweep them clean until no one is left.”¹²⁰⁵ These accounts are corroborated by surviving villagers, many of whom lost family or colleagues.¹²⁰⁶

327. Even in the East Zone,¹²⁰⁷ former officers and officials were rounded up for “re-education”, detained, and killed at repurposed pagodas.¹²⁰⁸ Civil Party Sieng Chanthy lost two brothers in 1977. One brother — a former second-lieutenant who had accidentally wounded a cow when ploughing — was made to walk 10 kilometres to the district office, whilst being whipped until his body was covered in blood. He never returned.¹²⁰⁹ Another brother was a former policeman who suffered an illness which hindered his work.¹²¹⁰ Four militiamen took him away together with other former Lon Nol officers, returning to clean their blood-stained knife in the kitchen.¹²¹¹

¹²⁰⁵ E3/10683 ████████ WRI, A75–109; E3/9778 ████████ WRI, A43, A79-87.

¹²⁰⁶ **Bakan District:** E3/9827 ████████ WRI, A33–A40 [“After those people had been killed, I smelled a bad smell from a trench while I was driving a cart to meet my wife. ... I knew because 28 members of my unit had been killed. All of those 28 people had been former Lon Nol soldiers or commandos]; E3/9471 ████████ WRI, A150, A214 [“The new evacuees were treated in the same way as the previous group of evacuees. If they were former government officials, they would be taken to be killed”], A165-174 [describing the disappearance of three people who were said to be former Lon Nol officials before Yeay Rim’s arrival: “When the Khmer Rouge returned, they brought with them the belongings of all three, and there were blood stains on the hatchet(s)”; E3/9769 Ly Lonn WRI, A103 [“I was once asked if I had been a soldier in the Lon Nol’s regime or not. And at that time, I hid my background. ... It was in mid-1978. It was the last time that they killed ex-Lon Nol’s soldiers”]; E3/9789 ████████ WRI, A69 [a large number of Khmer Krom and former Lon Nol soldiers were accused and they were taken away and killed “when the Southwest cadres arrived”]. **Kandieng District:** E3/9788 ████████ WRI, A107-108 [the witness’s uncle, cousins and other relatives who were soldiers under Lon Nol regime were transported in a convoy and killed]; E3/9761 ████████ WRI, A52-55 [“In my unit, six people, including my five uncles (distant relatives) and my father, were taken to be killed ... in late 1977 ... Some of them were the Lon Nol soldiers, and some others were the Lon Nol commandos”]; E3/3319 UK Government, *Human Rights Violations in Democratic Kampuchea*, 14 July 1978, EN 00420644.

¹²⁰⁷ E1/191.1 Philip Short, T. 8 May 2013, 15.56.38-15.57.43 [“There were places where Lon Nol soldiers were not killed but were sent for re-education, ... but under extremely harsh conditions, which very few of them survived. These are the exceptions which prove the rule”]. *Note* the East Zone was an area controlled by Khmer Rouge and Vietnamese communist forces almost in its entirety throughout the 1970-1975 civil war. For this reason, one would expect few Lon Nol soldiers or officers to come from the East Zone.

¹²⁰⁸ E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 10.03.28-10.07.33, 10.10.05-10.11.54; E3/9754 Sieng Chanthy Statement, EN 00621377; E3/5169 Chan Sokeat WRI, EN 00250081-82 [“In 1977, I personally saw the Southwest group coming to arrest Lon Nol soldiers near my village and put them in trucks until no one left. ... In early 1978 there was a chaos in my village because people who used to be involved with the Lon Nol regime (such as students) were sent to be re-educated again. They rounded up former soldiers, teachers, militias and students. After soldiers had been sent away, their clothes were brought back to the villagers; that made villagers suspecting that those soldiers had all been killed”]; E3/7719 Nom Sareoun WRI, EN 00347416 [“after 1976, the Khmer Rouge gathered up the teachers, students, and former Lon Nol soldiers. Then all the families of those soldiers had their biographies made by the Khmer Rouge soldiers so they could be sent to study. However, after the biographies were prepared, they were taken to Longeun Pagoda and killed”]. *See also* E3/5613 Seng Mardi WRI, A5, A19-20, A42, A47.

¹²⁰⁹ E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.17.12-09.22.14, 09.27.22-09.29.12; E3/9754 Sieng Chanthy Statement, EN 00621377.

¹²¹⁰ E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.20.28-09.23.56, 10.03.28-10.08.12 [“From my recollection, it was during the harvest season in 1977. He was killed at Tuol Snuon to the east of Chey pagoda ... Of course it is related because they knew that my brother was a policeman and that my elder brother was a

328. In autonomous Sector 105 (Mondulkiri), ranking officers were purged early in the regime.¹²¹² Subsequently, soldiers, civil servants, and their relatives were arrested and sent to security centres.¹²¹³ In May 1977, Sector 505 Secretary Yi reported to Office 870, progress on the “enemy situation”, including the arrests of “some in the rank of First Lieutenant and others Captain.” He resolved to “take measures and investigate in collectives as well as in the forest.”¹²¹⁴
329. By 1978, the West Zone was assuring the Centre that it had “strictly followed the party’s organisational line”¹²¹⁵ to “routinely, remove, screen and sweep clean” enemies,¹²¹⁶ whilst the North Zone similarly reported:¹²¹⁷

¹²¹¹ soldier. And if someone made a mistake, then they would combine that with their previous occupation”]. **E1/394.1** Sieng Chanthy, T. 1 Mar 2016, 09.23.56-09.29.12; **E1/393.1** Sieng Chanthy, T. 29 Feb 2016, 15.38.03-15.39.07 [in 1975, her brother had been sent for re-education but was released after 6 months] 15.43.15-15.45.29.

¹²¹² **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.33.57-09.35.48 [most Lon Nol soldiers in the area had been purged from 1970 until 1975]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.51.14-09.55.19 [groups subject to arrest in Sector 105 from 1975-1976 included “former soldiers in the previous regime”], 10.01.12-10.05.21 [those initially targeted for killing were those who held higher ranks in the Lon Nol regime] *referencing* **E3/5636** Chan Bun Leath DC-Cam Statement, EN 00711205; **E3/5178** Chan Bun Leath WRI, EN 00274095.

¹²¹³ **E1/399.1** Chan Toi (Tauch), T. 10 Mar 2016, 11.29.33-11.31.51 [his father-in-law, a Lon Nol soldier, was arrested because the DK regime had a policy of arresting “soldier[s] of the former regimes”]; **E3/7823** Chan Toi (Tauch) DC-Cam Statement, EN 00645455, 00645488 [arrested in 1977: “in K-11 [prison]. ... some had issues such as having a father who had worked as a soldier or a policeman during the previous regime, so they were also sent there”]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.56.11-09.58.04 [“During that era, as I stated earlier on, those who ... had the background as teacher or officials of the previous regime -- those were the targets of removal”]; **E3/7702** Sok El WRI, EN 00239509 [a former policeman detained at Phnom Kraol prison in 1978. He was told at the time of his arrest that “they were rounding up former soldiers and policemen to assemble them in Koh Nhek district”]; **E3/807** Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 Mar 1977, EN 00183949 [Division 920 Secretary Chhin reports: “After the studies ... the children of soldiers, subdistrict chiefs and police were purged and sent to do production in one place”].

¹²¹⁴ **E3/85** Telegram 95 from Yi to Office 870, 11 May 1977, EN 00143562.

¹²¹⁵ **E3/1092** Report from M-401 to Angkar, 16 July 1978, EN 00289923 [states that “after we finish the interrogation, we will send him as well as his confessions to Angkar,” and commits to “keep on examining, ... so that we can absolutely sweep them away by way of strictly following the party’s organizational line”].

¹²¹⁶ **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368 [“[We] screened out from various units and military, as well as the elements of the 17 April including former civil servants ... we have had plans in place to apply the Party’s assignment line to routinely remove, screen and sweep clean them”].

¹²¹⁷ **E3/995** DK Telegram 313 to Committee 870, 19 Mar 1978, EN 00185583. *See also* **E3/1144** DK Telegram 60, 5 Sept 1977, EN 00517923 [North Zone Secretary Se reported to Committee 870: “At the bases, offices, ministries and military offices, we have uncovered many enemies ... Those enemies who were former officials, policemen or soldiers of the previous regime were discovered one after another”]; **E3/9331** Chhut Daung WRI, EN 00274084 [witness a former guard at Siem Reap Security Office from 1977: “Some of them [prisoners] ... were former government officials and Khmer Rouge soldiers ... some were taken to be tempered ... others were taken to be executed near a junior high school located on the road to Angkor Wat”]; **E3/7732** Yoeum Yin WRI, EN 00272768 [witness arrested late 1976 and detained near Sautnikum District. Describes being sent with 17 other prisoners for interrogation, who were then put on a vehicle towards Angkor. They were wives of Lon Nol soldiers, doctors and teachers, and he was told they were killed]; **E3/3319** UK Government: *Human Rights Violations in Democratic Kampuchea*, 14 July 1978, EN 00420652 [former student interviewed in refugee camp: “In April 1977

These enemy remnants made contact with police, soldiers and civil servants, all of whom disguised themselves as new people ... we systematically swept them cleanly away. ... A number of soldiers, police and civil servants fled after we had swept approximately 20 head of them cleanly away. We are continuing to take further measures to find and arrest them.

330. CPK cadres routinely interrogated arrestees in these zones as to whether they or their family members were former Lon Nol officers or officials,¹²¹⁸ and in certain cases, tortured them to death.¹²¹⁹ On 4 August 1978, the West Zone reported to the Centre that the Zone had “smashed 60 persons who had been from the ranking group as well as the CIA of the American Imperialist who were hiding in the units and cooperatives.”¹²²⁰ Duch sent an S-21 confession to Son Sen that was forwarded to **Nuon Chea** with 31 names and reported “this bears all people from the former regimes.”¹²²¹
331. By the end of the regime, thousands of former Lon Nol officials, soldiers, and their families had been executed, with hundreds recorded at S-21 alone.¹²²² It is clear that from the beginning of the regime, the Centre’s policy was to kill those who had served the Lon Nol regime in higher positions. Yet even the lowest ranking soldier was subject

the High Angkar gave orders for all cadres to kill ... any remaining Lon Nol officials. Several former ... ordinary soldiers were arrested in our village ... About 20 people were killed in public. They were accused of being enemies of the people”].

¹²¹⁸ **West Zone:** E3/4631 Dy Yet WRI, EN 00275131-32; E3/5174 Koem Sokh WRI, EN 00231669; E3/7885 Chap Yon WRI, EN 00404267; E3/5197 Danh Nhor WRI, EN 00275032. **North Zone:** E3/7732 Yoeum Yin WRI, EN 00272768; E3/3863 Henri Locard, *Report on Siem Reap Province*, EN 00164190-2 [Keov Thi was arrested in Kampong Kdey District in May 1977 and sent to Siem Reap prison. There he was beaten and repeatedly accused of having been a soldier under the Sihanouk regime]; E3/9390 Tab Lam WRI, EN 00274694-95 [witness detained at a security office in Siem Reap from April 1978 to November 1978: “some were Khmer Rouge cadres and others were officials in the Lon Nol regime. Those prisoners were kept shackled in the detention facility for later interrogation”], EN 00274695 [“There were about 600 to 700 prisoners, but there might have been more than that”].

¹²¹⁹ E3/4631 Dy Yet WRI, EN 00275132 [district soldier at Damrei Srot: “At times the torture during interrogation continued until the prisoner died”]. See also E3/5127 Tieng Rany WRI, EN 00163432-33 [witness was imprisoned at Damrei Srot in late 1978: “At night I heard screams ... probably screaming due to torture”]; E3/5199 Sim Tun WRI, EN 00275110-12 [witness was a guard at Damrei Srot in 1978: “I heard them interrogate many times. ... ‘Were you a Lon Nol soldier, or not? Are you a CIA connection or not?’ If the prisoner answered no, Em would beat the prisoner”]; E3/9388 Hun Hat WRI, EN 00274144-45 [witness detained at Damrei Srot: “While they interrogated me, I saw an electrical wire whip connected to a battery. If I did not answer them correctly, they would have shocked me”]. See also E3/7881 Phang Ruos WRI, EN 00441623; E3/1745 Moeung Sonn WRI, EN 0038390 [describes torture by beating and suffocation at Koh Kyang prison: “In 1977 there was movement to arrest the base people who were former Khmer Rouge soldiers and had been demobilized and allowed to live with ordinary people ... I had an intention of jumping into the truck to kill myself because was afraid of the killing by torture”]; E3/7743 Pak Sam Din WRI, EN 00274667-70 [detained in Koh Kyang prison in late 1977: “those who were former Lon Nol soldiers were also executed”].

¹²²⁰ E3/1094 West Zone Monthly Report to Angkar, 4 Aug 1978, EN 00315374. See also E3/4631 Dy Yet WRI, EN 00275132-33.

¹²²¹ E3/7341 S-21 Confession of Tiv Mei alias Santephaep, 18 Sept 1977, EN 00783096-110, EN 00182838.

¹²²² See **Annex F.32** *List of Khmer Republic Officials S-21 Prisoners* [listing 471 S-21 prisoners who were recorded as former Khmer Republic prisoners, 457 with execution dates].

to increased scrutiny, harsh treatment, and at risk of sudden execution. The Centre considered all soldiers and their relatives as probable enemies and made them earn their survival by absolute conformity with *Angkar*'s arbitrary and oppressive rules. Many were forced to work in camps under harsher conditions¹²²³ or sent to security centres where they were interrogated, tortured, and killed. As the Centre's paranoia grew, they expanded the range of soldiers, officials, and relatives to be purged. This left soldiers and their families with few options: flee, try to conceal their history, or rely on the benevolence of local cadres. But few cadres could be trusted as those who refused to identify or kill Lon Nol soldiers and officials were themselves threatened, arrested, or killed.¹²²⁴

INTERNAL ENEMIES

*I liked reading books about how to work in secret and Vietnamese books that talked about the torture and arrest of communist members... Chinese books talked about secret work and the people who pretended they were communists but were really spies.*¹²²⁵

– Nuon Chea

¹²²³ **E1/334.1** Tak Boy T.20 Aug 2015, 09.11.44-09.16.17; **E1/149.1** Hun Chhunly T. 6 Dec, 11.01.08-11.05.58; **E1/313.1** Keo Kin T. 10 June 2015, 15.29.39-15.31.40; **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32, 10.59.07-11.03.36, 13.43.07-13.45.42; **E3/5273** Keo Kin WRI, EN 00290499-500; **E1/319.1** Sem Hoeun alias Kim, T. 22 June 2015, 10.42.50-10.45.02; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.37.00-09.38.20, 09.40.48-09.42.45, 14.24.32-14.26.38; **E3/5530** Rin Kaot WRI, 15 Dec 2009, EN 00423585; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/5178** Chan Bun Leath (Bun Loeng Chauly) WRI, EN 00274099, EN 00274101; **E3/3209** Henri Locard, *Bopheia Region*, 24-26 Aug 1993, EN 00403161-62; **E3/2071** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, May 2007, EN 00087304-06.

¹²²⁴ **E3/4260** S-21 Confession of Em Min alias Sen, 3 May 1977, EN 00782984 [the activities of the detainee included "hiding high-ranking officials" after 17 April 1975]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 14.35.57-14.38.00 discussing **E3/429** Kaing Guek Eav WRI, EN 0040392, 15.36.14-15.44.20 [discussing Nat, the head of S-21 being forced to kill his own uncle, Lieutenant-Colonel Ban Ouch Nil Pich]; **E3/1539** Names of prisoners who died at S-21C, March 1976, EN 00182894 [Ban Ouch Nil Pich is No.37 on the list]; **E3/10683** [REDACTED] WRI, A171-172 [REDACTED]; **E3/7749** Khem Chhoeun WRI, EN 00275041-42 [REDACTED] ["They claimed that whoever tried to hide the fact that their relatives were in the armies or were civil servants of Lon Nol it would result in the arrest of the whole family"]; **E3/9800** [REDACTED], A30, A70, A77-78; **E3/3327** UN ECOSOC, *Further Submission of International Commission of Jurists under Decision 9 (XXXIV)*, 20 Dec 1978, EN 00075939 ["I said: 'How can I, who can kill women and children?' Three days later I was arrested, in June 1976"]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150215 citing Far Eastern Economic Review, *Another 40,000 'CIA traitors'*, 25 Aug 1978 [REDACTED] ["the newcomers 'officially announced that of the 70,000 citizens in the District, 40,000 were traitors who had collaborated with the [CIA] and concealed the names of former Lon Nol soldiers and agents of Thailand and Vietnam'"].

¹²²⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757506.

1. Laying the Groundwork for Mass Purges

332. Party leaders were convinced from the very founding of the organisation that there was a mortal threat from internal enemies, traitors, and spies within the Party.¹²²⁶ **Nuon Chea** has described Secret Defence Units which were organised in 1961 to “covertly smash the enemy, the government agents and the various reactionaries,” including spies who infiltrated the Party.¹²²⁷ The Secret Defence Units consisted of youths or children, and were “embedded inside the villages and base areas as well as in the cities.”¹²²⁸ According to **Nuon Chea**, these units would monitor “people whose activities were suspicious,” and report to superiors who would decide on the measures to take against such people.¹²²⁹ **Khieu Samphan** testified that the Secret Defense Units “had the authority to smash those spies.”¹²³⁰
333. Some 2,000 Cambodian communist cadres went for training in Hanoi after the Geneva Accords in 1954.¹²³¹ When they returned to Cambodia in 1970, the CPK decided that they were all spies and regarded them as internal enemies.¹²³² In his testimony before the court, **Nuon Chea** made it clear that he viewed those individuals as enemies: “They lived in Vietnam for 16 years and they were influenced by the views, standpoints, political line, organisational line from the Vietnamese Communist Party and they were to disseminate and implement those in Cambodia.”¹²³³ Expert David Chandler described their fate: “Hundreds of them were secretly arrested and put to death in 1973.”¹²³⁴

¹²²⁶ **E1/25.1** Nuon Chea, T. 11 Jan 2012, 10.24.36-10.26.49; **E1/26.1** Nuon Chea, T. 12 Jan 2012, 09.28.48-09.31.32.

¹²²⁷ **E1/21.1** Nuon Chea, T. 13 Dec 2011, 09.18.35-09.29.24; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401491-92; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865697; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412-13; **E3/147** Nuon Chea Speech, 16 Jan 1977, EN 00168467.

¹²²⁸ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491413; **E1/21.1** Nuon Chea, T. 13 Dec 2011, 09.21.34-09.25.20; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 11.45.42-11.49.40.

¹²²⁹ **E1/26.1** Nuon Chea, T. 12 Jan 2012, 09.28.48-09.33.38.

¹²³⁰ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 09.28.29-09.29.24.

¹²³¹ **E1/209.1** Nou Mao, T. 19 June 2013, 10.34.40-10.39.31, 11.02.40-11.08.30 [“The Cambodian Hanoi people ... they gathered those people. Then those people mysteriously disappeared ... I could say that the number was around, roughly, over 2,000 ... They never returned”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2006, 09.15.56; **E3/1815** Ben Kiernan, *How Pol Pot Came to Power*, EN 00487438 [upon arrival in Cambodia, the Hanoi returnees were instructed to resign from the Vietnam Worker’s Party and join the CPK]; **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396427 [none of the Hanoi returnees were permitted to join the CPK Central Committee].

¹²³² **E1/438.1** Kaing Guek Eav, T. 15 June 2006, 09.18.07; **E3/1815** Ben Kiernan, *How Pol Pot Came to Power*, EN 00487479 [in 1972, the CPK compiled a list of all the Hanoi returnees]; **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396450 [“Most of the returnees would eventually be executed”].

¹²³³ **E1/14.1** Nuon Chea, 22 Nov 2011, 13.56.01.

¹²³⁴ **E1/92.1** David Chandler, T. 19 July 2012, 11.28.28-11.32.40. See also **E3/1684** David Chandler, *Voices from S-21: Terror and History in Pol Pot’s Secret Prison*, EN 00192700.

Indeed, Duch testified that he “smashed” some of them at M-13 in 1973.¹²³⁵ Southwest Zone Military Commander Chhouk Rin was frank about the CPK policy on Hanoi returnees: “The CPK carried out a (sic) inflexible policy of killing Khmer-Vietnamese citizens from Hanoi.”¹²³⁶ Consequently, as Duch notes, “Not many of them remained after 17 April 1975.”¹²³⁷ Say Sen, a rare survivor of Kraing Ta Chan, remembered one of his fellow prisoners there: “They beat Ta Norn to death at the Kraing Ta Chan Office. His crime was being a Hanoi person.”¹²³⁸ When the North Vietnamese asked **Khieu Samphan** what had become of all the people they had trained, **Samphan** told them that they had “possibly” fallen afoul of “plots of the CIA.”¹²³⁹

334. At a June 1974 CPK Central Committee meeting, Party members discussed concerns regarding internal enemies within the Party ranks. **Nuon Chea** admitted in his limited testimony before this Chamber that one of the meeting’s agenda items was “destructive activities by the traitors who infiltrated in the party [or] in the cooperatives.”¹²⁴⁰ As later explained in the Party’s *Revolutionary Flag* publication:

[I]n early 1974 there were many problems with the enemy conducting pacifist agent activities which damaged a number of our troops, our state authorities, our male and female combatants, and our cooperative committees. Since the proletarian stance of the Party was not yet solid, the enemy was able to bore holes from within our ranks... The Party assessed this situation and decided to close the door to the Party and the core organizations. Along with this, there were internal purges.¹²⁴¹

335. The first major purge of veteran CPK cadres occurred in Koh Kong in 1974. **Nuon Chea** accused CPK cadres in Koh Kong of “betrayal,” for allegedly having conspired with the Lon Nol regime and Thai “reactionaries.”¹²⁴² “In 1974 we sorted out this issue

¹²³⁵ **E1/438.1** Kaing Guek Eav, T. 15 June 2006, 09.18.07.

¹²³⁶ **E3/362** Chhouk Rin WRI, EN 00268896.

¹²³⁷ **E1/438.1** Duch, T. 15 June 2006, 09.14.13.

¹²³⁸ **E3/5214** Say Sen WRI, EN 00225508.

¹²³⁹ **E3/1683** David Chandler, *The Tragedy of Cambodian History*, EN 00193309.

¹²⁴⁰ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 15.14.55-15.16.34, 15.26.27-15.28.03.

¹²⁴¹ **E3/166** *Revolutionary Flag*, Feb-Mar 1976, EN 00517844-45. See also **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865709 [“In mid-1974, the Party took a measure to suspend the expansion of the Party and the underground organization”]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422 [“When we set up the plan for the decisive attack in mid 1974 to prepare for 1975, we agreed to close the doors to the Party and not expand the Party to prevent the enemy from entering”], EN 00491427 [“This was because the enemy was attacking us...they attacked and joined the militias and joined the Arts, the hospitals; they joined all units, and they attacked us. So then ... we closed the door in mid 1974”].

¹²⁴² **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399226; **E3/455** Kaing Guek Eav WRI, EN 00149916.

completely and permanently ... because we had already eradicated all the enemies.”¹²⁴³ Asked about this at trial, **Nuon Chea** claimed Southwest Zone Deputy Secretary Prasith alias Chong alias Aon Ev had been killed by bandits while visiting Ta Mok.¹²⁴⁴ Others remembered it differently. “In 1974, Ta Mok ordered Aon Ev to be killed; [he was] accused of treason,” said Khun Kim alias Nuon Paet.¹²⁴⁵ Chong had actually been urgently summoned to a CPK Central Committee meeting (he was Number 7 on the Central Committee),¹²⁴⁶ but he failed to appear at the meeting, or anywhere else.¹²⁴⁷ Three weeks later, the entire Koh Kong Sector 37 Party committee was similarly invited to a Central Committee meeting, and likewise disappeared without a trace.¹²⁴⁸ Soon three regiments from Division 13 arrived in Koh Kong, claiming to be Party Centre troops there to help, but within weeks they carried out a massive purge of Sector 37 civilians and CPK cadres alike.¹²⁴⁹ Expert Philip Short observed that this was the first occasion on which the Party’s leadership had approved the execution of a Central Committee member,¹²⁵⁰ with the event marking a “tipping point” in the Party’s history and “the beginning of the internal purges which went on to devour” the CPK.¹²⁵¹

336. The 30 March 1976 CPK Central Committee decision authorising various organs of the revolutionary apparatus to “smash” enemies “inside and outside the ranks” of the Party was another fateful juncture in the history of the CPK.¹²⁵² **Nuon Chea** has frankly noted that Party members suspected of being internal enemies would be “categorized as criminals” then “killed and destroyed.”¹²⁵³ The Party leadership wasted no time dehumanising these “internal enemies,” making them that much easier to kill: “We do not consider these traitors, these counterrevolutionary elements, to be part of the

¹²⁴³ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399227.

¹²⁴⁴ **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.16.42-10.18.46.

¹²⁴⁵ **E3/360** Khun Kim WRI, EN 00268854.

¹²⁴⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150031.

¹²⁴⁷ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 Jul 2012, 11.41.43-11.49.44.

¹²⁴⁸ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150033.

¹²⁴⁹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150033-34.

¹²⁵⁰ Rumors of assassination by Party rivals swirled around the deaths of Party Secretary Tou Samouth in 1962 and Southwest Zone Secretary and Central Committee member Ma Mang alias Pang in 1968, but it appears that Samouth was killed by Sihanouk’s secret police [**E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396341; **E3/2114** Stephen Heder, *Cambodia Communism and the Vietnamese Model*, EN 00393743, 00393802. Mang fell victim to the fever: **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396375.

¹²⁵¹ **E1/189.1** Philip Short, T. 6 May 2013, 09.52.13-09.58.57; **E1/190.1** Philip Short, T. 7 May 2013, 13.44.41-13.47.54 [“Once you have accepted that ‘counter-revolutionaries can worm their way into the leadership’...then you’re opening the door to endless purges”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396468.

¹²⁵² **E3/12**, Decisions of the Central Committee on a Variety of Questions, EN 00182809.

¹²⁵³ **E3/4001R** Video *Enemies of the People*, 2010, 00.48.00.

people.”¹²⁵⁴ Having been defined as less than human, they were to be annihilated: “They are traitor forces... We eradicated them”.¹²⁵⁵ The reason for all of this killing, according to **Nuon Chea**, was simple: “We had to solve the traitor problem in the way that we did ... If we had let them live, the Party line would have been hijacked. They were enemies of the people.”¹²⁵⁶

2. Roots of the Party Centre’s Paranoia

337. What sort of assassination attempt involves a single hand grenade tossed against a rear, outside wall of the palace in the dead of night, far from any conceivable assassination target?¹²⁵⁷ The answer is an “assassination attempt” that by coincidence occurs on the very morning that Head of State Prince Norodom Sihanouk is scheduled to resign and be replaced by **Khieu Samphan**.¹²⁵⁸ As Expert David Chandler noted, “while the hapless soldiers who threw the grenades were probably unaware of the coincidence, the country’s jittery leaders saw the incident as foreshadowing a coup d’etat.”¹²⁵⁹ Yim Sambath, a rank and file soldier in Division 170, was quickly arrested; an annotation on the cover of his S-21 confession states, “Participated in throwing hand grenade behind the Royal Palace at 04:35 am on 2 April 1976.”¹²⁶⁰ Duch observed that “The screening inside the ranks began to become systematic starting from the time that they ordered the arrest of Yim Sambath.”¹²⁶¹
338. Division 170 Commander Chann Chakrei alias Nov Mean tried to protect his troops,¹²⁶² but the division was quickly swept up in what would become a massive purge.¹²⁶³ The CPK Standing Committee already had suspicions about “Comrade Mean” prior to the

¹²⁵⁴ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486253.

¹²⁵⁵ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491404.

¹²⁵⁶ **E3/4001R** Video *Enemies of the People*, 2010, 01.02.20, 00.48.00.

¹²⁵⁷ **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 14.35.27 [“No one got injured from the incident ... There was only one grenade thrown there”].

¹²⁵⁸ **E3/1684** David Chandler, *Voices from S-21*, EN 00192731; **E3/197** CPK Standing Committee Minutes, 11 Mar 1976, EN 00182638-41 [Khieu Samphan discusses Sihanouk request to resign]; **E3/12** Decisions of the Central Committee on a Variety of Questions, EN 00182813 [“The Sihanouk situation is mature already. He is out of wind, cannot move further forward. Therefore, we have decided to have him retire in accordance with his request”]; **E3/165** Document on Conference I of Legislature I of the People’s Representative Assembly of Kampuchea, 11-13 April 1976, EN 00184051 [describes Sihanouk’s “personal announcement” of his resignation on 2 April 1976].

¹²⁵⁹ **E3/1684** David Chandler, *Voices from S-21*, EN 00192731.

¹²⁶⁰ **E3/7397** S-21 Confession of Yim Sambath, EN 00769665.

¹²⁶¹ **E3/5757** Kaing Guek Eav WRI, EN 00186653.

¹²⁶² **E3/356** Kaing Guek Eav WRI, EN 00242900 [“A meeting was called amongst Son Sen, Seat Chhae, Chan Chakrey and myself. Chan Chakrey said that Yim Sambath had acted on his own and that it was therefore useless to look for other associates. However, other arrests were conducted and finally Chan Chakrey was also arrested”].

¹²⁶³ See **Annex F.2** Figure 2.10, *RAK Division 170 Arrests by Month at S-21*, p. 22.

grenade incident. Under his name in the minutes from an October 1975 Standing Committee meeting: “Must be careful about speech that he is seen as a traitor which would lead him to not see the future.”¹²⁶⁴ Two weeks after the grenade attack, Chakrei was removed as division commander and appointed as Deputy Chief of the General Staff,¹²⁶⁵ where he was closely monitored until his arrest on 20 May 1976.¹²⁶⁶ Chakrei was then taken to S-21 and his interrogations produced a mammoth 1,858-page confession.¹²⁶⁷ From this juncture, things unraveled rapidly.

339. Following Chakrei’s confession, the CPK Standing Committee ordered the arrest of East Zone Sector 24 Secretary Suos Neou alias Chhouk.¹²⁶⁸ Chhouk was taken to S-21 on 31 August 1976.¹²⁶⁹ Duch assigned his lead interrogator Pon to question Chhouk and then reported the initial results to Son Sen in a letter dated 20 September 1976.¹²⁷⁰ Perhaps the most alarming aspect of Chhouk’s on-going interrogation was his story about how the plotters planned to “eliminate” Pol Pot, **Nuon Chea**, Son Sen, and other leading cadres, which Duch reported to his superior on September 26.¹²⁷¹ The next day, **Khieu Samphan** announced on DK State Radio that Prime Minister Pol Pot was taking “temporary leave from his task in order to take care of his health,” and that **Nuon Chea** had been appointed to temporarily replace Pol Pot as Acting Premier, effective from 27 September 1976.¹²⁷² For the first time, suspicion was now starting to creep over members of the Standing Committee itself, and the paranoia began to spread.
340. Next to fall into the maw of S-21 was Ney Saran alias Ya, the veteran communist boss of the Northeast, who was arrested just three weeks after Chhouk.¹²⁷³ “The order was from the upper echelon for Pon and I to torture him,” Duch recalled.¹²⁷⁴ The torture was

¹²⁶⁴ **E3/183** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183403.

¹²⁶⁵ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150168.

¹²⁶⁶ **E3/7397** Report by Duch, 6 Aug 1976, EN 00284003-08 [“20/5/76 Arrested Chakrey”].

¹²⁶⁷ **E3/2791** S-21 Confession of Chann Chakrey alias Nov Mean, EN 00827763-72.

¹²⁶⁸ **E3/5790** Kaing Guek Eav WRI, EN 00414345 [“Chhouk had been implicated in many documents and Son Sen asked me to collect all of the relevant documents in preparation for a meeting of the Standing Committee ... Afterwards, Son Sen explained to me that during the meeting Pol Pot had interrogated the members of the Standing Committee on the chances of Chhouk being a traitor. Son Sen told me that he replied that the probability was 50%, and Sao Phim replied that the probability was 100%”].

¹²⁶⁹ **E3/2494** S-21 Confession of Suos Neou alias Chhouk, EN 00796081.

¹²⁷⁰ **E3/2990** Report by Duch to Respected Brother on responses of Suos Neou, labeled as “Letter C,” 20 Sept 1976, EN 00325217-18.

¹²⁷¹ **E3/2990** Duch Note to Respected Brother, EN 00284028.

¹²⁷² **E3/192** Report on Pol Pot’s Temporary Sick Leave from Premiership, EN S 00003883.

¹²⁷³ **E3/10604** OCIJ S-21 Prisoner List, No. 14037.

¹²⁷⁴ **E3/5802** Kaing Guek Eav, T. 22 June 2009, 11.10.58.

effective; within days, Ya asked Pon what they wanted him to confess.¹²⁷⁵ The paranoia was further deepening: “Anyone whom we suspect must be removed,” Son Sen declared at a General Staff meeting.¹²⁷⁶ The purge of Division 170 intensified, then spread to Division 290,¹²⁷⁷ and soon began to focus on other senior leaders of DK.¹²⁷⁸

341. Less than a week after the grenade incident,¹²⁷⁹ but for unrelated reasons,¹²⁸⁰ Minister of Commerce and former North Zone Secretary Koy Thuon alias Khuon alias Thuch was expelled from the Party¹²⁸¹ and placed under house arrest at K-1.¹²⁸² He was sent to S-21 on 25 January 1977.¹²⁸³ His first two confessions were extracted by Duch, inspiring the Standing Committee to order a massive purge of the entire North Zone.¹²⁸⁴ S-21 lead interrogator Pon then took over, torturing Thuon to further implicate purported “enemies.”¹²⁸⁵ Purge targets expanded exponentially, spreading across former North Zone Divisions 174,¹²⁸⁶ 310,¹²⁸⁷ and 450,¹²⁸⁸ as well as North Zone Division 335.¹²⁸⁹

¹²⁷⁵ **E3/1544** Report [from Pon] to Duch on Interrogation Measures which made IX (Men San alias Ya) confess on 26-9-76 (evening), 26 Sept 1976, EN 00184020.

¹²⁷⁶ **E3/811** Minutes of Meeting with Office 870, Division 703 and S-21, 9 Sept 1976, EN 00933849.

¹²⁷⁷ See **Annex F.2** Figure 2.7, *RAK Division 290 Arrests by Month at S-21*, p. 19.

¹²⁷⁸ **E3/822** Minutes of Meeting with Divisions 170 and 290, 16 Sept 1976, EN 00381484-85; **E3/13** Minutes of Meeting of the Secretaries and Deputy Secretaries of the Divisions and Independent Regiments, 9 Oct 1976, EN 00183992-93.

¹²⁷⁹ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.15.50-14.18.50 [“He was detained ... on the 8th of April 1976”].

¹²⁸⁰ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396563; **E3/3855** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498271-73.

¹²⁸¹ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.23.24, 14.15.50.

¹²⁸² **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 09.25.42; **E3/5810** Kaing Guek Eav, T. 25 Nov 2009, 11.09.01 *confirming* **E3/355** Kaing Guek Eav WRI, EN 00242874 [“Thoun was placed under house arrest”].

¹²⁸³ See **E3/345** Kaing Guek Eav, T. 18 May 2009, 13.53.18-13.58.1 [stating that an “arrest en masse” of the North Zone was initiated by the Standing Committee]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.30.06; **E3/10604** OCIJ S-21 Prisoner List, No. 14,027; **E3/1604** S-21 Confession of Koy Thuon alias Khuon alias Thuch, 4 Mar 1977, EN 00005999; **E3/3855** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498272-73; **E3/451** Kaing Guek Eav WRI, EN 00204355; **E3/355** Kaing Guek Eav WRI, EN 00242874-78; **E3/35** Ke Pich Vannak WRI, EN 00346160 ; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150169 *citing* **E3/1993** *Name List of Important Culprits Arrested from 1976 to April 9, 1978*, EN 00064838; **E3/9395** Kaing Guek Eav WRI, EN 00147584; **E3/2360** Photograph depicting Koy Thuon at S-21, EN P 00005253.

¹²⁸⁴ **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 11.31.25 [“I started to feel extremely shocked on the 31st of January 1977 when Son Sen arrested the forces -- the cadres of the North Zone en masse -- the North Zone”]; **E3/345** Kaing Guek Eav, T. 18 May 2009, 13.53.18-13.58.1 [“These confessions made him -- no, not him, the whole Standing Committee, to arrest en masse people from the north. It’s a massive arrest”]; **E3/451** Kaing Guek Eav WRI, EN 00204355; **E3/5772** Kaing Guek Eav WRI, EN 00209177.

¹²⁸⁵ **E3/1604** S-21 Confession of Koy Thuon alias Khuon alias Thuch, 19 Feb 1977, EN 00769831 [annotation indicating that “Only after [we] made a hole in one side did he answer”].

¹²⁸⁶ See **Annex F.2** Figure 2.17, *RAK North Zone Army Divisions 174 and 117 Arrests by Month at S-21*.

¹²⁸⁷ See **Annex F.2** Figure 2.4, *RAK Division 310 Arrests by Month at S-21*, p. 16.

¹²⁸⁸ See **Annex F.2** Figure 2.6 *RAK Division 450 Arrests by Month at S-21*, p. 18.

¹²⁸⁹ See **Annex D.1** *List of North Zone Division 335 Arrests S-21 Prisoners*; **E3/1604** S-21 Confession of Koy Thuon alias Khuon alias Thuch, 4 Mar 1977; **E3/342** OCP Revised S-21 Prisoner List, EN 00329884, Nou Chhan alias Hean (Secretary of Division 335, and number 18 on Koy Thuon’s list), 1

Other mass purge targets following Koy Thuon's interrogation included Office 870,¹²⁹⁰ the Ministry of Commerce,¹²⁹¹ the Ministry of Agriculture,¹²⁹² the Ministry of Propaganda,¹²⁹³ and the Ministry of Energy.¹²⁹⁴ The North and Central Zones, however, would be the primary targets.¹²⁹⁵ S-21 was about to become a very busy place.¹²⁹⁶

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- Mar 1977, No. 6646 [Nou An alias Hean]; **E3/342** OCP Revised S-21 Prisoner List, EN 00329619, Chan Thol alias Paul (Division 335 Deputy Secretary), 26 Feb 1977, No. 550. *See also* **E3/1949** S-21 Prisoner List, Oct 1977, EN 00937126, No. 105).
- ¹²⁹⁰ **E3/183** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393; **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396563; **E3/1604** S-21 Confession of Koy Thuon alias Khuon alias Thuch, 4 Mar 1977; **E3/1625** S-21 Confession of Seua Vasi alias Deuan, 19 Feb 1977, EN 00183220-21; **E3/342** OCP Revised S-21 Prisoner List, Phok Chhay alias Touch, 14 Mar 1977, EN 00329926, No. 7600; **E3/342** OCP Revised S-21 Prisoner List, Mei Chan Bo alias Bo, 17 Feb 1977, EN 00329840, No. 5607; **E3/342** OCP Revised S-21 Prisoner List, Ket Thor alias Sem, EN 00329743, No. 3391; **E3/7393** David Chandler, S-21 Confession Database, EN 00142992; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150164.
- ¹²⁹¹ **E3/2005** Names of Persons Arrested from Commerce, EN 00858486-506; **E3/2090** Name List of Prisoners of Commerce Section, EN 00701336-60; **E3/835** Ministry of Commerce, 1977, EN 00766730-736; **E3/836** List of Hidden Forces at State Commerce, Kampong Som, 24 Aug 1976, EN 00796633-35; **E3/837** Phnom Penh Commerce Section, 15 Sept 1976, EN 00767911-18; **E3/962** Ministry of Commerce Decision Sending Staff for Interrogation, 17 Oct 1976, EN 00333254; **E3/174** Ministry of Commerce Decision Sending Staff to Re-education, 17 Oct 1976, EN 00548780.
- ¹²⁹² **E3/1753** S-21 Confession of Koy Thuon alias Khuon alias Thuch, 19 Feb 1977, EN 00178180-81; **E3/1780** S-21 Confession of Chan Chakrey alias Nov Mean, 30 Aug 1976; **E3/2494** S-21 Confession of Sous Neou alias Chhouk alias Men alias VIII, 29 July 1976; **E3/1870** S-21 Confession of Non Suon alias Chey Suon alias Saen (Minister of Agriculture), 1 Nov 1976, EN 00096835-914 (Number 4 on Thuon's list); **E3/342** OCP Revised S-21 Prisoner List, Duong Thoeun alias Seng alias Neng (Deputy Secretary of Agriculture Committee), EN 00329678, No. 1911; **E3/342** OCP Revised S-21 Prisoner List, Bin Chheang alias Ly (Member of the Agriculture Committee), EN 00329603, No. 177; **E3/342** OCP Revised S-21 Prisoner List, Sâr Thai Seng (Engineer of State Agriculture Research Section), 1 Jan 1977, EN 00329982, No. 8869; **E3/342** OCP Revised S-21 Prisoner List, Kheng Kîm Chhai alias Chhay (Chief of Welding Group, State Agriculture), 8 Jan 1977, EN 00329747, No. 3478; **E3/342** OCP Revised S-21 Prisoner List, Ieng Dim alias Vann (Chief of Saw Mills, State Agriculture), 17 Mar 1977, EN 00329719, No. 2834; **E3/342** OCP Revised S-21 Prisoner List, Han Kîm Huot alias Bang (Chief of Agricultural Office), 23 Mar 1977, EN 00329690, No. 2189; **E3/342** OCP Revised S-21 Prisoner List, Mao Thân alias Thun (Chief of Animal Raising Section, Ministry of Agriculture), 7 July 1977, EN 00329832, No. 5431.
- ¹²⁹³ **E3/1550** S-21 Confession of Hu Nim alias Phoas, Minister of Propaganda, 10 Apr-6 July 1977; **E3/1832** S-21 Confession of Tiv Ol alias Penh, Deputy Minister of Propaganda, May-Sept 1977; **E3/1827** S-21 Confession of Tauch Pheuan (or Touch Pheun or Tauch Phoen) alias Phîn, 24 Mar 1977; **E3/1878** S-21 Confession of Phok Chhay alias Touch, 14 Mar-16 Apr 1977; **E3/379** Sâ Siek WRI, EN 00323331-32; **E3/2217** S-21 Prisoner List, 2 May 1978; **E3/2218** S-21 Prisoner List, 2 May 1978; **E3/1673** S-21 Prisoner List, 7 May 1978; **E3/2221** S-21 Prisoner List, 12 May 1978; **E3/8569** S-21 Prisoner List; **E3/2267** S-21 Prisoner List; **E3/2223** S-21 Prisoner List, 16 May 1978; **E3/2194** S-21 Prisoner List, 30 Mar 1978; **E3/2199** S-21 Prisoner List, 6 Apr 1978; **E3/2200** S-21 Prisoner List, 7 Apr 1978; **E3/2201** S-21 Prisoner List, 9 Aug 1978; **E3/2202** S-21 Prisoner List, 9 Apr 1978; **E3/2203** S-21 Prisoner List, 9 Apr 1978; **E3/2211** S-21 Prisoner List, 11 May 1978; **E3/2279** S-21 Prisoner List; **E3/972** S-21 Prisoner List, 1 June 1977; **E3/2032** S-21 Prisoner List, 4 Apr 1978; **E3/1948** S-21 Prisoner List, 9 May 1978; **E3/1922** S-21 Prisoner List, 7 Apr 1978; **E3/1925** S-21 Prisoner List, 11 Apr 1978; **E3/1945** S-21 Prisoner List, 25 May 1978; **E3/1998** S-21 Prisoner List, Oct 1978; **E3/2100** S-21 Prisoner List, May 1978; **E3/1965** S-21 Prisoner List, 10 June 1978; **E3/1942** S-21 Prisoner List, 28 May 1978, EN 00183856; **E3/2034** S-21 Prisoner List, 5 Apr 1978; **E3/1926** S-21 Prisoner List, 11 Apr 1978; **E3/1953** S-21 Prisoner List, 18 May 1978, EN 00233845-46; **E3/1939** S-21 Prisoner List, 30 Apr 1978; **E3/2135** S-21 Interrogation Log, 4 May 1978, EN 00182913-14, 00182924-25, 00182929-30, 00182933; **E3/2035** S-21 Prisoner List, 6 Apr 1978, EN 00233863-70; **E3/2033** S-21 Prisoner List, 4 Apr 1978; **E3/1940** S-21 Prisoner List, 30 Apr 1978, EN 00334987; **E3/1947** S-21 Prisoner List, 5 May 1978; **E3/1952** S-21 Prisoner List, 11 May 1978; **E3/1959** S-21 Prisoner List, June 1978; **E3/1654** S-21 Prisoner List, 8 Apr

342. The Party Centre's purge of the Central Zone was swift and brutal. Within a matter of weeks after Koy Thuon's confession, virtually all of the Central Zone's zone, sector, and district cadres had been dispatched to S-21.¹²⁹⁷ The Southwest Zone cadres who were sent to seize control of the Central Zone expanded the purges all the way down to the village echelon.¹²⁹⁸ Witness Sun Srun explained that "For the local levels, such as commune levels that were accused of being the network of Koy Thuon, they were killed at Wat Au Trakuon pagoda."¹²⁹⁹ Central Zone Secretary Ke Pauk later described

1978, EN 00234236, 00234239, 00234241-43; **E3/1997** S-21 Prisoner List, July 1978; **E3/1958** S-21 Prisoner List, 29 May 1978; **E3/1941** S-21 Prisoner List, May 1978; **E3/1951** S-21 Prisoner List, 10 May 1978, EN 00233743; **E3/1937** S-21 Prisoner List, 9 Apr 1978, EN 00233803, 00233805, 00233808; **E3/1943** S-21 Prisoner List, May 1978.

¹²⁹⁴ See **Annex D.2** *List of Ministry of Energy Cadres Arrested After Koy Thuon Confession S-21 Prisoners*.

¹²⁹⁵ **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 11.31.25 ["I started to feel extremely shocked on the 31st of January 1977 when Son Sen arrested the forces -- the cadres of the North Zone en masse -- the North Zone"]; **E3/345** Kaing Guek Eav, T. 18 May 2009, 13.53.18 ["These confessions made him -- no, not him, the whole Standing Committee, to arrest en masse people from the north. It's a massive arrest"]; **E3/455** Kaing Guek Eav WRI, EN 00149916; **E3/527** Kaing Guek Eav, *The Last Joint Plan*, EN 00069031-57.

¹²⁹⁶ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 ["they planned to arrest New People, Brother Son Sen always instructed me to take those arrested people out so that new arrestees could be brought in. He wanted to make sure that the prison had enough vacant space to receive new prisoners"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 11.35.08; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 10.21.18; **E3/440** Kaing Guek Eav WRI, 00270561 ["The internal purge of the second network started with the arrest of Koy Thuon on 25 January 1977. On 31 January, cadres of the Northern Zone were arrested en masse. These arrested were made in light of the first complete confession of Koy Thuon on 29 January"].

¹²⁹⁷ See **Annex D.3** *Graph of Central Zone Arrests by Month S-21 Prisoners*; **E3/2956** S-21 Prisoner List, EN 00222966-67 (Nos 38-56); **E3/342** OCP Revised S-21 Prisoner List, Nhim Chhon alias Hang (Deputy Chief of Security for Sector 41), 20 Mar 1977, EN 00329878, No. 6501; **E3/342** OCP Revised S-21 Prisoner List, Yauk Ham alias Bun (Deputy Secretary for Sector 42), 16 Mar 1977, EN 00330114, No.11913; **E3/342** OCP Revised S-21 Prisoner List, Meas Sok alias Sao (Head of Security for Sector 42), Mar 1977, EN 00329839, No. 5582; **E3/342** OCP Revised S-21 Prisoner List, Nuon Roeun alias Tieng (Deputy Secretary of Sector 42), 2 Oct 1977, EN 00329891, No. 6803; **E3/342** OCP Revised S-21 Prisoner List, Korm (Kuam) Chan (Sector 43 Secretary), 19 Sept 1977, EN 00329777, No. 4166; **E3/342** OCP Revised S-21 Prisoner List, Ruos Noeun alias Seang (Member of Sector 43), 21 June 1978, EN 00329959, No. 8336; **E3/342** OCP Revised S-21 Prisoner List, Chor Chhan alias Sreng (North Zone Deputy Secretary), EN 00329660, No. 1480; **E3/342** OCP Revised S-21 Prisoner List, Chun Chhum alias Taing (Sector 41 Secretary), 27 Mar 1977, EN 00329666, No. 1630; **E3/35** Ke Pich Vannak WRI, EN 00346151, 00346158; **E3/344** Suon Kanil WRI, EN 00384427-28; **E3/411** Suon Kanil WRI, EN 00390076; **E3/403** Pech Sokha Statement, EN 00403009; **E3/2956** S-21 Prisoner List, 27 Mar 1977, EN 00222966, No. 42; **E3/342** OCP Revised S-21 Prisoner List (Chan Mon alias Töl, Sector 42 Secretary and Zone Committee Member), EN 00329615, No. 461; **E3/2462** S-21 Confession of Chan Mon alias Töl, KH 00297662; **E3/375** Ban Seak WRI, EN 00360751-52; **E3/9364** Ke Pauk Autobiography, EN 00089713; **E3/2956** S-21 Prisoner List, EN 00222965 (Nos 2, 5, 7, 9-10, 37).

¹²⁹⁸ **E3/35** Ke Pich Vannak Statement, EN 00346151-52 [Son of Ke Pauk states that purges were carried out by Southwest cadre "down to the village" level]; **E3/411** Suon Kanil WRI, EN 00390076 ["Southwest forces [took] control of the committees from the Sector down to the cooperative...[taking] over about 90% of the Central Zone leadership"]; **E3/5252** Seng Srun WRI, EN 00235515-17; **E3/9346** Sâmret Muy WRI, EN 00235508-09; **E3/375** Ban Seak Statement, EN 00360752; **E3/5529** Man Heang Statement, EN 00421084.

¹²⁹⁹ **E1/346.1** Sen Srun, T. 14 Sept 2015, 09.50.20 *confirming* **E3/8736** Sen Srun WRI, EN 00740714.

his astonishment at the scope of the purge of his cadres: “By June 1977 ... there was only me left.”¹³⁰⁰

343. The purge of the new North Zone was, if anything, even more brutal.¹³⁰¹ Chan Sam alias Kang Chap alias Se left Sector 35 in February 1977 with a large group of Southwest cadres, arrived in Siem Reap in late March or early April 1977, and was thereafter appointed as the Secretary of the new North Zone.¹³⁰² He continued the purge of the Zone, reporting directly to the Party Centre, including **Nuon Chea** and **Khieu Samphan**.¹³⁰³ For example, on 23 August 1977, Kang Chap reported to Office 870 on the results of congresses he held in five districts in Sector 103, stating that it was “imperative to purify the cadre step by step at the district and community levels” and to continue “the storming attack to sweep clean the enemy.”¹³⁰⁴ Both **Nuon Chea** and **Khieu Samphan** visited the North Zone,¹³⁰⁵ and Meas Voeun, Secretary of North Zone Sector 103, testified that the zone reported directly to **Khieu Samphan**.¹³⁰⁶ Purges went

¹³⁰⁰ **E3/9364** Ke Pauk Autobiography, EN 00089705-06. For another translation see **E3/9364** Ke Pauk Autobiography, EN 00089713.

¹³⁰¹ See **Annex D.4 Graph of New North Zone Arrests by Month S-21 Prisoners**.

¹³⁰² **E1/34.1** Prak Yut, T. 26 Jan 2012, 11.21.45; **E1/376.1** You Vann, T. 14 Jan 2016, 13.59.01 [“Q. And how many people made the trip with you from Kampot to Kampong Cham province? A. Ta Mok and Prak Yut also joined the trip. There were many people; I cannot remember how many people joined the trip at that time. Q. In your first OCIJ statement ... you said there were around 200 people sent to the Central Zone, at that time; does that sound accurate? ... A. Yes, there were probably around that number”]; **E3/163** Prak Yut WRI, EN 00364078-79; **E3/164** Prak Yut WRI, EN 00407796-97; **E3/400** Pech Chim WRI, EN 00379172 [Stating that Kang Chap led a force of 100 Southwest cadre to the old North Zone in February 1977]; **E3/239** Telegram from Ke Pauk to Office 870, 30 Apr 1977, EN 00069529 [stating that Brother Se had been assigned “to grasp the situation in Ampil district,” after an incident in which enemies had thrown grenades into the district office]; **E3/420** Prum Sou WRI, EN 00422380-81; **E3/71** Seng Mon WRI, EN 00288636; **E3/48** Stephen Heder and Brian Tittermore, *Seven Candidates for Prosecution*, EN 00393553; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397054; **E3/2792** S-21 Confession of Chan Sam alias Kang Chap alias Sae, 25 Oct 1978, EN 00789711-68; **E3/2799** S-21 Confession of Khoem Chhum, 11 Sept 1978, EN 00221807-13; **E3/9364** Ke Pauk Autobiography, EN 00089714.

¹³⁰³ **E3/241** Telegram from Sè to Committee 870, 23 Aug 1977, EN 00183627-28; **E3/1091** Telegram from Sè to Committee 870, 23 Aug 1977, EN 00143573-75; **E3/1144** Telegram from Sè to Committee 870, 5 Sept 1977, EN 00517923-25; **E3/984** Telegram from Sè to Committee 870, 10 Dec 1977, EN 00335210; **E3/898** Telegram from Sè to Committee 870, 11 Dec 1977, EN 00183626 [requesting approval to merge Siem Reap district, which consisted primarily of New People, with Banteay Srey district, which was mainly Base People]; **E3/918** Telegram from Sè to Committee 870, 10 Jan 1978, EN 00182757-00182758; **E3/995** Telegram from Sè to Committee 870, 19 Mar 1978, EN 00185583-84; **E3/1073** Telegram from Sè to Committee 870, 10 Apr 1978, EN 00293358-61.

¹³⁰⁴ **E3/1091** Telegram 53 from Se to Committee 870, 23 Aug 1977, EN 00143574 [“Must screen cadres from district level step by step in order to improve the quantity of leadership. At the same time, must screen each spearhead in order not to obstruct ... the movement of sweeping up enemies”].

¹³⁰⁵ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 15.11.31; **E3/424** Meas Voeun WRI, EN 00421072.

¹³⁰⁶ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.13.35 [Meas Voeun, Secretary of Sector 103, testified that Khieu Samphan “did send me a telegram instructing me so. And I reported to him the situations from Siem Reap, particularly people who were imprisoned ... To my knowledge, Sector 103 was under his supervision... the sector was known as an autonomous sector and it was supposed to report directly to Khieu Samphan”]; **E3/424** Meas Voeun WRI, EN 00421072-73.

down to the village level in the New North Zone, carried out locally by new cadres sent from the Southwest Zone.¹³⁰⁷ The North Zone purges continued through 1977 and into 1978,¹³⁰⁸ culminating in the arrest¹³⁰⁹ and execution¹³¹⁰ of Zone Secretary Kang Chap alias Se.

3. Nuon Chea Controlled the Search for Internal Enemies

344. **Nuon Chea** was the key protagonist in the unfolding nation-wide purges, leveraging the Number Two leadership role in the Party that he held from 1960 through the end of the ECCC's temporal jurisdiction in 1979.¹³¹¹ According to Khun Kim, "Ta Mok declared in a training session in Kampot that **Nuon Chea** was responsible for all aspects of security in the country."¹³¹² Other senior CPK leaders, including Ieng Sary¹³¹³ and Ieng Thirith,¹³¹⁴ also have confirmed that **Nuon Chea** controlled internal security

¹³⁰⁷ **E3/1949** S-21 Prisoner List, Oct 1977, EN 00937117-56; **E3/2011** S-21 Execution Log, 20 June 1977, EN 00290177-94; **E3/8438** S-21 Prisoner List, 15 May 1977, EN 00701361-63; **E3/3860** S-21 Execution Log, 7 July 1977, EN 00655413-15; **E3/3858** S-21 Execution Log, 12 May 1977, EN 00837615-25; **E3/3859** S-21 Execution Log, 3 July 1977, EN 00634835-40; **E3/342** OCP S-21 Prisoner List (prisoners from the North/Central Zones), EN 00333779-95.

¹³⁰⁸ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 15.16.07-15.18.23 ["Ta Mok ordered to remove Ta Khim from the Sector 103 by using his forces"]; **E3/1144** Telegram 60 from Sè to Committee 870, 5 Sept 1977, EN 00517923-25; **E3/918** (E3/871) Telegram 254 from Se to Committee 870, 10 Jan 1978, EN 00182758 ["I will send more crocodiles to the organization, please receive them"]; **E3/424** Meas Voeun WRI, EN 00421072-73; **E3/4606** Prum Son WRI, EN 00414069-70; **E3/420** Prum Son WRI, EN 00422379-81; **E3/342** OCP Revised S-21 Prisoner List, EN 00329605, No. 220; **E3/2470** S-21 Confession of Bou Phat alias Heng, 26 July 1978, EN 00768217-71; **E3/5781** Prum Sou Statement, 1 Oct 2005, EN 00809640-41; **E3/7393** David Chandler S-21 Confession Database, EN 00142921-43035; **E3/64** Norng Sophâng Statement, EN 00334042-64; **E3/342** OCP Revised S-21 Prisoner List, Mob Chhoeuy alias Don alias Duch (Sector 103 Deputy Secretary), 22 Apr 1978, EN 00329846, No. 5754; **E3/342** OCP Revised S-21 Prisoner List, Bou Sea and So Nguon Seng alias Kae (Sector 103 Public Works), 16 Jan 1978, EN 00329605, No. 229; **E3/1073** Telegram 324 from Sè to Committee 870, 10 Apr 1978, EN 00293358-59 ["Continuing to purge ... she will not be able to continue her traitorous activities any more"].

¹³⁰⁹ **E3/342** OCP Revised S-21 Prisoner List, EN 00329617, No. 503; **E3/2792** S-21 Confession of Chan Sam alias Kang Chap alias Sae, 25 Oct 1978, EN 00143659 [arrested on 15 Aug 1978].

¹³¹⁰ **E3/342** OCP Revised S-21 Prisoner List, EN 00329617, No. 503.

¹³¹¹ **E3/3** Nuon Chea Statement, EN 00184662, 00184665-67, 00184673; **E3/26** Nuon Chea Statement, EN 00329509; **E3/196** Nuon Chea *Statement of the Communist Party of Kampuchea to the Communist Workers' Party of Denmark*, 30 July 1978, EN 00762391-408; **E3/199** Nuon Chea, Speech by CPK Deputy Secretary in Beijing, 3 Sept 1978, EN 00065911; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498235-36; **E3/89** Ieng Sary Statement, 17 Dec 1996, EN 00417630-32; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396338, 00396342, 00396427; **E3/2114** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393828; **E3/49** Karl Jackson, *Cambodia 1975-1979*, EN 00105143. See also **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450506; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486226; **E3/228** CPK Standing Committee Minutes, 9 Jan 1976, EN 00182614; **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183409.

¹³¹² **E3/360** Nuon Paet alias Khun Kim WRI, EN 00268857.

¹³¹³ **E3/2119** Henry Kamm, *Cambodia: Report from a Stricken Land*, EN 00394460 [Ieng Sary statement that "Nuon Chea ... was responsible in the party for security"]; **E3/190** Ieng Sary Interview, 4 Jan 1999, EN 00081571 [Confirming "key role of Nuon Chea in security matters"].

¹³¹⁴ **E3/39** Ieng Thirith Statement, Pre-Trial Chamber Appeal Hearing, 24 Feb 2009, EN 00293071-75 ["I had nothing to do with Nuon Chea, although I knew what he has done, and I knew he killed people. I knew this ... Nuon Chea killed all my students"].

policy during the DK regime.¹³¹⁵ **Nuon Chea** exercised authority over Office S-71, which was tasked by the Party to “monitor suspected members of the Party” and to coordinate the arrest and transfer of arrested “internal enemies” to S-21.¹³¹⁶ When it came to internal security, “everything had to pass through **Nuon Chea**.”¹³¹⁷ One of the most important ways that **Nuon Chea** exercised his security responsibilities, however, was by teaching CPK cadres how to identify and kill enemies.

a) *Teaching Cadres to Kill*

345. **Nuon Chea** has frequently claimed that he was ‘in charge of education and training.’¹³¹⁸ He told Thet Sambath, “I liked reading books about how to work in secret and Vietnamese books that talked about the torture and arrest of communist members.”¹³¹⁹ Indeed, according to Seng Lytheng, **Nuon Chea** “went down to train in the Zones ... perhaps twice a year”¹³²⁰ on how to identify and purge internal enemies. In early 1976, for example, **Nuon Chea** traveled to the Northwest Zone where a cadre recalls that he “saw Mr. **Nuon Chea** convene those meetings to prepare plans to purge internal enemies.”¹³²¹ In a 1977 West Zone training session, a transcript of which was published in *Revolutionary Flag*, **Nuon Chea** ominously warned cadres that 50% of West Zone cadres “are no good and bad,” that “15 to 20% are traitors,”¹³²² and that zone forces must “attack and smash the enemy and the no-good elements embedded inside.”¹³²³ In 1978, according to Chhouk Rin, **Nuon Chea** instructed Southwest cadres about how “We must purge ‘the internal enemy.’”¹³²⁴ In the North Zone, **Nuon Chea** trained zone

¹³¹⁵ See also **E3/456** Kaing Guek Eav WRI, EN 00198883 [“The security centres in the Zones, Sectors and Districts reported to Nuon Chea”]; **E3/347**, Kaing Guek Eav UNHCHR Statement, EN 00184997 [“Nuon Chea ... decided all matters, especially regarding security where he had the role of coordinating between S-21 and the zones”].

¹³¹⁶ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 13.50.23 [“Pang was the secretary of S-71”]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 10.03.41 to 10.06.02 [“Pang was ... assigned by Bong Nuon to come and go to the S-21”]; **E1/67.1** Saloth Ban alias So Hong, T. 24 Apr 2012, 14.02.02 [“Pang ... was able to take whoever he wants and whenever he wanted”]; **E1/121.1** Norng Sophang, T. 4 Sept 2012, 09.44.43-09.48.24 [“S-71 ... is under the supervision of 870 Committee”]; **E3/65** Kaing Guek Eav WRI, ENG00147521-22 [Pang and Lin assigned by Nuon Chea to help with S-21’s work]; **E3/456** Kaing Guek Eav WRI, EN 00198883 [S-71 was “generally responsible for the transfer of prisoners to S-21”].

¹³¹⁷ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.41.56-11.43.42 [“Brother Nuon was ... in higher position than Brother Khieu”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49; **E3/453** Kaing Guek Eav WRI, EN 00147584; **E3/1579** Kaing Guek Eav WRI, EN 00398206 [Nuon Chea was “the superior of my superior”].

¹³¹⁸ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 10.53.38.

¹³¹⁹ **E3/4202** Thet Sambath *Behind the Killing Fields*, EN 00757506.

¹³²⁰ **E3/462** Seng Lytheng WRI, EN 00223564.

¹³²¹ **E3/364** Lim Sat WRI, EN 00250760.

¹³²² **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399230.

¹³²³ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399236.

¹³²⁴ **E3/362** Chhouk Rin WRI, EN 00268897.

and sector cadres on “the forces, like CIA and KGB, that tried to disturb the Democratic Kampuchea and to infiltrate and sap from within.”¹³²⁵

346. **Nuon Chea** and **Khieu Samphan** also conducted annual political training of cadres from districts, sectors, zones, ministries, and military divisions in Phnom Penh at Borei Keila. Former Tram Kak District Secretary, Pech Chim, described month-long political education sessions held each year in Phnom Penh for district and sector secretaries from across the country.¹³²⁶ In the meetings he attended at Borei Keila, the sole instructor was **Nuon Chea**.¹³²⁷ When asked whether **Nuon Chea** discussed internal and external enemies, Pech Chim replied, “Yes, he did. He covered all aspects. Without having covered the subject of enemies, people would never know how to identify enemies from friends.”¹³²⁸ Pean Khean, Koy Thuon’s bodyguard, described **Nuon Chea** and **Khieu Samphan** giving “high-level political education” at Borei Keila to ministry cadres and senior regional cadres from sector level up,¹³²⁹ including instructions to fight against enemies who had infiltrated, including CIA and KGB agents.¹³³⁰ Civil Party Em Oeun attended political training at Borei Keila¹³³¹ where approximately 2,000 zone, sector, and district committee members¹³³² were lectured by Pol Pot, **Nuon Chea**, and **Khieu Samphan**.¹³³³ **Nuon Chea** discussed the need to identify enemies burrowing within the Party, especially CIA and KGB spy networks¹³³⁴ who had betrayed the Party.¹³³⁵ **Khieu Samphan**¹³³⁶ explained that Party members¹³³⁷ should be screened to identify “infiltrated enemies,” describing how cadres should work to uncover traitors.¹³³⁸ Ek Hen, a cadre in K-9, recalled a **Khieu Samphan** lecture at Borei Keila in 1978 in which **Samphan** urged cadres not to follow the example of the “traitor” Pang, who had been arrested and sent away.¹³³⁹

¹³²⁵ **E3/420** Prum Sou aka Sun Loeun WRI, EN 00422381.

¹³²⁶ **E1/215.1** Pech Chim, T. 1 July 2013, 11.21.01-11.27.26.

¹³²⁷ **E1/215.1** Pech Chim, T. 1 July 2013, 11.23.08-11.27.26.

¹³²⁸ **E1/215.1** Pech Chim, T. 1 July 2013, 11.29.35.

¹³²⁹ **E1/73.1** Pean Khean, T. 17 May 2012, 10.10.21-10.16.41.

¹³³⁰ **E1/73.1** Pean Khean, T. 17 May 2012, 10.20.56-10.24.01.

¹³³¹ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.22.12-14.24.29.

¹³³² **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.32.48-14.35.53, 15.37.38, 15.39.07.

¹³³³ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.27.16, 14.27.16-14.30.56.

¹³³⁴ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.18.00-11.20.30.

¹³³⁵ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.08.28-11.14.22.

¹³³⁶ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.27.16-14.30.56.

¹³³⁷ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.23.53-11.27.47.

¹³³⁸ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.21.47.

¹³³⁹ **E1/217.1** Ek Hen, T. 3 July 2013, 11.26.06-11.33.02; **E3/474** Ek Hen WRI, EN 00205049-50.

347. **Nuon Chea** also disseminated training material on identifying and eliminating internal enemies in the Party journal *Revolutionary Flag*. **Nuon Chea** and Pol Pot were the principal authors of *Revolutionary Flag*,¹³⁴⁰ consistent with **Nuon Chea's** earlier roles in the Indochinese Communist Party and the Khmer People's Revolutionary Party.¹³⁴¹ The exhortations from Pol Pot and **Nuon Chea** in *Revolutionary Flag* grew more incendiary with the passage of time, demanding with ever more fervor that cadres root out and exterminate internal enemies of all stripes.¹³⁴² Chhouk Rin, an RAK battalion

¹³⁴⁰ **E1/23.1**, Nuon Chea, T. 15 Dec 2011, 14.20.03.

¹³⁴¹ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.22.05; **E3/131** Nuon Chea, *Past Struggle of Our Kampuchean Peasants From 1954 to 1970*, EN 00716417-18.

¹³⁴² **E3/135** *Revolutionary Flag*, June 1977, EN 00446857-58 ["Whip up and educate the masses ... 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"]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486253 ["We do not consider these traitors, these counterrevolutionary elements, to be part of the people. They are enemies of Democratic Kampuchea"]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401482 ["We fundamentally eliminated exploitative production contacts. In type I liberated zones, they were totally eliminated. In the type II liberated zones, in general, they were fundamentally eliminated"]; **E3/139** *Revolutionary Flag*, Nov 1976, EN 00455286 ["Only when there is struggle to fight to eradicate all opposition forces inside the country can the movement to build our country gain momentum"]; **E3/746** *Revolutionary Flag*, Jul 1978, EN 00428291-97, 00428301-02 ["The concealed enemies boring from within were exposed. We were able to maintain and protect the revolutionary forces and expand the revolutionary forces, to purge the bad elements, and continue leading the masses in struggle and to gain further victories"]; **E3/727** *Revolutionary Flag*, May-June 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"], 00185342 ["Our duty is therefore is to attack absolutely ... enemy is being smashed to smithereins, scattered to the winds and liquidated"], 00185343 ["We must see the enemy's face clearly ... sweep them cleanly away, sweep, and sweep and sweep again and again ceaselessly, so that our Party forces are pure, our leading forces at every level and in every sphere are clean at all times"]; **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399240 ["The no-good classes holding power in the cooperatives, what is their true nature. They are counter-revolutionary"]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412 ["The strategic line of the Party that was set in 1960 when the determination was made that it was imperative to ... attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea"]; **E3/742** *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"], EN 00478501 ["It is imperative to indoctrinate and whip-up the masses ... make the enemy be like a rat surrounded by a crowd of people beating and smashing it ... It is imperative to purge, to clean up, and to sweep clean the no-good elements and the enemy elements"], 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"]; **E3/746** *Revolutionary Flag*, July 1978, EN 00428291 ["During the first 6 months of 1978, our Party has impelled forward the countrywide movement to sweep cleanly away the concealed enemy boring from within"], 00428296 ["In order to sweep out the concealed enemy even more absolutely cleanly ... expanding the purge in the ranks of the Party, the ranks of the masses and in the army"], 00428303 ["Even more particularly, in the great mass movement to attack and smash ... bringing about a strategic victory for the nation, the people, the Party and the revolution"]; **E3/4** *Revolutionary Flag*, July 1976, EN 00268917 ["smash and scatter all opposing forces, so that the country can be defended"]; **E3/135** *Revolutionary Flag*, June 1977, EN 00446862 ["Continue to sweep them clean even more strongly. Attack the enemy, sweep clean the foreign agent enemies, the embedded enemies, the class enemies"]; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464065 ["enemies of every type continue carry out activities in various forms-aggression, espionage, pressure, threat, sabotage, boring holes from within"]; **E3/170** *Revolutionary Flag*, Oct-Nov 1977, EN 00182549 ["There are concealed enemies everywhere in our

commander, described being taught the following policy from the July 1976 *Revolutionary Flag*.¹³⁴³ “If we are unable to grasp this, we do not know, we do not understand. The hoes keep breaking, we say they were not well-made; but the enemy is destroying them and we are unable to grasp that.”¹³⁴⁴

348. There is another significant aspect to **Nuon Chea**’s self-admitted role as head of “education” in DK. During the DK regime, Cambodians came to fear that being “called for education,” or “sent to re-education,” or “called to a study session,” or “asked to attend training,” meant that most likely you would never be seen again.¹³⁴⁵ Khun Kim, a battalion commander in the Southwest Zone’s Division 230 during the DK regime, recalls: “The people targeted were asked to attend some training sessions in Phnom Penh, and they were arrested there. **Nuon Chea** called them for reeducation in Phnom Penh.”¹³⁴⁶ The Khmer Rouge gave new meanings to many words in the Khmer language;¹³⁴⁷ “education” was one of the words to be assigned a sinister new denotation.

b) *Fragile Spoons*

349. It is important to remember that it was not just CPK cadres and RAK soldiers who were killed; countless ordinary Cambodians were condemned as “internal enemies” and

ranks, the Centre, the general staffs, the zones and the bases. It would be dangerous not to take measures in time”].

¹³⁴³ **E1/181.1** Chhouk Rin, T. 22 Apr 2013, 14.13.31-14.15.57.

¹³⁴⁴ **E3/4** *Revolutionary Flag*, July 1976, EN 00268934.

¹³⁴⁵ **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 11.04.42 [“When someone was sent for re-education, it means that person would be sent to be killed”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.01.34 [“They didn’t use the word ‘being arrested,’ they told us those people were sent for re-education. And we knew what would happen to them and we were very scared”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.19.56 [“They were arrested and never returned. And later on, when – if people ask about them, we were told that they were sent for re-education”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 13.38.35 [“I knew that people were sent for re-education, and they disappeared”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 10.04.25 [“He asked for a fish, and later on, because of that he was criticized, and then sent for re-education and disappeared since”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.41.55 [“Ta Set was arrested and sent for education. I was crying after I heard this news”]; **E1/310.1** Sou Soeum, T. 4 June 2015, 14.27.18 [“When I asked about their disappearance, I was told that they had been sent for study sessions”]; **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.57.05 [“They would be sent for re-education and they would disappear”]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.00.07 [“I didn’t know whether they were sent for education session. They said that we betrayed Angkar and they were smashed in Phnom Penh and I heard that they were sent to Tuol Sleng Prison”]; **E1/416.1** Pham Van alias Kham Phan, T. 7 Apr 2016, 11.27.39 [“They had to do whatever as suggested by Angkar. If they refused, they would be sent for re-education”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 14.14.26 [“If we were to break any rule, then we would be called for study session. If we refused to sleep with one another, we would be called for education. We were afraid of that”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.12.37 [“The three of them were sent for re-education and never returned”]; **E1/494.1** 2-TCW-1065, T. 2 Nov 2016, 10.54.26 [“I know that people disappeared, but I do not know where they went to... I know that they were called for education ... I just knew they disappeared from the unit”].

¹³⁴⁶ **E3/360** Nuon Paet alias Khun Kim WRI, EN 00268857.

¹³⁴⁷ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, 00396532-33; **E3/29** Craig Etcheson, *The Rise and Demise of Democratic Kampuchea*, EN 00393345-46.

executed for the most trivial of reasons, such as breaking a spoon. Southwest Zone Military Commander Chhouk Rin recalled **Nuon Chea** instructing cadres in 1977 on the issue: “**Nuon Chea** explained that those who caused the damage of ploughshare, hoe, spoon and so on were considered as enemies because they wanted to destroy the Communist Party of Kampuchea.”¹³⁴⁸ The issue of broken spoons was emphasised in the CPK’s journal *Revolutionary Flag* in 1977,¹³⁴⁹ and then again in 1978: “Enemies of every type have gone even further to wreck the people’s standard of living. ... They wreck water, wreck seed rice, ... wreck ploughs and harrows, wreck digging tools, wreck spoons, plates and pots.”¹³⁵⁰ Minister of Commerce Van Rith — who reported to **Khieu Samphan** — also disseminated this line, telling a meeting of his workers, “The enemy is not yet completely gone; they are still hiding and burrowing inside the party. ... They would destroy even a spoon and not just anything significant.”¹³⁵¹

350. **Nuon Chea** himself described this policy to the Trial Chamber on 13 December 2011. “There were still bad elements in some of the cooperatives. They intended to destroy the cooperatives. For example they destroyed those – the utensils, for example the pots, the spoons, they destroyed them.”¹³⁵² As a result, spoon-breakers were “smashed” nationwide. People were sent to Sambour District’s Kok Kdauch and Koh Sam Tauch in Special Zone 505 (Kratie) for “breaking a plow, spoon, and not complying with Angkar’s assignment.”¹³⁵³ In the “model district” of Tram Kak in the Southwest Zone, people “who had broken a spoon or a plough were considered to be enemies.”¹³⁵⁴ That testimony is confirmed by a prisoner list from Kraing Ta Chan, the Tram Kak District security office, which identifies 4 “traitorous” female prisoners whose alleged offence was to have “broken cooperative spoons in order to destroy the cooperative and make it become private again.”¹³⁵⁵ According to Sector 105 Secretary Sao Sarun, people were sent to Phnom Kraol in the Northeast Zone for “small issues such as broken spoons and

¹³⁴⁸ **E3/421** Chhouk Rin WRI, EN 00414059. *See also* **E1/181.1** Chhouk Rin, T. 22 Apr 2013, 14.13.31 [“If anyone would break even one spoon or one plough or so, this person’s position was not certain. This person would not be inclined to follow the Party’s line”].

¹³⁴⁹ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399236.

¹³⁵⁰ **E3/746** *Revolutionary Flag*, July 1978, EN 00428297.

¹³⁵¹ **E3/363** Sim Hao WRI, EN 00239069; **E1/206.1** Sim Hao, T. 12 June 2013, 14:14.25-14.18.34.

¹³⁵² **E1/21.1** Nuon Chea, T. 13 Dec 2011, 10.35.21.

¹³⁵³ **E3/7726** Nou Sok Khen WRI, EN 00272674.

¹³⁵⁴ **E3/5518** Sao Hean WRI, A42.

¹³⁵⁵ **E1/293.1** Document Hearings, T. 27 Apr 2015, 11.31.35; **E3/4083** Kraing Ta Chan Prisoner List, EN 00323975 (Nos 24-27 on the list). *See also* **E3/8299** Henri Locard, Tram Kak District in the Grip of the Khmer Rouge, EN 00217710.

stuff.”¹³⁵⁶ In Phnom Penh, a witness from the Tuol Tumpung state warehouses remembered, “If we ever broke even one spoon, we would be associated as the enemy.”¹³⁵⁷ Amidst these widespread executions of supposedly counter-revolutionary spoon-breakers, **Nuon Chea** and **Khieu Samphan** may not have realised that the ignorant child cadres they had assigned to handicraft shops were randomly mixing various metals,¹³⁵⁸ creating brittle alloys that would inevitably produce fragile spoons prone to breakage.¹³⁵⁹

4. Khieu Samphan and the Search for Internal Enemies

351. **Khieu Samphan** maintains that he saw nothing, heard nothing, and knew nothing about the countrywide mass purges until after the regime collapsed.¹³⁶⁰ This contention is risible. **Khieu Samphan** became a full-rights member of the CPK Central Committee in January 1976,¹³⁶¹ months *before* the Central Committee decision authorising cadres to “smash” people “inside and outside the ranks” of the Party.¹³⁶² He also attended many, if not most, Standing Committee meetings,¹³⁶³ where the search for internal enemies and mass arrests were often discussed.¹³⁶⁴ **Khieu Samphan** also had daily access to the

¹³⁵⁶ **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.26.39.

¹³⁵⁷ **E1/206.1** Sim Hao, T. 12 June 2013, 14.14.25; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 14.26.19.

¹³⁵⁸ **E3/5233** Chan Loeu WRI, EN 00279260-61.

¹³⁵⁹ **E3/3047R** Video, *Industrial Sector under the Khmer Rouge Regime*, 00:00-2:00.

¹³⁶⁰ **E1/168.1** Khieu Samphan, T. 31 Jan 2013, 15.38.44 [quoting Khieu Samphan in video E109/2.3R: “I had no idea about S-21”]; **E1/197.1** Khieu Samphan, T. 27 May 2013, 14.51.38 [“Why there were killings? And as I said, I cannot answer that question since I do not have any knowledge about it”]; **E3/205** Letter from Khieu Samphan, 16 Aug 2001, EN 00149527 [“I had not known any decision made by the Standing Committee of the CPK to capture or execute anyone”]; **E3/592** Second Open Letter of Khieu Samphan, 29 Dec 2003, EN 00002804 [“I confess that I have just known about the systematic widespread arrests recently, particularly when I watched a documentary of Mr. Rithy Panh entitled S-21: The KR’s Killing Center”]; **E3/37** Khieu Samphan WRI, EN 00156753 [regarding the arrest of Doeun, Samphan’s colleague in Office 870: “I only discovered that fact after the fall of the Khmer Rouge”]; **E3/210** Khieu Samphan WRI, EN 00156948 [regarding the arrests of Hu Nim and Hou Yun, “I only learned the information about the arrest of these two people after 1979”], 00156949 [“I did not know the extent or the scope of the arrests”].

¹³⁶¹ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103784; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 14.31.27 [“He was a member of the Central Committee, a full fledged member”]; **E1/69.1** Saloth Ban alias Loth Nitya alias So Hong, T. 26 Apr 2012, 09.09.28 to 09.11.48; **E1/221.1** Stephen Heder, T. 10 Jul 2013, 14.07.35 to 14.09.08; **E1/223.1** Stephen Heder, T. 15 Jul 2013, 11.08.55. *See also* **E3/27** Khieu Samphan WRI, EN 00156751.

¹³⁶² **E3/12** CPK Central Committee Decision, 30 Mar 1976, EN 00182809-14.

¹³⁶³ Of the 19 extant Standing Committee meeting minutes that list attendees, Khieu Samphan attended 16, or roughly 85% of all fully documented Standing Committee meetings. *See Annex D.5 Chart of Khieu Samphan Standing Committee Attendance.*

¹³⁶⁴ **E3/232** CPK Standing Committee Minutes, 8 Mar 1976, EN 00182630-31 [“The situation in 303 ... A-Loeun’s group ... 34 persons, whom the Zone military have all already arrested ... asked for instructions from Angkar The situation in 103 ... Since January almost 100 have been arrested], 00182633 [“The enemy situation...Must concentrate on both the East and the West ... They continue to destroy us, attack us, send in spies, and conduct various activities strongly. We must be vigilant ... 100 years”].

Party Centre's telegram traffic,¹³⁶⁵ which constantly reported the execution of internal enemies all over the country.¹³⁶⁶

352. As Chairman of Office 870,¹³⁶⁷ **Khieu Samphan** had a hands-on role in search for internal enemies.¹³⁶⁸ The 30 March 1976 Central Committee decision delegated to Office 870 the duty to decide on smashing individuals surrounding the Central

¹³⁶⁵ **E1/151.1** Phan Van, T. 11 Dec 2012, 15.48.00-15.52.18. *See also* **E3/198** Khieu Samphan Interview, 17 Aug 2005, EN 00184680; **E1/117.1** Norng Sophang, T. 29 Aug 2012, 11.50.20-11.55.36; **E1/120.1** Norng Sophang, T. 3 Sept 2012, 11.02.40-11.07.15, 11.27.38, 11.32.49-11.35.56; **E1/122.1** Norng Sophang, T. 5 Sept 2012, 09.13.01-09.15.02, 09.35.27-09.37.14, 09.57.51-10.02.05; **E3/355** Kaing Guek Eav WRI, EN 00242874-5; **E3/58** Phan Van WRI, EN 00250089.

¹³⁶⁶ **E3/952** Telegram 04 from Ke Pauk to Pol Pot, 2 Apr 1976, EN 00182658-60; **E3/1222** Telegram 11 from Dim to Meas Mut, 24 Sept 1976, EN 00143521-22; **E3/1223** Telegram 11 from Dim to Meas Mut, 27 Sept 1976, EN 00233658; **E3/1226** Telegram 17 from Dim to Mut, 8 Oct 1976, EN 00233659; **E3/1199** Telegram 11 from San to Brother 98, 6 Apr 1977, EN 00531038; **E3/876** Telegram 43 from Leu, Division 810, Political Section to Reuan, 23 Apr 1977, EN 00183714; **E3/156** Telegram 54 from Sarun, 23 Apr 1978, EN 00296220; **E3/877** Telegram 54 from Chhan to M-870, 20 May 1977, EN 00185226; **E3/1099** Telegram 05 from San, Division 920, Political Section to Brother 89, 9 June 1977, EN 00509691; **E3/956** Telegram 14 from Mo-401 to beloved Organization, 25 June 1977, EN 00776988; **E3/241** Telegram 52 from Se, Zone 801 to Com. 870, 23 Aug 1977, EN 00183627; **E3/1204** Telegram 34 from Chhan to Respected and Beloved M-870, 27 Aug 1977, EN 00590303; **E3/1206** Telegram 29 from Yi to beloved M-870, 14 Sept 1977, EN 00519520; **E3/1120** Telegram 100 from San, Mo- 560 to Nhim, 6 Nov 1977, EN 00441627-28; **E3/1208** Telegram 21 from Nhim to Angkar 870, 21 Dec 1977, EN 00539059; **E3/995** Telegram 313 from Se, North Zone Secretary to Committee 870, 19 Mar 1978, EN 00185583; **E3/1146** Telegram 32 from Ke Pauk to Committee 870, 29 Mar 1978, EN 00208256; **E3/1078** Telegram 46 from Sarun to M-870, 9 Apr 1978, EN 00361189; **E3/1077** Telegram 324 from Se, North Zone Secretary to Committee 870, 10 Apr 1978, EN 00340539; **E3/871** Telegram 21 from Chhouk to Pol Pot, 21 Mar 1976, EN 00185241; **E3/874** Telegram 50 from Hang to Beloved and Missed Brother, 18 July 1976, EN 00185060; **E3/1023** Telegram 11 from Chhon, 10 Sept 1976, EN 00305247; **E3/1223** Telegram 12 from Deum to Meas Muth, 27 Sept 1976, EN 00897638; **E3/1225** Telegram 16 from Dim to Meas Mut, 6 Oct 1976, EN 00233657; **E3/1196** Telegram 33 from Chhan to Office 870, 26 Nov 1976, EN 00506647; **E3/1119** Telegram 84 from Nhim to Ankar 870, 20 Oct 1977, EN 00434858; **E3/918** Telegram 254 from Sae to Committee 870, 10 Jan 1978, EN 00182758; **E3/1122** Telegram 69 from Vi to Respected Brother, 11 Jan 1978, EN 00436992; **E3/995** Telegram 313 from Se, North Zone Secretary to Committee 870, 19 Mar 1978, EN 00185583; **E3/1116** Telegram 61 from Roath to Brother, 1 Apr 1978, EN 00434868-69; **E3/1077** Telegram 324 from Se, North Zone Secretary to Committee 870, 10 Apr 1978, EN 00340539-40; **E3/935** Telegram 08 from Vy, Northeast Zone Secretary to Brother, 21 Apr 1978, EN 00348086-87; **E3/950** Telegram 242 from Nhim to Ankar 870, 11 May 1978, EN 00185215-16; **E3/873** Telegram 63 from Nhim to Angkar 870, 15 June 1978, EN 00185225.

¹³⁶⁷ **E1/66.1** Saloth Ban, T. 23 Apr 2012, 14.14.04-14.19.51; **E1/69.1** Saloth Ban, T. 26 Apr 2012, 09.27.48-09.30.14, 09.34.53-09.38.12 ["When Doeun disappeared, Brother Khieu Samphan came to take Doeun's place in charge of managing staff"]; **E1/97.1** Rochoem Ton, T. 26 July 2012, 15.50.30-15.53.04, 15.57.37-16.00.28; **E1/98.1** Rochoem Ton, T. 30 July 2012, 15.12.07-15.16.46; **E1/101.1** Rochoem Ton, T. 2 Aug 2012, 11.48.16-11.50.42; **E3/456** Kaing Guek Eav WRI, EN 00198882 ["I think that from this arrest (Doeun) onwards, he effectively became the Head of Office 870..not a promotion, just an additional task...the way Nuon Chea took Son Sen's position at S-21 when Son Sen had to leave"]; **E3/355** Kaing Guek Eav WRI, EN 00242874 ["Khieu Samphan became Secretary of the Office 870 Committee when Soeu Vasi became minister of commerce"]; **E3/356** Kaing Guek Eav WRI, EN 00242904 ["Khieu Samphan was the Secretary of the Office 870 committee"]; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002760 ["In early 1977 Khieu Samphan received a promotion: he replaced Deuan as Office 870 Chairman...the Party Secretary ... could have more confidence in the conscientiousness of Khieu Samphan as regards purge work"]; **E3/24** Phy Phuon WRI, EN 00223584.

¹³⁶⁸ **E3/20** Elizabeth Becker, *When the War was Over*, EN 00238128-29 ["The head of Cambodia's rubber plantation had been ... treated to a sumptuous dinner by Khieu Samphan, the head of state, and then immediately taken off to Tuol Sleng"]; **E3/63** Phy Phuon WRI, EN 00231411.

Committee.¹³⁶⁹ **Khieu Samphan** admits that a key task of Office 870 was to search for internal enemies in the top ranks of the Party,¹³⁷⁰ and he fulfilled this duty.¹³⁷¹ He personally investigated a dispute between West Zone Secretary Chou Chet alias Si and his deputy, Phal,¹³⁷² as a result of which Chou Chet was sent to S-21.¹³⁷³ **Khieu Samphan** was also present at the meeting where the decision was made to purge East Zone Secretary So Phim and other East Zone leaders.¹³⁷⁴

353. Another of **Khieu Samphan**'s key roles during the DK regime was to exhort CPK cadres to seek out and destroy internal enemies.¹³⁷⁵ **Samphan** told a mass meeting at

¹³⁶⁹ **E3/12** CPK Central Committee Decision, 30 Mar 1976, EN 00182809; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.29.12 [“Surrounding the Centre Office, to be decided by the Central Office Committee,” here, it refers to Khieu Samphan, who made such a decision as set forth in this paragraph”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 11.52.07-11.56.35; **E3/15** Kaing Guek Eav WRI, EN 00251378; **E1/189.1** Philip Short, T. 6 May 2013, 13.56.56-14.00.09 [regarding the 30 March 1976 Central Committee document, “I’m quite sure that both Mr. Khieu Samphan and certainly Mr. Nuon Chea were very well aware of what was in this document”].

¹³⁷⁰ **E3/37** Khieu Samphan WRI, EN 00156754 [“[Office 870] had only two members, Doeun and me. Doeun was the Chairman, assisted by colleagues such as Pang and he was in charge of political affairs”], 00156756 [“At first this office was not so important, but at a later stage it gained in importance, because it was tasked to monitor suspected members of the party for the standing committee”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59 [“At that time there was a directive from Office 870 that the security centre had been relocated from that pagoda”], 13.48.42 [“The directive came from ... Office 870 regarding the pardon being granted to those who had allegedly been CIA and KGB networks”]; **E1/354.1** Ban Seak, T. 6 Oct 2015, 13.44.50 [regarding the circular announcing the purported end of purges, “He told me that document was from the upper echelon perhaps Office 870”]; **E1/448.1** Moeng Vet, T. 26 July 2016, 15.43.55 [“The letter indicated that M-870 invited them to work in Phnom Penh ... they never returned”].

¹³⁷¹ **E1/191.1** Philip Short, T. 8 May 2013, 09.47.42-09.49.37 [regarding the search for internal enemies, “That is very much in Khieu Samphan’s role. He was trusted. He was someone in whom Pol Pot had confidence”]; **E1/192.1** Philip Short, T. 9 May 2013, 14.08.23-14.11.34, 14.38.45-14.42.32.

¹³⁷² **E1/55.1** Kaing Guek Eav, T. 28 March 2012, 15.27.22-15.29.05 [“When Chou Chet was to be arrested, the decision was made in the meeting, and at that time Pol Pot did not ask Vorn Vet to attend the meeting but he invited Brother Hem...instead of Brother Vorn”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 09.16.52-09.24.31 [“Pang told me that on that day Vorn was in his office, but Brother Pol, instead, asked him to invite Brother Hem”]; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002771 [“This was evidently an allusion to the investigation he conducted in the West Zone in August 1977, and Pol Pot’s resulting decision to kill Zone Secretary Chou Chet”], EN 00002761 [“To assist Pol Pot in the conduct of the general purge, Office 870 Chairman Khieu Samphan was dispatched to the West Zone in August 1977 to conduct an investigation into the confused situation it had provoked there”]; **E3/453** Kaing Guek Eav WRI, EN 00147584 [“Chhim Som Aok *alia* (sic) Pang told me that Khieu Samphan attended a meeting with the Standing Committee of the Central Committee on the issue of arresting Chou Chet alias Si, Chairman of the West Zone”]; **E3/61** Kaing Guek Eav WRI, EN 00195578 [“As regards Chou Chet ... That is how I learned that Khieu Samphan had participated in the meeting”].

¹³⁷³ **E3/1682** S-21 Confession of Chou Chet alias Si, EN 00185069-182, 00818951-9084; **E3/10604** OCIJ S-21 Prisoner List, Chou Chet alias Si, EN 01222907, No. 14142.

¹³⁷⁴ **E3/48** Stephen Heder and Brian Tittmore, *Seven Candidates for Prosecution*, EN 00393581; **E3/542** Nate Thayer, *Death in Detail*, EN 00002207.

¹³⁷⁵ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419517 [“We must uphold our spirit of revolutionary vigilance at all times against the enemies from all quarters, both at home and abroad”]; **E1/205.1** So Socheat, T. 11 June 2013, 11.20.32 [“In the office they spoke about being vigilant and not to reveal secrecy because there were enemies who were attempting to destroy us and for that reason we had to be vigilant”].

Borei Keila that Pang had been “arrested and taken away” as a traitor,¹³⁷⁶ and warned cadres not to follow his example.¹³⁷⁷ Also at Borei Keila, **Khieu Samphan** lectured 2,000 cadres about how Base People and New People¹³⁷⁸ as well as Party members¹³⁷⁹ should be screened to identify “infiltrated enemies,” explaining how cadres should work to uncover traitors.¹³⁸⁰ He urged cadres to “continue to fight and suppress all stripes of enemy at all times.”¹³⁸¹ The DK Head of State took to DK state radio calling on cadres to “exterminate resolutely ... all CIA agents.”¹³⁸² He also demanded that cadres “radically eliminate forever ... all enemy.”¹³⁸³ He warned that people who were pretending to be sick were betraying the Party and should be monitored.¹³⁸⁴ Days after the arrest of his old friend, Minister of Information Hu Nim, **Khieu Samphan** called for cadres to “wipe out the enemy ... neatly and thoroughly.”¹³⁸⁵

354. **Khieu Samphan** celebrated and defended the mass extermination of internal enemies — even children who were declared to be enemies. Of the children killed at S-21, he said, “A few youngsters is not a reason to erase and reject an entire period of history!”¹³⁸⁶ Asked by Expert Stephen Heder if any innocent people had been executed, **Khieu Samphan** was categorical: “No, none.”¹³⁸⁷ **Khieu Samphan** said “less than half in the Central Committee, but nearly half in the Standing Committee” had been internal enemies.¹³⁸⁸ Even as members of the Central and Standing Committees were being arrested, **Khieu Samphan** maintained that the confidence of other members (including

¹³⁷⁶ **E1/217.1** Ek Hen T. 3 July 2013, 11.26.06-11.28.02, 11.30.15-11.33.02; **E3/474** Ek Hen WRI, EN 00205049-50.

¹³⁷⁷ **E1/217.1** Ek Hen, T. 3 July 2013, 11.30.15.

¹³⁷⁸ **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.45.33-15.51.23.

¹³⁷⁹ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.23.53-11.27.47 [Khieu Samphan “emphasized strongly” that “infiltrated enemies” had to be identified.].

¹³⁸⁰ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.21.47 [Khieu Samphan explained how “to uncover the traitors of the Revolution and the infiltrated enemies”].

¹³⁸¹ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419513.

¹³⁸² **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563. *See also* **E1/120.1** Norng Sophang, T. 3 Sept 2012, 15.06.26-15.09.16 [“I used to listen to the statement made by Mr. Khieu Samphan. It was done on the 31st of December 1977 through the National Radio of Democratic Kampuchea broadcast”].

¹³⁸³ **E3/169** Khieu Samphan Speech, 17 Apr 1978, EN 00280392.

¹³⁸⁴ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.37.54-14.40.59.

¹³⁸⁵ **E3/201** Khieu Samphan Speech, 15 April 1977, EN 00419513; **E3/3512** Ben Kiernan, *Don’t Blame Me, It Was My Prime Minister*, EN 00080475 [“Samphan was not so quiet about the fate of Hu Nim, a leftist parliamentarian, who unlike Samphan, protested DK policies and was arrested in April 1977. Nim’s torturer reported: ‘we whipped him four or five times to break his stand, before taking him to be stuffed with water’”].

¹³⁸⁶ **E3/4201R** Video, *Facing Genocide: Khieu Samphan and Pol Pot*, 01.14.15-01.14.42.

¹³⁸⁷ **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002771 [Steve Heder asked Khieu Samphan if any purged cadre were innocent – “Q: As far as you know, there weren’t any cases where somebody innocent was accused? A: No. Q: Not a single one? A: No, none. Q: So everybody who was executed was in fact a traitor? A: Yes, as far as I can grasp”].

¹³⁸⁸ **E3/203** Khieu Samphan Interview, EN 00424014.

himself) in Pol Pot “did not waver.”¹³⁸⁹ **Khieu Samphan** trusted Pol Pot, and to hear **Khieu Samphan** tell it, that trust was mutual: “Pol Pot trusted me, I am telling you.”¹³⁹⁰ **Khieu Samphan** had earned Pol Pot’s trust by fully cooperating in the campaign to eliminate all possible rivals to Pol Pot’s leadership.

5. False Defence Narratives

a) *Division 310*

355. On 20 September 2016, one of **Nuon Chea**’s lawyers told a witness that he was going to read from the account of another Division 310 soldier to see if this “would somehow revive your memory.” The portion of the WRI read to the witness stated:

One day I was called to a meeting at Wat Phnom where Ta Yim, the battalion chairman, made an announcement to the combatants of Battalion 306 regarding plans to carry out a coups. He said that at 3 a.m. we would open fire and attack and take the radio station near Wat Phnom in order to make an announcement. That night suddenly Ta Oeun, Ta Sinuon, the former battalion 306 commander, along with Oeun who was at the Ministry of Commerce at the time, Ta Ban, regimental chairman and Ta Yim, battalion chairman were called by the upper echelon of your organization to a meeting and then disappeared.¹³⁹¹

356. In fact, however, there is no evidence that there was ever a unit designated as Battalion 306 as part of Division 310.¹³⁹² Further, there is no record of any Division 310 commanders with the given names or aliases of Sinuon or Ban.¹³⁹³ There is no S-21 record of any Division 310 cadre with the given name or alias of Sinuon.¹³⁹⁴ There is no S-21 record of any Division 310 regimental commander with the given name or alias of Ban.¹³⁹⁵ There was, however, a Tep Ol alias Yim who was Secretary of Battalion

¹³⁸⁹ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103754-55. See also **E3/210** Khieu Samphan WRI, 14 Dec 2007, EN 00156949 [“In relation to the disappearance of the members of the central committee and the standing committee, *everyone seemed to approve*, but I did not know the extent or the scope of the arrests” (*emphasis added*)].

¹³⁹⁰ **E289.1.1** Khieu Samphan Interview Transcript, Aug 2007, EN 00923077; **E1/205.1** So Socheat, T. 11 June 2013, 10.59.35 to 11.02.40; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.36.15-11.48.30 [“Khieu Samphan headed the Central Office under the supervision of Pol Pot and he was the student of Pol Pot”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396544 [“Pol placed growing trust in [Khieu Samphan]”].

¹³⁹¹ **E1/477.1** Sem Om, T. 20 Sept 2016, 14.12.22.

¹³⁹² See **Annex D.6** *Chart of Division 310 Organisation Prior to Purge*.

¹³⁹³ See **Annex D.6** *Chart of Division 310 Organisation Prior to Purge*. See also **E3/10604** OCIJ S-21 Prisoner List.

¹³⁹⁴ See **E3/10604** OCIJ S-21 Prisoner List.

¹³⁹⁵ See **E3/10604** OCIJ S-21 Prisoner List.

132.¹³⁹⁶ **Nuon Chea**'s reliance on such implausible evidence is indicative of the fact that there is no credible evidence to support the regime's paranoid justifications for its extrajudicial execution campaign.

357. Other Defence arguments concerning Division 310 further reinforce this record of confabulation and confusion. The **Nuon Chea** Defence claims that they have ten "Division 310 combatants who say the same thing" regarding the purported coup plot by Division 310 Secretary Oeun.¹³⁹⁷ Former Division 310 soldier Suoy Sao told DC-Cam, regarding Oeun's supposed coup plot, "First he called us for a secret meeting and instructed us that he planned to attack Phnom Penh," and that "I took a truck full of weapons to meet him in Phnom Penh in the preparation to attack Phnom Penh."¹³⁹⁸ But then Suoy Sao told the Trial Chamber, "I did not attend the meeting," and that "I myself did not transport the weapons."¹³⁹⁹ Witness Sem Hoeun alias Kim was similarly incoherent, telling the Trial Chamber that "Oeun wanted to create a movement to fight again and liberate the Democratic Kampuchea",¹⁴⁰⁰ but that "As for Oeun, I did not know whether he had any plan to betray Angkar."¹⁴⁰¹ Witness Keo Loeur also failed to shed useful light on the matter, testifying to the Trial Chamber about Oeun's purported meeting to announce the coup plot, "I heard it during the meeting. He said that the regular force soldiers would be sent to the front battlefield ... in order for us to overthrow the DK regime by attacking Phnom Penh."¹⁴⁰² Keo Loeur then explained that in fact he did not attend any meeting with Oeun discussing a coup: "I did not know about the meeting held at the divisional level ... I only knew about the other matters after we were instructed to listen to the tape" of Oeun's S-21 forced confession.¹⁴⁰³ Sem Om alias Prum Iet testified that "The messenger told me there was a planned coup,"¹⁴⁰⁴ basing his knowledge on the claim that "I read their documents secretly."¹⁴⁰⁵ Upon further examination regarding these alleged "secret" coup plan documents, however,

¹³⁹⁶ **E3/1585** List of Participants – 1st General Staff Training, 20 Oct 1976, EN 00897651 [Yim is listed at No. 31]; **E3/3858** S-21 Names of Prisoners Executed on 12 May 77, EN 00837624 [Tep Ol is listed at No. 132]; **E3/2286** Names of Prisoners Smashed on 12 May 1977, EN 00873403 [Tep Ol alias Yim is listed at No. 132]; **E3/10604** OCIJ S-21 Prisoner List, EN 01222427 [Tes Ol is listed at No. 2366].

¹³⁹⁷ **E1/443.1** Kaing Guek Eav, T. 23 June 2016, 14.10.15.

¹³⁹⁸ **E3/7535** Suoy Sao DC-Cam Statement, EN 00324168.

¹³⁹⁹ **E1/460.1** Suoy Sao, T. 18 Aug 2016, 13.36.00.

¹⁴⁰⁰ **E1/318.1** Sem Hoeun alias Kim, T. 22 June 2015, 13.58.33.

¹⁴⁰¹ **E1/318.1** Sem Hoeun, T. 22 June 2015, 13.56.23.

¹⁴⁰² **E1/316.1** Keo Loeur, T. 15 June 2015, 11.02.41-11.05.30.

¹⁴⁰³ **E1/317.1** Keo Loeur, T. 16 June 2015, 09.20.16.

¹⁴⁰⁴ **E1/478.1** Sem Om, T. 21 Sept 2016, 09.15.25.

¹⁴⁰⁵ **E3/7523** Sem Om DC-Cam Statement, EN 00875575; **E1/478.1** Sem Om, T. 21 Sept 2016, 11.06.45.

Sem Om revealed that in fact “I did not read it¹⁴⁰⁶ ... I did not know of their concrete plan or whether they were involved in any traitorous plot ... They never held any meeting that information about the toppling of the government was disseminated.”¹⁴⁰⁷

358. **Nuon Chea**’s counsel gathered up his best evidence regarding the purported coup plot by Division 310 Secretary Oeun and others, and placed it before Witness Kaing Guek Eav alias Duch who, of course, had been in charge of uncovering anti-CPK plots during the DK regime.¹⁴⁰⁸ Duch’s response after hearing all this “evidence” was to conclude, “Allow me to be frank with you. These statements are just surreal and they do not seem to be a concrete plan for a coup d’etat at all. I do not believe these statements, not at all.”¹⁴⁰⁹ Thus it is clear that **Nuon Chea**’s counsel is correct; the witnesses upon whom he relies to demonstrate Oeun’s betrayal do indeed provide similar stories of resistance to the Centre, which is not surprising since the regime made every effort to justify to Division 310 soldiers the executions of their commanders by playing tapes of Oeun’s S-21 “confession” to mass meetings.¹⁴¹⁰ However, the coup accounts are incoherent and self-contradictory. Witness Sam Hoeun said that as part of a plot for a coup against the centre leadership he transported weapons from Phnom Penh to Kampong Cham. That makes no sense, since for any coup attempt weapons would be needed in Phnom Penh, and at that time Ke Pauk’s Central Zone forces (which were favourites of the Centre, and used to conduct the purges) controlled Kampong Cham. It would make more sense that weapons were sent to the eastern city of Kampong Cham because this was close to the border and key battlefields with Vietnam.
359. Given the infamous reputation of Pol Pot in Cambodian society today, it is not at all surprising that former RAK soldiers would now claim that they in fact were part of a resistance force. It seems much more likely that those who claim they “knew” of Oeun’s coup plan learned of it only when Son Sen played a tape of Oeun’s S-21 forced confession for Division 310 troops.¹⁴¹¹

¹⁴⁰⁶ **E1/478.1** Sem Om, T. 21 Sept 2016, 09.15.25

¹⁴⁰⁷ **E1/478.1** Sem Om, T. 21 Sept 2016, 11.09.50.

¹⁴⁰⁸ **E1/443.1** Kaing Guek Eav, T. 23 June 2016, 13.53.23.

¹⁴⁰⁹ **E1/443.1** Kaing Guek Eav, T. 23 June 2016, 14.26.44.

¹⁴¹⁰ **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.54.41-09.56.26.

¹⁴¹¹ **E3/1891** S-21 Confession of Sbauv Him alias Oeun; **E1/318.1** Sem Hoeun, T. 17 June 2015, 15.57.46 [“they said that our commanders were part of a traitorous network and they were traitors. That’s what we were told”]; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.54.41- 09.56.26 [“I only knew that he was being mistreated from the voice he spoke”]; **E1/316.1** Keo Loeur, T. 15 June 2015, 11.00.40 [“I heard through the confession from S-21”]; **E1/317.1** Keo Loeur, T. 16 June 2015, 09.20.16 [“I only knew about the other matters after we were instructed to listen to the tape”]; **E3/5149** Sem Om WRI, EN 00205044 [“In

360. Oeun's actions before his arrest would hardly make sense for someone plotting against the CPK leadership. He reported to Defence Minister Son Sen at the 19 September 1976 General Staff meeting that he was engaged in a "strong internal struggle" with enemies inside Division 310. "Part of the Party members and cadres are not yet loyal and are looking to betray the Party, unsatisfied and unhappy with the Four Year Plan of the Party," Oeun told Son Sen.¹⁴¹² It makes no sense for someone planning to lead his forces against the regime to notify the Centre that it should be on the lookout for enemies from this same unit. Prior to this meeting, only a handful of Division 310 personnel had been arrested by S-21.¹⁴¹³ After having been warned by Oeun, Son Sen immediately assigned his assistant, Ren, to work with Oeun on monitoring internal enemies in Division 310. "I was instructed to observe and monitor the internal activities, as well as the external activities," Ung Ren explained to the Trial Chamber, "and whether those people in the unit abided by the discipline."¹⁴¹⁴ With Ren's assistance, Oeun was able to identify numerous "internal enemies,"¹⁴¹⁵ and the number of Division 310 arrests escalated dramatically.¹⁴¹⁶ At least 177 Division 310 cadres were arrested and sent to S-21 *before* the purge of the Division leaders that began on 17 February 1977;¹⁴¹⁷ these included Regiment 12 Deputy Secretary Uk On alias Nan,¹⁴¹⁸ Regiment 13 Member Chun¹⁴¹⁹ and Division Assistant Meas Samy,¹⁴²⁰ all of whom were arrested on 10 or 11 December 1976, two months before Oeun. For someone who was supposedly planning a coup d'état, Oeun was certainly active in assisting the Party Centre to purge "internal enemies" within his own unit of organisation. In summary, the totality of the evidence placed before the Chamber conclusively refutes the Defence allegation that Division 310 personnel led by Oeun were actively involved in plots to overthrow the DK regime. Even if the regime's paranoia were to prove justified, it still

about late 1976, during a meeting of about 1,000 soldiers in Phnom Penh, Ta Khieu announced, 'Your mothers and fathers have all been killed.' Then they played a tape recording of Ta Oeun. I heard the sounds of a chain, and heard the voice of Ta Oeun talking, describing his personal history when he betrayed the Party"].

¹⁴¹² **E3/810** RAK General Staff Meeting Minutes, 19 Sept 2016, EN 00195344-45.

¹⁴¹³ See **Annex F.2** Figure 2.4, *RAK Division 310 Arrests by Month at S-21*, p. 16.

¹⁴¹⁴ **E1/158.1** Ung Ren, T. 10 Jan 2013, 10.16.52.

¹⁴¹⁵ **E3/1131** Ung Ren, RAK General Staff Report, "Reporting about working with Bang Oeun of Division 310," 25 Nov 1976, EN 00233968.

¹⁴¹⁶ See **Annex F.2** Figure 2.4, *RAK Division 310 Arrests by Month at S-21*, p. 16. See also **E3/10604** OCIJ S-21 Prisoner List.

¹⁴¹⁷ **E3/10604** OCIJ S-21 Prisoner List.

¹⁴¹⁸ **E3/10604** OCIJ S-21 Prisoner List, EN 01222564, No. 6002.

¹⁴¹⁹ **E3/10604** OCIJ S-21 Prisoner List, EN 01222332, No. 83.

¹⁴²⁰ **E3/10604** OCIJ S-21 Prisoner List, EN 01222530, No. 5127.

would provide no legal justification for the tortures and extrajudicial executions the regime carried out against Division 310 personnel it suspected of disloyalty.

b) Purge of the Northwest Zone

361. The evidence also does not support the Defence contention that Ros Nhim was an autonomous “warlord” who acted independently and without the knowledge of the Party Centre,¹⁴²¹ or that Nhim was conspiring against or in conflict with Pol Pot, **Nuon Chea**, and **Khieu Samphan**. The surviving telegrams and reports that were sent by Ros Nhim to the Party leaders in Phnom Penh clearly show a supervisory relationship in which the 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.¹⁴²² For example, on 24 December 1977, he wrote to ask for Angkar’s decision on whether or not to attack a location at which enemies associated with super-traitor In Tam were present.¹⁴²³ Alleged “warlord” Nhim wrote to Office 870 to ask if Son Sen could “recommend a few experts to teach us how to shoot aircrafts,”¹⁴²⁴ deferred to *Angkar* for a decision regarding the building of a dam¹⁴²⁵ and sent a “large van” of oranges to the leaders in Phnom Penh.¹⁴²⁶ In May 1978, 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.”¹⁴²⁷
362. Ros Nhim openly talked to **Nuon Chea** about killings of enemies in the Northwest Zone, including the arrest and execution of **Nuon Chea**’s uncle Sieu Heng, a former leader of the Khmer People’s Revolutionary Party who defected to the government in

¹⁴²¹ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 15.11.54 [“Secretary of all Zones across the country were members of the Central Committee and they were under the order of the secretary and the first deputy secretary of the Central Committee”].

¹⁴²² **E3/179** Report from M-560 to Angkar, 29 May 1977, EN 00183010-18; **E3/1179** Report from M-560, 8 June 1977, EN 00583917-21; **E3/1183** Weekly Reports from M-560 to Angkar, Aug 1977, EN 00574570-73; **E3/570** Telegram from Nhim to Angkar 870, 12 Aug 1977, EN 00335204 [“It is up to Angkar to decide on this matter”]; **E3/883** Telegram from Nhim to Angkar 870, 27 Aug 1977, EN 00185185-86; **E3/1119** Telegram from Nhim to Angkar 870, 20 Oct 1977, EN 00434858 [“I would like to seek approval from Angkar”]; **E3/1208** Telegram from Nhim to Angkar 870, 21 Dec 1977, EN 00539059; **E3/910** Telegram from Nhim to Angkar 870, 24 Dec 1977, EN 00182781 [“How Angkar will decide if our brothers and sisters request to attack this location?”]; **E3/950** Telegram from Nhim to Angkar 870, 11 May 1978, EN 00185215-16; **E3/1013** Telegram from Nhim to Office 870, 10 Mar, EN 00337466.

¹⁴²³ **E3/910** Telegram from Nhim to Angkar 870, 24 Dec 1977, EN 00182781.

¹⁴²⁴ **E3/1013** Telegram from Nhim to Office 870, 10 Mar, EN 00337466.

¹⁴²⁵ **E3/570** Telegram from Nhim to Angkar 870, 12 Aug 1977, EN 00335204.

¹⁴²⁶ **E3/1208** Telegram from Nhim to Angkar 870, 21 Dec 1977, EN 00539059.

¹⁴²⁷ **E3/950** Telegram from Nhim to Angkar 870, 11 May 1978, EN 00185215-16.

1958 and later became a major in the Lon Nol army.¹⁴²⁸ Moreover, according to Ieng Sary and others, Ros Nhim was promoted to become an alternate member of the CPK Standing Committee.¹⁴²⁹ This demonstrates that his relationship with the Centre was becoming stronger, not strained, at least from his own perspective.

363. The statements and testimony of Toat Thoeun establish that the rift between Ros Nhim and the Party Centre occurred in 1978, and was the result of the Party Centre's purge and arrest of the cadres from the Northwest Zone. Specifically, Toat Thoeun testifies that he fled to the jungle and organised forces to fight against Pol Pot and **Nuon Chea** in April 1978 *because* Pol Pot, **Nuon Chea**, and the Party Centre leaders were arresting and killing the cadres in his Zone.¹⁴³⁰ Pol Pot and **Nuon Chea** had begun undermining the Northwest Zone in late 1976, ordering Nhim to accept 500 to 600 armed Southwest Zone cadres who then seized control of the Northwest Zone's cooperative echelon.¹⁴³¹ S-21 records confirm that over 1,200 Northwest Zone cadres were detained and executed at the security office that reported directly to the CPK leadership in Phnom Penh,¹⁴³² with the vast majority of those arrests taking place between July 1977 and March 1978, months before Ros Nhim's arrest.¹⁴³³ Toat Thoeun also makes clear that his opposition to Pol Pot was resisted by Ros Nhim, and that it was only shortly before his own arrest that Nhim informed the witness he finally realised that "Nuon Chea had betrayed us."¹⁴³⁴ Ros Nhim never organised any resistance, never fled the country and was in the end arrested and taken to S-21 without incident. As Toat Thoeun responded to a question from Thet Sambath about whether Ros Nhim had plotted to fight against

¹⁴²⁸ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757531, 00757551-52 ["Rhos Nhim later told Nuon Chea about Sieu Heng's arrest"].

¹⁴²⁹ **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417600; **E3/459** Saloth Ban alias So Hong WRI, EN 00223595; **E3/1714** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170749; **E3/4** Carl Jackson, *Cambodia 1975-1979*, EN 00105141, 00105151; **E3/494** Craig Etcheson, Written Record of Analysis, 18 July 2007, EN 00142830; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396669.

¹⁴³⁰ **F1/3.1** Toat Thoeun, T. 6 July 2015, 14.47.15. *See also* **E3/9610** Toat Thoeun WRI, EN 00974022 ["Pol Pot called my group the White Khmer ... I myself established this group when I knew that I would be arrested"].

¹⁴³¹ **E3/9477** 2-TCCP-223 WRI, A31.

¹⁴³² **F1/3.1** Toat Thoeun, T. 6 July 2015, 15.28.09; **E3/9610** Toat Thoeun WRI, A31 ["When I returned from China, I knew that there was a security centre at Wat Kandal in Battambang provincial town. That security centre was under the direct control of the Centre, not under the control of the zone"].

¹⁴³³ **E3/531** S-21 Prisoners coming from the Northwest Zone, EN 0033797-847.

¹⁴³⁴ **E3/9610** Toat Thoeun WRI, A35; **E3/3989** S-21 Confession of Muol Sambath alias Ros Nhim, 14 June 1978, EN 00780859-91 [S-21 records establish that Nhim was arrested in June 1978].

Pol Pot, “if he had the obvious idea to oppose Pol Pot, he would not stay until he was killed.”¹⁴³⁵

364. In regards to the relationship that existed between Ros Nhim and the Party Centre as of 1975, Toat Thoeun’s statement supports the conclusion of the Trial Chamber that Nhim reported to, received instructions from and was acting in concert with the Party Centre. Toat Thoeun described his role as a messenger who on a monthly basis delivered communications from Ros Nhim to Phnom Penh, where he would receive letters to deliver back to Nhim.¹⁴³⁶ He stated that the Party Centre’s monthly publication *Revolutionary Flag* was received by the zone office and distributed to the sectors.¹⁴³⁷ He also established the responsibility of the Party Centre for deportations to Vietnam in 1975, describing how he was asked by Nhim to take a group of Khmer Krom people from Battambang to Vietnam via Phnom Penh, where he was to meet S-71 Chairman Pang and follow Pang’s instructions on what to do from there.¹⁴³⁸
365. Toat Thoeun’s statements and testimony do not support the Defence assertion that Zone Secretary Ros Nhim acted autonomously in committing crimes in the Northwest Zone. Instead, they demonstrate that the crimes committed in that zone were directed by the Party Centre. When asked by one of the Supreme Court judges about any policy in the zone about the treatment of Lon Nol soldiers, Toat Thoeun responded, “The policy was to smash all former imperialists and was to smash the former feudalists.”¹⁴³⁹ When asked if this was the policy of Ros Nhim or someone else, he responded, “It was the policy of the upper echelon.”¹⁴⁴⁰

¹⁴³⁵ **E3/10665** Toat Thoeun Statement, EN 01156823, 01:51:32:18.

¹⁴³⁶ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 13.50.23-13.55.12 [Chhim Sam Aok alias Pâng was the Chairman of S-71, the administrative arm of Office 870, and he reported to Pol Pot and Nuon Chea]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 10.03.41-10.06.02; **E1/72.1** Pean Kean, T. 3 May 2012, 09.59.12-10.02.41; **E3/9610** Toat Thoeun WRI, A125-126 [“I delivered letters from Ta Ruos Nhim to a Pâng in Phnom Penh ... I delivered letters to him near the front of the Royal Palace ... When I arrived at that house, I telephoned Pang, and Pang came to receive the letters from me”]; **E3/355** Kaing Guek Eav WRI, EN 00242874; **E3/67** Norng Sophang WRI, EN 00483967-68; **E3/43** Noem Sem WRI, EN 00365659; **E3/64** Norng Sophang WRI, EN 00334047-49 [Pang resided at and oversaw K-7, the Party Centre messenger office on the riverside near the Royal Palace, to which all letters from the Zones were delivered.]; **E3/24** Rochoem Ton alias Phy Phuon WRI, EN 00223584; **E3/464** Tha Sot WRI, EN 00226110-11 [states that Pang regularly met with Khieu Samphan]; **E3/33** Oeun Tan WRI, EN 00235131; **E3/2766** Map Showing Location of K-7 Messenger Unit in Phnom Penh, EN 00429179.

¹⁴³⁷ **E3/9610** Toat Thoeun WRI, A135-138.

¹⁴³⁸ **E3/9610** Toat Thoeun WRI, A158-165 [“Nhim had told me to take the Khmer Kampuchea Krom to see Pang, and to follow what Pang told me to do”].

¹⁴³⁹ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.45.52-16.47.32.

¹⁴⁴⁰ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.49.53-16.52.19.

366. In relation to the purge of the Northwest Zone, Thoeun stated that arrest orders were issued by the Centre and carried out by security guards from Office 870.¹⁴⁴¹ He stated that Ta Mok's forces from the Southwest Zone were known as the "Army of the Centre."¹⁴⁴² He also described how cadres disappeared after being called to attend study sessions in Phnom Penh.¹⁴⁴³ As late as November 1977, Son Sen was still sending S-21 confessions to Ros Nhim, with Nhim responding by arresting cadres and sending them to S-21.¹⁴⁴⁴ If Ros Nhim were actually one of the leaders of a planned rebellion that had the support of other zones and members of the Centre, he certainly would not have cooperated with Pol Pot and **Nuon Chea** from mid-1977 to mid-1978, helping them arrest Northwest Zone cadres who were part of this purported plot.¹⁴⁴⁵

c) The East Zone Massacre

367. The single bloodiest frenzy of killing by the CPK Party Centre was perpetrated in the East Zone, claiming as many as a quarter million lives.¹⁴⁴⁶ "There were, as I recall," **Nuon Chea** casually commented before the Trial Chamber, "roughly 250,000 enemies residing in the East."¹⁴⁴⁷ In meetings to prepare for this massive purge, "Nuon Chea

¹⁴⁴¹ **E3/9610** Toat Thoeun WRI, A15 ["Ruos Nhim told me that he was not aware of the arrest as the arrest had been made by the Centre"], A31 ["I asked Ta Nhim why he allowed all of his subordinates to be arrested. I told him that after all of 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"].

¹⁴⁴² **E3/9610** Toat Thoeun WRI, A46.

¹⁴⁴³ **E3/9610** Toat Thoeun WRI, A21 ["those committee cadres were called to attend educational sessions in Phnom Penh, and never returned; later, new cadres from the Southwest Zone came 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 were called to attend educational sessions in Phnom Penh and then disappeared forever. All of them were replaced with Southwest Zone cadres"], A86 ["They were called to attend meetings at the Centre, where they were arrested"].

¹⁴⁴⁴ **E3/5790** Kaing Guek Eav WRI, EN 00414341 [Duch discusses S-21 Confession of Iv Ieng, 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; **E3/7408** S-21 Confession of Iv Ieng, EN 00769678]; **E3/10604** OCIJ S-21 Prisoner List, Iv Ieng, 22 July 1977, No. 2066. See also **E3/5790** Kaing Guek Eav WRI, EN 00414343; **E3/7421** S-21 Confession of An Maong, EN 00221786; Preah Net Preah District Secretary confession annotated by Son Sen, "Two copies for Angkar to deliver to the Northwest, 1/10/77"].

¹⁴⁴⁵ **E3/9477** 2-TCCP-223 WRI, A45-54 [arrests of cadres followed meetings in Northwest Zone between Pol Pot, Ros Nhim, Nuon Chea and NW Zone Deputy Secretary Keu]; **E3/9610** Toat Thoeun WRI, EN 00974019; **F2/4/3/3/6.2** Lemkin Transcript of Toat Thoeun Interview, EN 01151759, 01151772 [stating that Nhim arrested people who worked for him to send to Angkar]; **E3/9483** 2-TCW-918 WRI, A4-6 [arrests of local cadres ordered by Nhim and carried out by his son Chiel]; **E3/9456** Chhit Yoeuk WRI, A14 [arrested cadres taken away in white vehicle from Zone security office].

¹⁴⁴⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 00104387; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396594.

¹⁴⁴⁷ **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.12.51.

spoke of ‘cleansing the Party ranks.’”¹⁴⁴⁸ Using East Zone Deputy Secretary Seng Hong alias Chan,¹⁴⁴⁹ appointed by Pol Pot and **Nuon Chea** in 1977,¹⁴⁵⁰ the Centre had already seized control of Sectors 23 and 24.¹⁴⁵¹ Son Sen then decapitated the East Zone Division 3 leadership down to the company echelon in essentially one fell swoop,¹⁴⁵² sending 5,000 of the division’s rank and file soldiers to be worked to death at the Kampong Chhnang airport site.¹⁴⁵³ So many East Zone military officers were arriving at S-21 that at one point, **Nuon Chea** ordered Duch to simply execute them immediately, not bothering with interrogations.¹⁴⁵⁴ In May 1978, “they started the full coup d’etat by arresting the cadres sectors, zone, commune com, district com, sector com and finally the cooperative chairmen.”¹⁴⁵⁵ The final phase of the East Zone massacre involved extermination of the zone’s civilians, both New People and Base People, who were condemned as having “Khmer bodies but Vietnamese heads.”¹⁴⁵⁶ Virtually the entire population of the East Zone was removed to other zones,¹⁴⁵⁷ where most of them were killed.¹⁴⁵⁸ The Party Centre later congratulated itself in *Revolutionary Flag* for this shocking, indiscriminate massacre, calling it a “second liberation.”¹⁴⁵⁹

¹⁴⁴⁸ **E3/361** Chhouk Rin WRI, EN 00766452-53 [“Nuon Chea and Pol Pot supplied detailed information on the plans to arrest and remove the cadres from the East Zone”]; **E3/362** Chhouk Rin WRI, EN 00268897 [“Nuon Chea said: ‘We must purge the internal enemy’”].

¹⁴⁴⁹ **E3/4650** Nuon Saret Statement, EN 00436893.

¹⁴⁵⁰ **E3/3346** Alex Hinton, *Why Did They Kill?*, EN 00431581.

¹⁴⁵¹ **E3/387** Ouk Bunchhoeun Statement, EN 00350215-16; **E3/5531** Meas Soeun WRI, EN 00425894.

¹⁴⁵² See **Annex D.7 List of East Zone Division 3 Arrests**.

¹⁴⁵³ **E3/361** Chhouk Rin WRI, EN 00766457; **E3/421** Chhouk Rin WRI, EN 00414058-59; **E3/7894** Khvae Ni WRI, EN 00426040; **E3/7893** Um Man WRI, EN 00455252; **E3/3962** Khoem Samhuon WRI, EN 00293368.

¹⁴⁵⁴ **E3/1567** Kaing Guek Eav WRI, EN 00160724; **E3/450** Kaing Guek Eav WRI, EN 00178061.

¹⁴⁵⁵ **E1/494.1** 2-TCW-1065, T. 2 Nov 2016, 14.28.58 [“Forces from the Central Zone ... summoned division commander, regiment commanders, battalion commanders, and company commanders to a meeting at Kraek at Division 4 headquarter ... In fact, the invitation to the meeting was not real; those cadres were all arrested”]; **E1/493.1** 2-TCW-1065, T. 1 Nov 2016, 13.48.34; **E3/7716** Chhem Hoeung WRI, 00340702; **E3/35** Ke Pich Vannak WRI, EN 00346155 [“They purged ... cadres and commanders of the whole East Zone”].

¹⁴⁵⁶ **E3/5221** Bloek Lam WRI, EN 00239491; **E3/7783** Yim Muoy WRI, EN 00242216.

¹⁴⁵⁷ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 00104387-93.

¹⁴⁵⁸ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396594; **E3/7707** Ek Sokh WRI, EN 00250746; **E3/7706** In Savi WRI, EN 00250755-56; **E3/4525** OCP Mission Report to Batheay District, Kampong Cham Province, EN 00221804; **E3/7708** Duong Sau WRI, EN 00250741; **E3/7713** Sokh Khiek WRI, EN 00251006; **E3/5254** Sok Thul WRI, EN 00242363; **E3/5231** Chea Leng alias Ing Taing Chheng WRI, EN 00279252; **E3/7816** Prum Yan WRI, EN 00292839; **E3/5260** Khoem Samon WRI, EN 00327162-63.

¹⁴⁵⁹ **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185341 [“It can be considered a second liberation by attacking and smashing the enemies boring right from within our Communist Party of Kampuchea among whom there were those with status who had even snuck in and infiltrated themselves in leading organs”].

368. **Nuon Chea** argues that this slaughter was justified because of a purported coup plot headed by East Zone Secretary So Phim and Northwest Zone Secretary Ros Nhim, but this is just yet another false narrative. In fact, Phim – who was a full-rights member of the CPK Standing Committee¹⁴⁶⁰ – loyally cooperated with Pol Pot and **Nuon Chea**’s demands to purge one key East Zone leader after another, starting with former East Zone Division 1 Commander Chakrei,¹⁴⁶¹ then Sector 24 Secretary Chhouk,¹⁴⁶² then (former) Sector 22 Secretary Tum,¹⁴⁶³ and finally Sector 23 Secretary Sin So,¹⁴⁶⁴ all of whom were Phim’s *protégées*. Phim did not resist when the liquidated leaders’ organisational units were subsequently purged down to the cooperative and company echelons.¹⁴⁶⁵ So Phim cooperated with the Centre’s arrest orders for more than two hundred of his own cadres before March 1978.¹⁴⁶⁶ Near the end, when the Centre ordered the arrest of Heng Samrin, one of Phim’s few remaining key deputies, Phim told Ke Pauk he would handle the arrest himself, saying “So, Pauk, you send ‘A’ Heng to my house.”¹⁴⁶⁷ This simply was not the behaviour of a man plotting a rebellion.

¹⁴⁶⁰ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396673.

¹⁴⁶¹ **E3/1780** S-21 Confession of Chan Chakrey alias Nov Mean, 30 Aug 1976; **E3/387** Ouk Bunchhoeun Statement, EN 00350215.

¹⁴⁶² **E3/5790** Kaing Guek Eav WRI, EN 00414345 [asked by Pol Pot the likelihood that Chhouk was a traitor, Phim “replied that the probability was 100%”]; **E3/2494** S-21 Confession of Sous Nov alias Chhouk alias Men alias VIII, July-Oct 1976; **E3/387** Ouk Bunchhoeun Statement, EN 00350215.

¹⁴⁶³ **E3/2490** S-21 Confession of Seat Chhae alias Tum, 27 Aug 1977, EN 00797046-69; **E3/1893** S-21 Confession of Seat Chhae alias Tum, 3 Nov 1977, EN 00182841-72; **E3/387** Ouk Bunchhoeun Statement, EN 00350215.

¹⁴⁶⁴ **E3/1813** Craig Etcheson, *After the Killing Fields*, EN 00078813. See also **E3/4650** Nuon Saret Statement, EN 00436893.

¹⁴⁶⁵ **E3/387** Ouk Bunchhoeun Statement, EN 00350215; **E3/476** Map of Democratic Kampuchea, EN 00295143. The purged District Secretaries from Sector 22 and the dates of their entry into S-21 are as follows: Pearaing District Secretary Bun Kuong alias Ngin Sambok - 8 June 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 6); Mukh Kampul District Secretary Phann Phan alias Phon - 8 June 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 7); Lovea Em District Secretary Chhai Taing Leang alias Yaun - 20 June 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 8); O Reang Ov District Secretary Seng Sen alias Soeung - 4 Sept 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 12); Koh Sotin District Secretary Touch (Tuy) Pheng alias Phai - 4 Sept 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 13); Khsach Kandal District Secretary Chap Mit - 25 Sept 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 14); Sithor Kandal District Secretary Sum Son alias Chhorn - 25 Sept 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 15); Srey Santhor District Secretary Nguon Kong alias Dauch - 25 Sept 1977 (**Annex D.8 List of East Zone Cadre Decapitations**, Line 16). For documentation on the purge of other individual East Zone cadre see **E3/10604** OCIJ S-21 Prisoner List; and **Annex D.8 List of East Zone Cadre Decapitations: East Zone Cadre Decapitation**.

¹⁴⁶⁶ Calculated from **E3/342** OCP S-21 Prisoner List; **E3/355** Kaing Guek Eav WRI, EN 00242880 [“Before someone was arrested, it was compulsory to consult the head of his unit”]; **E3/453** Kaing Guek Eav WRI, EN 00147583; **E3/107** Kaing Guek Eav WRI, EN 00198223; **E3/45** Kaing Guek Eav WRI, EN 00205161-62; **E3/357** Kaing Guek Eav WRI, EN 00242931-32; **E3/63** Phy Phuon WRI, EN 00231411; **E3/5762** Kaing Guek Eav WRI, EN 00164335.

¹⁴⁶⁷ **E3/35** Ke Pich Vannak WRI, EN 00346153.

369. The evidence shows that So Phim did not just cooperate with Pol Pot on purging his own cadres; he cooperated with Pol Pot on *everything*. For example, he went to Phnom Penh when summoned by the Party Centre;¹⁴⁶⁸ reported to Pol Pot on the transfer of 50,000 people to the Northwest Zone;¹⁴⁶⁹ reported on the capture of a Cambodian “pacification agent;”¹⁴⁷⁰ reported on the evacuation of civilians for reeducation and screening;¹⁴⁷¹ requested instructions and advice on how to deal with Vietnamese prisoners under interrogation¹⁴⁷² and how to deal with arrestees;¹⁴⁷³ and welcomed visits from Pol Pot from 1975 to 1978.¹⁴⁷⁴ Rather than there being “outright conflict” between So Phim and the Party Centre as the Defence of **Nuon Chea** now claims,¹⁴⁷⁵ **Nuon Chea** was so at ease with the trusted So Phim that he would sleep at the headquarters of Phim’s personal bodyguards.¹⁴⁷⁶
370. On 25 May 1978, RAK divisions loyal to the Party Centre flooded up and down National Roads 1 and 7 for the final attack on the East Zone.¹⁴⁷⁷ Ever loyal, even as the Party Centre closed in for the kill,¹⁴⁷⁸ So Phim sent a letter to his troops that same day insisting that the attacks were a plot by Son Sen against his old friends, Pol Pot and **Nuon Chea**: “So Phim’s letter also stated that it was a coup d’état to overthrow the comrade secretary and the comrade deputy secretary by armed forces led by Son Sen.”¹⁴⁷⁹ So Phim “made a telephone call to Pol Pot, but Pol Pot did not answer... [so] Grandpa Rin went with Grandpa Phim to meet Pol Pot.”¹⁴⁸⁰ According to Nong Nim, So Phim told his comrades, “I have done nothing wrong and I will go straight to the place where can get right to the bottom of this.”¹⁴⁸¹ Arriving at the Mekong opposite Phnom Penh, Phim ordered his messenger “Chhoeun to send a letter to the Party Centre,” requesting a meeting with Pol Pot, “but on the way, Chhoeun was arrested. Then after

¹⁴⁶⁸ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150203-04.

¹⁴⁶⁹ **E3/1680** Telegram 15 from Chhon to Brother Pol, 30 Nov 1975.

¹⁴⁷⁰ **E3/871** Telegram 21 from Chhon to Brother Pol, 21 Mar 1976.

¹⁴⁷¹ **E3/243** Telegram 15 from Chhon to Brother Pa, 19 Jan 1978, EN 00532796; **E3/244** Telegram 16 from Chhon to Brother Par, 23 Jan 1978, EN 00182755.

¹⁴⁷² **E3/892** Telegram 60 from Chhon to M-870, 29 Oct 1977.

¹⁴⁷³ **E3/1205** Telegram from Peam to M-870, 4 Sept 1977.

¹⁴⁷⁴ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150044, 01150184, 01150200.

¹⁴⁷⁵ **E395/2** Nuon Chea’s Submissions on the Relevance of Evidence of Treasonous Rebellion to His Individual Criminal Responsibility in Case 002/02, EN 01251277.

¹⁴⁷⁶ **E1/506.1** Sin Oeng, T. 5 Dec 2016, 13.55.34-13.56.48.

¹⁴⁷⁷ See **Annex D.9 Map of East Zone 25 May 1978**.

¹⁴⁷⁸ **E1/505.1** Sin Oeng, T. 1 Dec 2016, 15.45.22.

¹⁴⁷⁹ **E1/446.1** Meas Soeun, T. 29 June 2016, 14.25.12. See also **E1/493.1** 2-TCW-1065, T. 1 Nov 2016, 15.07.40; **E3/5531** Meas Soeun WRI, EN 00425892.

¹⁴⁸⁰ **E3/7716** Chhem Hoeung WRI, EN 00340703.

¹⁴⁸¹ **E3/10717** Nong Nim Statement, EN 01355782.

Chhoeun disappeared, he sent another messenger. The messenger was subsequently arrested.”¹⁴⁸² Phim was then attacked by Centre troops, and finally, surrounded, he ended his life with a pistol.¹⁴⁸³ “If he had chosen to flee he could have done that but he was an honest person,” Phim’s bodyguard, Nong Nim explained. “He was loyal to Pol Pot. He said, he just wanted to see Pol Pot and to find out what had gone wrong.”¹⁴⁸⁴

371. **Nuon Chea’s** conspiracy theories about an anti-regime plot led by Ros Nhim and So Phim are not plausible. If Nhim and Phim had been conspiring to overthrow Pol Pot, why did they not take advantage of the Vietnamese incursion deep into DK territory between September and December 1977 to launch their purported rebellion and attack the Centre, rather than requesting assistance from the Centre to combat the invading Vietnamese forces, as they in fact did?¹⁴⁸⁵ Why, as all of the evidence shows, did both Ros Nhim and So Phim consistently cooperate with Pol Pot and **Nuon Chea** in the purging of the cadres that they had spent their entire lives cultivating? The evidence placed before the Chamber is unambiguous that the regime’s internal purges were not part of “outright conflict” between the centre and zones but rather the result of the regime’s paranoid fear of any challenge to its own failed leadership.

PERSECUTION OF BUDDHISTS

[M]y own father named Uch Sunli, who was a clergyman at the pagoda, also died. He was killed because the Khmer Rouge witnessed that he

¹⁴⁸² **E1/493.1** 2-TCW-1065, T. 1 Nov 2016, 15.11.01.

¹⁴⁸³ **E1/493.1** 2-TCW-1065, T. 1 Nov 2016, 15.11.01; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150206-07.

¹⁴⁸⁴ **E1/511.1** Nong Nim, T. 12 Dec 2016, 13.47.00.

¹⁴⁸⁵ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150194; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237970 [Becker describes border clashes with the Vietnamese in 1976 and says, “After several skirmishes, the Center rebuked So Phim, the Eastern Zone leader, for fighting the Vietnamese too zealously and warned him not to upset the tenuous balance on the border”]; **E3/1393** DK Government Statement, 31 Dec 1977, EN 00713102 [“Since September 1977, the armed forces of SRV, including many infantry units from Hanoi ... have launched consecutive large-scale assaults on DK”]; **E3/1258** DK Government Statement, Feb 1978, EN S 00004902 [“large-scale and systematic attack of invasion ... perpetrated by the army of the ‘Socialist Republic of Vietnam’ against Democratic Kampuchea from September 1977 to the beginning of January 1978”]; **E3/886** Telegram 41 from So Phim alias Chhon to Brother Pol, 26 Sept 1977 [detailed report on “battle field north of Route No. 1” and combat between East Zone and Vietnamese forces]; **E3/889** Telegram 56 from So Phim alias Chhon to M-870, 26 Oct 1977 [reporting incursion of Vietnamese forces into Chantrea district and requesting that Centre immediately send reinforcement forces]; **E3/892** Telegram 60 from Sao Phim alias Chhon to M-870, 29 Oct 1977[requesting instructions from Office 870 on whether to send captured Vietnamese soldiers for interrogation]; **E3/982** Telegram 83 from So Phim alias Chhon to Brother Pa, 6 Dec 1977 [reporting “severe” attacks and incursions by Vietnamese on National Road 1 and requesting assistance]; **E3/905** Telegram from Phuong to M-870, 23 Dec 1977 [reporting Vietnamese capture of Krek rubber plantation]; **E3/908** Telegram 09 from Phuong to M-870, 24 Dec 1977 [reporting incursion of Vietnamese on Highway 7 to Memot and requesting immediate military assistance from Centre]; **E3/914** Telegram 14 from Phuong to M-870, 31 Dec 1977 [East Zone request for military assistance from Centre to fight Vietnamese in Krouch Chhmar and Chhlong districts].

*practised the Buddhist religion ... I would like to tell the Chamber that even lighting the incense to pay respect to Buddha, he was arrested for that simple reason.*¹⁴⁸⁶

– Witness Uch Sunlay

372. The CPK annihilated Buddhism as an institution and practice, thereby eradicating a fundamental component of Cambodian existence. Buddhism is a pillar of Cambodian life.¹⁴⁸⁷ It is “so ingrained in the Cambodian culture” as to affect “the language, the yearly calendar, the food, dance, and art, and people’s attitude toward most facets of life”.¹⁴⁸⁸ Notably, its eradication deeply disrupted the crucial relationship ordinary people had with their faith and resulted in severe negative psychological consequences for many. An essential facet of the religion is its mechanisms for coping with traumatic events through its rituals and conceptions of healing.¹⁴⁸⁹ As such, the prohibition of Buddhist ritual practices left many Cambodian believers without a fundamental way of coping with their own suffering,¹⁴⁹⁰ thereby accentuating the already enormous psychological trauma for survivors of the DK regime.¹⁴⁹¹
373. “Without ritual and access to safe spirit places, there is no protection”¹⁴⁹² for oneself, or for one’s family or deceased relatives.¹⁴⁹³ Without protection, people felt “exposed and scared”,¹⁴⁹⁴ and feared “unpredictable, vicious forces”.¹⁴⁹⁵ Being unable to perform rituals for the dead was of profound consequence.¹⁴⁹⁶ One villager testified, “As for my baby who died, I was looking for a monk to pray for the soul as well but there was no

¹⁴⁸⁶ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.32.11-15.33.57.

¹⁴⁸⁷ **E3/1391** Political Programme of the National United Front of Kampuchea, 3 May 1970, EN S00012638 [“Buddhism is and will remain to be the State religion”]; **E3/659** Transcription of Ieng Thirith’s 1980 Audio Interview by Elizabeth Becker, 1980, EN 00182338 [“l’influence bouddhiste reste parce que nous [Cambodgiens] sommes imprégnés depuis l’enfance”]; **E3/3319** United Kingdom Government, *Human Rights Violations in Democratic Kampuchea*, 14 July 1978, EN 00420605 [“It has been estimated that at least 85% of the population of Kampuchea used to practice Buddhism, which was the state religion”]; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703886-87 [prior to the DK period, Buddhism was the state religion]; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237895 [“most Cambodians consider themselves Buddhist”]; **E3/3328** Wilfred Deac, *Road to the Killing Fields*, EN 00430599 [“Buddhism is the center of the rural community”].

¹⁴⁸⁸ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237894-95.

¹⁴⁸⁹ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.16.08-11.16.51.

¹⁴⁹⁰ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.15.21-11.21.46.

¹⁴⁹¹ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.15.21-11.16.51.

¹⁴⁹² **E3/10677** Peg Levine, *Love and Dread in Cambodia*, EN 01334897.

¹⁴⁹³ **E3/10677** Peg Levine, *Love and Dread in Cambodia*, EN 01334907.

¹⁴⁹⁴ **E3/10677** Peg Levine, *Love and Dread in Cambodia*, EN 01334891.

¹⁴⁹⁵ **E3/10677** Peg Levine, *Love and Dread in Cambodia*, EN 01334897.

¹⁴⁹⁶ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.20.48-11.21.46; **E3/10677** Peg Levine, *Love and Dread in Cambodia*, EN 01334897 [“the more people were removed from access to traditional rituals for protection, the more their spirit-based anxiety increased. Fright was the consequence”].

monk in any of the pagoda”.¹⁴⁹⁷ Cambodians believed such souls might otherwise remain and haunt others.¹⁴⁹⁸

374. A basic tenet of the CPK was the abolition of all religions.¹⁴⁹⁹ Expert Alexander Hinton observed that, universally, religion and religious practice do not accord with revolutionary ideals.¹⁵⁰⁰ The CPK leadership considered that the Buddhist religion and its leaders were a particularly critical obstacle to their goal of imposing an absolute dictatorship of radical communists over Cambodian society. This was expressed in their internal propaganda:

[T]he contradiction between the peasants and the landowners is a life-and-death contradiction. ... The contradictions generated hatred, but, in the past the contradictions were buried. Why were these contradictions buried? Because the landowner class, the mandarin holders of power, *and the spiritual leaders of the exploiting classes disseminated information to bury these contradictions. The belief that bad and good deeds from another life resulted in present conditions, etc., served to deceive the peasants and prevent them from seeing the contradictions.*¹⁵⁰¹

375. Buddhism was contrary to CPK ideology and policy. The principle of karma justified the existence of “natural” or social inequalities, and under the rules of Theravada Buddhism, monks were not allowed to farm, but instead were supported by alms given by Buddhist followers.¹⁵⁰² For this reason, the CPK branded Buddhist monks as

¹⁴⁹⁷ **E1/148.1** Pech Srey Phal, T. 5 Dec 2012, 10.13.49-10.15.52.

¹⁴⁹⁸ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.14.24-11.15.21 [Hinton testified to the common belief that souls often remained and came back to haunt people because ceremonies were not performed for them].

¹⁴⁹⁹ **E1/88.1** Yun Kim, T. 19 June 2012, 11.36.30-11.38.41 [“Regarding religion, there was education on this. We were told that the revolution shall not be done twice. First, we were advised to start the Revolution Movement and educate the people, at the same time not to believe in any religion”]; **E1/398.1** Van Mat alias Sales Ahmat, T. 9 Mar 2016, 15.11.04 [“The meeting was not only about the prohibition of religious practice of Islam but also the prohibition of the practices of other religions, including Buddhism”]; **E1/115.1** Em Oeun, T. 27 Aug 2012, 09.21.36-09.26.37 [“In 1972 ... leaders would say in the sessions that we should never treat pagoda's affairs as the core tasks. So they even said that monk was a waste because, if we had to dress the monk with the robes, then we had to spend money, resources unwisely for that - for those monks. ... after 1972, the CPK had an intention to oppose religion because they never valued the importance of religion in the society”]; **E3/628** TIME/CNN, *A Plea for International Support*, 10 Mar 1980, EN 00524518 [Khieu Samphan: “If we succeed in defeating the Vietnamese ... People will be free to practice religion”]; **E3/3346** Alexander Hinton, *Why Did They Kill?*, EN 00431569-70; **E3/3304** Ben Kiernan, *Genocide and Democracy in Cambodia*, EN 00430398; **E3/2812** Henri Locard, *Pol Pot's Little Red Book*, EN 00394744, 00394800-02; **E3/2818** Ian Harris, *Buddhism Under Pol Pot*, EN 00703914.

¹⁵⁰⁰ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.27.53-14.28.59.

¹⁵⁰¹ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486230 (*emphasis added*). See also **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.21.58-14.34.54 [refusing to respond to questions on this issue].

¹⁵⁰² **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703914-15, 00703926; **E3/3346** Alexander Hinton, *Why Did They Kill?*, EN 00431570.

“leeches”, “blood sucking parasitic worms”, and “feudalists who sucked the blood of the people”.¹⁵⁰³ As explained by Expert Elizabeth Becker: “Buddhism was derided as backward and feudal”.¹⁵⁰⁴ As such, the CPK justified their purge of Buddhist clergy under the rubric of destroying the old feudal society.¹⁵⁰⁵

376. Not only was Buddhism considered an exploitative social institution¹⁵⁰⁶ but it also represented a potentially powerful source of political opposition to the DK regime. Buddhism was considered an ideological competitor to the CPK.¹⁵⁰⁷ The CPK leadership desired total control,¹⁵⁰⁸ and they perceived Buddhism as an implicit threat.¹⁵⁰⁹ Buddhists maintained a collective identity; they were part of an autonomous systematic community operating through a pattern of authority.¹⁵¹⁰ The loyalty of former Buddhist monks to the revolution was questioned.¹⁵¹¹ They were considered to be powerful authority figures, and were therefore removed from power so as to quell the fear that an already well-established culture of obedience might persist.¹⁵¹² In order to ensure that no collective action was taken against the new regime, the CPK sent monks out to the fields to work.¹⁵¹³ In areas that were controlled by the CPK prior to 17 April 1975, temples were closed and damaged, monks were forcibly disrobed and conscripted, and Buddhist nuns were executed.¹⁵¹⁴

¹⁵⁰³ **E3/5523** Miech Ponn WRI, A4 (SWZ); **E3/5499** Uk Phorn WRI, EN 00372933 (SWZ); **E3/5132** Preab Proeun WRI, EN 00223191 (EZ); **E3/7818** Saing Nham WRI, EN 00290384 (NWZ); **E3/7988** San Kroeun WRI, EN 00165255 (EZ); **E3/7776** Kham Sek WRI, EN 00356580 (EZ); **E3/7771** Huot Robieb WRI, EN 00350257 (NWZ); **E1/451.1** Henri Locard, T. 29 July 2016, 10.49.06-10.52.21 [Locard comments on slogans concerning Buddhists: “The monks are parasites,” “The monks are intestinal worms gnawing into society”]; **E3/3346** Alexander Hinton, *Why Did They Kill?*, EN 00431570.

¹⁵⁰⁴ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237858.

¹⁵⁰⁵ **E3/7522** Sao Yon DC-Cam Statement, EN 00889706, 00889782; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237933.

¹⁵⁰⁶ **E1/316.1** Keo Loeur, T. 15 June 2015, 10.45.02-10.48.40 [“In the indoctrination session ... we were told that religions, including Buddhism, were exploitative. And at that time, they mentioned that I was a petty bourgeoisie as a monk”].

¹⁵⁰⁷ **E1/191.1** Philip Short, T. 8 May 2013, 11.55.42-11.56.58 [Philip Short testified that the CPK wanted to eliminate the Buddhist religion as it was an ideological competitor to the regime].

¹⁵⁰⁸ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237894.

¹⁵⁰⁹ **E1/93.1** David Chandler, T. 20 July 2012, 15.56.13-15.57.27.

¹⁵¹⁰ **E1/93.1** David Chandler, T. 20 July 2012, 15.56.13-15.57.27.

¹⁵¹¹ **E1/93.1** David Chandler, T. 20 July 2012, 09.33.14-09.34.51, 15.14.06-15.15.46 [Monks were one of the special targets within the CPK regime, especially adaptable to being criticised and devalued].

¹⁵¹² **E1/93.1** David Chandler, T. 20 July 2012, 15.37.29-15.38.40, 15.39.38-15.40.36.

¹⁵¹³ **E1/93.1** David Chandler, T. 20 July 2012, 15.37.29-15.39.38.

¹⁵¹⁴ **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 09.45.15-09.47.14 [“all Buddhist monks had to be conscripted as soldiers in 1973. ... In Kampot province, I can see that it was a policy implemented by leaders in Kampot province”]; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 09.43.07-09.46.04; **E1/504.1** Kheav Neab, T. 30 Nov 2016, 13.41.36-13.43.02; **E1/96.1** David Chandler, T. 25 July 2012, 09.30.32-09.31.25 [Chandler testified to the intimidation of monks occurring as early as 1973, which he considered a successful prelude to policies of this sort later introduced in DK]; **E1/221.1** Stephen Heder, T. 10 July 2013,

377. In their 1976 DK Constitution, the CPK banned “reactionary religions”¹⁵¹⁵ — a prohibition that in practice extended to all religions.¹⁵¹⁶ **Khieu Samphan** stated “our stand is not to allow any foreign imperialists to use religion to subvert us.”¹⁵¹⁷ Continuous efforts of imperialists to “use a religious cloak to infiltrate” the country were therefore to be opposed “at all costs”.¹⁵¹⁸
378. Approximately one month after the CPK took power, on 20 May 1975, the CPK leaders held a conference in Phnom Penh attended by the secretaries of every district, sector, and zone in the country, as well as representatives of all military units.¹⁵¹⁹ The CPK cadres at the conference were instructed by **Nuon Chea** and **Pol Pot** on the Party lines and on policies that they were to implement in their regions, which included closing all pagodas and defrocking all monks.¹⁵²⁰ **Nuon Chea** and **Pol Pot** specifically instructed

14.38.06-14.40.25, 14.33.53-14.36.56 [Heder testified about personally witnessing the aftermath of CPK attacks in Udong in March 1974. Heder observed the virtual destruction of the town, the severe damage to the pagoda, which no longer contained any monks, as well as to the bodies of Buddhist nuns. Heder testified to the certainty, at least in the minds of those he interviewed, of the CPK’s perpetration of the attack]; **E3/7977** Hang Thy WRI, EN 00223529-31; **E3/5499** Uk Phorn WRI, EN 00372928; **E3/7976** Suy Mok WRI, EN 00223526; **E3/7777** Prum Proeung WRI, EN 00358620; **E3/5296** Loem Savon WRI, EN 00358146; **E3/7721** Srei Saphon WRI, EN 00347712-13; **E3/9345** Keh Kan WRI, EN 00340185-86; **E3/9349** Chuop Non WRI, EN 00244160; **E3/445** Sao Phen WRI, A10; **E3/3244** Henri Locard, *Preah Vihear Sector or Zone 103*, EN 00403277.

¹⁵¹⁵ **E3/259** Democratic Kampuchea Constitution, EN 00184838 [“Article 20 ... Reactionary religions which are detrimental to Democratic Kampuchea and Kampuchean people are absolutely forbidden”], EN 00184835 [“This new culture is absolutely opposed to the corrupt, reactionary culture of the various oppressive classes and that of colonialism and imperialism in Kampuchea”].

¹⁵¹⁶ **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.50.20-11.55.17; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.46.04-15.47.54 [Ysa Osman testified to the fact that the DK regime defined a reactionary religion as any religion, including Buddhism]; **E1/451.1** Henri Locard, T. 29 July 2016, 11.33.58-11.35.08 [Henri Locard testified to the speeches made by the Party that indicated that there was only the religion of the Party, to the exclusion of all other religions]; **E1/93.1** David Chandler, T. 20 July 2012, 15.48.38-15.49.26 [according to Chandler, the wording of the Constitution itself indirectly made clear that there was no patience or tolerance for religious activity]; **E3/5593** Heng Samrin Statement, EN 00651883; **E3/3415** United Kingdom, *Materials From the Foreign & Commonwealth Office*, 9 May 2005, EN 00075776 [“Religious persecution has been widespread”]; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703932; **E3/1822** Ysa Osman, *Oukoubah: Justice for the Cham Muslims under the Democratic Kampuchea Regime*, EN 00078543.

¹⁵¹⁷ **E3/273** FBIS, *Khieu Samphan Report*, 6 Jan 1976, EN 00167816.

¹⁵¹⁸ **E3/273** FBIS, *Khieu Samphan Report*, 6 Jan 1976, EN 00167816.

¹⁵¹⁹ **E3/367** Sao Sarun WRI, EN 00278694; **E3/5593** Chea Sim Statement, EN 00651869-70; **E3/1568** Heng Samrin Statement, EN 00651883-84; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024-26.

¹⁵²⁰ **E1/82.1** Sao Sarun, T. 6 June 2012, 11.08.03-11.09.20 *confirming* **E3/367** Sao Sarun WRI, EN 00278694 [“the presenters at the opening sessions were Nuon Chea and Pol Pot ... Both of them talked about ... monastery closings”]; **E1/223.1** Stephen Heder, T. 15 July 2013, 15.09.51-15.12.17 [Heder testified to a series of CPK policy dissemination meetings at the Soviet Technical Institute in 1975 where it was decided Buddhist monks would no longer be able to practice essential aspects of their religion]; **E3/1568** Chea Sim Interview, EN 00651867, and original interview notes **E3/5593** Chea Sim Interview, EN 00419371-72 [confirming that one of the eight points discussed by Pol Pot and Nuon Chea was to “Defrock all monks”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [the list of eight policies discussed at the meeting includes: “(4) Defrock all Buddhist monks and put them to work growing rice”].

the CPK cadres in attendance that monks were a “special class” that were to be “wiped out”, and that Buddhist temples (*wats*) would not be allowed.¹⁵²¹ Following this meeting, district, commune, and sector secretaries returned to their respective regions throughout the country and informed local cadres and monks of the Party Centre policy requiring the monks to disrobe and leave their pagodas.¹⁵²²

379. The implementation of this policy led to the systematic persecution of Buddhist monks and Buddhist lay believers throughout all zones in DK.¹⁵²³ Immediately after the CPK takeover on 17 April 1975, “high-level” Buddhist monks that made up the religion’s hierarchy were summarily executed,¹⁵²⁴ while others were forced from their pagodas.¹⁵²⁵ In the ensuing months, monks across the country were removed from authoritative positions,¹⁵²⁶ and forcibly defrocked,¹⁵²⁷ without following the Buddhist ceremony

¹⁵²¹ **E3/1568** Heng Samrin Statement, EN 00651883-84; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150025.

¹⁵²² **E3/5523** Miech Ponn WRI, A3 (SWZ); **E3/5586** Chhim Chhiek WRI, A9, A16 (SWZ); **E3/5134** Tann Iv WRI, EN 00223537 (SWZ); **E3/5130** Khut Un WRI, EN 00223180 (EZ); **E3/7988** San Kroeun WRI, EN 00165255-56 (EZ); **E3/7726** Nou Sok Khen WRI, EN 00272671-72 (505S); **E3/7814** Tea Tit WRI, EN 00284711 (EZ); **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703986-87 [Harris explained that the typical pattern was for the district office to order local commune cadre to begin disrobing the monks].

¹⁵²³ See **Annex E Buddhist Policy - Chart of Witness Evidence from Each DK Zone** containing testimony and statements of witnesses relating to the persecution of Buddhists which has been admitted at trial in Case 002/02. The evidence is categorized by zones specifying the sector and district where the persecution occurred. The chart demonstrates the widespread and systematic nature of the CPK policy to persecute Buddhists.

¹⁵²⁴ **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.40.31-13.44.06 *confirming* **E3/1804** Francois Ponchaud, *Some General Indications Concerning Violations of Human Rights in Democratic Kampuchea between 1975 and 1978*, EN 00087527 [“The most influential Buddhist priests were executed a few days after the revolutionary victory”]; **E3/3400** UN ECOSOC, *Submission from the UK Government under Decision 9 (XXXIV)*, 17 Aug 1978, EN 00075972; **E3/2060** UN ECOSOC, *Analysis Prepared on Behalf of the Sub-Commission under Decision 9 (XXXIV)*, 30 Jan 1979, EN 00078662-63; **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective*, EN 00661477; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703994 [“Although less widespread than later in the conflict, the communists felt little compunction about executing monks from the outset”], 00703999-4000.

¹⁵²⁵ **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.45.43-11.48.23 (NWZ); **E1/280.1** Riel Son, T. 19 Mar 2015, 09.43.20-09.46.03 (PPSZ/PPAM) [“The monks had been evacuated from Phnom Penh and from elsewhere, and there were more than 100 monks”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 13.54.12-13.57.26 (NWZ) [“we were instructed to leave to the villages, that includes the civilians and the monks”]; **E1/170.1** Pin Yathay, T. 7 Feb 2013, 10.01.55-10.03.15 (SWZ) [“As far as I knew, everyone was asked to leave, including the monks and the laypeople”]; **E3/5130** Khut Un WRI, EN 00223180 (EZ); **E3/2144** Howard J. De Nike et al., *Genocide in Cambodia*, EN 00190293-94; **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective*, EN 00661477.

¹⁵²⁶ **E1/93.1** David Chandler, T. 20 July 2012, 15.37.29-15.38.40 [the CPK systematically removed monks from authoritative positions and prohibited them from exercising their former authority].

¹⁵²⁷ **E1/71.1** Pean Khean, T. 2 May 2012, 14.25.40-14.30.39 (PPSZ/PPAM); 14.27.05 [“It was a kind of huge campaign in defrocking the monks by the Khmer Rouge”]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.51.30-10.55.25 (I05S) [“Yes, it was after the 17 April 1975 that I was defrocked. ... But I was told to leave the monkhood because the regime said that there would be no more monks in the regime”]; **E1/88.1** Yun Kim, T. 19 June 2012, 11.39.49-11.41.54 (505S) [“there were a few monks in Kratie province before 1976, but after 1976, there were no longer any monks”]; **E1/378.1** Prak Yut, T. 19 Jan

traditionally required of a monk wishing to leave the *Sangha*.¹⁵²⁸ After monks were disrobed, many monks were forced to engage in intensive labour as ordinary villagers.¹⁵²⁹ They were ordered to farm rice paddies, plant cotton, uproot tree stumps, clear termite mounds, and build dams, dykes and bridges.¹⁵³⁰ This required the monks to

2016, 15.27.28-15.30.55 (NZ) [“Between 1975 and 1979 there were not Buddhist monks and there were no pagodas”]; **E1/514.1** Long Vun, T. 15 Dec 2016, 14.28.18-14.29.28 (SWZ); **E1/90.1** Khiev Neou, T. 21 June 2012, 09.23.00-09.25.30 (SWZ); **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 09.43.16-09.47.14 (SWZ); **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 14.33.15-14.36.00 (EZ); **E1/344.1** Sos Min, T. 9 Sept 2015, 13.34.16-13.36.12 (EZ); **E1/89.1** Yun Kim, T. 20 June 2012, 14.02.51-14.04.50 (505S); **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.36.33-09.38.40 (NZ); **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 10.03.22-10.08.25 (NZ); **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.31.24-09.35.05 (NZ); **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.54.10-10.57.20 (NZ); **E1/306.1** Hun Sethany, T. 27 May 2015, 10.46.34-10.50.31 (NZ); **E1/301.1** Or Ho, T. 19 May 2015, 15.58.20-16.00.29 (NZ); **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.07.58-14.10.03 (NZ); **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 10.01.53-10.04.33 (NWZ); **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 10.48.23-10.50.48 (NWZ); **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 09.58.42-10.00.00 (NWZ); **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 13.54.12-14.01.06 (NWZ); **E1/127.1** Khiev En, T. 1 Oct 2012, 14.13.28-14.16.20 (WZ); **E1/209.1** Nou Mao, T. 19 June 2013, 14.25.42-14.27.05 (WZ); **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 09.15.37-09.21.23 (NWZ); **E1/137.1** Sokh Chhin, T. 23 Oct 2012, 11.31.18-11.32.49 (NWZ); **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.40.31-13.44.06 confirming **E3/1804** Francois Ponchaud, *Some General Indications Concerning Violations of Human Rights in Democratic Kampuchea between 1975 and 1978*, EN 00087527 [those Buddhist priests that were not executed were forced to resume secular life as from 1976]; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.46.04-15.47.54 [Osman testified to the defrocking of all monks]; **E3/5133** Em Phoeung WRI, EN 00223200 (SWZ); **E3/5498** Bun Thean WRI, EN 00384409 (SWZ); **E3/5510** Khim Pang WRI, EN 00411491 (SWZ); **E3/5515** Phneo Yav WRI, EN 00410250 (SWZ); **E3/5519** Sok Sim WRI, EN 00414079 (SWZ); **E3/507** Khiev Neou WRI, EN 00358141 (SWZ); **E3/7977** Hang Thy WRI, EN 00223529 (SWZ); **E3/7978** Ung Sok WRI, EN 00223541 (SWZ); **E3/7989** Kao Rin WRI, EN 00196731 (SWZ); **E3/5586** Chhim Chhiek WRI, EN 00434910-12 (SWZ); **E3/5560** Tes Ding WRI, EN 00377169 (SWZ); **E3/5134** Tan (Tann) Iv WRI, EN 00223537 (SWZ); **E3/375** Ban Seak WRI, EN 00360759 (EZ); **E3/5130** Khut Un WRI, EN 00223180 (EZ); **E3/5132** Preab Proeun WRI, EN 00223190 (EZ); **E3/7988** San Kroeun WRI, EN 00165255-56 (EZ); **E3/5131** Norgn Ponna WRI, EN 00223185 (EZ); **E3/7776** Kham Sek WRI, EN 00356580 (EZ); **E3/7814** Tea Tit WRI, EN 00284711 (EZ); **E3/7726** Nou Sok Khen WRI, EN 00272672 (505S); **E3/7768** Chhiev Korm WRI, EN 00340167 (505S); **E3/436** Heng Lai Heang WRI, EN 00414571 (505S); **E3/7818** Saing Nham WRI, EN 00290384 (NWZ); **E3/7769** Loet Khun WRI, EN 00340190 (NEZ); **E3/7771** Huot Robieb WRI, EN 00350257-58 (NWZ); **E3/5291** Thun Sovat WRI, EN 00375894-95 (NWZ); **E3/9774** [REDACTED] WRI, EN 00597439 (NWZ); **E3/9763** [REDACTED] WRI, EN 01079336-39 (NWZ); **E3/5270** Tan Hoch WRI, EN 00284687 (NWZ); **E3/5281** Peng Bunthara WRI, EN 00322939 (NWZ); **E3/5283** Chhuy Huy WRI, EN 00321196-97 (NWZ); **E3/9789** [REDACTED] WRI, EN 00986703 (WZ); **E3/1806** UN ECOSOC, *Further Submission from Canada under Decision 9, (XXXIV)*, 8 Sept 1978, EN 00087574; **E3/2545** Huot Robieb, *History of Samraong Knong Pagoda*, EN 00651706 [“there was a sudden plan to defrock all monks by force”]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397107 [“Eventually of course they [monks] realized they had no choice but to follow the official guidelines, and they gradually returned to lay life”]; **E3/3218** Henri Locard, *Kompong Thom – Uddor Region Sector or Zone 43*, EN 00208419, 00208423, 00208425, 00208428.

¹⁵²⁸ **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703985-90.

¹⁵²⁹ **E3/259** Democratic Kampuchea Constitution, EN 00184836 [“Article 12 ... There is absolutely no unemployment in Democratic Kampuchea”]; **E3/659** Transcription of Ieng Thirith’s 1980 Audio Interview by Elizabeth Becker, 1980, EN 00182327 [Ieng acknowledged that everyone had to work during DK]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397107 [“What the Communists did after 1975 was simply to tell the monks that henceforth they had to work like everyone else”].

¹⁵³⁰ **E1/499.1** 2-TCCP-235, T. 11 Nov 2016, 10.04.16-10.06.46 (WZ) [“After the victory on 17 April 1975, I was removed by Democratic Kampuchea from the army, and I was assigned to engage in intensive labour in Sector 11 in Koh Kong. I was imprisoned for 13 months in the wall-less prison”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 13.59.48-14.01.06 (NWZ) [“after I left the monkhood ... I was assigned to uproot the tree stumps, to work in the rice fields, or to clear termite mounds”]; **E1/484.1** 2-TCW-960, T. 17 Oct

perform acts that were forbidden by the Theravada Buddhist rules of monastic discipline (*vinaya*), such as digging the ground.¹⁵³¹ Monks were told they would no longer receive support and had to work,¹⁵³² without religious or labour rights.¹⁵³³ Other monks were forced to join the RAK, notwithstanding the Buddhist precepts of pacifism and non-injury (*ahimsa*).¹⁵³⁴ Some monks were forced to marry,¹⁵³⁵ in violation of their vow of celibacy. All forms of Buddhist ritual performances were banned, especially the giving of alms to monks by believers, a practice which was necessary in order for the monks to survive.¹⁵³⁶ Even lighting incense was prohibited.¹⁵³⁷ The CPK destroyed

2016, 09.13.01-09.14.10 (NWZ) ["The Ministry of Religion went to hold meetings in various pagodas and instructed monks to work in the rice fields and to plant cotton for self-service since there -- we would no longer receive support"]; **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 09.15.37-09.21.23 (NWZ); **E3/5133** Em Phoeung WRI, EN 00223200-201 (SWZ); **E3/5498** Bun Thean WRI, EN 00384409 (SWZ); **E3/5515** Phneu Yav WRI, EN 00410250 (SWZ); **E3/7977** Hang Thy WRI, EN 00223530 (SWZ); **E3/5586** Chhim Chhiek WRI, EN 00434912 (SWZ); **E3/5560** Tes Ding WRI, EN 00377169 (SWZ); **E3/5134** Tan (Tann) Iv WRI, EN 00223536 (SWZ); **E3/5132** Preab Proeung WRI, EN 00223190 (EZ); **E3/5131** Nong Punna WRI, EN 00223185 (EZ); **E3/5296** Loem Savon WRI, EN 00358146 (EZ); **E3/7814** Tea Tit WRI, EN 00284711-12 (EZ); **E3/7726** Nou Sok Khen WRI, EN 00272672 (505S); **E3/7768** Chhiev Korm WRI, EN 00340167 (505S); **E3/7769** Loet Khun WRI, EN 00340190 (NEZ); **E3/7771** Huot Robieb WRI, EN 00350257 (NWZ); **E3/5291** Thun Sovat WRI, EN 00375894 (NWZ); **E3/9774** [REDACTED] WRI, EN 000597439 (NWZ); **E3/438** Khiev En WRI, EN 00375876 (PPSZ/PPAM); **E3/3559** US Department of State Airgram, *Life inside Cambodia*, 31 Mar 1976, EN 00443071 ["Monks almost everywhere are working in the fields, often forced by their KC guards to do more than the average person"]; **E3/2060** UN ECOSOC, *Analysis Prepared on Behalf of the Sub-Commission under Decision 9 (XXXIV)*, 30 Jan 1979, EN 00078663; **E3/2144** Howard J. De Nike et al., *Genocide in Cambodia*, EN 00190294 ["Under the Pol Pot regime, the monks had to raise pigs, tend to the cows, and make wood cases"].

¹⁵³¹ **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703977.

¹⁵³² **E3/5133** Em Phoeung WRI, EN 00223200; **E3/5560** Tes Ding WRI, EN 00377169; **E3/5134** Tan (Tann) Iv WRI, EN 00223537.

¹⁵³³ **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.57.36-11.00.38 ["the regime did not allow us to practice religion and they used labour without respecting the labour rights as we do right now"].

¹⁵³⁴ **E1/483.1** 2-TCW-960, T. 13 Oct 2016, 14.12.00-14.14.38 (NWZ); **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 14.33.15-14.56.50 (EZ); **E3/5498** Bun Thean WRI, EN 00384409 (SWZ); **E3/5515** Phneu Yav WRI, EN 00410250-51 (SWZ); **E3/5519** Sok Sim WRI, EN 00414079 (SWZ); **E3/7989** Kao Rin WRI, EN 00196731-32 (SWZ); **E3/5560** Tes Ding WRI, EN 00377169 (SWZ); **E3/7814** Tea Tit WRI, EN 00284711-12 (EZ); **E3/597** Le Monde, *Interview with a Cambodian Revolutionary*, 15 Jan 1972, EN 00003964 ["In the current revolution, the clergy are playing an active role in the mobilization against the enemy. The just political line of FUNK insures that there is no contradiction between the clergy and the other revolutionary forces"]; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703927, 00703992-94.

¹⁵³⁵ **E1/488.1** Preap Sokhoeun, T. 24 Oct 2016, 09.31.24-09.35.05 (NZ); **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.16.03-14.18.04 (NWZ) ["I would not get married at the time but I was too afraid to be killed"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 13.43.19-13.45.22 (SWZ) ["he was forced to disrobe and to make a resolution together with the village medic"]; **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 10.01.53-10.02.38 (NWZ); **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237959; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703990-91 ["Reports that monks, either individually or sometimes *en masse*, were coerced into taking partners are extraordinarily frequent and the practice may have been more widespread than evidence suggests"].

¹⁵³⁶ **E1/149.1** Kim Vandy, T. 6 Dec 2012, 09.30.40-09.32.22 (SWZ) ["I could say that death, during the regime, was very pathetic, because during the previous regime, when people died, there would be some traditional ceremonies where Buddhist monks would be there to attend the ceremonies. But during this Khmer Rouge regime, when someone died, he or she would be buried or covered with some leaves. They died like the dead animals"]; **E1/105.1** Ong Thong Hoeung, T. 9 Aug 2012, 10.19.05-10.43.40 (PPSZ/PPAM); **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 09.15.37-09.21.23 (NWZ); **E1/90.1** Khiev Neou, T. 21 June 2012, 09.20.28-09.23.00 (SWZ); **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.28.35-14.30.46

Buddhist places of worship as well as sacred artefacts of Buddhist worship such as statues, texts, and ritual objects.¹⁵³⁸ Although a significant number of Buddhist pagodas

(SWZ); **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 09.58.42-10.00.00 (NWZ); **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 13.43.45-13.44.35 (SWZ); **E1/273.1** Neang Ouch alias Ta San, T. 9 Mar 2015, 13.36.23-13.37.50 (SWZ); **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.05.00-14.06.38 (NWZ); **E1/371.1** Thang Phal, T. 6 Jan 2016, 14.03.03-14.04.05 (EZ); **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.17.19-15.18.50 (EZ); **E1/398.1** Sales Ahmat, T. 9 Mar 2016, 15.11.04-15.12.06 (EZ); **E1/490.1** Chuon Thi, T. 26 Oct 2016, 14.18.01-14.25.00 (EZ); **E1/88.1** Yun Kim, T. 19 June 2012, 11.53.18-11.54.58 (505S); **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.51.30-10.57.36 (105S); **E1/17.1** Klan Fit, T. 6 Dec 2011, 15.56.40-16.03.29 (NEZ); **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.54.10-10.57.20 (NZ); **E1/308.1** Seang Sovida, T. 2 June 2015, 11.24.36-11.26.35 (NZ); **E1/322.1** Kong Uth, T. 25 June 2015, 10.42.40-10.45.30 (NZ); **E1/301.1** Or Ho, T. 19 May 2015, 14.07.11-14.09.03 (NZ); **E1/461.1** 2-TCW-850, T. 22 Aug 2016, 13.30.40-13.33.03 (NZ); **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 13.34.14-13.35.32 [Becker testified to the absence of monks and to the absence of worship and the ability to do so]; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.46.04-15.47.54 [Osman testified that all parents and relatives were prohibited by the CPK from practicing any religious belief]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.13.26-11.15.21 [Hinton testified to the difficulty of Buddhists to perform ceremonies for the souls of the dead]; **E1/222.1** Stephen Heder, T. 11 July 2013, 09.25.16-09.27.04 [“Belief and religion, for both Cambodians and other ethnics, were prohibited. Buddhism and Khmer superstition were prohibited as well”]; **E1/473.1** Kasumi Nakagawa, T. 14 Sept 2016, 11.27.07-11.28.18 [Nakagawa testified to the fact that no religious practice was carried out in wedding ceremonies in DK]; **E3/5523** Miech Ponn WRI, EN 00434652 (SWZ); **E3/5586** Chhim Chhiek WRI, EN 00434911-13 (SWZ); **E3/375** Ban Seak WRI, EN 00360759 (EZ); **E3/5130** Khut Un WRI, EN 00223180-81 (EZ); **E3/5132** Preab Proeung WRI, EN 00223190 (EZ); **E3/5131** Nong Punna WRI, EN 00223185-86 (EZ); **E3/7983** Tép Dom WRI, EN 00165218-19 (EZ); **E3/7726** Nou Sok Khen WRI, EN 00272671-72 (505S); **E3/7771** Huot Robieb WRI, EN 00350257 (NWZ); **E3/5291** Thun Sovat WRI, EN 00375894-95 (NWZ); **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397107 [monks could no longer teach or carry out any religious activity]; **E3/2144** Howard J. De Nike et al., *Genocide in Cambodia*, EN 00190294 [“All [20,000 monks and nuns] were forced to put an end to their religious practice”].

1537 **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.32.11-15.33.57.

1538 **E1/263.1** Em Phoeung, T. 16 Feb 2015, 14.15.12-14.17.20 (EZ) [“During the DK regime, everything was destroyed. The Buddhist manuscript, for example ... they torn them apart and used them as hats. And I personally witnessed it being destroyed and used it. Even the Buddhist painting was torn away and destroyed or some were used to -- to be used as hats”]; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.50.10-10.53.00 (PPSZ/PPAM); **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.04.02-14.05.45 (WZ) [“I said that because I saw the Khmer Rouge actually dismantle a Buddha statue. It means that they no longer had any belief in the religion”]; **E1/206.1** Sim Hao, T. 12 June 2013, 15.31.16-15.32.40 (PPSZ/PPAM) [“there was no monk at all throughout the regime, and Buddha statues and all the pagodas were ordered to be destroyed. ... They would use some monks in order to destroy the temple”]; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.46.04-15.47.54 [Osman testified to the destruction of all Buddhist temples by the DK regime]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.13.26-11.15.21 [Hinton testified to the destruction and damaging of pagodas and Buddhist statues]; **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.40.31-13.44.06 *confirming* **E3/1804** Francois Ponchaud, *Some General Indications Concerning Violations of Human Rights in Democratic Kampuchea between 1975 and 1978*, EN 00087527 [“Statues of the Buddha have been desecrated and most often smashed”]; **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 15.53.45-15.55.40 (EZ); **E1/344.1** Sos Min, T. 9 Sept 2015, 13.34.16-13.36.12 (EZ); **E1/88.1** Yun Kim, T. 19 June 2012, 11.47.51-11.49.56 (505S); **E1/415.1** Sos Kamri, T. 6 Apr 2016, 15.02.25-15.06.16 (NZ); **E1/368.1** Y Vun, T. 15 Dec 2015, 09.54.45-09.59.50 (NZ); **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.16.55-11.19.31 (NZ); **E3/5133** Em Phoeung WRI, EN 00223200-201 (SWZ); **E3/7976** Suy Mok WRI, EN 00223525-27 (SWZ); **E3/5523** Miech Ponn WRI, EN 00434652 (SWZ); **E3/7989** Kao Rin WRI, EN 00196731-32 (SWZ); **E3/5586** Chhim Chhiek WRI, EN 00434913 (SWZ); **E3/5134** Tan (Tann) Iv WRI, EN 00223538 (SWZ); **E3/7777** Prum Proeung WRI, EN 00358620 (EZ); **E3/7987** Prum Proeung WRI, EN 00165241 (EZ); **E3/5130** Khut Un WRI, EN 00223181 (EZ); **E3/5132** Preab Proeung WRI, EN 00223191 (EZ); **E3/5131** Nong Punna WRI, EN 00223186 (EZ); **E3/7983** Tép Dom WRI, EN 00165219 (EZ); **E3/7721** Srei Saphon WRI, EN 00347712-13 (EZ); **E3/7768** Chhiev Korm WRI, EN 00340167 (505S); **E3/7769** Loet Khun WRI, EN 00340190-91 (NEZ); **E3/9345** Keh Kan WRI, EN 00340186 (NEZ); **E3/5291** Thun Sovat WRI, EN 00375895 (NWZ); **E3/7818** Saing Nham WRI, EN 00290384

had been destroyed in combat during the 1970-75 war, the CPK itself claimed to have destroyed 90 percent of all Buddhist monasteries.¹⁵³⁹ Other pagodas and monasteries were either closed or converted to non-religious and often sacrilegious uses, such as pigsties, slaughterhouses, and torture centres.¹⁵⁴⁰

(NWZ); **E3/5283** Chhuy Huy WRI, EN 00321196 (NWZ); **E3/445** Sao Phen WRI, EN 00508574 (WZ); **E3/1806** UN ECOSOC, *Submission from Canada under Decision 9 (XXXIV)*, 8 Sept 1978, EN 00087574; **E3/2622** *Crime Report for Treang District*, 1985, EN 00725088; **E3/2621** *Report on Pol Pot Crimes in Bati District*, 7 Jan 1979, EN 00721529 [“Pol Pot destroyed 35 pagodas completely”]; **E3/3400** UN ECOSOC, *Submission from the UK Government under Decision 9 (XXXIV)*, 17 Aug 1978, EN 00075972; **E3/1805** UN ECOSOC, *Submission from Norway under Decision 9 (XXXIV)*, 18 Aug 1978, EN 00087556; **E3/3559** US Department of State Airgram, *Life inside Cambodia*, 31 Mar 1976, EN 00443071 [“Many wats have been either dismantled or used for other purposes”]; **E3/3218** Henri Locard, *Kompong Thom – Uddor Region Sector or Zone 43*, EN 00208423, 00208428; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00704018 [evidence suggests that the dismantlement of pagodas was not a purely local initiative but that orders at a higher level had been formulated]; **E3/2144** Howard J. De Nike et al., *Genocide in Cambodia*, EN 00190294 [“Several principal temples of our 26 pagodas in Phnom Penh were sacked”].

¹⁵³⁹ **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00704015.

¹⁵⁴⁰ **E1/150.1** Hun Chhunly, T. 7 Dec 2012, 10.20.25-10.22.33 (NWZ) [“certain Buddhist pagodas were transformed into prisons. And the other were transformed into the detention centre; for example, one of the pagodas ... if they would send anyone for operation experiment they would bring those people to this pagoda”]; **E1/105.1** Ong Thong Hoeung, T. 9 Aug 2012, 10.19.05-10.21.28 (PPSZ/PPAM) [“I went through Langka Pagoda ... my observation was that the temple at the pagoda was kind of used for pigs”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.32.45-10.35.30 (PPSZ/PPAM) [“I was asked to bring all those people onto the vehicles to be smashed at Kouk Roluos pagoda”]; **E1/446.1** Meas Soeurn, T. 29 June 2016, 14.25.12-14.27.35 (EZ); **E1/506.1** Sin Oeng, T. 5 Dec 2016, 13.39.04-13.41.53 (EZ); **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.49.24-10.52.00 (EZ); **E1/371.1** Thang Phal, T. 6 Jan 2016, 13.58.51-14.03.03 (EZ); **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.18.05-10.20.43 (NZ); **E1/372.1** Sos Romly, T. 8 Jan 2016, 11.05.25-11.09.05 (EZ); **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.36.33-09.38.40 (NZ); **E1/301.1** Or Ho, T. 19 May 2015, 11.27.20-11.29.21 (NZ); **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.00.15-14.02.18 (EZ); **E1/88.1** Yun Kim, T. 19 June 2012, 11.41.54-11.46.01 (5055); **E1/398.1** Sales Ahmat, T. 9 Mar 2016, 11.01.05-11.04.22 (EZ); **E1/374.1** Say Doeun, T. 12 Jan 2016, 11.15.20-11.16.47, 15.21.37-15.24.09 (NZ); **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34 (EZ); **E1/170.1** Pin Yathay, T. 7 Feb 2013, 10.59.34-11.01.21 (SWZ); **E1/448.1** Moeng Vet, T. 26 July 2016, 14.03.47-14.05.48 (SWZ); **E1/368.1** Y Yun, T. 15 Dec 2015, 09.27.50-09.30.10 (NZ); **E1/459.1** 2-TCCP-1040, T. 17 Aug 2016, 09.53.45-09.56.49 (EZ); **E1/504.1** Preap Chhon, T. 30 Nov 2016, 14.45.50-14.48.02 (EZ); **E1/415.1** Sos Kamri, T. 6 Apr 2016, 10.50.10-10.52.08 (NZ); **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.16.55-11.19.31, 11.21.05-11.23.40 (NZ); **E1/362.1** Prak Doeun, T. 3 Dec 2015, 09.57.02-09.58.28 (WZ); **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.05.00-14.06.38 (NWZ); **E1/358.1** Sean Song, T. 28 Oct 2015, 09.25.35-09.27.20, 11.18.10-11.20.23 (NZ); **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.07.20-11.09.48 (WZ); **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 13.34.14-13.35.32 [Becker testified to the conversion of pagodas to granaries as well as to their unoccupied nature]; **E1/451.1** Henri Locard, T. 29 July 2016, 15.24.58-15.26.41 [“But during 1975, the network of prisons was set-up, the prisons were either located in former pagodas or schools”]; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 14.32.03-14.33.59; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.05.51-16.07.20; **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.40.31-13.44.06 *confirming E3/1804* Francois Ponchaud, *Some General Indications Concerning Violations of Human Rights in Democratic Kampuchea between 1975 and 1978*, EN 00087527; **E1/484.1** 2-TCW-960, T. 17 Oct 2016, 09.13.01-09.14.10 (NWZ); **E1/393.1** Meu Peou, T. 29 Feb 2016, 11.22.34-11.24.31 (NEZ); **E1/502.1** Beit Boeurn (Bit Na), T. 28 Nov 2016, 13.42.15-13.43.40 (PPSZ/PPAM); **E1/430.1** Suos Thy, T. 2 June 2016, 09.20.05-09.22.34 (PPSZ/PPAM); **E1/467.1** Phan Him, T. 31 Aug 2016, 15.55.30-15.57.34 (PPSZ/PPAM); **E3/5560** Tes Ding WRI, EN 00377169 (SWZ); **E3/7777** Prum Proeung WRI, EN 00358620 (EZ); **E3/5291** Thun Sovat WRI, EN 00375895 (NWZ); **E3/5499** Uk Phorn WRI, EN 00372928, 00372933 (SWZ); **E3/7975** Prum Proeung WRI, EN 00223216 (EZ); **E3/7983** Tép Dom WRI, EN 00165218-19 (EZ); **E3/5518** Sao Han (Hean) WRI, EN 00413902 (SWZ); **E3/5132** Preab Proeung WRI, EN 00223191 (EZ); **E3/5296** Loem Savon WRI, EN 00358146 (EZ); **E3/7976** Suy Mok

380. The successful implementation of this policy was referenced in a number of contemporaneous publications, directives, or statements by the CPK leadership.¹⁵⁴¹ For example, a 22 September 1975 Party circular noted that most monks had left the monkhood, that “[p]agodas which are the core foundations for the existence of the monkhood were abandoned”, that people no longer went to pagodas or offered alms to the monks, and that religious practice had “disappeared”.¹⁵⁴² The Party concluded that, based on this trend, “90 to 95 percent of the monks and Buddhist practices will no longer exist” and “this special layer [of the society] will no longer cause any worry”.¹⁵⁴³ In the June 1977 issue of *Revolutionary Flag*, former monks were identified as the part of the “petty bourgeoisie” most likely to be enemies of the CPK.¹⁵⁴⁴ In April 1978, a senior DK official told a visiting Yugoslavian delegation that “Buddhism was incompatible with the revolution,” and that this “problem” was no longer an issue because “Buddhism is dead”.¹⁵⁴⁵

WRI, EN 00223525-27 (SWZ); **E3/9345** Keh Kan WRI, EN 00340185-86 (NEZ); **E3/5130** Khut Un WRI, EN 00223181 (EZ); **E3/5133** Em Phoeung WRI, EN 00223201 (SWZ); **E3/7769** Loet Khun WRI, EN 00340190 (NEZ); **E3/445** Sao Phen WRI, EN 00508574 (WZ); **E3/7721** Srei Saphon WRI, EN 00347712-13 (EZ); **E3/7771** Huot Robieb WRI, EN 00350257 (NWZ); **E3/5515** Phneu Yav WRI, EN 00410250 (SWZ); **E3/5586** Chhim Chhiek WRI, EN 00434911 (SWZ); **E3/5131** Nong Punna WRI, EN 00223185-86 (EZ); **E3/2545** Huot Robieb, *History of Samraong Knong Pagoda*, EN 00651705-06; **E3/3400** UN ECOSOC, *Submission from the UK under Decision 9 (XXXIV)*, 17 Aug 1978, EN 00075972; **E3/4521** UN ECOSOC, *Submission from Amnesty International under Decision 9 (XXXIV)*, 15 Aug 1978, EN 00076007; **E3/1806** UN ECOSOC, *Submission from Canada under Decision 9 (XXXIV)*, 8 Sept 1978, EN 00087574; **E3/2622** Crime Report for Treang District, 1985, EN 00725088; **E3/2621** *Report on Pol Pot Crimes in Bati District*, 7 Jan 1979, EN 00721529 [“Pol Pot destroyed 35 pagodas completely while some were used as execution sites”]; **E3/1805** UN ECOSOC, *Submission from Norway under Decision 9 (XXXIV)*, 18 Aug 1978, EN 00087556; **E3/2060** UN ECOSOC, Analysis Prepared on Behalf of the Sub-Commission under Decision 9 (XXXIV), 30 Jan 1979, EN 00078663; **E3/3559** US Department of State Airgram, Life inside Cambodia, 31 Mar 1976, EN 00443071 [“Many wats have been either dismantled or used for other purposes”]; **E3/8049** Site Identification Report, 26 Nov 2009; **E3/3218** Henri Locard, *Kompong Thom – Uddor Region Sector or Zone 43*, EN 00208411; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00704023 [Harris notes the widespread use of pagodas as workshops of torture and execution], EN 00704017 [by December 1975 nearly all monasteries still active in the country were closed]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397107 [“temples were turned into offices, meeting halls, and militia barracks”].

¹⁵⁴¹ **E1/222.1** Stephen Heder, T. 11 July 2013, 15.16.37-15.19.55 [In an interview with Heder, Mat Ly indicated that at a CPK Assembly meeting that he attended “they eliminated all religion”]; **E3/659** Transcription of Ieng Thirith’s 1980 Audio Interview by Elizabeth Becker, 1980, EN 00182338 [“il en reste très peu [de bonzes] parce que les jeunes se sont tous défroqués depuis la guerre”].

¹⁵⁴² **E3/99** CPK, Concerning the Grasp and Implementation of the Political Line in Mobilizing the National Democratic Front Forces of the Party, 22 Sept 1975, EN 00244275.

¹⁵⁴³ **E3/99** CPK, Concerning the Grasp and Implementation of the Political Line in Mobilizing the National Democratic Front Forces of the Party, 22 Sept 1975, EN 00244275.

¹⁵⁴⁴ **E3/135** *Revolutionary Flag*, June 1977, EN 00446860.

¹⁵⁴⁵ **E3/2307** Slavko Stanic, *Kampuchea – Socialism Without a Model*, EN S 00046706; **E3/2306** Tanjug Domestic Service, A Yugoslav Journalist’s Impressions on His Visit, EN S 00010085-86.

381. As a result of the implementation of this policy, Buddhism as an institution and as a practice in DK was annihilated by the CPK.¹⁵⁴⁶ Anyone who protested this state of affairs was liable to be summarily executed.¹⁵⁴⁷ From the trial testimony and statements provided to the Trial Chamber and to Investigative Judges, the evidence demonstrates that the persecution of Buddhists in the DK era was widespread and systematic, occurring across all zones and autonomous sectors in DK and the result of a deliberate policy emanating from the top of the CPK hierarchy.¹⁵⁴⁸

¹⁵⁴⁶ **E1/88.1** Yun Kim, T. 19 June 2012, 11.44.00-11.46.01 (505S) ["During the Democratic Kampuchea regime ... it was an end to Buddhism"]; **E1/344.1** Sos Min, T. 9 Sept 2015, 13.34.16 (EZ) ["All religions, including Buddhism ... were abolished"]; **E1/415.1** Sos Kamri alias Kamaruttin Yusof, T. 6 Apr 2016, 15.02.25-15.06.16 (NZ) [when asked if only Cham people or all religious followers were considered enemies: ... If only the Cham people who practice Islamic religion were killed, that was a separate matter. However, for Buddhism, the pagodas, the temples, and the Buddha statues were also destroyed. So they were talking about religions"]; **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.02.08-14.05.22 (PPSZ/PPAM); **E1/350.1** No Sates, T. 28 Sept 2015, 13.42.41-13.44.26 (EZ); **E1/89.1** Yun Kim, T. 20 June 2012, 14.02.51-14.04.50 (505S); **E1/350.1** Him Man, T. 28 Sept 2015, 09.35.05-09.37.16 (NZ); **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.28.18-10.30.22 (NZ); **E1/301.1** Or Ho, T. 19 May 2015, 14.07.11-14.09.03 (NZ); **E1/417.1** Chum Mey T. 18 Apr 2016, 14.13.59-14.16.24 (PPSZ/PPAM); **E1/260.1** Elizabeth Becker, T. 10 Feb 2015, 11.11.43-11.15.20 [Becker testified to the "complete erasure of Buddhist culture" following her visit to Cambodia in December 1978]; **E1/473.1** Kasumi Nakagawa, T. 14 Sept 2016, 11.09.25-11.11.46 [Nakagawa testified to the destruction of Buddhism by the Khmer Rouge], 11.27.07-11.28.18; **E1/472.1** Kasumi Nakagawa, T. 13 Sept 2016, 13.49.55-13.51.17; **E3/375** Ban Seak WRI, EN 00360759 (EZ); **E3/7987** Prum Proeung WRI, EN 00165241 (EZ); **E3/7769** Loet Khun WRI, EN 00340190-91 (NEZ); **E3/5281** Peng Bunthara WRI, EN 00322939 (NWZ); **E3/5291** Thun Sovat WRI, EN 00375894 (NWZ); **E3/3400** UN ECOSOC, *Submission from the UK under Decision 9 (XXXIV)*, 17 Aug 1978, EN 00075972 ["This result has been achieved, as refugees have testified, by the execution of some monks, by the expulsion of the majority from their monasteries to work alongside the rest of the population in the fields or in work camps, and by the prohibition of religious observance"]; **E3/2060** UN ECOSOC, *Analysis Prepared on Behalf of the Sub-Commission under Decision 9 (XXXIV)*, 30 Jan 1979, EN 00078651 ["5. The launching of a sustained programme designed to destroy traditional religious and family life"]; **E3/3415** United Kingdom, *Materials From the Foreign & Commonwealth Office*, 9 May 2005, EN 00075811 ["There was no religious life"].

¹⁵⁴⁷ **E1/17.1** Klan Fit, T. 6 Dec 2011, 16.00.41-16.03.29 (NEZ) ["We had to really be abided by political line, or we would be killed"]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.09.20-10.12.07 (SWZ) ["monks were mistreated and struck to death as they opposed to instructions by Angkar"]; **E3/9774** [REDACTED] WRI, EN00597439 (NWZ); **E3/7769** Loet Khun WRI, EN 00340190-91 (NEZ); **E3/436** Heng Lai Heang WRI, EN 00414571 (505S); **E3/5523** Miech Ponn WRI, EN 00434651 (SWZ); **E3/5291** Thun Sovat WRI, EN 00375894-95 (NWZ); **E3/8462**, *List of Monks and Royal Families*, EN 00786215 [list of executed Buddhist monks]; **E3/2545** Huot Robieb, *History of Samraong Knong Pagoda*, EN 00651706 ["Those who were defiant were killed"]; **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective*, 1 Mar 2003, EN 00661477 [Monks were killed due to their unwillingness to give up Buddhism]; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237959 [Becker indicated that monks were either executed or ordered to defrock and work in the cooperatives in violation of their religious tenets. A refusal to follow such an order led to execution]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397107 [those monks who adamantly refused to comply with the new style of life were executed]; **E3/2144** Howard J. De Nike et al., *Genocide in Cambodia*, EN 00190293-94.

¹⁵⁴⁸ See **Annex E** CPK Buddhist Policy Chart of Witness Evidence from Each DK Zone. The evidence demonstrates that the persecution of Buddhists occurred in the Southwest Zone in Sectors 13, 25, 32, 33, and 35; in the East Zone in Sectors 20, 21, 22, and 23; in Sector 505 (Kratie), in Sector 105, in the Northeast Zone in Sectors 101, and 104; in the North Zone in Sectors 41, 42, 43, and 106; in the Northwest Zone in Sectors 1, 2, 3, 4, 5, and 6; in the West Zone in Sectors 11, 31, 32, and 37; and in the

C. ROLE AND CONTRIBUTION OF ACCUSED TO COMMON CRIMINAL PLAN

1. ROLE OF NUON CHEA

PRE-1975 BACKGROUND & POSITIONS

382. **Nuon Chea** first joined the Communist Party as a student in Thailand in the 1940s.¹⁵⁴⁹ On his return to Cambodia in 1950, he transferred to the Indochinese Communist Party (ICP) and became responsible for propaganda and education of Party members in northwest Cambodia.¹⁵⁵⁰ He remained active in the communist movement over the ensuing years, attending the 1951 Congress at which the ICP was dissolved and the Kampuchean People's Revolutionary Party (KPRP) formed,¹⁵⁵¹ and studying communist ideology and militia warfare at the highest-level school of the Vietnamese party from 1953 to 1954.¹⁵⁵²
383. In 1955, **Nuon Chea** moved to Phnom Penh and worked to rebuild the communist party in Cambodia, which had largely dissolved after the 1954 Geneva peace agreement.¹⁵⁵³ He first met Saloth Sar at that time,¹⁵⁵⁴ and from 1956 to 1960 the two worked closely together to re-establish Party branches and develop strategic lines for the Cambodian Party separate from those of the Vietnamese Party.¹⁵⁵⁵ During those years, **Nuon Chea**

Phnom Penh Special Zone/Phnom Penh Autonomous Municipality.

¹⁵⁴⁹ **E1/16.1** Nuon Chea, T. 5 Dec 2011, 11.11.12-11.14.06, 11.28.22-11.33.37; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.19.53-11.25.40; **E3/3** Nuon Chea Statement, May 1998, EN 00184664; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329506; **E3/17** David Chandler, *Brother Number One*, EN 00392968.

¹⁵⁵⁰ **E3/3** Nuon Chea Statement, May 1998, EN 00184664; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 11.31.08; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.51.23-11.55.43; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329506-07; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757502.

¹⁵⁵¹ **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.22.55-11.25.40; **E3/3** Nuon Chea Statement, May 1998, EN 00184656.

¹⁵⁵² **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.05.55-11.15.34; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498226; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757503-04.

¹⁵⁵³ **E3/3** Nuon Chea Statement, May 1998, EN 00184658; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.01.20; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 11.37.48-11.39.50; **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.21.29; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329507-08; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757505.

¹⁵⁵⁴ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.24.10-11.26.31; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757505.

¹⁵⁵⁵ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.01.20-14.03.12; **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.44.21-10.01.56 ["Saloth Sar and I ... we were charged with the responsibility to devise strategic and tactical lines for the Party"]; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.56.19; **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.24.10-11.29.01; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 11.37.48-11.39.50; **E3/3** Nuon Chea Statement, May 1998, EN 00184660-61 ["There was Saloth Sar and there was me playing the leading roles"]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757506-07; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498229-30; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486225, 00486231.

was the Secretary of the Party's Phnom Penh City Committee and Saloth Sar was a member of that Committee.¹⁵⁵⁶

384. At the 1st Party Congress held at the Phnom Penh railway station in September 1960,¹⁵⁵⁷ the Congress adopted the proposed Party Statute and political lines that had been prepared by **Nuon Chea** and Saloth Sar,¹⁵⁵⁸ and appointed Tou Samuth as Party Secretary, **Nuon Chea** as Deputy Secretary, and Saloth Sar the Member of the Party's Standing Committee.¹⁵⁵⁹ After the arrest and execution of Tou Samuth in July 1962,¹⁵⁶⁰ the 2nd Party Congress was held in February 1963.¹⁵⁶¹ While **Nuon Chea** was in line to replace Tou Samuth, he instead remained Deputy Secretary and requested Saloth Sar to become the new Party Secretary.¹⁵⁶² **Nuon Chea** and Saloth Sar agreed that while the latter would be put forward as the new Secretary, they would work together "as a team" and consult on all significant issues.¹⁵⁶³ Following the adoption of its political lines, the

¹⁵⁵⁶ **E3/3** Nuon Chea Statement, May 1998, EN 00184658; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757505; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329508.

¹⁵⁵⁷ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.03.12; **E1/24.1** Nuon Chea, T. 10 Jan 2012, 11.03.10-11.11.11; **E3/3** Nuon Chea Statement, May 1998, EN 00184662 [Congress attended by 10 to 15 representatives]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417632; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486226 [Congress limited to 21 delegates]; **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396337; **E3/27** Khieu Samphan WRI, EN 00156750.

¹⁵⁵⁸ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.03.12-14.04.05; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486226-27; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757507 ["the Congress approved the political principles and statutes of the party, created by Nuon Chea and Pol Pot"]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498230-31.

¹⁵⁵⁹ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.03.12-14.04.05; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 14.21.29-14.27.35; **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.46.24; **E3/3** Nuon Chea Statement, May 1998, EN 00184662; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417630-31; **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396338-39.

¹⁵⁶⁰ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.09.20-14.11.01; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 14.33.24-14.37.14; **E3/3** Nuon Chea Statement, May 1998, EN 00184665; **E1/93.1** David Chandler, T. 20 July 2012, 11.28.00-11.31.02; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396341.

¹⁵⁶¹ **E1/26.1** Nuon Chea, T. 12 Jan 2012, 09.35.02-09.37.55; **E3/3** Nuon Chea Statement, May 1998, EN 00184667; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417621; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396341-42; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498235-36; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865696.

¹⁵⁶² **E1/16.1** Nuon Chea, T. 5 Dec 2011, 14.29.42-14.31.16; **E3/3** Nuon Chea Statement, May 1998, EN 00184661, 00184666-67 ["Why was I not Party Secretary? Because the Pracheachon Group made the accusation that I was related to Sieu Heng ... I discussed it with Saloth Sar, and he said if it was like that he would be Secretary instead, with me as the Deputy"]; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329509; **E3/4001R** Video *Additional Footage: Nuon Chea Interview*, 09:31-11:33; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417632; **E3/17** David Chandler, *Brother Number One*, EN 00392977-78; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393746-47.

¹⁵⁶³ **E3/4001R** Video *Additional Footage: Nuon Chea Interview*, 09:26-12:52; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757546 ["Before any new initiatives were presented, Pol Pot and Nuon Chea always discussed them together to hammer out the ideas and make sure they agreed on every point"].

Party began an internal publication called *Revolutionary Flag*, which **Nuon Chea** has admitted was written by himself and Pol Pot.¹⁵⁶⁴

385. When Pol Pot, Ieng Sary, and Son Sen fled the capital for the maquis in March 1963 after they were named in a list of 34 suspected “leftists,”¹⁵⁶⁵ **Nuon Chea** stayed in Phnom Penh and assumed responsibility for Party operations in the capital and most other regions of the country,¹⁵⁶⁶ a responsibility that continued for the next seven years, even after Pol Pot established a new Party office in Ratanakiri in 1967.¹⁵⁶⁷ In early 1968, **Nuon Chea** convened a meeting in Phnom Penh with the zone leaders, at which the decision was made to initiate armed struggle against the Sihanouk government.¹⁵⁶⁸
386. In September 1970, **Nuon Chea** left Phnom Penh and joined Pol Pot and **Khieu Samphan** at the new Party headquarters known as S-71 that was located near the Steung Chinit River in Kampong Cham province.¹⁵⁶⁹ While based at S-71, **Nuon Chea** participated in meetings of the CPK leaders (including the 3rd Party Congress in 1971

¹⁵⁶⁴ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.20.03-14.21.58; **E3/3** Nuon Chea Statement, May 1998, EN 00184663 [discussing period after the 1960 Party Congress: “we put out a secret magazine, initially called *Revolutionary Flag*. We distributed it among ourselves internally both in the city and in the countryside. The aim of *Revolutionary Flag* was to write about revolutionary theory, the revolutionary line”].

¹⁵⁶⁵ **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.26.07; **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.31.01-09.38.12; **E3/3** Nuon Chea Statement, May 1998, EN 00184667-68; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417620-21; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498236-37; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396342-46; **E1/93.1** David Chandler, T. 20 July 2012, 11.36.01-11.36.58; **E3/1583** Pol Pot Interview, 17 Mar 1978, EN S 00011322.

¹⁵⁶⁶ **E3/3** Nuon Chea Statement, May 1998, EN 00184668 [“In the city and in the countryside on that side, I was responsible for everything. As for Pol Pot, he was responsible for the East”]; **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.26.07; **E1/93.1** David Chandler, T. 20 July 2012, 11.36.58-11.38.29; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393751.

¹⁵⁶⁷ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.11.42-14.14.19 [admitting he was in charge of Phnom Penh and “the northwest, southwest, east, north”]; **E1/21.1** Nuon Chea, T. 13 Dec 2011, 09.54.38; **E1/26.1** Nuon Chea, T. 12 Jan 2012, 10.25.41; **E3/3** Nuon Chea Statement, May 1998, EN 00184669 [“later Pol Pot went to Ratanakiri ... The Center there led only Mondulakiri-Ratanakiri, everything over on that other side was mine”]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417622-23; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393772-73, 00393887.

¹⁵⁶⁸ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.11.42-14.14.19; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.59.41-11.04.35; **E3/3** Nuon Chea Statement, May 1998, EN 00184669 [also noting: “At that time we had no contact with Ratanakiri”]; **E3/196** Nuon Chea Speech, 30-31 July 1978, EN 00762394; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396373; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393791-93 [“Sar, Ieng Sary and Son Sen were informed of the Phnom Penh decision to begin people’s war by couriers who trekked to the Northeast, a journey that took months”].

¹⁵⁶⁹ **E3/27** Khieu Samphan WRI, EN 00156744-45; **E3/18** Khieu Samphan, *Cambodia’s Recent History & the Reasons Behind the Decisions I Made*, EN 00103742 [discussing 1970 trip to Stoeung Chinit: “This is where we met Saloth Sar and Nuon Chea”]; **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.22.45 [regularly stayed at “Boeng Lvea, along Chinit River” in pre-75 period]; **E3/23** DK *Black Paper*, Sept 1978, EN 00082541; **E1/86.1** Oeun Tan, T. 13 June 2012, 10.21.41-10.23.51 [witness travelled with Pol Pot from Ratanakiri to Kampong Cham, where they met Nuon Chea and Khieu Samphan]; **E3/33** Oeun Tan WRI, EN 00235126-27; **E3/24** Phy Phuon WRI, EN 00223580; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417623.

and annual Central Committee meetings),¹⁵⁷⁰ travelled to other provinces to meet with zone leaders,¹⁵⁷¹ inspected worksites,¹⁵⁷² and chaired political education meetings in which he instructed zone, sector and district-level cadres on the Party's policies.¹⁵⁷³

387. In 1974, when Pol Pot relocated to the B-5 base west of Oudong, **Nuon Chea** remained at S-71, but traveled to B-5 from time to time for meetings with Pol Pot, **Khieu Samphan**, and the zone leaders and military commanders.¹⁵⁷⁴ He stayed at B-5 during the final weeks leading up to the capture of Phnom Penh,¹⁵⁷⁵ and traveled to the capital with Pol Pot and **Khieu Samphan** a few days after 17 April 1975.¹⁵⁷⁶

¹⁵⁷⁰ **E3/3** Nuon Chea Statement, May 1998, EN 00184673 ["I opened the Third Party Congress ... after the coup, during 70-71"]; **E1/26.1** Nuon Chea, T. 12 Jan 2012, 11.20.01-11.20.53 [Central Committee meetings "were held when the office moved to Stung Chinit"]; **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.42.14; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.10.28-11.11.53; **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.05.46-09.07.44; **E148** Nuon Chea notes, EN 00950529; **E1/151.1** Kham Phan alias Phan Van, T. 11 Dec 2012, 11.27.40-11.30.40, referring to **E3/57** Kham Phan WRI, EN 00290504-05; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.26.03-09.28.38; **E1/86.1** Oeun Tan, T. 13 June 2012, 10.15.54-10.21.41; **E3/35** Ke Pich Vannak WRI, EN 00346147-48; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491411; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865704 ["In 1971, the Party held the Party's 3rd Great Congress"], EN 00865708-09; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486247.

¹⁵⁷¹ **E1/97.1** Phy Phuon, T. 26 July 2012, 09.12.03-09.17.06 [stating that Nuon Chea "made as many trips as Pol Pot," and describing his 1972 trip to Samlaut "to meet with the Northwest Zone leaders" including Ros Nhim]; **E1/88.1** Yun Kim, T. 19 June 2012, 09.26.50-09.28.47; **E3/410** Yun Kim WRI, EN 00412192.

¹⁵⁷² **E1/117.1** Norng Sophang, T. 29 Aug 2012, 11.22.43-11.25.13 [Pol Pot and Nuon Chea came to B-17 to "inspect the production work to see its progress"]; **E3/18** Khieu Samphan, *Cambodia's Recent History*, EN 00103747-48 [describing 1971 "work tour" with Pol Pot and Nuon Chea].

¹⁵⁷³ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.54.35-14.56.09 [describing pre-75 war period: "I, myself, Nuon Chea, was at the back, near Chinit River, offering the regular educational sessions for zone cadres"]; **E1/82.1** Sao Sarun, T. 6 June 2012, 09.08.41-09.18.13; **E3/367** Sao Sarun WRI, EN 00278694 ["Nuon Chea was the presenter for political session on fighting against the American [imperialist], national liberation and the eradication of oppressive classes"]; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.28.38-09.30.50; **E3/24** Phy Phuon WRI, EN 00223580; **E1/88.1** Yun Kim, T. 19 June 2012, 09.26.50-09.28.47, 11.04.46-11.06.45 [1973 meeting led by Nuon Chea in Kratie province for 50 commune chiefs and district committee members]; **E1/89.1** Yun Kim, T. 20 June 2012, 14.06.51 ["enemy situation was discussed and we were told that there were American enemies and the Vietnamese and the internal enemies"].

¹⁵⁷⁴ **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.54.35-14.56.09; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.18.46-10.23.20 ["once in a while ... I went [to B-5] to meet with Pol Pot"]; **E1/97.1** Phy Phuon, T. 26 July 2012, 09.38.15-09.40.28, 10.04.23-10.07.21; **E1/68.1** Saloth Ban, T. 25 Apr 2012, 11.23.53-11.28.03 [witnessed Nuon Chea come to meet Pol Pot at the Peam commune office west of Oudong "once or twice"]; **E3/2346R** Video *Cambodia Year Zero Part 15*, 01:40:21-01:40:34 [video clip showing Pol Pot, Nuon Chea and Khieu Samphan at B-5, identified by Phy Phuon in **E1/98.1** T. 30 July 2012, 13.39.57-13.45.30].

¹⁵⁷⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757482; **E3/27** Khieu Samphan WRI, EN 00156743; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.40.28-09.42.47, 10.09.04-10.11.01; **E3/63** Phy Phuon WRI, EN 00231409-10.

¹⁵⁷⁶ **E3/27** Khieu Samphan WRI, EN 00156745 ["Nuon Chea and Pol Pot brought me from Udong to Phnom Penh" after 17 Apr 1975]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757482-83.

DK POSITIONS & AUTHORITY

1. Deputy Secretary of CPK Standing & Central Committees

388. **Nuon Chea** remained the Deputy Secretary of the CPK Central and Standing Committees throughout the DK period.¹⁵⁷⁷ He was present for all Standing Committee meetings for which attendance records exist.¹⁵⁷⁸ As the second highest-ranking cadre in the Party behind only Pol Pot, **Nuon Chea** was known as Brother Number Two.¹⁵⁷⁹ When Pol Pot was absent, it was **Nuon Chea** who presided over and led Standing Committee meetings.¹⁵⁸⁰ **Nuon Chea** held significant power and authority based on his senior position in the CPK, as all state and government organisations fell under the absolute control of the Party.¹⁵⁸¹ The testimony of experts on the DK regime confirmed the importance of **Nuon Chea**'s position as Deputy Secretary,¹⁵⁸² and **Nuon Chea**

¹⁵⁷⁷ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.42.13-09.45.52 [confirming he was “Deputy Secretary of the Party” and 2nd in CPK hierarchy]; **E3/54** Nuon Chea, Written Record of Initial Appearance, EN 00148817 [“I was Deputy Secretary of the Party”]; **E3/27** Khieu Samphan WRI, EN 00156750; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 14.17.01-14.19.08; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 11.25.07 [“Pou Nuon was the Deputy Secretary of the Party Centre”]; **E3/61** Kaing Guek Eav WRI, EN 00195577; **E3/24** Phy Phuon WRI, EN 00223585; **E3/199** Nuon Chea Speech, 3 Sept 1978, EN 00065911; **E3/76** FBIS, *Nuon Chea Delegation in Peking Meets with Hua Kuo-Feng*, 8 Sept 1978, EN 00170358; **E3/1714** Stephen Heder and Masato Matsushita, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170749; **E1/189.1** Philip Short, T. 6 May 2013, 14.02.47-14.04.21.

¹⁵⁷⁸ **E295/6.1.2** Table of Attendance at Standing Committee Meetings, EN 00948358.

¹⁵⁷⁹ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.42.13-09.45.52 [denying that he used “Brother Number Two” as a name, but admitting he was second in the Party hierarchy]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757546 [quoting Nuon Chea: “They just called him and me Brother Number One and Two”]; **E1/99.1** Phy Phuon, T. 31 July 2012, 11.20.19-11.23.01 [“starting from 1974 ... Om Pol Pot was now known as Om Number One and Om Nuon Chea was known [as] Om Number Two”]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 11.26.30-11.28.35; **E1/195.1** Prum Sou, T. 22 May 2013, 11.25.25-11.27.36; **E1/153.1** Kham Phan alias Phan Van, T. 13 Dec 2012, 16.14.02-16.15.53; **E3/58** Kham Phan alias Phan Van WRI, EN 00250089 [“My typewritten documents regarding security matters were sent to Nuon Chea alias Uncle Nuon or Brother Number 2”]; **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.51.36-14.53.52, 15.57.10; **E3/858** List of K-Office Cadres, EN 00391725-26 [includes Toeung and Soth, identified as “Guards for Uncle II”]; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 10.07.46-10.11.21; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 11.54.17; **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 10.06.26-10.10.50; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.56.52-11.00.06; **E3/79** Prak Khan WRI, EN 00161562; **E1/427.1** Him Huy, T. 4 May 2016, 13.34.00; **E3/833** Mam Nai S-21 Notebook, EN 00184608; **E3/1688** S-21 Confession of Chap Mit, EN 00284069 [Duch annotation to Pon: “Brother Number II has advised on 25 Feb 1978”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 10.26.28-10.29.16.

¹⁵⁸⁰ **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding the Eastern Border,” 26 Mar 1976, EN 00182651, 00182656; **E1/86.1** Oeun Tan, T. 13 June 2012, 15.55.34-15.58.13 [“It was Nuon Chea who would take over from Pol Pot when he was absent”].

¹⁵⁸¹ **E3/12** Central Committee Decision Regarding a Number of Matters, 30 Mar 1976, EN 00182813 [“The true nature of our state organizations at this time is different from before. ... They are the state organizations totally of our Party”], EN 00182814 [“The Government: Must be totally an organization of the Party”]; **E3/818** Council of Ministers First Meeting Minutes, 22 Apr 1976, EN 00143461; **E3/27** Khieu Samphan WRI, EN 00156749 [“the party leads the state”]; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 10.20.59-10.22.45 [“the army was under absolute control by the Standing Committee of the Party, by the secretary and deputy secretary”]; **E1/121.1** Norng Sophang, T. 4 Sept 2012, 09.54.14-09.56.34.

¹⁵⁸² **E1/91.1** David Chandler, T. 18 July 2012, 10.26.07-10.28.27 [Nuon Chea was “very much on top of and ... engaged in day-to-day policy matters on all parts of the Cambodian enterprise, including military

himself has acknowledged that he and Pol Pot shared power, consulted on everything, and had no disagreements regarding policy during the DK period.¹⁵⁸³

389. **Nuon Chea** regularly participated in meetings in Phnom Penh with his fellow Centre leaders and visiting zone leaders,¹⁵⁸⁴ and frequently travelled to the provinces to meet with zone leaders.¹⁵⁸⁵ He was also one of the Party Centre leaders who regularly received reports and telegrams from the base.¹⁵⁸⁶ Oeun Tan, the head of the K-1 guard unit, testified that all telegrams and letters from the Zones and RAK were first delivered to Pol Pot and then to **Nuon Chea**.¹⁵⁸⁷ Numerous telegrams and reports contain distribution lists¹⁵⁸⁸ recording that a copy of the document was provided to **Nuon**

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- affairs ... if you want to take a capitalist equivalent, it is a parallel to calling Pol Pot the president and Nuon Chea the CEO of Cambodia”]; **E1/189.1** Philip Short, T. 6 May 2013, 13.37.45-13.39.07, 14.02.47-14.05.58 [“I remember suggesting to some former Khmer Rouge officials that Nuon Chea was the manager and Pol Pot was ... the director, and they said no, it wasn’t that clear cut. It was perhaps closer to an alter ego ... they both took an interest in and responsibility for the same things”]; **E1/451.1** Henri Locard, T. 29 July 2016, 11.05.00-11.08.28.
- ¹⁵⁸³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757546 [“Nuon Chea said. ‘We were equal. Pol Pot did not serve me and I did not serve him. We both served the way of the Party’ ... Before any new initiatives were presented, Pol Pot and Nuon Chea always discussed them together to hammer out the ideas and make sure they agreed on every point”]; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329511, EN 00329516 [“Q: Who among those in the leadership expressed ideas? A: Everyone. This one had some ideas, and that one had some ideas”]; **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [“Leadership in my Party was collective decision making”]; **E3/4001R** Video, *Additional footage: Nuon Chea interview*, 09:26-12:52, 17:12-17:47 [“Q: Did you and Pol Pot ever argue with each other or have disputes when you were in government? A: There was nothing. Not between ’75 and ’79. There was no problem between us”].
- ¹⁵⁸⁴ **E1/86.1** Oeun Tan, T. 13 June 2012, 11.14.15-11.18.25, 11.22.30-11.23.32 [“There were people from sectors and zones at the place of Pol Pot and there were Khieu Samphan, Ieng Sary and Nuon Chea in the meetings”], 11.39.40-11.45.28 [“the meeting was held monthly or fortnightly”]; **E3/33** Oeun Tan WRI, EN 00235127-28; **E1/63.1** Saut Toeung, T. 18 Apr 2012, 14.06.50-14.08.36, 15.18.42, 15.26.34-15.30.37 [identifying Zone leaders who regularly came to K-1 for meetings]; **E1/156.1** Sa Vi, T. 8 Jan 2013, 09.42.35-09.47.08, 10.13.11-10.19.37, 15.39.04-15.42.28; **E3/104** Sa Vi WRI, EN 00204059; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.45.40-11.53.08; **E1/84.1** Sao Sarun, T. 11 June 2012, 09.12.20-09.19.10; **E3/367** Sao Sarun WRI, EN 00278695-96; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 09.49.30-09.52.02, 09.55.33, 10.37.01-10.40.48; **E3/232** Minutes of Standing Committee Meeting on “Base Work”, 8 Mar 1976 [meeting at which North Zone Deputy Secretary Sreng, Sector 106 Secretary Sot and Sector 103 Hang reported to the Centre, represented by Pol Pot, Nuon Chea, Khieu Samphan and Doeun].
- ¹⁵⁸⁵ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.03.45-15.11.29, 15.14.59-15.34.45 [testimony of guard who accompanied Nuon Chea that he traveled to the provinces “every 2 or 3 months” and met with Sao Phim in the East Zone, Ros Nhim in Battambang, Ta Mok in Takeo and West Zone Deputy Secretary Ta Pal in Kampong Speu, which meetings would “last for one or two days”]; **E3/423** Saut Toeung WRI, A57-A61, A72-A75, A91-A96; **E3/464** Tha Sot WRI, EN 00226110; **E3/104** Sa Vi WRI, EN 00204060; **E1/194.1** Prom Sou, T. 21 May 2013, 10.55.42-10.58.45; **E3/420** Prum Sou WRI, A6.
- ¹⁵⁸⁶ **E1/86.1** Oeun Tan, T. 13 June 2012, 13.43.38-13.50.12, 15.55.34-15.59.15; **E3/33** Oeun Tan WRI, EN 00235132-33; **E3/64** Norng Sophang WRI, EN 00334047-49.
- ¹⁵⁸⁷ **E1/86.1** Oeun Tan, T. 13 June 2012, 13.43.38-13.50.12, 15.55.34-15.59.15 [“all telegrams that were sent to Pol Pot also given to Nuon Chea”]; **E3/33** Oeun Tan WRI, EN 00235132-33.
- ¹⁵⁸⁸ **E3/64** Norng Sophang WRI, EN 00334048, 00334054 [testimony of K-18 telegram cadre that distribution lists were added by the head of the telegram unit at K-1, pursuant to instructions from the Party leaders]; **E1/120.1** Norng Sophang, T. 3 Sept 2012, 10.58.18-11.07.15; **E1/122.1** Norng Sophang, T. 5 Sept 2012, 11.30.10-11.32.35, 13.38.20-13.46.04; **E1/123.1** Norng Sophang, T. 6 Sept 2012,

Chea.¹⁵⁸⁹ In response to these reports, Pol Pot and **Nuon Chea** sent telegrams and letters providing written instructions or directives for the zone or sector cadres.¹⁵⁹⁰

2. Responsibility for Party Affairs & Education

390. In the 9 October 1975 Standing Committee meeting that divided specific functions amongst the senior CPK cadres, **Nuon Chea** was assigned responsibility for “Party Affairs, Social Action, Culture, Propaganda and Education.”¹⁵⁹¹ **Nuon Chea** admits that he was “in charge of educating cadres and party members” on the Party lines and policies.¹⁵⁹²
391. Numerous witnesses confirmed that **Nuon Chea**, sometimes joined by Pol Pot and/or **Khieu Samphan**, regularly led “political education” or “study sessions” for Party cadres at Borei Keila and other locations that lasted days or even weeks.¹⁵⁹³ Once a

09.33.01-09.34.31.

¹⁵⁸⁹ See e.g. **E3/154** Telegram from Chhon (Sao Phim) to Brother Pol, 30 Nov 1975; **E3/1188** Telegram from Buth to Respected Brother, 29 Jan 1976; **E3/871** Telegram from Chhon to Brother Pol, 21 Mar 1976; **E3/952** Telegram from Ke Pauk to Brother Pol, 2 Apr 1976; **E3/240** Telegram from Vi, 15 June 1977; **E3/957** Telegram from M-401 to Angkar, 19 Mar 1978; **E3/883** Telegram from Nhim to Angkar 870, 27 Aug 1977; **E3/1144** Telegram from Se to Committee 870, 5 Sept 1977; **E3/1119** Telegram from Nhim to Angkar 870, 20 Oct 1977; **E3/892** Telegram from Chhon to M-870, 29 Oct 1977; **E3/1120** Telegram from Mo-560, 6 Nov 1977; **E3/898** Telegram from Se to Committee 870, 11 Dec 1977; **E3/1208** Telegram from Nhim to Angkar 870, 21 Dec 1977; **E3/915** Telegram from Division 164 Secretary Mut to Committee M-870, 31 Dec 1977; **E3/243** Telegram from Chhon to Brother Pa, 19 Jan 1978; **E3/181** Telegram from 47, 14 Feb 1978; **E3/996** Telegram from Se to Committee 870, 19 Mar 1978; **E3/867** Telegram from 47 to Brother 009, 20 Mar 1978; **E3/519** Telegram from Ke Pauk to Committee 870, 29 Mar 1978; **E3/1075** Telegram from 47, 8 Apr 1978; **E3/1117** Telegram from 47, 8 Apr 1978; **E3/1077** Telegram from Se to Committee 870, 10 Apr 1978; **E3/1008** Telegram from Roat to Brother, 12 Apr 1978; **E3/859** Report from 47 to Grand Uncle, 15 Apr 1978; **E3/935** Telegram from Ri, 21 Apr 1978; **E3/156** Telegram from Sarun to Respected Brother, 23 Apr 1978; **E3/1013** Telegram from Nhim to M-870, 10 Mar.

¹⁵⁹⁰ **E1/151.1** Phan Van, T. 11 Dec 2012, 15.16.15-15.24.14, 15.39.47-15.45.37; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.42.13-10.47.37 [witness delivered letters from K-1 to So Phim]; **E3/64** Norng Sophang WRI, EN 00334051; **E1/123.1** Norng Sophang, T. 6 Sept 2012, 09.35.49-09.38.11. See e.g. **E3/254** Telegram 32 from M-870, 20 Mar 1978 [telegram from Office 870 to West Zone Secretary Si and Central Zone Secretary Pauk, in response to report **E3/1186** on enemy activity in Mukh Kampoul District, directing recipients to monitor the situation and “take any measure”]; **E1/154.1** Suon Kanil, T. 14 Dec 2012, 15.49.17-15.58.00 [testimony of Central Zone telegram cadre regarding receipt of **E3/254** from Office 870, describing how Pol Pot came to Central Zone the following day and asked if Ke Pauk had received the telegram].

¹⁵⁹¹ **E3/182** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393.

¹⁵⁹² **E3/54** Nuon Chea, Written Record of Initial Appearance, 19 Sept 2007, EN 00148817.

¹⁵⁹³ **E1/102.1** Suong Sikoeun, T. 6 Aug 2012, 14.15.34-14.18.22 [Nuon Chea and Pol Pot spoke at political education sessions conducted in Borei Keila “for the Party’s cadres starting from the chairman or the secretary of the district or sectors committee”]; **E1/96.1** Rochoem Ton alias Phy Phuon, T. 25 July 2012, 14.31.11-14.32.17; **E1/73.1** Pean Khean, T. 17 May 2012, 10.08.24-10.19.39 [Nuon Chea provided “high-level political education” at Borei Keila to “senior” cadres from the ministries and “sector level”]; **E3/83** Kaing Guek Eav WRI, EN 00398163 [stating that Nuon Chea was responsible for “annual training sessions,” which included “political and psychological training and education on organizational matters”]; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 10.11.43-10.13.22; **E3/423** Saut Toeung WRI, A53-A56; **E1/215.1** Pech Chim, T. 1 July 2013, 11.18.58-11.31.01; **E3/401** Pech Chim WRI, EN 00381028; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.08.31; **E3/69** Chea Say WRI, EN 00233152 [sessions attended

year, CPK district and sector secretaries were required to travel to Phnom Penh for one month of political education conducted by **Nuon Chea** and Pol Pot¹⁵⁹⁴—one of the key ways in which the CPK leaders disseminated their policies to lower-level cadres.¹⁵⁹⁵

392. As a result of his specific assignments in the 9 October 1975 Standing Committee minutes, **Nuon Chea** had oversight responsibility for the Ministries of Propaganda, Education and Social Affairs.¹⁵⁹⁶ As part of this role, **Nuon Chea** from time to time visited and met with leaders of the Ministry of Propaganda¹⁵⁹⁷ and the Ministry of Social Affairs.¹⁵⁹⁸ **Nuon Chea's** specific responsibility for these ministries is also reflected in the minutes of the 1 June 1976 Standing Committee meeting on propaganda

by hundreds of participants]; **E1/124.1** Chea Say, T. 20 Sept 2012, 10.17.55-10.30.29, 10.57.44-11.01.30, 13.59.03-14.00.35; **E3/367** Sao Sarun WRI, EN 00278694; **E1/82.1** Sao Sarun, T. 6 June 2012, 09.54.40-10.00.00; **E3/421** Chhouk Rin WRI, A4; **E1/181.1** Chhouk Rin, T. 22 Apr 2013, 13.58.05, 14.15.57-14.21.05; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 09.30.00-09.33.06, 10.55.26-11.05.19; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.54.27-11.59.48, 13.36.38-13.42.46; **E3/469** Ruos Suy WRI, EN 00205112-13; **E1/217.1** Ek Hen, T. 3 July 2013, 11.37.13-11.42.02, 12.10.20-12.12.22, 14.10.31-14.12.11; **E3/474** Ek Hen WRI, EN 00205049-50; **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.22.12-14.37.54; **E1/115.1** Em Oeun, T. 27 Aug 2012, 09.52.37-09.54.59, 10.10.31-10.21.42, 11.02.47-11.14.22; **E3/58** Kham Phan alias Phan Van WRI, EN 00250091; **E1/17.1** Klan Fit, T. 6 Dec 2011, 14.01.00-14.10.46; **E1/24.1** Klan Fit, T. 10 Jan 2012, 15.43.11-15.55.29; **E3/125** Klan Fit WRI, A10; **E3/374** Sao Phen WRI, EN 00336533; **E1/111.1** Kim Vun, T. 21 Aug 2012, 14.14.13-14.17.49. *See also* **E3/1189** Telegram from Laing to Beloved and Missed Two Brothers, 12 Oct 1976; **E3/1102** Telegram from Laing alias Chhan, 20 Oct 1976; **E3/1103** Telegram from Laing alias Chhan to Comrade Doeun, 7 Nov 1976; **E3/1195** Telegram from Laing to Pang, 25 Nov 1976

¹⁵⁹⁴ **E1/215.1** Pech Chim, T. 1 July 2013, 11.18.58-11.31.01 [former Tram Kak District Secretary states that he attended annual political training for district secretaries conducted by Nuon Chea at Borei Keila which lasted “almost a month”]; **E3/401** Pech Chim WRI, EN 00381028; **E1/274.1** Neang Ouch alias Ta San, T. 10 Mar 2015, 11.05.42-11.08.00, 11.26.44-11.29.43; **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.30.22-14.32.33, 15.08.18-15.17.12; **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.44.00-13.47.22; **E1/461.1** 2-TCW-850, T. 22 Aug 2016, 11.18.32-11.20.25; **E3/9149** 2-TCW-850 DC-Cam Statement, EN 01116149; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 10.11.43-10.13.22; **E1/102.1** Suong Sikoeun, T. 6 Aug 2012, 14.15.34-14.18.22; **E3/57** Kham Phan alias Phan Van WRI, EN 00290506; **E1/82.1** Sao Sarun, T. 6 June 2012, 09.54.40-10.00.00; **E3/367** Sao Sarun WRI, EN 00278694, 00278696; **E3/1568** Chea Sim Statement, EN 00651868-70 [from 1975-77, attended “school for the secretary of all districts throughout the country” held in November each year at Borei Keila].

¹⁵⁹⁵ *See e.g.* **E1/215.1** Pech Chim, T. 1 July 2013, 11.29.35-11.31.01; **E1/378.1** Prak Yut, T. 19 Jan 2016, 15.14.20-15.17.12; **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.47.00-13.49.03.

¹⁵⁹⁶ **E3/83** Kaing Guek Eav WRI, EN 00398162-63. *See also* **E3/39** Ieng Thirith Statement, PTC Appeal Hearing, 24 Feb 2009, EN 00293071-75 [stating that Nuon Chea ordered the arrest and execution of MSA students].

¹⁵⁹⁷ **E1/127.1** Khiev En, T. 1 Oct 2012, 11.02.46-11.15.12, 11.44.01-11.50.48 [describing Nuon Chea visits to Ministry of Propaganda, where he had a “separate workplace” and documents were delivered to him, and periods he “came to take charge of Office K-33”]; **E3/438** Khiev En WRI, EN 00375873-74; **E1/112.1** Kim Vun, T. 22 Aug 2012, 10.58.17-11.00.30, 13.50.30-13.55.07; **E3/381** Kim Vun WRI, EN 00365529.

¹⁵⁹⁸ **E1/500.1** Thuch Sithan, T. 21 Nov 2016, 15.15.48 [describing occasions she saw Nuon Chea: “I saw him another time while he came to the Ministry of Social Affairs ... he came to see Bong Sou”], 15.18.10-15.19.50 [“Bong Sou who was in charge of that office”], 15.21.20-15.24.42; **E1/152.1** Kham Phan alias Phan Van, T. 12 Dec 2012, 10.04.00-10.10.40; **E3/447** Kham Phan alias Phan Van WRI, EN 00486512, 00486516; **E3/57** Kham Phan alias Phan Van WRI, EN 00290509.

matters, where following the presentation of the Ministry representatives, **Nuon Chea** spoke first and before Pol Pot.¹⁵⁹⁹

3. Chairman of People's Representative Assembly

393. On 13 April 1976, it was publicly announced that **Nuon Chea** had been named Chairman of the People's Representative Assembly (PRA) by the newly elected members of what was to be the legislative body of the DK government.¹⁶⁰⁰ In reality, the CPK Central Committee had appointed **Nuon Chea** to this position on 30 March 1976, two weeks before the PRA ever met.¹⁶⁰¹ In fact, the PRA was a sham entity¹⁶⁰² resulting from a sham election, staged by **Khieu Samphan**.¹⁶⁰³ **Nuon Chea** admitted to Thet Sambath that even though he was head of the National Assembly, he never went

¹⁵⁹⁹ **E3/225** Minutes of Standing Committee Meeting on "Propaganda Works", 1 June 1976, EN 00182718 [comments of "Comrade Deputy Secretary" appear first in Section II, the "Instructional Comments from the Standing Committee"].

¹⁶⁰⁰ **E3/165** DK People's Representative Assembly Minutes, 11-13 Apr 1976, EN 00184073. *See also* **E3/54** Nuon Chea Initial Appearance, 19 Sept 2007, EN 00148817 ["I was ... President of the Assembly"]; **E3/121** Nuon Chea WRI, 26 Sept 2007, EN 00148827.

¹⁶⁰¹ **E3/12** Central Committee Decision Regarding a Number of Matters, 30 Mar 1976, EN 00182813-14.

¹⁶⁰² **E3/232** CPK Standing Committee Meeting Minutes, "Base Work," 8 Mar 1976, EN 00182630 [section I.2.D]: "If anyone asks, we must explain, not be wild and disorderly, do not let it be seen that we want to suppress. At the same time, do not speak playfully about the Assembly in front of the people to let them see that we are deceptive, and our Assembly is worthless"; **E1/192.1** Philip Short, T. 9 May 2013, 11.59.19-12.00.18 [the PRA had "no real existence" and was a "pure lie, really a pure invention"]. Two of the representatives who were purportedly elected to the PRA in March 1976, Prak Yut and Ung Ren, testified that they only learned of their "election" after the fact and that the PRA never met to deliberate upon or enact a single piece of legislation. **E3/274** FBIS, *Results of National Assembly Elections Announced*, 22 Mar 1976, EN 00167987 [Prak Yut listed as "Seng Yut," No. 1 on "Representatives of Southwestern Region Peasants"], EN 00167989 ["Ung Ren" is No. 25 on the list of "Representatives of the Cambodian Revolutionary Army"]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 10.23.02-10.25.43 ["we were never called to attend any meeting"], 10.28.28-10.29.38 [never "presented with any legislation"], 10.54.39-10.58.54; **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.09.40-14.11.35 [told by District Secretary Ta Noy "that I was about to become a people representative ... But this is what I was told, I never worked as a representative of the people ... I never attended any meetings"], 14.14.15-14.19.57; **E3/163** Prak Yut WRI, EN 00364085. *See also* **E3/390** Mat Ly Statement, EN 00436873-74; **E1/222.1** Stephen Heder, T. 11 July 2013, 15.15.05-15.19.55; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 13.55.29-13.58.34.

¹⁶⁰³ **E3/232** Minutes of Standing Committee Meeting on "Base Work," 8 Mar 1976, EN 00182628-30; **E3/274** FBIS, *Results of National Assembly Elections Announced*, 22 Mar 1976, EN 00167985-86 [official election results signed by Khieu Samphan announced by DK Interior Ministry at 6 am local time on 22 Mar 1976, less than 36 hours after the election, claiming that a total of 3,462,868 people had voted, representing "98 per cent of the eligible voters"]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 10.25.43-10.28.28 [in Stung Treng province, "there was no meeting or election held there. The work was decided in a meeting, and then the instructions would be relayed in the announcement ... I did not see any gathering"]; **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.11.35-14.13.06 [no knowledge of election and did not see any people voting in Kampot]; **E3/163** Prak Yut WRI, EN 00364085 [testimony of named PRA representative that "[t]here was no election" and that she was informed she had been selected as an Assembly member by the local District Secretary]; **E3/390** Mat Ly Statement, EN 00436873 ["Each center had only one ballot. For instance me, Mat Ly. So they called in the people to vote, saying that if they were dissatisfied, to erase it ... if any of the people dared to strike out the name - they were standing and watching"]; **E1/222.1** Stephen Heder, T. 11 July 2013, 15.09.27-15.15.05; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 13.51.47-13.55.29 ["there was only one polling station" in Phnom Penh and "no election in other locations"].

to that office and “[t]here was nothing to debate because we had no laws to pass.”¹⁶⁰⁴ **Nuon Chea**’s claim to this Chamber that he was occupied with legislative responsibilities during the DK period¹⁶⁰⁵ is thus a complete fabrication—a conscious and calculated lie that **Nuon Chea** had privately admitted he intended to use in these court proceedings.¹⁶⁰⁶

4. Acting Prime Minister

394. In September 1976, Pol Pot stepped down as DK Prime Minister, purportedly for health reasons, and **Nuon Chea** was named Acting Prime Minister. **Khieu Samphan** signed this appointment in his capacity as President of the State Presidium, and it was publicly broadcast on the DK Phnom Penh Domestic Service radio on 27 September 1976.¹⁶⁰⁷ While the Accused denies holding this position, contemporaneous documents from the period, including official communiqués from the DK government, establish beyond dispute that **Nuon Chea** held the title of Acting Prime Minister for almost a one-year period from October 1976¹⁶⁰⁸ until September 1977.¹⁶⁰⁹

5. Responsibility for Security & Military

395. **Nuon Chea** shared collective responsibility for military and security issues with his fellow leaders on the CPK Standing and Central Committees. The CPK Statute placed “the Revolutionary Army of Kampuchea, the regular army, sector army and the militias

¹⁶⁰⁴ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757493. See also **E1/91.1** David Chandler, T. 18 July 2012, 10.22.55-10.28.27.

¹⁶⁰⁵ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 10.46.10 [asserting that the review of biographies and questioning of cadres regarding political tendencies was “not my job because I was in the legislation, and the interrogation was part of the administration job”]. See also **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [“As for me, I was on the legislative side”]; **E3/54** Nuon Chea Written Record of Initial Appearance, 19 Sept 2007, EN 00148817 [“As for myself, after the liberation, I was in the legislative body, so I was not involved with the executive ... So I was not involved in anything related to these charges”].

¹⁶⁰⁶ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757560 [“‘If they ask me in court who killed the people, I will say I was in charge of the legislative body and education, so the killing was the problem of government administration, which was the responsibility of Pol Pot and Son Sen,’ he said.”]

¹⁶⁰⁷ **E3/280** FBIS, *Pol Pot Takes ‘Temporary’ Leave From Post*, 27 Sept 1976, EN 00168118; **E3/192** SWB, *Pol Pot’s Temporary Sick Leave from Premiership*, 28 Sept 1976, EN S 00003883; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.37.06-09.40.02; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417626.

¹⁶⁰⁸ **E3/281** FBIS, *Nuon Chea Receives Albanian Ambassador*, 17 Oct 1976, EN 00168071; **E3/269** Democratic Kampuchea News Bulletin No. 14/76, 11 Nov 1976, EN 00525825.

¹⁶⁰⁹ **E3/143** FBIS, *Cambodian Leaders Greet SRV Leaders on National Day*, 2 Sept 1977, EN 00168727-28; **E3/143** FBIS, *Burmese Foreign Minister Concludes Visit*, 2 Sept 1977, EN 00168729-30; **E3/143** FBIS, *Khieu Samphan-Nuon Chea Message*, 8 Sept 1977, EN 00168738-39; **E3/486** Report from French Embassy in Thailand to Minister of Foreign Affairs, 29 Sept 1977, EN 00658709. See **E295/6/1** Co-Prosecutors’ Final Trial Brief in Case 002/01, fn. 1772 for a complete list of the contemporaneous documents between Oct 1976 and Sept 1977 identifying Nuon Chea as “Acting Prime Minister.”

... under the absolute leadership” of the Party,¹⁶¹⁰ and **Nuon Chea** and **Khieu Samphan** participated in Standing Committee meetings that discussed key issues related to the establishment and operation of the armed forces.¹⁶¹¹ At a 26 March 1976 Standing Committee meeting that was presided over by **Nuon Chea**, he provided instructions on the need to use military force against Vietnam.¹⁶¹²

396. **Nuon Chea** was one of the CPK leaders who presided over the 1975 meeting at Olympic Stadium relating to the reorganisation of the RAK, at which he “spoke at length.”¹⁶¹³ In January 1977, he gave a speech “in the name of the Military Committee of our Party Centre” on the occasion of the 9th Anniversary of the RAK,¹⁶¹⁴ in which he provided a detailed history of the RAK,¹⁶¹⁵ revealed his familiarity with its leaders,¹⁶¹⁶ and instructed on “combat lines” to be used by the military.¹⁶¹⁷ His speech described the

¹⁶¹⁰ **E3/130** CPK Statute, art. 27; **E1/189.1** Philip Short, T. 6 May 2013, 13.39.07-13.43.43, 14.16.24; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.21.52-11.24.10; **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.20.44-10.22.55 [“Those who were in control of the army, according to the Party Statute and the real practice, the supreme persons were Pol Pot and Nuon Chea”]; **E1/91.1** David Chandler, T. 18 July 2012, 10.22.55.

¹⁶¹¹ **Establishment of the General Staff, organization of the Army, Navy and Air Force, and deployment of forces to specific regions:** **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183396-401; **E3/235** Summary of the Decisions of the Standing Committee, 19-21 Apr 1976, EN 00183419. **Use of spikes and mines on the border areas:** **E3/216** Record of the Standing Committee Visit to the Northwest Zone, 20-24 Aug 1975, EN 00850977; **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding the Eastern Border,” 26 Mar 1976, EN 00182657. **Construction of new airfields, acquisition and transportation of ammunition, and establishment of military hospitals:** **E3/229** Minutes of Standing Committee Meeting on “National Defence Matters,” 22 Feb 1976, EN 00182627.

¹⁶¹² **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding the Eastern Border,” 26 Mar 1976, EN 00182656-57 [“Opinions and Instructions from Comrade Deputy Secretary: ... We use military force along with politics, and have caused them many losses ... We must continue the political struggle, the diplomatic struggle, but must use military force in combination as well”].

¹⁶¹³ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 11.38.49, 11.50.33-11.52.30, 13.53.49-13.58.10, 14.01.48-14.06.23, 14.11.50; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401488; **E3/5532** Him Horn WRI, EN 00425235-36 [witness attended meeting at Olympic Stadium in 1975 for “military personnel from all zones” about “the transfer of the army to the Party Center,” at which Pol Pot, Nuon Chea and Khieu Samphan were present and Nuon Chea spoke]; **E1/320.1** Him Han, T. 23 June 2015, 14.12.27-14.21.24 [“Pol Pot only spoke a few words, but Nuon Chea spoke at length”]; **E1/157.1** Ung Ren, T. 9 Jan 2013, 11.52.32-11.59.51; **E3/84** Ung Ren WRI, EN 00408399.

¹⁶¹⁴ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491406-07 [“Today, in the name of the Military Committee of our Party Center, I wish to give a presentation on a number of issues ... on the occasion of the celebration of the 9th anniversary of the founding of our Revolutionary Army of Kampuchea”]; **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168465-70; **E3/191** SWB, *Nuon Chea’s Speech at Army Anniversary Meeting*, 17 Jan 1977, EN S 00004073-76; **E3/544** Peking Review, *9th Anniversary of Founding of Revolutionary Army*, 28 Jan 1977, EN S 00005866.

¹⁶¹⁵ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491411-18.

¹⁶¹⁶ **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168467 [“I know that some of our comrades now in command of our larger units and who are also present here used to be in the secret defense units”]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491413.

¹⁶¹⁷ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491429-32.

RAK as “the pure dictatorial instrument of the Party.”¹⁶¹⁸ Later in 1977, he met with and rallied 1,000 soldiers who were being sent into combat against Vietnam.¹⁶¹⁹

397. The reports and telegrams that **Nuon Chea** regularly received from the Zones and RAK Divisions included reports on security and military matters.¹⁶²⁰ Regional CPK cadres also confirm that **Nuon Chea** was one of the Party Centre representatives to whom they reported on security matters.¹⁶²¹
398. His important role on such matters is demonstrated by a series of surviving reports from RAK Division 164 that were distributed to only two people outside the division: General Staff Chairman Son Sen (“Brother Khieu”) and **Nuon Chea** (“Brother Nuon”).¹⁶²² In one report, Son Sen wrote to **Nuon Chea** to make a “request to search” for certain individuals who had disappeared.¹⁶²³ This request clearly evidences that **Nuon Chea** was a superior to Son Sen, corroborating the testimony of Kaing Guek Eav alias Duch,¹⁶²⁴ who worked directly for both men and was uniquely positioned to know their working relationship.

¹⁶¹⁸ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491408, 00491419.

¹⁶¹⁹ **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 14.50.11-15.19.51, 15.40.15-15.44.32.

¹⁶²⁰ E.g. **E3/996** Telegram from Se to Committee 870, copied *inter alia* to “Uncle Nuon,” 19 Mar 1978, EN 00436995-96 [“Situation of the enemy burrowing from within: In this dry season, the remained enemies re-emerged and took actions against us in the worksites. These enemies contacted with the [former] policemen, soldiers and government officials. They mingled themselves as the “New people”. After they acted against us, we knew them clearly and we systematically purged them. ... more than 20 people were purged. More actions will be taken to arrest more people”]; **E3/1077** Telegram from Se to Committee 870, copied *inter alia* to “Grand Uncle Nuon,” 10 Apr 1978, EN 00340539-40 [“We are continuing to purge the remaining group continuously, including those who oppose our revolution openly and secretly”]; **E3/156** Telegram from Sarun to Respected Brother, copied *inter alia* to Uncle Nuon, 23 Apr 1978; **E3/953** Telegram from Comrade Pok to Brother Pol, copied *inter alia* to Brother Nuon, 2 Apr 1976; **E3/500** Telegram from Hang to Beloved and Missed Brother, copied *inter alia* to Brother Nuon, 18 July 1976; **E3/154** Telegram from Chhon to Beloved Comrade Brother Pol, copied *inter alia* to Brother Nuon, 30 Nov 1975; **E3/1188** Telegram from Buth to Respected Brother, copied *inter alia* to Brother Nuon, 29 Jan; **E3/883** Telegram from Nhim to Angkar 870, copied *inter alia* to Uncle Nuon, 27 Aug 1977.

¹⁶²¹ **E3/58** Kham Phan alias Phan Van WRI, EN 00250089; **E3/410** Yun Kim WRI, EN 00412192; **E3/366** Ham Ansi WRI, EN 00250751. See also **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 15.29.09-15.32.02 [“All documents from the zones came to Brother Nuon, and he made the decisions”].

¹⁶²² **E3/1222** Telegram from Comrade Dim to Brother Mut, 24 Sept 1976; **E3/1223** Telegram from Dim to Mut, 27 Sept 1976; **E3/1224** Telegram from Dim to Mut, 6 Oct 1976; **E3/1225** Telegram from Dim to Mut, 6 Oct 1976; **E3/1226** Telegram from Dim to Mut, 8 Oct 1976.

¹⁶²³ **E3/1135** Report from Division 164 Secretary Mut to Brother 89, 19 Oct 1976 [handwritten note from Khieu to Bang Nuon dated 20 Oct 1976: “Request to search for Chheng and Ban who are related to this matter”].

¹⁶²⁴ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.41.56-11.43.42 [“Brother Nuon was the -- was in higher position than Brother Khieu”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49 [“Since I went to see Son Sen when I was under his control, he said what was told to be done by Brother Nuon ... It showed that above Son Sen was Brother Nuon then Brother Pol, and that was commonly known”]; **E3/1579** Kaing Guek Eav WRI, EN 00398206 [Nuon Chea was “the superior of my superior”]; **E3/453** Kaing Guek Eav WRI, EN 00147584 [“Son Sen was the 7th person, but Nuon Chea was the 2nd person.

399. The most knowledgeable insiders who have provided evidence on **Nuon Chea**'s role all confirm that he had responsibility for security matters and was a member of the Party's Military or Security Committee, and there is no credible evidence to the contrary. Fellow Standing Committee member Ieng Sary, in multiple interviews going back to 1981, stated that **Nuon Chea** was on the Party committee responsible for security.¹⁶²⁵ Ieng Sary stated that the committee "relied on regional people for reporting on security," discussed and considered issues relating to arrests and security, and then reported to the full Standing Committee.¹⁶²⁶ Kaing Guek Eav, the chairman of S-21, testified that the Standing Committee members with assigned responsibility for security were Pol Pot, **Nuon Chea**, and Son Sen.¹⁶²⁷ The evidence from Ieng Sary and Duch is consistent with the 1972 announcement of the "High Command" of the National Liberation Armed Forces, which stated that Saloth Sar was "Head of the Military Leadership of the Army," **Nuon Chea** was "Head of the Political Leadership of the Army" and Son Sen was "Chief of General Staff,"¹⁶²⁸ and surviving notes from the 5th Party Congress.¹⁶²⁹
400. **Nuon Chea**'s claim that he had no responsibility for security matters is a blatant and calculated lie. There is overwhelming evidence confirming his role, including his own prior statements expressing approval of the killings. His attempt to distance himself from the CPK security policies he devised, exactly as he foreshadowed in interviews with Thet Sambath, demonstrates his own awareness of the absolute criminality of those policies.¹⁶³⁰

Everything had to pass through Nuon Chea even if it was in scope of the military ... Nuon Chea was the superior of Son Sen"].

¹⁶²⁵ **E3/94** Ieng Sary Interview, 22 July 1981, EN 00342501-02; **E3/93** Ieng Sary Interview, EN 00078610 ["there was a committee which considered all questions about security, which comprised four people: Pol Pot, Nuon Chea, Son Sen, and Son Sen's advisor Yun Yat"]; **E3/86** DNUM Statement, "The True Facts about Pol Pot's Dictatorial Regime," 8 Sept 1996, EN 00081215 ["Secret Security Committee" composed of "Pol Pot, Nuon Chea, Son Sen, Yun Yat who decided all the killings and massacres"]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417606-08; **E3/190** Ieng Sary Interview, 4 Jan 1999, EN 00081571; **E3/2119** Henry Kamm, *Cambodia: Report from a Stricken Land*, EN 00394460.

¹⁶²⁶ **E3/94** Ieng Sary Interview, 22 July 1981, EN 00342501-02.

¹⁶²⁷ **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 14.20.02-14.22.23, confirming **E3/456** Kaing Guek Eav WRI, EN 00198883; **E3/83** Kaing Guek Eav WRI, EN 00398166 ["the Secretary of the military committee was Pol Pot, the deputy secretary was Nuon Chea ... I know that Nuon Chea was aware of everything including military affairs"]; **E3/10607** Kaing Guek Eav WRI, A33 ["The high-level military committee of the Party Centre consisted of five members including Pol Pot; Nuon Chea, the deputy"].

¹⁶²⁸ **E3/3709** Vietnam Courier, *NUFK and RGNUC Reinforced*, 3 Apr 1972.

¹⁶²⁹ **E3/816** Notes from 5th Party Congress, 2 Nov 1978, EN 00281339 ["Nuon" listed as "Vice-Chairman in charge of political affairs" of the Military Committee of the Party Central Committee].

¹⁶³⁰ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757560 ["If they ask me in court who killed the people, I will say I was in charge of the legislative body and education, so the killing was

401. As a result of his positions on the CPK Standing Committee and Security Committee, **Nuon Chea** had responsibility for the S-21 security centre throughout its existence, and in the latter part of 1977 when Son Sen was assigned to the Eastern battlefield, **Nuon Chea** took over the direct supervision of that security office. (**Nuon Chea**'s responsibility for S-21 is discussed in full detail below in the *Nuon Chea Responsibility for S-21* section.)

2. ROLE OF KHIEU SAMPHAN

PRE-1975 BACKGROUND & POSITIONS

402. **Khieu Samphan**'s involvement in the Cambodian communist movement began as a graduate student in Paris in 1953, where he first worked together with the other future leaders of the CPK, and spanned his entire adult life until his and **Nuon Chea**'s surrender and the collapse of the Khmer Rouge in 1998. From 1953 to 1958, **Khieu Samphan** was active in the Marxist Circle in France,¹⁶³¹ succeeding Ieng Sary as the group's leader in 1957.¹⁶³² He joined the Communist Party in France in 1955.¹⁶³³

403. **Khieu Samphan** returned to Cambodia in late 1958, and in 1959 he founded the leftist newspaper *L'Observateur*,¹⁶³⁴ which was financially supported by Ieng Thirith and staffed by fellow communists such as Thiounn Prasith, Koy Thuon, and Bou Phat alias Hang (the future CPK Secretary of Sector 103).¹⁶³⁵ Expert Philip Short, who

the problem of government administration, which was the responsibility of Pol Pot and Son Sen"]. See **E1/41.1** Nuon Chea, T. 9 Feb 2012, 10.14.14-10.17.06; **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699. This denial must be seen in the context of Nuon Chea's other factual denials that are demonstrably false. He not only denies that he was a member of the Military Committee, but also that he had any responsibility for security or S-21, that he was ever Acting Prime Minister and even that he was referred to as Brother No. 2, all matters that are conclusively shown by contemporaneous documents.

¹⁶³¹ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.20.07-14.25.33; **E3/4201R** Video *Facing Genocide: Khieu Samphan and Pol Pot*, 00.13.45 - 00.14.08; **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000926; **E3/659** Ieng Thirith Interview, 1980, EN 00182301-02, 00182306; **E1/101.1** Suong Sikoeun, T. 2 Aug 2012, 13.58.02-13.59.34; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396255-60; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237761-63, 00237767.

¹⁶³² **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.25.33-14.27.02 ["Ieng Sary handed over the role to me"]; **E1/101.1** Suong Sikoeun, T. 2 Aug 2012, 13.55.35-13.58.02, 14.23.12-14.25.42; **E1/107.1** Ong Thong Hoeung, T. 14 Aug 2012, 14.05.56-14.08.19; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396312, 00396332, 00396669.

¹⁶³³ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.31.37 [admitting he joined the Communist Party in 1955]; **E3/18** Khieu Samphan, *Cambodia's Recent History & the Reasons Behind the Decisions I Made*, EN 00103740; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417630.

¹⁶³⁴ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.34.42-14.38.51; **E3/18** Khieu Samphan, *Cambodia's Recent History & the Reasons Behind the Decisions I Made*, EN 00103726; **E3/111** Ieng Sary Interview, 31 Jan 1972, EN 00762420; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396332; **E3/17** David Chandler, *Brother Number One: A Political Biography of Pol Pot*, EN 00392971.

¹⁶³⁵ **E3/659** Ieng Thirith Interview, 1980, EN 00182316 ["it was with my money" that Khieu Samphan published *L'Observateur*]; **E3/1697** Thiounn Prasith DK Biography, Section IV, EN 00082497-99;

interviewed **Khieu Samphan** extensively about this time period,¹⁶³⁶ testified that he was in close contact with the Party's Phnom Penh City Committee¹⁶³⁷ (which consisted of **Nuon Chea**, Pol Pot, Ieng Sary, and Vorn Vet)¹⁶³⁸ and was assigned by the City Committee "to rally intellectual support and reach out to potential communist sympathisers in mainstream political life."¹⁶³⁹ In 1960, **Khieu Samphan** was arrested and his newspaper was shut down.¹⁶⁴⁰

404. In 1962, **Khieu Samphan** was elected to the National Assembly as a member of Sihanouk's *Sangkum Reatsr Niyum* and appointed Secretary of State for Commerce,¹⁶⁴¹ though he was forced to resign as Commerce Secretary following the publication of a list of 34 known or suspected "leftists" prepared by Lon Nol in 1963.¹⁶⁴² In April 1967, after being summoned to appear before a military tribunal, **Khieu Samphan** fled Phnom Penh with the assistance of the CPK leadership.¹⁶⁴³ He spent the ensuing three

E3/96 Thiounn Prasith WRI, EN 00346945; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237793, 00237797; **E3/1684** David Chandler, *Voices from S-21*, EN 00192740; **E3/1683** David Chandler, *The Tragedy of Cambodian History*, EN 00193382. See also **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.40.37-14.42.18 [acknowledging that the supporters of his newspaper included well-known communists].

¹⁶³⁶ **E1/189.1** Philip Short, T. 6 May 2013, 09.24.24.

¹⁶³⁷ **E1/189.1** Philip Short, T. 6 May 2013, 11.21.57-11.23.34 ["Khieu Samphan told me ... that he was in close touch with the Phnom Penh city organization"]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417630.

¹⁶³⁸ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396335; **E3/3** Nuon Chea Statement, May 1998, EN 00184658, 00184660; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329508 ["there was a City Party Committee, myself, Saloth Sa, Ieng Sary"]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417628-29; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757505.

¹⁶³⁹ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396332; **E1/190.1** Philip Short, T. 7 May 2013, 10.02.35-10.07.00; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002751.

¹⁶⁴⁰ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.48.19-14.50.14; **E3/713** Khieu Samphan Interview, Jan 2004, EN 00177968-72; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486226; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396333-34; **E3/1683** David Chandler, *The Tragedy of Cambodian History*, EN 00193196; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237795; **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762406.

¹⁶⁴¹ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.25.28-15.27.29; **E3/18** Khieu Samphan, *Cambodia's Recent History & the Reasons Behind the Decisions I Made*, EN 00103726; **E3/713** Khieu Samphan Interview, Jan 2004, EN 00177964-65; **E3/111** Ieng Sary Interview, 31 Jan 1972, EN 00762420; **E3/9**, Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396340-41; **E1/221.1** Stephen Heder, T. 10 July 2013, 13.39.43-13.42.08; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393765, 00393883-84 [Khieu Samphan received assistance from the CPK during both his election campaigns, pursuant to instructions from Ta Mok]; **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762405-06.

¹⁶⁴² **E3/18** Khieu Samphan, *Cambodia's Recent History & the Reasons Behind the Decisions I Made*, EN 00103729-30; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396342-43, 00396351; **E1/93.1** David Chandler, T. 20 July 2012, 11.36.01; **E3/17** David Chandler, *Brother Number One*, EN 00392977-78.

¹⁶⁴³ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103733-34; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.39.19-15.42.36; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498248-50; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396367-68; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393777; **E3/3** Nuon Chea Statement, EN 00184670 ["we removed some, removed

years in the Southwest Zone with Ta Mok.¹⁶⁴⁴ When the armed struggle began in 1968, **Khieu Samphan** accompanied a group that attacked the government garrison in Kap Kang.¹⁶⁴⁵ He claims that he was first introduced to the Party in 1969 by Ta Mok.¹⁶⁴⁶

405. After the March 1970 coup, **Khieu Samphan** was personally “chosen by Pol Pot” to unite the communists and Norodom Sihanouk.¹⁶⁴⁷ He describes his role in the establishment of this coalition as “important, if not indispensable,” and states that “before taking on this duty, I had to agree to assume the role as an important leader of the country’s internal resistance.”¹⁶⁴⁸ As a result of this coalition and the popularity of Norodom Sihanouk, the CPK was able to recruit large numbers of Cambodians to join its forces.¹⁶⁴⁹
406. When the formation of a government-in-exile (the GRUNK) was announced on 5 May 1970, **Khieu Samphan** was named Deputy Prime Minister and Minister of National Defence, as well as the Commander-in-Chief of the Cambodian People’s National Liberation Armed Forces (“CPNLAF”).¹⁶⁵⁰ He was the highest-ranking FUNK or

Comrade Hem, removed Hou Youn, removed Hu Nim starting in 67”]; **E3/4602** In Sopheap, *Khieu Samphan*, EN 00979191; **E3/713** Khieu Samphan Interview, Jan 2004, EN 00177977-79.

¹⁶⁴⁴ **E3/27** Khieu Samphan WRI, EN 00156743-44; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.45.05; **E3/713** Khieu Samphan Interview, Jan 2004, EN 00177983-84; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103734-41 [describing meetings with Ta Mok, who updated him on the situation in the country and provided CPK ideological booklets, and how he moved to Ta Mok’s headquarters on Mount Aural in early 1969]; **E1/129.1** Meas Voeun, T. 3 Oct 2012, 14.17.30, 15.31.51-15.46.43; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393804, 00393813; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.38.43 [first met Khieu Samphan “somewhere around Aoral Mountain”].

¹⁶⁴⁵ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103739-40; **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156744.

¹⁶⁴⁶ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.53.17 [in 1969, “at the Phnom Aoral Mountain, I joined the party with Hu Nim, Pok Deuskumar, where Ta Mok, on behalf of the CPK, introduced us”]; **E1/40.1** Khieu Samphan, T. 8 Feb 2012, 10.00.25-10.01.42 [“I joined the Party at Aoral Mountain, in 1969”]. See also **E3/3** Nuon Chea Statement, May 1998, EN 00184667 [“By 63 ... Khieu Samphan (Uncle Hem) ... had not yet joined the Center, but he had joined the Party”].

¹⁶⁴⁷ **E3/4201R** Video *Facing Genocide: Khieu Samphan and Pol Pot*, 00:19:26 - 00:20:26; **E3/27** Khieu Samphan WRI, EN 00156745; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.47.49-15.49.35 [“I was tasked to be a bridge between the CPK and the King”]; **E1/15.1** Khieu Samphan, T. 23 Nov 2011, 09.46.05; **E1/261.1** Elizabeth Becker, T. 11 Feb 2015, 15.53.46.

¹⁶⁴⁸ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103743-44. See also **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.45.12-11.46.36 [“Sihanouk himself trusted Khieu Samphan. People considered him as the prophet of Buddha”].

¹⁶⁴⁹ **E1/190.1** Philip Short, T. 7 May 2013, 11.37.04-11.38.30 [“Sihanouk was immensely popular among the Cambodian peasantry...one of the reasons that the Khmer Rouge obtained recruits so easily after 1970-71 was because Sihanouk was seen as being with the Khmer Rouge”]; **E1/93.1** David Chandler, T. 20 July 2012, 11.52.17-11.54.21; **E3/22** Stephen Heder, *Cambodian Communism and the Vietnamese Model*, EN 00393823. See **E295/6/1** Co-Prosecutors’ Final Trial Brief in Case 002/01, fn. 2038 [witnesses who joined the revolution because of the appeal from Sihanouk].

¹⁶⁵⁰ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.45.05-15.47.49 [“I was appointed by Saloth Sar as the Deputy Prime Minister and Minister of Defence”]; **E3/27** Khieu Samphan WRI, EN 00156745 [“My official title was deputy chairman of the National United Front of Kampuchea and commander in chief of

GRUNK official based inside Cambodia, and was “presented officially as the leader of the resistance movement.”¹⁶⁵¹ While **Khieu Samphan** asserts that his roles conferred no responsibility,¹⁶⁵² he led FUNK/GRUNK delegations to foreign countries seeking military aid and recognition as the legitimate government of Cambodia, including a two-month trip in 1974 to China, North Korea, Vietnam, Laos, and eight other countries in Eastern Europe and Africa.¹⁶⁵³

407. **Khieu Samphan** reunited with Pol Pot and **Nuon Chea** at the Chinit River in Kampong Cham province in September 1970, at which time they moved to the new Party headquarters known as S-71.¹⁶⁵⁴ For the ensuing three decades, these three leaders would live and work together at the same locations.¹⁶⁵⁵ Phy Phuon, who worked as Pol Pot’s bodyguard and messenger during the 1970-75 period, testified that the three leaders would have breakfast together, work together in meetings from 8:30 to 11 am, lunch together, resume work in the afternoon and only go back to their respective

the People’s Liberation Army of Kampuchea”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396401-02; **E3/28** GRUNK Report *Cambodia’s Seat in the United Nations*, 19 June 1973, EN 00068119, 00068126; **E3/3705** New York Times, *Composition of Norodom Sihanouk’s Govt in Exile*, 9 May 1970; **E3/3422** Vietnam Courier, *Seven More Vice-Ministers for Cambodian Resistance Government*, 28 Sept 1970, EN S 00021041; **E3/1717** U.S. Embassy report *New FUNK/GRUNK Personalities*, 30 Sept 1971, EN 00419034; **E3/3709** Vietnam Courier, *NUFK and RGNUG Reinforced*, 3 Apr 1972; **E3/32** Statement of Norodom Sihanouk, 5 Oct 1974, EN 00282395; **E3/30** FBIS, *Cabinet Ministers Listed*, 15 Jan 1975, EN 00166708; **E3/1239** FUNK News Bulletin No. 938, *Members of the G.R.U.N.K.*, 19-20 Jan 1975, EN 00280597; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002750.

¹⁶⁵¹ **E3/27** Khieu Samphan WRI, EN 00156745; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002750; **E1/100.1** Rochoem Ton alias Phy Phuon, T. 1 Aug 2012, 15.41.20.

¹⁶⁵² **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.49.35-15.53.17.

¹⁶⁵³ **E3/88** William Shawcross, *Sideshow*, EN 00430039; **E3/1800** Article by Qiang Zhai, *China and the Cambodian Conflict, 1970-1975*, EN 00080424 [“In Apr [1974], Khieu Samphan visited Beijing and met with Mao Zedong. He was the first Khmer Communist to be granted such an honor. In an agreement with the RGNUG, China agreed to provide military equipment and supplies”]; **E1/101.1** Suong Sikoeun, T. 2 Aug 2012, 15.20.29-15.30.39; **E3/40** Suong Sikoeun manuscript, EN 00813078-81; **E3/482** Report from Leon Triviere, Nov 1975, EN 00524007; **E3/2939** US Embassy Telegram, 27 May 1974, EN 00377049-50 [“visit of Khieu Samphan to the PRC was crowned by mutual success. The RGNUG obtained the PRC’s moral and diplomatic support and an openly announced military aid agreement”]. See **E295/6/1** Co-Prosecutors’ Final Trial Brief in Case 002/01, fn. 195 for a more complete list of the reports and sources describing these trips.

¹⁶⁵⁴ **E3/27** Khieu Samphan WRI, EN 00156744-45; **E3/18** Khieu Samphan, *Cambodia’s Recent History*, EN 00103742; **E3/713** Khieu Samphan Interview, Jan 2004, EN 00177980; **E1/96.1** Rochoem Ton alias Phy Phuon, T. 25 July 2012, 15.33.14-15.41.07; **E3/24** Phy Phuon WRI, EN 00223580; **E1/189.1** Philip Short, T. 6 May 2013, 11.30.13; **E3/33** Oeun Tan WRI, EN 00235126-27.

¹⁶⁵⁵ **E3/27** Khieu Samphan WRI, EN 00156745; **E1/205.1** So Socheat, T. 11 June 2013, 14.35.55; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.09.47; **E1/98.1** Phy Phuon, T. 30 July 2012, 14.04.37; **E1/97.1** Phy Phuon, T. 26 July 2012, 14.22.24-14.24.24; **E3/3198** Khieu Samphan Interview, EN 00815884; **E1/99.1** Phy Phuon, T. 31 July 2012, 09.35.50; **E3/33** Oeun Tan WRI, EN 00235127; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396622; **E1/156.1** Sa Vi, T. 8 Jan 2013, 13.47.06-13.50.56; **E3/3796** AFP, *Khmer Rouge Top Leadership Moved as Troops Close in on Rebel Stronghold*, 1 Mar 1996; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00238229.

houses at the end of the day.¹⁶⁵⁶ He testified that **Khieu Samphan** “controlled the work of the Front,” and frequently observed him writing documents, whose content was broadcast on the radio, published in the *FUNK* magazine, and presented at study sessions.¹⁶⁵⁷ FBIS records confirm numerous such broadcasts of statements from **Khieu Samphan** on behalf of the *FUNK* from 1970 to 1975.¹⁶⁵⁸ As detailed in the *Contribution to Persecution and Execution of Enemies* section, many of his statements called for the execution of the political leaders of the Khmer Republic. Other broadcast statements of **Khieu Samphan**, in his capacity as CPNLAF Commander-in-Chief, prove that he received detailed reports on the battlefield situation, including specific information on the numbers of enemies captured and killed.¹⁶⁵⁹

408. **Khieu Samphan** was appointed a candidate member of the CPK Central Committee at the 1971 Party Congress, which he attended.¹⁶⁶⁰ Meetings of the new Central Committee were held in 1972,¹⁶⁶¹ 1973,¹⁶⁶² and 1974,¹⁶⁶³ at which decisions were made regarding the

¹⁶⁵⁶ **E1/98.1** Rochoem Ton alias Phy Phuon, T. 30 July 2012, 14.04.37-14.06.37. *See also* **E1/204.1** So Socheat, T. 10 June 2013, 13.57.36-13.59.49; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 09.34.52-09.39.12.

¹⁶⁵⁷ **E1/96.1** Rochoem Ton alias Phy Phuon, T. 25 July 2012, 15.41.07-15.45.55; **E1/100.1** Phy Phuon, T. 1 Aug 2012, 15.38.28-15.41.20. *See also* **E1/111.1** Kim Vun, T. 21 Aug 2012, 11.28.03, 11.37.14-11.39.43, 11.46.52-11.50.21, 11.54.03, 13.52.09-13.56.14, 13.58.38-14.02.24; **E1/112.1** Kim Vun, T. 22 Aug 2012, 14.21.58-14.24.19.

¹⁶⁵⁸ For a detailed list of Khieu Samphan statements broadcast on the Voice of *FUNK* radio during the 1970-75 time period, see **E295/6/1** Co-Prosecutors’ Final Trial Brief in Case 002/01, fns. 192, 264, 436, 452, 463, 465-66, 593-94, 2574-83, and 2589.

¹⁶⁵⁹ *See e.g.* **E3/637** Statement of Khieu Samphan, Hou Youn and Hu Nim, EN 00740938 [“up to mid-January 1973, the Kampuchean people’s liberation armed forces ... have smashed a total of 10,245 heads of the enemies”], EN 00740933 [reporting smashing of 1,550 “heads” on National Road 3 front and 10 strategic villages on National Road 2 (Svay Prey) battlefield], EN 00740934 [“we have smashed, injured, killed, deserted and made prisoners of war 1,050 enemies ... along national road No.5 ... Additionally, our militia squads ... jointly smashed 120 enemies”], EN 00740935-38 [smashing of “2,105 heads of our enemies”]; **E1/129.1** Meas Voeun, T. 3 Oct 2012, 15.48.10-15.51.47; **E1/130.1** Meas Voeun, T. 4 Oct 2012, 09.05.30-09.10.40 [confirming that the descriptions of battlefield advances in Khieu Samphan’s statement **E3/637** were “accurate”]; **E3/30** FBIS, *Khieu Samphan 14 Jan Message to CPNLAF Fighters*, EN 00166709-10. *See also* **E3/167** Khieu Samphan Speech, 10 Apr 1974, EN 00280586.

¹⁶⁶⁰ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 15.55.23-15.58.35; **E3/27** Khieu Samphan WRI, EN 00156751; **E3/4034** Khieu Samphan Interview, EN 00793149; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498295-96; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396427, EN 00396328; **E3/1595** Photograph of 1971 Party Congress; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 11.12.13, 11.20.45-11.24.28; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865704.

¹⁶⁶¹ **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865708-09; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450510; **E3/166** *Revolutionary Flag*, Feb-Mar 1976, EN 00517844.

¹⁶⁶² **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865709; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450511; **E3/50** CPK Circular titled *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636008; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498284.

¹⁶⁶³ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486247; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 11.26.24-11.44.36; **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.05.46-09.07.44 [“meeting by the Standing Committee and members of the Central Committee in mid-1974 deciding to evacuate the

closing of markets, establishment of cooperatives, purges of internal enemies, and other key matters. Multiple sources witnessed **Khieu Samphan** participating in meetings with Pol Pot, **Nuon Chea** and other CPK leaders at the offices that comprised the S-71 base.¹⁶⁶⁴ Phy Phuon testified, based on meetings to which he was a “first-hand witness,” that the CPK leaders (including **Khieu Samphan**) were in “harmonious agreement.”¹⁶⁶⁵

409. Also during this period, **Khieu Samphan** was one of the Party leaders who conducted political education sessions, in which CPK cadres from “all zones, sectors, and district levels” were instructed that the Party’s enemies included persons “off the battlefield ... who opposed the revolution” or “refused to join the revolution.”¹⁶⁶⁶ He was one of the leaders at the Party headquarters who issued assignments to cadres.¹⁶⁶⁷ He travelled within the CPK-controlled areas, during which trips he met with cadres and inspected agricultural work and the construction of dams.¹⁶⁶⁸ **Khieu Samphan** admits that in the final period prior to the capture of Phnom Penh, he relocated to the CPK forward base west of Oudong, where Pol Pot was based and regular meetings were held with the military commanders.¹⁶⁶⁹

people from Phnom Penh and from other provincial towns”]; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 15.13.45-15.16.34, 15.26.27-15.28.03 [other subjects discussed at mid-74 meeting included “destructive activities by traitors who infiltrated in the party [or] in the cooperatives”]; **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399226-27.

¹⁶⁶⁴ **E1/151.1** Kham Phan alias Phan Van, T. 11 Dec 2012, 11.27.40-11.30.40, *referring to* **E3/57** Kham Phan WRI, EN 00290504-05; **E1/86.1** Oeun Tan, T. 13 June 2012, 10.15.54-10.21.41; **E3/35** Ke Pich Vannak WRI, EN 00346147-48.

¹⁶⁶⁵ **E1/99.1** Rochoem Ton alias Phy Phuon, T. 31 July 2012, 09.18.26-09.20.56.

¹⁶⁶⁶ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.20.26, 09.23.39-09.26.03 [“all zones, sectors, and district levels were clearly educated to know about the enemies, and in the battlefield, of course, we fought against those enemies, and off the battlefield, for those who opposed the revolution”]; **E1/96.1** Phy Phuon, T. 25 July 2012, 15.43.10-15.45.55; **E1/112.1** Kim Vun, T. 22 Aug 2012, 14.30.48-14.35.59 [“**Khieu Samphan** talked about the Lon Nol regime ... he talked about the Front, and he asked us to be vigilant”].

¹⁶⁶⁷ **E1/18.1** Long Norin, T. 7 Dec 2011, 15.26.40-15.34.11; **E1/19.1** Long Norin, T. 8 Dec 2011, 15.36.53-15.41.01; **E3/34** Long Norin WRI, EN 00223555.

¹⁶⁶⁸ **E3/18** **Khieu Samphan**, *Cambodia’s Recent History & the Reasons Behind the Decisions I Made*, EN 00103747-48; **E3/637** FUNK Publication, Special Report, Jan 1973, EN 00740939-40; **E3/5263** Sreng Thi WRI, EN 00282224; **E1/278.1** Riel San, T. 17 Mar 2015, 09.20.29-09.22.24; **E1/279.1** Riel San, T. 18 Mar 2015, 09.18.57-09.21.30; **E1/478.1** Sem Om, T. 21 Sept 2016, 09.32.41-09.39.10.

¹⁶⁶⁹ **E3/18** **Khieu Samphan**, *Cambodia’s Recent History & the Reasons Behind the Decisions I Made*, EN 00103750 [“By the end of March 1975, I was invited to the general headquarters of the [CPK] in Phoum Dong, west of Oudong, to follow the last offensive against the capital more closely”]; **E3/27** **Khieu Samphan** WRI, EN 00156743 [stating that he saw Southwest Zone commander Ta Mok and North Zone commander Koy Thuon or his deputy Ke Pauk frequently, and East Zone commander Sao Phim occasionally, at Pol Pot’s headquarters]; **E1/68.1** Saloth Ban alias So Hong, T. 25 April 2012, 11.23.53 to 11.28.03.

DK POSITIONS & AUTHORITY

410. During the DK regime, **Khieu Samphan** continued to live and work with Pol Pot and **Nuon Chea** on a daily basis, a reflection of his personal influence and *de facto* power, which exceeded even the considerable authority conferred by his important official positions. He became a *de facto* member of the Standing Committee and a full-rights member of the Central Committee; held a high-ranking positions in Political Office 870 and the Ministry of Commerce; and served as the head of state as President of the State Presidium.

1. Role in Standing Committee and Central Committee

411. **Khieu Samphan**'s position near the pinnacle of the CPK power structure is demonstrated by his closeness to Pol Pot and **Nuon Chea**. **Khieu Samphan** has emphasised that Pol Pot trusted him¹⁶⁷⁰ and that he and Pol Pot knew each other well.¹⁶⁷¹ Kaing Guek Eav alias Duch confirms **Khieu Samphan** had a "special relationship with Pol Pot"¹⁶⁷² and that, because of Pol Pot's trust, "[a]ll documents" were in his hands.¹⁶⁷³ As Henri Locard testified, **Khieu Samphan** "was always at the heart of power."¹⁶⁷⁴

412. *Role in Standing Committee*: **Khieu Samphan**'s prominence in the regime is reflected by his role in the Standing Committee. Though not formally a member,¹⁶⁷⁵ he was its third-most-frequent attendee: of the 19 Standing Committee meetings for which minutes survive, **Khieu Samphan** is listed as an attendee at 16 meetings (or 84 per cent)—more than were attended by any member other than **Nuon Chea** and Pol Pot.¹⁶⁷⁶

¹⁶⁷⁰ **E289.1.1** Khieu Samphan Interview, Aug 2007, EN 00923077. *See also* **E3/4044** Khieu Samphan Interview, EN 00789478 ["Knowing each other well, we would talk as normal"]; **E1/205.1** So Socheat, T. 11 June 2013, 10.59.35-11.02.40.

¹⁶⁷¹ **E3/4044** Khieu Samphan, Interview, EN 00789478.

¹⁶⁷² **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.36.15-11.40.08, 11.51.52 [Khieu Samphan was "the head of Pol Pot's office. The student whom Pol Pot mentored and groomed"]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.14.08; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.11.45-14.13.38; **E3/107** Kaing Guek Eav WRI, EN 00198224; **E3/355** Kaing Guek Eav WRI, EN 00242877 ["Khieu Samphan had a special relationship with Pol Pot; the latter regarded him with esteem and perhaps was planning to make him his successor"]. *See also* **E1/191.1** Philip Short, T. 8 May 2013, 09.47.42-09.49.37; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396544 ["Pol placed growing trust in him. He appreciated his patience and perseverance, and the fact that when he was given a task, he would carry it out to the letter"], EN 00396521 ["Samphan was also entrusted with missions which Pol judged too sensitive for others to handle"].

¹⁶⁷³ **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.13.38-14.18.48 ["Pol Pot would share important issues with him. In other words, he was allowed to know important information. Pol Pot entrusted him to keep documents and help him remember the issues. That was the role of the office head at that time ... All documents were in the hands of Khieu Samphan"].

¹⁶⁷⁴ **E1/451.1** Henri Locard, T. 29 July 2016, 15.07.01-15.08.06.

¹⁶⁷⁵ **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417600; **E3/24** Phy Phoun WRI, EN 00223585.

¹⁶⁷⁶ **E295/6/1.2** Table of Attendance at Standing Committee Meetings, EN 00948358.

The meetings he attended dealt with every aspect of governance, including national defence,¹⁶⁷⁷ foreign affairs,¹⁶⁷⁸ economics and commerce,¹⁶⁷⁹ propaganda,¹⁶⁸⁰ and social affairs.¹⁶⁸¹ He also personally addressed the committee on such key matters as the implementation of a sham election to give the new regime an appearance of legitimacy¹⁶⁸² and the fate of Norodom Sihanouk.¹⁶⁸³ **Khieu Samphan**'s attendance at these meetings made him part of "a very, very small group which knew what was going on" in the regime.¹⁶⁸⁴

413. *Member of Central Committee*: In addition to his role as a *de facto* member of the Standing Committee, **Khieu Samphan** became a full-rights member of the Central Committee at the Party Congress in January 1976,¹⁶⁸⁵ though according to Ieng Sary he had already been acting as a full participant in its meetings before that.¹⁶⁸⁶ **Khieu Samphan** acknowledges the power of the Central Committee, admitting it had authority to issue directives to "correct" problems and did so at "successive meetings" during the regime's first year.¹⁶⁸⁷ He has also asserted that the Standing Committee

¹⁶⁷⁷ **E3/229** Minutes of Standing Committee Meeting on "National Defense Matters," 22 Feb 1976, EN 00182625; **E3/217** Minutes of Standing Committee Meeting on "Problems on the Eastern Frontier," 11 Mar 1976, EN 00182635; **E3/222** Minutes of Standing Committee Meeting on "National Defense Matters," 15 May 1976, EN 00182665.

¹⁶⁷⁸ **E3/218** Minutes of Standing Committee Meeting on "Results of Negotiations with Vietnam regarding the Eastern Border," 26 Mar 1976, EN 00182651; **E3/219** Minutes of Standing Committee Meeting on "Foreign Affairs Work," 3 May 1976, EN 00182663; **E3/221** Minutes of Standing Committee Meeting "Examination of the Reaction of Vietnam During the Fifth Meeting," 14 May 1976, EN 00182693; **E3/223** Minutes of Standing Committee Meeting on "Foreign Affairs," 17 May 1976, EN 00182708.

¹⁶⁷⁹ **E3/230** Minutes of Standing Committee Meeting on "Economic Matters," 22 Feb 1976, EN 00182546; **E3/233** Minutes of Standing Committee Meeting on "Commerce," 13 Mar 1976, EN 00182649; **E3/220** Minutes of Standing Committee Meeting on "Commerce Matters," 7 May 1976, EN 00182706; **E3/224** Minutes of Standing Committee Meeting on "Agricultural Production Work of the Army," 30 May 1976, EN 00182667.

¹⁶⁸⁰ **E3/231** Minutes of Standing Committee Meeting on "Propaganda Work," 8 Mar 1976, EN 00183360.

¹⁶⁸¹ **E3/226** Minutes of Standing Committee Meeting on "Health and Social Affairs," 10 June 1976, EN 00183363.

¹⁶⁸² **E3/232** Minutes of Standing Committee Meeting on "Base Work," 8 Mar 1976, EN 00182628 ["The report of Comrade Hem."].

¹⁶⁸³ **E3/197** Minutes of Standing Committee Meeting on "The Front," 11 Mar 1976, EN 00182638, 00182640 ["Comrade Hem reported to the Standing Committee on the Sihanouk problem"].

¹⁶⁸⁴ **E1/189.1** Philip Short, T. 6 May 2013, 13.50.26 to 13.51.57.

¹⁶⁸⁵ **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 14.31.27-14.34.25 ["Khieu Samphan was not as high as Pol Pot and Nuon Chea but he was still high that he could sign the pass. He was a member of the Central Committee, a full fledged member"]; **E1/69.1** Saloth Ban alias So Hong, T. 26 Apr 2012, 09.09.28-09.11.48; *See also* **E3/27** Khieu Samphan WRI, EN 00156751; **E1/223.1** Stephen Heder, T. 15 July 2013, 11.08.55-11.11.28; **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488633; **E3/130** CPK Statute, 1976, Article 21; **E3/1607** *Statute of the Communist Youth League of Kampuchea*, EN 00574545 ["January 1976"].

¹⁶⁸⁶ **E3/573** Ieng Sary Interview, EN 00427599.

¹⁶⁸⁷ **E3/18** Khieu Samphan, *Cambodia's Recent History*, EN 00103752.

“could not make any decision that was contrary to ... the previous decisions of the Central Committee.”¹⁶⁸⁸

414. *K-1 and K-3 Offices*: **Khieu Samphan**’s prominent position in the regime is also demonstrated by the fact that he lived and worked together in Phnom Penh with the core party leadership throughout the DK period. He entered Phnom Penh together with Pol Pot and **Nuon Chea** on the 20th or 21st of April 1975,¹⁶⁸⁹ and remained with them (and other key leaders) as they lived and worked at various locations throughout the city, first at the railway station,¹⁶⁹⁰ then at the Ministry of Commerce,¹⁶⁹¹ and then at the Silver Pagoda.¹⁶⁹² During this time, Pol Pot, **Nuon Chea**, and **Khieu Samphan** continued to work together “every day and night”, meeting continually with each other as well as with military leaders and zone commanders.¹⁶⁹³ They also “lived close to one another”, whereas other leaders such as Son Sen, Ta Mok, Vorn Vet, and Koy Thuon lived separately.¹⁶⁹⁴ As Phy Phuon summarised the relationship among the three key

¹⁶⁸⁸ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498298.

¹⁶⁸⁹ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745 [“Nuon Chea and Pol Pot brought me from Udong to Phnom Penh”], EN 00156748-49 [“Pol Pot took me to Phnom Penh in a jeep which was confiscated from the Lol Nol soldiers”]; **E1/189.1** Philip Short, T. 6 May 2013, 10.13.14-10.14.59; **E1/192.1** Philip Short, T. 9 May 2013, 13.50.16-14.01.10; **E3/9** Philip Short, *The History of a Nightmare*, EN 00396494; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.04.18-14.06.57. Khieu Samphan’s presence in Phnom Penh at this time is corroborated by the fact that, on 22 April 1975, he issued a statement from the Phnom Penh radio station congratulating Khmer Rouge forces on their “greatest historic victory”: **E3/118** FBIS, *Khieu Samphan 21 Apr Victory Message on Phnom Penh Radio*, EN 00166994. See also **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.04.18-14.06.57; **E3/118** FBIS, *RGNUK Spokesman Describes Plans After Victory*, 15 Apr 1975, EN 00166967-68.

¹⁶⁹⁰ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745-46 [“They (Nuon Chea and Pol Pot) brought me to the buildings of the railway station and we stayed there around a month before going to the Silver Pagoda and then to the Bassac waterfront ... I was at the railway station with Pol Pot, Nuon Chea and the other persons who frequently visited the place to get instructions from Pol Pot”]; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 13.57.03-13.58.06, 14.06.57-14.07.52, 14.19.16-14.22.24; **E3/24** Phy Phuon WRI, EN 00223582; **E1/204.1** So Socheat, T. 10 June 2013, 14.28.10-14.35.18; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396494.

¹⁶⁹¹ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.07.52-14.12.57 [“we moved from the train station to the Ministry of Commerce” and “were there for about a fortnight”], 14.19.16-14.22.24; **E3/24** Phy Phuon WRI, EN 00223582; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396496.

¹⁶⁹² **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745; **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42-10.06.46 [“in April or in May, at the Silver Pagoda, that was the first time that a meeting was held by the Central Committee”]; **E1/97.1** Phy Phuon, T. 26 July 2012, 14.24.24-14.36.42; **E3/24** Phy Phuon WRI, EN 00223582; **E1/204.1** So Socheat, T. 10 June 2013, 14.35.18-14.40.21.

¹⁶⁹³ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.07.52-14.12.57 [in response to a question as to what Pol Pot, Nuon Chea, Khieu Samphan and other leaders were doing during this period: “I saw them working at the train station and at the former Ministry of Commerce ... they met a lot, they met days and nights”], 14.19.16-14.22.24; **E3/24** Phy Phuon WRI, EN 00223582 [“I was with Pol Pot, Nuon Chea, Khieu Samphan, Son Sen, the Joint Leadership Committee, at the train station. ... They worked together every day; military leaders were there, zone commanders, who came to meet individually with them”].

¹⁶⁹⁴ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.22.24-14.24.24 [“Om Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary lived closed to one another except Son Sen and Ta Mok, Vorn Vet, and Koy

leaders, “after the liberation, the three of them [Pol Pot, **Khieu Samphan**, and **Nuon Chea**] remained together permanently”.¹⁶⁹⁵

415. After working at the Silver Pagoda, **Khieu Samphan** and the other leaders moved to K-1, a compound located at the Tonle Bassac riverfront¹⁶⁹⁶ which became the leaders’ main workplace.¹⁶⁹⁷ **Khieu Samphan** resided there with his wife for a number of months, before moving to K-3 with **Nuon Chea**, Ieng Sary, and other leaders.¹⁶⁹⁸ According to **Khieu Samphan**, K-1 and K-3 were the place of work and residence of Standing Committee members.¹⁶⁹⁹ Pol Pot continued to reside primarily at K-1, but also stayed at K-3 from time to time.¹⁷⁰⁰ **Khieu Samphan** acknowledged that at K-3, he, Pol Pot, and **Nuon Chea** took meals together, met on a daily basis, and “did nothing

Thuon, who lived separately. So Phim also had his own separate place to live”].

¹⁶⁹⁵ **E1/99.1** Rochoem Ton alias Phy Phuon, T. 31 July 2012, 09.35.50.

¹⁶⁹⁶ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745; **E3/37** Khieu Samphan WRI, EN 00156753-55 [“we moved from the Silver Pagoda” to K-1 “around June 1975”]; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.40.30; **E1/204.1** So Socheat, T. 10 June 2013, 14.37.46-14.40.30.

¹⁶⁹⁷ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 14.40.30-14.43.38; **E1/101.1** Rochoem Ton alias Phy Phuon, T. 2 Aug 2012, 11.30.02-11.33.41; **E1/204.1** So Socheat, T. 10 June 2013, 14.37.46-14.43.36 [“To my understanding, K-1 was the workplace for the leaders. It was big and it was surrounded by zinc fence and the compound was huge. It was for the leaders to work there”]; **E1/86.1** Oeun Tan, T. 13 June 2012, 11.52.44-11.54.56 [“At K-1, it was the workplace for all leaders. As for K-3 -- rather everyone was to attend meetings at K-1. No meetings were held at other places”]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 09.49.30-09.57.09, 10.37.01-10.40.48.

¹⁶⁹⁸ **E3/37** Khieu Samphan WRI, EN 00156755 [“As for myself I lived in K3 after I had stayed at K1 for two or three months, after we moved from the Silver Pagoda in the Royal Palace. In fact, most of the leaders lived in K3, Ieng Sary, Son Sen, Nuon Chea. As for Pol Pot, Pol Pot, once in a while he stayed in K3 ... It was not uncommon for him to change his house from one place to another. He also lived in K1. The meetings of the standing committee were often held at K1 office but sometimes at K3 office, Pol Pot’s house, and it could be held in the kitchen”]; **E289.1.1** Khieu Samphan, Interview, Aug 2007, EN 00923077; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103756; **E1/208.1** Leng Chhoeung, T. 17 June 2013, 09.56.55-09.59.32, 09.42.05-09.48.12, 14.27.44-14.31.51, 15.22.29-15.26.18; **E3/385** Leng Chhoeung WRI, EN 00360127, 00360129; **E1/86.1** Oeun Tan, T. 13 June 2012, 11.50.06-11.57.18, 11.14.15-11.17.02, 11.18.25-11.20.00, 11.44.27-11.45.28; **E3/33** Oeun Tan WRI, EN 00235127, 00235133; **E1/204.1** So Socheat, T. 10 June 2013, 14.46.01-14.48.05, 15.18.05-15.22.02, 15.39.10-15.41.14; **E1/206.1** So Socheat, T. 12 June 2013, 09.16.16-09.21.25; **E1/71.1** Pean Khean, T. 2 May 2012, 14.15.48-14.17.36, 15.57.40- 16.00.46; **E1/72.1** Pean Khean T. 3 May 2012, 10.21.25- 10.26.31; **E1/73.1** Pean Khean, T. 17 May 2012, 16.32.55-16.35.09; **E1/101.1** Rochoem Ton alias Phy Phuon, T. 2 Aug 2012, 11.31.33-11.33.41; **E3/104** Sa Vi WRI, EN 00204059-60; **E1/156.1** Sa Vi, T. 8 Jan 2013, 09.42.35-09.49.27, 10.04.51-10.11.11, 11.13.56-11.18.36; **E3/57** Phan Van alias Kham Phan WRI, EN 00290506; **E3/5728** Pean Khea SOAS Interview, EN 00089701; **E3/67** Norng Sophang WRI, EN 00483967-68; **E3/103** Saut Toeung WRI, EN 00204020-21; **E3/423** Saut Toeung WRI, A182-A185; **E1/63.1** Saut Toeung, T. 18 Apr 2012, 13.54.47-13.57.35, 14.02.58-14.06.50; **E1/66.1** Saloth Ban, T. 23 Apr 2012, 14.05.53-14.09.58; **E3/446** Saloth Ban WRI, EN 00503164; **E3/43** Noem Sem WRI, EN 00365660-62; **E1/126.1** Noem Sem, T. 25 Sept 2012, 13.58.38-14.06.14, 15.29.13-15.31.45; **E3/69** Chea Say WRI, EN 00233151; **E3/858** List of K-Office Cadres, EN 00391725-26 [listing bodyguards of Brother Hem]. See also **E1/208.1** Leng Chhoeung, T. 17 June 2013, 10.56.55-11.06.45.

¹⁶⁹⁹ **E3/37** Khieu Samphan WRI, EN 00156755.

¹⁷⁰⁰ **E1/71.1** Pean Khean, T. 2 May 2012, 14.15.48-14.17.36, 15.57.40-16.00.46; **E1/72.1** Pean Khean, T. 3 May 2012, 09.46.36-09.51.18; **E3/37** Khieu Samphan WRI, EN 00156755; **E3/435** Pean Khean WRI, EN 00375887; **E3/33** Oeun Tan WRI, EN 00235127.

separately.”¹⁷⁰¹ **Khieu Samphan** had an office at K-3, where he “prepared the documents, filed the documents and kept the meeting minutes.”¹⁷⁰² He also worked at K-1 at times.¹⁷⁰³ **Khieu Samphan** participated in regular meetings with other leaders of the Party Centre, as well as visiting zone leaders.¹⁷⁰⁴

416. *Political Education*: Like **Nuon Chea** and **Pol Pot**, **Khieu Samphan** also sometimes conducted education and training sessions for CPK cadres.¹⁷⁰⁵

2. Office 870 Committee

417. **Khieu Samphan** also played a key role in the Political Office 870 Committee, which was tasked with the role of monitoring the implementation of CPK policy and decisions at the Centre units falling under Office 870.¹⁷⁰⁶ **Seou Vasi** alias **Doeun** was the first chairman of the Office 870 committee.¹⁷⁰⁷ **Khieu Samphan** and **Doeun** were the only two members of the Office 870 committee, as the Accused himself admits.¹⁷⁰⁸ On 16

¹⁷⁰¹ **E3/3198** Khieu Samphan Interview, EN 00815884 [“As for daily life, Pol Pot and Nuon Chea had meals with me, and we had meals together. We did nothing separately”]; **E3/3196** Khieu Samphan Interview, EN 00815868; **E1/126.1** Noem Sem, T. 25 Sept 2012, 14.00.10-14.02.03, 14.12.38-14.14.17; **E3/43** Noem Sem WRI, EN 00365660; **E1/205.1** So Socheat, T. 11 June 2013, 15.44.38-15.46.54; **E1/55.1** Kaing Guek Eav, T. 2 Mar 2012, 13.36.52. *See also* **E1/72.1** Pean Khean, T. 3 May 2012, 10.18.41-10.23.38; **E3/435** Pean Khean WRI, EN 00375887; **E3/5728** Pean Khean SOAS Interview, EN 00089701; **E1/73.1** Pean Khean, T. 17 May 2012, 09.55.40-09.57.06.

¹⁷⁰² **E3/464** Tha Sot WRI, EN 00226111.

¹⁷⁰³ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 15.48.39-15.50.30 [“The Office 870 where Khieu Samphan stayed would be both at K-3 and K-1”].

¹⁷⁰⁴ **E1/86.1** Oeun Tan, T. 13 June 2012, 11.14.15-11.18.25, 11.22.30-11.23.32 [“There were people from sectors and zones at the place of Pol Pot and there were Khieu Samphan, Ieng Sary and Nuon Chea in the meetings”], 11.39.40-11.45.28 [“In each meeting there were Mr. Khieu Samphan, Ieng Sary, Nuon Chea, and others. They were there regularly; either the meeting was held monthly or fortnightly”]; **E3/367** Sao Sarun WRI, EN 00278695-96; **E3/232** Minutes of Standing Committee Meeting on “Base Work,” 8 Mar 1976, 00182630-34. *See also* **E3/104** Sa Vi WRI, EN 00204059; **E1/156.1** Sa Vi, T. 8 Jan 2013, 10.13.11-10.17.32, 15.09.45-15.13.52; **E1/63.1** Saut Toeung, T. 18 Apr 2012, 13.56.28-13.57.35, 15.17.45-15.20.53, 15.26.34-15.39.02; **E3/462** Seng Lytheng WRI, EN 00223564; **E1/310.1** Sou Soeun, T. 4 June 2015, 14.12.49.

¹⁷⁰⁵ **E1/124.1** Chea Say, T. 20 Sept 2012, 10.17.55-10.30.29 [“political study sessions lasted at least three days; never one day” and were taught by Nuon Chea and Khieu Samphan, usually at Borei Keila], 13.59.03-14.00.35; **E1/498.1** 2-TCCP-913, T. 10 Nov 2016, 10.05.22-10.08.52 [witness who worked as cook at Borei Keila states that Khieu Samphan was “frequently” there to teach], 11.34.37-11.39.48.

¹⁷⁰⁶ **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183394-96; **E1/191.1** Philip Short, T. 8 May 2012, 09.57.29-10.04.37.

¹⁷⁰⁷ **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183393; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.36.26-15.41.25; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 09.57.27; **E1/189.1** Philip Short, T. 6 May 2013, 13.51.57; **E1/190.1** Philip Short, T. 7 May 2013, 15.56.36-15.58.10; **E1/120.1** Norng Sophang, T. 3 Sept 2012, 11.48.02-11.51.25; **E3/37** Khieu Samphan WRI, EN 00156753; **E3/456** Kaing Guek Eav WRI, EN 00198884; **E3/1684** David Chandler, *Voices from S-21*, EN 00192742.

¹⁷⁰⁸ **E3/37** Khieu Samphan WRI, EN 00156754; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103755-56; *See also* **E1/68.1** Saloth Ban, T. 25 Apr 2012, 11.12.50-11.13.47; **E3/446** Saloth Ban WRI, EN 00503164; **E1/66.1** Saloth Ban, T. 23 Apr 2012, 14.15.54-14.19.51; **E3/356** Kaing Guek Eav WRI, EN 00242902.

February 1977, Doeun was arrested and sent to S-21.¹⁷⁰⁹ **Khieu Samphan** remained the only member of the Political Office 870 Committee following Doeun's arrest.¹⁷¹⁰

418. Although **Khieu Samphan** denies that he became the chairman of the Office 870 committee,¹⁷¹¹ it is clear that he was understood by other CPK leaders and senior cadres to be chairman after Doeun's arrest.¹⁷¹² Expert witnesses agree that he had a prominent role.¹⁷¹³ **Phy Phuon**, one of **Pol Pot**'s and **Ieng Sary**'s most trusted cadre, testified that he personally delivered documents intended for Office 870 to **Khieu Samphan**, who he

¹⁷⁰⁹ **E3/342** S-21 Prisoner List, "Revised S-21 Prisoner List", EN 00330011; **E3/1625** S-21 Confession of Seua Vasi, 19 Feb 1977, EN 00183208-19; **E3/1684** David Chandler, *Voices from S-21*, EN 00192742-3; **E3/456** Kaing Guek Eav WRI, EN 00198884-85; **E3/355** Kaing Guek Eav WRI, EN 00242874, **E3/356** Kaing Guek Eav WRI, EN 00242903. See also **E1/101.1** **Phy Phuon**, T. 2 Aug 2012, 11.52.12.

¹⁷¹⁰ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.36.26-15.38.38; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.11.45-14.18.48; **E3/107** Kaing Guek Eav WRI, EN 00198224 ["I know he had **Pol Pot**'s trust. I was told that he had been appointed Head of Office 870 after the arrest of Soeu Vasy alias Doeun"]; **E3/456** Kaing Guek Eav WRI, EN 00198882 ["I think that from this arrest onwards, he effectively became the Head of Office 870, but this was not a promotion, just an additional task, similar to the way Nuon Chea took Son Sen's position at S-21 when Son Sen had to leave"], 00198885; **E3/355** Kaing Guek Eav WRI, EN 00242874 ["**Khieu Samphan** became Secretary of the Office 870 Committee when Soeu Vasi became minister of commerce ... Soeu Vasi asked ... to be appointed minister of commerce around Apr or May 1976"]; **E3/356** Kaing Guek Eav WRI, EN 00242904 ["**Khieu Samphan** was the Secretary of the Office 870 committee"]; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002760, 00002761; **E3/1684** David Chandler, *Voices from S-21*, EN 00192742-43; **E1/91.1** David Chandler, T. 18 July 2012, 15.14.17-15.16.09, 15.39.07-15.40.12; **E3/48** Stephen Heder and Brian Tittmore, *Seven Candidates for Prosecution*, EN 00393581. See also **E1/66.1** Saloth Ban alias So Hong, T. 23 Apr 2012, 14.15.54-14.19.51; **E1/69.1** Saloth Ban, T. 26 Apr 2012, 09.26.39-09.30.14, 09.34.53-09.38.12; **E3/446** Saloth Ban WRI, EN 00503164-65.

¹⁷¹¹ **E3/205**, **Khieu Samphan** Statement, 16 Aug 2001, EN 00149527; **E3/557**, **Khieu Samphan** Written Record of Adversarial Hearing, 19 Nov 2007, EN 00153268-69; **E3/37** **Khieu Samphan** WRI, EN 00156754; **E3/112** Request to send a letter by **Khieu Samphan**, 30 Dec 2007, EN 00170882; **E3/18** **Khieu Samphan**, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103793-4.

¹⁷¹² **Ieng Sary**: **E3/573** **Ieng Sary** Statement, 4 Jan 1999, EN 00427599; **E3/190** Stephen Heder, Notes of Discussion with **Ieng Sary**, 4 Jan 1999, EN 00081572; **E1/223.1** Stephen Heder, T. 15 July 2013, 09.10.38-09.13.10, 09.16.38; **E3/48** Stephen Heder and Brian Tittmore, *Seven Candidates for Prosecution*, EN 00393581. **Van Rith (DK Minister of Commerce)**: **E3/5699** **Van Reut** alias **Meuan** Statement, EN 00567469; **E1/223.1** Stephen Heder, T. 15 July 2013, 09.20.20-09.21.27. **Phy Phuon** (Head of Security at Ministry of Foreign Affairs): **E1/97.1** **Rochoem Ton** alias **Phy Phuon**, T. 26 July 2012, 15.50.30-15.53.04, 15.57.37-16.00.28; **E1/98.1** **Rochoem Ton** alias **Phy Phuon**, T. 30 July 2012, 15.12.07-15.15.14, 15.15.14-15.16.46; **E1/101.1** **Rochoem Ton** alias **Phy Phuon**, T. 2 Aug 2012, 11.48.16-11.50.42; **E3/24** **Phy Phuon** WRI, EN 00223584; **E3/63** **Phy Phuon** WRI, EN 00231411. **Kaing Guek Eav**: **E3/356** Kaing Guek Eav WRI, EN 00242904; **E3/15** Kaing Guek Eav WRI, EN 00251376, 00251378; **E3/355** Kaing Guek Eav WRI, EN 00242874; **E3/456** Kaing Guek Eav WRI, EN 00198882; **E3/107** Kaing Guek Eav WRI, EN 00198224; **E3/448** Kaing Guek Eav WRI, EN 00154911; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 14.17.35-14.18.40, 11.29.11-11.33.43. **Saloth Ban** (**Pol Pot**'s nephew and General Secretary of the Ministry of Foreign Affairs): **E1/66.1** **Saloth Ban**, T. 23 Apr 2012, 14.14.04-14.19.51; **E3/446** **Saloth Ban** WRI, EN 00503164.

¹⁷¹³ **E1/191.1** **Philip Short**, T. 8 May 2013, 10.00.38-10.04.37; **E1/192.1** **Philip Short**, T. 9 May 2013, 14.03.24-14.11.34; **E1/91.1** **David Chandler**, T. 18 July 2012, 14.36.33, 15.12.26-15.26.19, 15.39.07-15.40.12, 15.40.37-15.42.14; **E1/93.1** **David Chandler**, T. 20 July 2012, 09.44.38-09.46.19; **E3/1684** **David Chandler**, *Voices from S-21*, EN 00192742-43; **E1/223.1** Stephen Heder, T. 15 July 2013, 09.20.20-09.21.27; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002760-61.

viewed as the person in charge¹⁷¹⁴ and both Phy Phuon and Duch testified that **Khieu Samphan** took over Doeun's role of issuing travel passes.¹⁷¹⁵ Duch also testified that, even before Doeun's demise, **Khieu Samphan** had greater powers than Doeun and was at no time Doeun's subordinate.¹⁷¹⁶ He described **Khieu Samphan** as a "much more important character" than Doeun.¹⁷¹⁷ Regardless of whether he ever was formally named chairman of the Political Office 870 Committee, the evidence leaves no doubt that before, and particularly after Doeun's arrest, **Khieu Samphan** played an essential leadership role in Office 870, an institution critical to the implementation of the criminal policies of the CPK.

419. This position gave **Khieu Samphan** access to confidential communications between the Party Centre and the zones.¹⁷¹⁸ Telegrams that were copied to "Office," as was the standard practice for telegrams to the Centre,¹⁷¹⁹ were delivered to Political Office 870.¹⁷²⁰ **Khieu Samphan's** centrality in the communication network is demonstrated by the fact there was a direct telephone connection between his office and the telegram encryption unit, one of just three telephone lines in the encryption office.¹⁷²¹ His position in Office 870 also meant that **Khieu Samphan** was well-informed regarding cadres' transfers and removals,¹⁷²² key information during the purges which raged throughout the DK period.

¹⁷¹⁴ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 15.39.31-15.41.52, 15.46.53, 15.48.39-15.50.30.

¹⁷¹⁵ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 15.57.37-16.01.45; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.05.18-15.07.37; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 14.26.06-14.34.25.

¹⁷¹⁶ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.38.38-15.42.43; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.01.11, 10.14.08.

¹⁷¹⁷ **E3/456** Kaing Guek Eav WRI, EN 00198882; **E3/355** Kaing Guek Eav WRI, EN 00242874; *See also* **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.38.38-15.42.43; **E3/107** Kaing Guek Eav WRI, EN 00198224.

¹⁷¹⁸ **E1/117.1** Norng Sophang, T. 29 Aug 2012, 15.32.59-15.36.14; **E3/1739** Norng Sophang Transcription of Interview, EN 00844060.

¹⁷¹⁹ **E1/120.1** Norng Sophang, T. 3 Sept 2012, 11.43.32-11.48.02.

¹⁷²⁰ **E3/198** Khieu Samphan Interview, 17 Aug 2005, EN 00184680 ["Doeun was the chief of Office 870 ... Doeun was the person to receive zone reports that were sent to 870"]; **E1/120.1** Norng Sophang, T. 3 Sept 2012, 11.02.40-11.07.15, 11.27.38, 11.32.49-11.35.56; **E1/122.1** Norng Sophang, T. 5 Sept 2012, 09.13.01-09.15.02; **E3/64** Norng Sophang WRI, EN 00334059-60.

¹⁷²¹ **E1/120.1** Norng Sophang, T. 3 Sept 2012, 13.52.27-13.55.57; **E1/121.1** Norng Sophang, T. 4 Sept 2012, 11.37.23-11.39.20; **E1/122.1** Norng Sophang, T. 5 Sept 2012, 10.23.59-10.25.54; **E3/64** Norng Sophang WRI, EN 00334053.

¹⁷²² **E3/573** Ieng Sary Interview, EN 00427599 ["As chairman of 870, transfers and removals of cadre would cross [Khieu Samphan's] desk; he would be told, for example, that such and such was being sent to the Chamkar, so in some ways, he knew more than me"].

420. On 6 January 1979, **Khieu Samphan** presided over a meeting attended by about seven “chiefs of units under the chairmen of the committees surrounding the Centre,”¹⁷²³ at which he informed them of the Vietnamese invasion and instructed them to carry on working as normal.¹⁷²⁴ Duch was among those selected to attend, and **Khieu Samphan** knew who he was with no introduction.¹⁷²⁵

3. Responsibility for Commerce & DK Economy

421. **Khieu Samphan** also played a key role in the Ministry of Commerce and in the DK economy generally. At the October 1975 Standing Committee meeting, he was assigned responsibility for “the Front and the Royal Government, and Commerce for accounting and pricing.”¹⁷²⁶ Early the next year, his responsibilities expanded to include aspects of trade with China and banking, responsibilities that were shared in part with Koy Thuon, Ieng Sary, Vorn Vet, and Doeun.¹⁷²⁷ Doeun was put in charge of the Ministry of Commerce in March 1976, but by October 1976 **Khieu Samphan** had taken control—as reflected by the fact that the Ministry’s reports which had previously been addressed to Doeun¹⁷²⁸ were from that point addressed to “Brother Hem.”¹⁷²⁹ Those reports are addressed to **Khieu Samphan** as a superior, seeking his instructions and guidance.¹⁷³⁰ Documents not initially addressed to the Accused often contain annotations recording

¹⁷²³ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.36.04-09.38.29.

¹⁷²⁴ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.33.30-15.38.38; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 13.36.03-13.46.01.

¹⁷²⁵ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.39.52-09.42.19.

¹⁷²⁶ **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183393.

¹⁷²⁷ **E3/233** Minutes of Standing Committee Meeting on “Commerce,” 13 Mar 1976.

¹⁷²⁸ **E3/2036** Report from Commerce Committee to “Dear Respected Brother Doeun,” 21 Aug 1976, EN 00296187; **E3/2037** Report from Commerce Committee to “Dear Respected Brother Doeun,” 28 Aug 1976, EN 00323937; **E3/3568** Report from Commerce Committee to “Respected and Beloved Brother Doeun,” 7 Sept 1976, EN 00709612; **E3/2038** Report from Ministry of Commerce to “Respected and Beloved Brother Doeun,” 30 Sept 1976, EN 00337497.

¹⁷²⁹ **Annex J** Documents Addressed to or Forwarded to **Khieu Samphan**, Table 1, *Ministry of Commerce Telegrams addressed to “Brother Hem”*.

¹⁷³⁰ **E3/3514** Report from Commerce Committee to “Respected and Beloved Brother Hem”, 1 Dec 1977, EN 00634427 [“Please, Brother, be informed and give instruction”]; **E3/3455** Report from Commerce Committee to “Beloved and Respected Brother Hem,” 24 Jan 1978, EN 00634424 [“Please be informed and give instruction”]; **E3/1615** Report from Commerce Committee to “Respected and Beloved Brother Hem”, 27 Sept 1977, EN 00234312 [“Request Brothers accept this for your information and to provide instructions”]; **E3/3461** Report from Commerce Committee to “To Beloved and Respectable Brother Hem”, 28 Apr 1978, EN 00711450 [“I would like you Brother to be informed and to give guiding comments”].

that copies were sent to him.¹⁷³¹ Witness testimony also confirms **Khieu Samphan**'s authority over the Ministry of Commerce.¹⁷³²

422. **Khieu Samphan**'s authority over the Ministry of Commerce is also confirmed by the fact he frequently visited Commerce facilities and conducted meetings there.¹⁷³³ In one of the last such meetings, on 5 January 1979, **Khieu Samphan** exhorted cadres from the Ministry to dig trenches and prepare to fight the Vietnamese.¹⁷³⁴

4. President of State Presidium

423. Following 17 April 1975, **Khieu Samphan** continued in his positions as Deputy Prime Minister and Minister of Defence of the GRUNK.¹⁷³⁵ Following the promulgation of the DK Constitution, **Khieu Samphan** was appointed President of the State Presidium, making him Democratic Kampuchea's head of state,¹⁷³⁶ succeeding Norodom Sihanouk, who resigned as chief of state four days later.¹⁷³⁷ In his capacity as head of state, **Khieu Samphan** received foreign diplomats and represented DK at international conferences.¹⁷³⁸

¹⁷³¹ **Annex J Documents Addressed to or Forwarded to Khieu Samphan**, Table 2, *Documents Containing Handwritten Annotations Indicating They Were Sent to Khieu Samphan*.

¹⁷³² **E1/79.1** Sakim Lmut (Sar Kimlomouth), T. 31 May 2012, 11.07.45-11.11.00, 11.24.00, 11.43.08-11.45.36, 14.33.10 ["Q: Did you understand why these reports were being prepared for Hem and also sent to Vorn? A: ... as routines Commerce Committee had to report to the superiors ... Bong Vorn and Bong Hem"], 15.13.48-15.22.55; **E1/80.1** Sakim Lmut (Sar Kimlomouth), T. 4 June 2012, 09.12.29-09.15.41, 09.23.57-09.29.29; **E3/439** Sakim Lmut WRI, A56; **E3/105** Sakim Lmut WRI, A4-A5; *See also E3/18* Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103794 ["by the end of 1976 ... I had a certain autonomy to accomplish my task, especially concerning the importation of several products"].

¹⁷³³ **E1/184.1** Ruos Suy, T. 25 Apr 2013, 10.34.07-10.36.03, 10.36.03-10.38.18 ["Q. Do you recall a time when Mr. Khieu Samphan came to visit your warehouse? A. Of course I used to see him visit the warehouse"], 11.08.08 - 11.11.45 ["It happened, when subordinates at the warehouses had to be called to attend sessions, when he would chair"], 11.18.00, 13.53.16-13.55.30; **E1/206.1** Sim Hao, T. 12 June 2013, 14.29.48-14.36.57, 15.10.30-15.12.39; **E1/207.2** Sim Hao, T. 13 June 2013, 14.10.35-14.14.21.

¹⁷³⁴ **E3/4623** Sim Hao DC-Cam Statement, EN 00679721-22; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.31.45-11.38.22, 11.39.29-11.48.34; **E3/4594** Ruos Suy DC-Cam Statement, EN 00710554; **E1/206.1** Sim Hao, T. 12 June 2013, 15.10.30-15.17.44; **E1/207.2** Sim Hao, T. 13 June 2013, 14.15.56-14.34.16.

¹⁷³⁵ *See e.g. E3/1106* Telegram from Norodom Sihanouk to Khieu Samphan, 17 May 1975; **E3/118** FBIS, *Khieu Samphan 21 Apr Victory Message on Phnom Penh Radio*, EN 00166994; **E3/118** FBIS, *Special National Congress Retains Sihanouk*, Penn Nouth, 25-27 Apr 1975, EN 00167012; **E3/119** FBIS, *Deputy Premier Khieu Samphan Grants Interview to AKI*, 13 Aug 1975, EN 00167385.

¹⁷³⁶ **E3/12** Decision of the Central Committee Regarding a Number of Matters, EN 00182813. *See also E1/123.1* Norng Sophang, T. 6 Sept 2012, 09.16.32-09.21.08; **E3/165** Document on Conference I of Legislature I of the People's Representative Assembly of Kampuchea, 11 - 13 Apr 1976, EN 00184068.

¹⁷³⁷ **E3/275** FBIS, *Sihanouk's Statement Requesting Retirement*, 4 Apr 1976, EN 00167603-04; **E1/149.1** Hun Chhunly, T. 6 Dec 2012, 11.48.23-11.52.16.

¹⁷³⁸ **E1/77.1** Ny Kan, T. 29 May 2012, 10.55.44; **E1/78.1** Ny Kan, T. 30 May 2012, 13.56.26; **E1/102.1** Suong Sikoeun, T. 6 Aug 2012, 14.09.41 ["in his capacity as the president of the State Presidium, he received credential of foreign diplomats who have their mission in Cambodia"], 14.13.16 ["I used to accompany Khieu Samphan to attend the Non-Aligned Summit in Sri Lanka in 1976"].

3. CONTRIBUTION OF ACCUSED TO COMMON CRIMINAL PLAN

CONTRIBUTION TO ENSLAVEMENT OF POPULATION

1. Participation of Nuon Chea and Khieu Samphan in Party Centre Meetings

Establishing CPK Policy

424. As participants in Party Congresses and meetings of the Central and Standing Committees, both **Nuon Chea** and **Khieu Samphan** contributed to the establishment of the CPK policies that resulted in the enslavement and inhumane treatment of the Cambodian people in cooperatives and worksites throughout Democratic Kampuchea.

425. The political or strategic lines of the CPK were established at Party Congresses,¹⁷³⁹ which were required to be held every four years.¹⁷⁴⁰ Under the CPK Statute, the Central Committee was the “highest operational unit throughout the country” between Party Congresses,¹⁷⁴¹ and was responsible for “implement[ing] the Party political line.”¹⁷⁴² **Khieu Samphan** has stated that the Central Committee met every six months,¹⁷⁴³ as required by the CPK Statute.¹⁷⁴⁴ Decisions establishing CPK policy were made collectively by the CPK leaders at the Party Congresses and Central Committee meetings.¹⁷⁴⁵

¹⁷³⁹ **E3/130** CPK Statute, Article 7.1 [“The Party organization which has the highest power rights throughout the country is the General Conference”], Article 21.2 [responsibility of Party Congress to “Designate the political line”]; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 11.41.53-11.45.42 [“any changes to the Party’s political lines could have only been made during the general Party’s congresses; no other people would be allowed to do so”]; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.08.25 [“The amendment to these strategic lines could only be adopted by the general assembly”]; **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [“Concerning power: it was not invested in individuals. It was in the Party Congress ... And no one could overturn the decisions of the Party Congress”].

¹⁷⁴⁰ **E3/130** CPK Statute, Article 21 [“The Central Committee must call an ordinary General Conference representing the entire country once every four years”], Article 22 [“A General Conference may be held before the designated time or can be postponed, according to the specific situation”].

¹⁷⁴¹ **E3/130** CPK Statute, Article 7.1.

¹⁷⁴² **E3/130** CPK Statute, Article 23 [“The tasks of the Central Committee are: (1) Implement the Party political line and Statute throughout the Party; (2) Instruct all Zone and Sector-City organisations and Party organisations responsible for various matters to carry out activities according to the political line ... in accordance with the Party direction of socialist revolution and building socialism”; (3) Govern and arrange cadres and Party members throughout the entire Party, along with all core organizations”].

¹⁷⁴³ **E3/27** Khieu Samphan WRI, EN 00156750.

¹⁷⁴⁴ **E3/130** CPK Statute, Article 25 [“The Central Committee must hold ordinary meetings once every six months to examine, monitor, and deliberate all old work in every field and to bring up new work in every field”].

¹⁷⁴⁵ **E1/23.1** Nuon Chea, 15 Dec 2011, 10.55.17-11.05.55; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329511; **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [“Leadership in my Party was collective decision making”]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498298 [Standing Committee “could not make any decision that was contrary to ... the previous decisions of the Central Committee”]; **E3/130** CPK Statute, Article 3 [“Every full-rights Party member has the following rights: (A) To consider and discuss and join in decision making on all Party affairs, doing this according to the principle of democratic centralism”], Article 6.2 [“All of the various

426. In 1972 and 1973, when the CPK began the process of establishing forced cooperatives and irrigation worksites in the liberated zones, **Nuon Chea** was the Deputy Secretary of the Party and **Khieu Samphan** was a candidate member of the Central Committee and regular participant in the meetings of the Party leadership at the S-71 base (*as discussed above*). In 1972, the CPK Central Committee decided to close markets and eliminate private ownership in the liberated zones,¹⁷⁴⁶ and in 1973 it “collect[ed] people forces vigorously and regularly”¹⁷⁴⁷ for assignment to cooperatives¹⁷⁴⁸ and irrigation worksites.¹⁷⁴⁹
427. **Nuon Chea** and **Khieu Samphan** have admitted that people who lived in the cooperatives were “not free.”¹⁷⁵⁰ This loss of freedom was not an unintentional by-product but rather an essential part of the motivation for the Party’s policy to force the

decisions of the Party must be made collectively”]; **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720211-12, 00720228 [“plans must be proposed by the collective”]; **E3/139** *Revolutionary Flag*, Nov 1976, EN 00455305-09; **E1/91.1** David Chandler, T. 18 July 2012, 10.13.51-10.16.58; **E1/92.1** David Chandler, T. 19 July 2012, 13.31.30-13.46.01, 13.50.47-13.55.22.

¹⁷⁴⁶ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450510; **E3/166** *Revolutionary Flag*, Feb-Mar 1976, EN 00517819 [“we began waging socialist revolution in 1972, in particular 1973, by dissolving private commerce”]; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865704 [“In 1972, ... the Party began promoting the struggle movement to eliminate the old production means and to establish new ones”], 00865708-09 [“In the congress of the Party Centre in May 1972, ... the Party started the process of organizing the cooperative at the beginning phase”]; **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720210 [“we released a circular prohibiting people from selling food and supplies to the enemy, ordering them to support the revolution, ... and then we issued another circular assigning them to produce crops collectively”].

¹⁷⁴⁷ **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865712.

¹⁷⁴⁸ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450511 [“Seeing that only by organizing cooperatives could we gain control of the economy, in mid-1973 the Party decided to organize cooperatives throughout the country”]; **E3/50** CPK Circular titled *Third Year Anniversary of the Organization of Peasant Cooperatives*, 20 May 1976, EN 00636008 [“On 20 May 1973, the Party decided to organize peasant cooperatives”]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498284 [“High-level cooperatives were organized in 1973” in which “land was declared to belong to the cooperatives”]; **E3/592** Khieu Samphan Statement, 29 Dec 2003, EN 00002805; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 09.16.29 [“The Party decided to form cooperatives...in order to gather the people to work collectively and not to work individually”]; **E1/34.1** Prak Yut, T. 26 Jan 2012, 10.12.34-10.15.47, 16.00.49-16.02.13 [“small cooperatives” organized in 1973 in Kampot]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401482 [starting in mid-1973, “we made progress in eliminating private ownership of land and means of production, and in general we put cooperative ownership in place”].

¹⁷⁴⁹ **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865712 [“experience [from 1972] showed us that: ... In order to collect people forces vigorously and regularly, we must constantly organize the movements, which included the dike building, dam construction, food production ... based on our slogan ‘constantly incited, constantly burned, and constantly hot’”], 00865704-05 [“in that year of 1973, the cooperativisation in the countryside was expanded extensively ... The canal, dam and pond construction movements ... were blooming everywhere”]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401482-83 [starting in mid-1973, “we carried out absolute democratic revolution. ... Production was well whipped up: dams, feeder canals, dry season rice, rainy season rice”].

¹⁷⁵⁰ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 10.05.37 [“If they were to live in the cooperatives they could not go anywhere else”]; **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000928 [“In the cooperative people were not free”]. See also **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396446-47 [“collectivisation was imposed by force throughout the liberated zones” beginning in May 1973].

population into cooperatives. As explained by the CPK leaders to the cadres in the internal Party publication *Revolutionary Flag*, the organisation of cooperatives was a critical measure and “turning point” precisely because “the people had to depend on the revolution and the revolution was *able to control them*.”¹⁷⁵¹ To implement this policy of making people dependent on the Party and easily controlled, the CPK leaders “incited the people to attack the capitalist class,”¹⁷⁵² ordered them to farm collectively and “support the revolution,”¹⁷⁵³ prohibited any sales of rice,¹⁷⁵⁴ and assumed control of the distribution of rice.¹⁷⁵⁵

428. In June 1974¹⁷⁵⁶ and early April 1975,¹⁷⁵⁷ **Nuon Chea, Khieu Samphan**, and the other top CPK leaders unanimously agreed that, upon capturing Phnom Penh, the entire urban population of Cambodia would be forcibly moved into cooperatives and worksites in the countryside, in order for the Party to be able to “control” those people.¹⁷⁵⁸

¹⁷⁵¹ **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865712 (*emphasis added*). See also **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.50.54-09.52.56 [by stopping the use of money, “we would be able to control that situation”]; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons behind the Decisions I Made*, EN 00103777 [“at the outset of the movement, these cooperatives were deemed critical. Indeed, while giving the KR leadership control over the economy, in particular the production of rice, these cooperatives also were an indispensable source of power ... that could be easily mobilized”]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498302 [Pol Pot “had great faith in the cooperatives because since the cooperatives had been first organized in 1971, the CPK had been able to control rice, control the economy, control the people”]; **E1/451.1** Henri Locard, T. 29 July 2016, 11.16.06 [“Why did they do away with money? Because money is a tool of extraordinary freedom; behind that piece of paper, you can buy anything and any service. So if you don’t have this paper, you’ve lost all of your freedom and you are completely dependent on the local apparatchik who will distribute to you food, clothing, etc.”].

¹⁷⁵² **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865704.

¹⁷⁵³ **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720210.

¹⁷⁵⁴ **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720210; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450510. See also **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396447-48 [quoting witness’ account of Khieu Samphan and Hu Nim’s disapproval when he proposed establishing a “trade office to sell things to the people” after his arrival at Stung Chinit headquarters in 1973].

¹⁷⁵⁵ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498284 [at high-level cooperatives organised in 1973, “[t]he yearly harvest was declared to be under the common ownership of the cooperatives and ceased to be distributed to houses as it had been previously”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 09.33.14-09.35.35 [cooperatives implemented in Peam and Amleang communes in 1973 – “zone Committee was tasked to divide the produce generated by the cooperative; for example, how much is given to the front and how much is reserved for the commune”], 09.36.29-09.40.59 [at high-level cooperatives, the Party was “in full control of all production means” and determined the “working hours of the farmers”].

¹⁷⁵⁶ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.05.46-09.07.44; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 15.12.36-15.34.13, 15.28.03-15.30.10; **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.30.50-09.33.36, 11.37.50-11.44.36.

¹⁷⁵⁷ **E1/97.1** Rochoem Ton alias Phy Phuon, T. 26 July 2012, 09.40.28-09.45.02, 09.48.52-09.52.25 [Nuon Chea “expressed his position that he agreed with the plan” and “Khieu Samphan also agreed with the plan”], 10.09.04-10.11.01; **E3/63** Phy Phuon WRI, EN 00231409-10; **E3/24** Phy Phuon WRI, EN 00223581.

¹⁷⁵⁸ **E1/97.1** Rochoem Ton, T. 26 July 2012, 09.45.02 [“if people remained in the cities the Party would find

429. After traveling together to Phnom Penh a few days after the city was captured on 17 April 1975,¹⁷⁵⁹ Pol Pot, **Nuon Chea**, and **Khieu Samphan** participated in daily meetings with Ieng Sary, Son Sen, and zone leaders (including Ta Mok, Sao Phim, Koy Thuon, and Vorn Vet), initially at the railway station and later the Commerce Ministry and Silver Pagoda, at which the CPK's plan for implementation of "Socialist Revolution" was developed.¹⁷⁶⁰ The meetings during this period included a 10-day meeting of the Central Committee,¹⁷⁶¹ in which Pol Pot presented documents and **Nuon Chea** led the discussions with the zones.¹⁷⁶² **Khieu Samphan** attended these meetings,¹⁷⁶³ and has admitted that one of the key matters decided was the plan to "urgently rebuild" the country in order to stay ahead of Vietnam, pursuant to which "all" land would be placed under cooperatives and "dams and canals" built "in a speedier process."¹⁷⁶⁴ While **Khieu Samphan** was still formally a candidate member of

it difficult to control them"], 10.16.11 ["So everyone...all the participants agreed to the measure and applauded it"]; **E3/4051** Khieu Samphan Interview, EN 00788872 [transcript of video **E3/4051R**: "if there had been a single voice against the evacuations, there could have been no evacuations"].

¹⁷⁵⁹ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745; **E1/189.1** Philip Short, T. 6 May 2013, 10.13.14-10.14.59; **E3/9** Philip Short, *The History of a Nightmare*, EN 00396494; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757482-83.

¹⁷⁶⁰ **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156745-46]; **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42-10.06.46; **E1/97.1** Phy Phuon, T. 26 July 2012, 14.10.10-14.12.57, 14.19.16-14.22.24 ["they worked every day and night at the train station and at the Ministry of Commerce. When it was necessary, they had to continue working until late at night ... These people came to work on a regular basis including Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary, Son Sen, who worked on a daily basis. They worked together there"], 14.24.24-14.34.32 [describing May 1975 meetings with zone leaders at Silver Pagoda: "The people who led the meetings were mainly Pol Pot and Nuon Chea ... after the meeting, I saw a document which stated that now we are going to engage in socialist revolution ... the documents discussed about the construction of the socialist revolution; about building and defending the country; about building the progressive cooperatives ... Q: ...was Ieng Sary and Khieu Samphan present during these meetings? A: Yes, they were present during those meetings"]; **E3/24** Phy Phuon WRI, EN 00223582 ["they went to the Preah Kev Temple Sanctuary during May 1975, where there were large meetings for a period of nearly 10 days, attended by zone commanders like Sao Phim, Koy Thuon, Ta Mok, Vorn Vet, Ros Nhim, Ya, Laing ... Ke Pauk, Doeun, Pang ... They talked about the situation inside and outside the country, the post-liberation situation and setting a new direction ... there would be what they called Socialist Revolution"]; **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089712 ["In 1975, in Phnom Penh, the Central Committee held meetings to refashion its guidelines. National democratic revolutionary way was over ... It chose revolutionary socialism ... Returning from Phnom Penh, I gathered about 500 cadres ... spreading new stance, Socialist Revolution, to them"].

¹⁷⁶¹ **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42; **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089712; **E3/24** Phy Phuon WRI, EN 00223582; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491408 [refers to May 1975 meeting of "the Central Committee of the Party and the Military Committee of the Party Center, one month after the liberation"].

¹⁷⁶² **E1/97.1** Phy Phuon, T. 26 July 2012, 14.29.46 ["The people who led the meetings were mainly Pol Pot and Nuon Chea"]; **E3/24** Phy Phuon WRI, EN 00223582 ["The only person who gave presentations on the documents was Pol Pot. The leader of the discussion group was Nuon Chea who examined and led the joint discussions by the zones"].

¹⁷⁶³ **E1/97.1** Phy Phuon, T. 26 July 2012, 14.34.32; **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156749 [referring to "explanations" that were given "in the meeting at the Silver Pagoda"].

¹⁷⁶⁴ **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42-10.06.46 [discussing initiation of "Socialist Revolution" after the 17 April 1975 victory: "in April or in May, at the Silver Pagoda, that was the first

the Central Committee at this time, Ieng Sary has stated that he had already assumed a full role in the Committee as of 1975.¹⁷⁶⁵

430. The Party policies decided at the Silver Pagoda meetings were announced by Pol Pot and **Nuon Chea** at a mass meeting held from 20 to 25 May 1975 attended by CPK leaders from all zones, sectors, districts, and organisations of the country.¹⁷⁶⁶ The specific policies announced at that time included the implementation of cooperatives and communal dining, and a “big offensive” to build irrigation dams and canals throughout the country.¹⁷⁶⁷

time that a meeting was held by the Central Committee. ... Cambodia had to urgently rebuild our country and not to let Vietnam catch up and swallow us. So the Socialist Revolution and Reconstruction were of the general concept that all the land no longer belonged to members of the cooperatives; all the land became the property of the cooperatives ... Therefore, we build dams and canals in a speedier process”]. See also **E3/735** David Chandler, Ben Kiernan & Chanthou Boua, *Pol Pot Plans the Future*, EN 00104059 [21 Aug 1976 CPK document titled “Preliminary Explanation Before Reading the Plan” refers to “May 1975 meeting” of Party Centre which decided: “socialism must be built as rapidly as possible, taking us from a backward agriculture to a modern one in from five to ten years”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396496 [“full leadership” meeting held at Silver Pagoda in May 1975 that “decided to give absolute priority to raising farm production”].

¹⁷⁶⁵ **E3/573** Ieng Sary Interview, EN 00427599 [“Khieu Samphan became a Central Committee member 76, although already in 75 he was de facto involved in Central Committee affairs”].

¹⁷⁶⁶ **E1/82.1** Sao Sarun, T. 6 June 2012, 10.57.27-11.02.27 [“there were huge number of people from all across the country ... representatives from the sectors were present at the meeting ... there were military representatives representing the divisions”], 11.02.27 [“Q: Is it correct that both Nuon Chea and Pol Pot made presentations at this meeting? A: Yes, that is correct”], 11.04.50-11.08.03 [“I was asked to attend a meeting to understand the political situations after the liberation ... it was about the building of the country”]; **E3/367** Sao Sarun WRI, EN 00278694; **E1/151.1** Kham Phan, T. 11 Dec 2012, 15.04.28-15.08.36; **E1/152.1** Kham Phan, T. 12 Dec 2012, 10.45.37; **E1/378.1** Prak Yut, T. 19 Jan 2016, 15.40.20-15.47.25 [“perhaps Khieu Samphan was also there”]; **E1/379.1** Prak Yut, T. 20 Jan 2016, 09.55.06; **E1/380.1** Prak Yut, T. 21 Jan 2016, 14.16.33; **E3/1568** Chea Sim Interview, 3 Dec 1991, EN 00651865-66 [“The meeting in Phnom Penh in May 1975, 20th May. ... It was a national meeting. The secretaries of every district, secretaries of every region, and zone ... The program lasted 5 days ... Nuon Chea spoke first, on the first day. Then Pol Pot on the second”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.31.36 [meeting was attended by Tram Kak District Secretary Khom]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [“All military and civilian officials of the new regime were summoned to a special meeting on 20 May 1975 ... Its purpose was ‘to receive the plan distributed by the Center’ and then return home to ‘implement the plan’”].

¹⁷⁶⁷ **E1/82.1** Sao Sarun, T. 6 June 2012, 11.28.20-11.30.45 [meeting discussed plans to build irrigation systems in the provinces], 13.31.33-13.35.26 [organisation of low-level cooperatives “encompassing 30 to 40 families” and communal dining discussed by Pol Pot], 13.42.45 [“Q: ... was there any discussion about the elimination of private property? A: Yes, that matter was discussed. Private belongings, properties shall be put communally, and as for the cattle, the cattle shall be put communally for common use within the cooperative”]; **E3/367** Sao Sarun WRI, EN 00278694 [“In that meeting, the presenters at the opening sessions were Nuon Chea and Pol Pot ... Both of them talked about political matters, cooperative organization, currency prohibition, market and monastery closings”]; **E3/384** Sao Sarun WRI, EN 00348375 [“Q: when you talked about setting up the cooperatives, was communal dining, storing rice collectively, and working the rice fields communally spoken about? A. Yes, that was actually spoken about”]; **E1/378.1** Prak Yut, T. 19 Jan 2016, 15.48.48-15.52.26 [“The main topic was about the creation of cooperatives”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [list of eight policies discussed at meeting includes: “(6) Establish high-level cooperatives throughout the country, with communal eating”]; **E3/1568** Chea Sim Interview, 3 Dec 1991, EN 00651866-67 [describing instructions from Nuon Chea on building socialism: “In 1976, start to build irrigation dams and canals throughout the country. This was a big offensive, concerted, simultaneous and nationwide. The concerted

431. Over the ensuing months, the CPK leaders continued to work on the details and implementation of their plan to “[d]evelop the country quickly” by a “great leap forward,” a policy on which they were in “total agreement.”¹⁷⁶⁸ In the August 1975 issue of *Revolutionary Flag*, they instructed that cooperatives were to be increased in size to encompass entire villages.¹⁷⁶⁹ In September 1975, they distributed a policy document on the “implementation of the Party’s agricultural line to push agriculture to expand in a great leap to the maximum according to the instructions of the Party.”¹⁷⁷⁰ It assessed the situation “during the past 4-5 months” since “the Party disseminated the line” in May 1975, noting that there were shortages of food and medicine,¹⁷⁷¹ and that people were working “fifteen hours a day” due to the lack of machinery, which was “having an impact on the health of our people.”¹⁷⁷² The CPK leaders nonetheless continued to stress the importance of quickly building dams, paddy dikes, and canals that would “transform the rural countryside,” noting that dams could be built “in large groups” and “by hand.”¹⁷⁷³ The circular also discussed whether to establish a “rice

action was to start on 1 January 1976 the start of the offensive to raise earthworks ... immediately after the harvest”].

¹⁷⁶⁸ **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089712 [“After the new political stance had been spread throughout the country, the Central Committee held another meeting in Preah Keo Pagoda on the Four-Year Plan. The meeting agreed on all the points in the plan. The plan had two primary objectives: (1) Defend the country from the annexation of Yuon; (2) Develop the country quickly with the speed of great leap forward. In order to achieve the two objectives, the Party had to set up cooperatives using the experience of the five-year war. The meeting was in total agreement. We decided to set 100 families in one cooperative, in which they had communal eating. In so doing, they mentioned, they would have military forces to defend the country and labor forces to construct dams and irrigation systems”]. *See also* **E3/24** Phy Phuon WRI, EN 00223582 [identifying Ke Pauk as one of the Zone leaders who participated in the meetings at the Silver Pagoda].

¹⁷⁶⁹ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401507 [“Before liberation we organized cooperatives in groups with each group having 15-20-30 families ... But now, in order to give impetus to the production movement and make it mightier, the Party has decided to organize the cooperatives as village cooperatives, that is, to take each village, to make it into a unit, and to organize a cooperative”].

¹⁷⁷⁰ **E3/781** CPK Circular No. 3, “Examination of Control and Implementation of the Policy Line on Restoring the Economy and Preparations to Build the Country in Every Sector,” 19 Sept 1975, EN 00523569.

¹⁷⁷¹ **E3/781** CPK Circular No. 3, 19 Sept 1975, EN 00523571 [“situation of shortages in all aspects of life, including shortages of supplies to produce food: cattle, water buffaloes, and hoes”], EN 00523590 [“deficiencies still exist. In the past, we have been short of medicines, leading to sickness and pain, malnourishment, malaria and food shortages ... The people with the greatest shortages are those who were evacuated from Phnom Penh and the surrounding areas”]. *See also* **E3/216** Record of the Standing Committee’s Visit to the Northwest Zone, 20-24 Aug 1975, EN 00850973 [noting that New People in the Northwest Zone were “experiencing shortages, shortages of food supplies as well as shortages of medications”].

¹⁷⁷² **E3/781** CPK Circular No. 3, 19 Sept 1975, EN 00523576.

¹⁷⁷³ **E3/781** CPK Circular No. 3, 19 Sept 1975, EN 00523573-74 [“From past experience, to master water for agriculture, the major thing is to solve paddy dikes ... Anyone can make them, make them by themselves, make them in large groups, make them by hand, by machines ... These dikes are to transform the rural countryside ... So these dikes must be high, straight and level, done in a pattern like a chessboard ... The major goal of this year is making dikes and canals”].

harvest quota” of “three tons per hectare,”¹⁷⁷⁴ and the need to export rice in order to raise capital.¹⁷⁷⁵

432. In November 1975, one month after **Khieu Samphan** was assigned responsibility for Commerce matters,¹⁷⁷⁶ the Party Centre decided to establish a production quota for 1976 of three tons of rice per hectare,¹⁷⁷⁷ emphasizing the need to rapidly expand production.¹⁷⁷⁸ One year later, the Party leaders maintained the 3 ton-per-hectare quota for 1977, but called for a dramatic increase in water supply through the construction of even more dams and canals.¹⁷⁷⁹ In 1978, the CPK leaders increased the rice production quota to 3.5 tons-per-hectare, and directed that the amount of two-crop land was to be doubled.¹⁷⁸⁰ They also directed that people only eat “tubers for breakfast,” so rice could be saved “for export.”¹⁷⁸¹ **Khieu Samphan** would later admit that the rice production

¹⁷⁷⁴ **E3/781** CPK Circular No. 3, 19 Sept 1975, EN 00523574 [“In 1977 we must ensure three tons per hectare”], 00523579-80 [“Should we set three tons per hectare or three and one-half? Or do we use three to four tons, or two to two and one-half?”].

¹⁷⁷⁵ **E3/781** CPK Circular No. 3, 19 Sept 1975, EN 00523575 [“Estimates are that we may be able to sell two million tons of rice during 1977-1980, even more”], 00523588 [“We can produce three million tons of rice. We save 1.8 million tons for the people to eat, 400,000 for Social Action. We still have 800,000 tons. This amount we will take for sale outside and gain some capital”].

¹⁷⁷⁶ **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183393 [“Comrade Hem: Responsible for the Front and the Royal Government, and Commerce for accounting and pricing”].

¹⁷⁷⁷ **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495813 [“The Centre Party Congress has unanimously decided that the average rice harvesting across the country in 1976 shall be three tons per hectare of rice field regardless of single season or two-season cultivations. In its first countrywide economic congress in early November 1975, the Centre Party has also unanimously endorsed the entire Party’s resolution”]; **E1/92.1** David Chandler, T. 19 July 2012, 13.33.30-13.39.07, *referring to E3/1686* David Chandler, *A History of Cambodia*, EN 00422842 [CPK economic plan “proposed ever-increasing levels of rice production throughout the country, with the aim of achieving an average national yield of 3 metric tons per hectare”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396513-14.

¹⁷⁷⁸ **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495808 [section titled “Some Important Excerpts from the First Nationwide Party Economic Congress”: “The Party has to rebuild a new economy in the most rapid manner that is mainly depending on agriculture ... The country’s reconstruction needs to be accelerated”], 00495810 [“launching a storming attack to accomplish the ‘three tons per hectare’ goals”].

¹⁷⁷⁹ **E3/139** *Revolutionary Flag*, Nov 1976, EN 00455294-95 [speech of Party Secretary at 2nd Nationwide Economic Conference: “Water: For 1977, the direction is it is imperative to be 2 or 3 times stronger in comparison to 1976. First, it is imperative to keep concentrating on paddy dikes and canals, large and small ... it is imperative to build more feeder canals and canals than were built in 1976”].

¹⁷⁸⁰ **E3/170** *Revolutionary Flag*, Oct-Nov 1977, EN 00182592 [section discussing 1978 Plan: “Must, however, the amount of yield per hectare be increased? It would appear that it must be increased to 3.5 tons per hectare ... And two-crop land must be doubled. Is it possible for us to attack in such a manner? Back in 1976 we dared to lay down 3 tons, and a good number of places made three tons. In 1977 we were better qualified for 3 tons than in 1976, because we carried out stronger shock assaults than in 1976 ... during the 1978 dry season we will be strengthening existing waterworks and expanding by making new ones”]; **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185336 [“1978 plan for 3.5 tons/7 tons”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010564 [Resolution adopted at meeting: “To 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”].

¹⁷⁸¹ **E3/170** *Revolutionary Flag*, Oct-Nov 1977, EN 00182591 [“from 1978 our requirement is that the people must eat properly according to the ration. If we eat fresh tubers for breakfast, we can save up rice for export”].

quota the CPK imposed on the Cambodian people was three times what China and Vietnam were able to produce.¹⁷⁸²

433. In order to achieve the CPK's Great Leap Forward, the Cambodian people were required to work harder and build faster than was humanely conscionable.¹⁷⁸³ Important worksites were designated "hot battlefields," such as the 1st January Dam¹⁷⁸⁴ and Trapeang Thma Dam,¹⁷⁸⁵ and workers were instructed to go on "offensives" and engage in "storming attacks" in order to complete construction as rapidly as possible.¹⁷⁸⁶ The

¹⁷⁸² **E3/587** Khieu Samphan Interview, 15 Oct 2007, EN 00680029 [stating that China and Vietnam "got less than one ton of rice per hectare per year," and "therefore, we had to work harder in order to achieve the minimum three tons of rice per hectare per year"]. See also **E1/451.1** Henri Locard, T. 29 July 2016, 13.42.20-13.48.25 [discussing 3 tons per hectare policy: "this is a completely absurd order because the fertility throughout Cambodia varies incredibly ... For most of the country, this was a completely unrealistic goal and that was the cause of the famine because locally, we could not go from one tonne to three tonnes overnight ... there was the plan established in '76, the famous four-year plan from '76 to '80 which envisaged ever higher yields ... those were unrealistic plans; it was a utopia"].

¹⁷⁸³ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396501 ["'to build and defend,' in Pol's phrase – meant mobilizing the entire nation to develop at breakneck speed, in order to prevent Cambodia's sempiternal enemies, Thailand and Vietnam, from taking advantage of its enfeebled state"]; **E1/190.1** Philip Short, T. 7 May 2013, 14.31.14-14.35.32 ["they were trying to go extremely fast. Stalin's industrialization programme was much the same ... it meant they could push the population to do impossible things, with the results that we have discovered ... Everyone was agreed they had to go extremely rapidly"].

¹⁷⁸⁴ **E1/306.1** Hun Sethany, T. 27 May 2015, 14.35.56-14.38.08 ["announcement was made every day" over the loudspeakers that the 1st January Dam worksite was a "hot battlefield"]; **E3/9351** Meas Laihuor WRI, EN 00244163 [referring to 1st January Dam as a "hot battlefield"]; **E1/304.1** Meas Laihuor, T. 25 May 2015, 11.29.23 ["hot battlefield" meant "we had to complete the work quota" and "we had to work through the night"], 14.21.25-14.23.14 [work at 6th January Dam was at "normal pace" because it was not designated a "hot battlefield"]; **E1/305.1** Meas Laihuor, T. 26 May 2015, 13.36.41-13.39.07 ["It was the hot battlefield; we had to run while carrying earth"], 13.55.55-13.58.22.

¹⁷⁸⁵ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.28.13-14.31.06 [Trapeang Thma Dam worksite "frequently mentioned" as a "hot battlefield," which "motivated us to work very hard"]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.23.15-11.25.34 [unit chief referred to Trapeang Thma Dam as a "hot battlefield," which meant they were required to "work hard"]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25 ["The Trapeang Thma dam worksite was considered a hot battlefield at that time and I had to work very hard"]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 10.40.06-10.43.04 [Trapeang Thma was a the "hottest battlefield in Sector 5" that had to be completed by 1977]; **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728670 [statement of former Deputy Chairman of Sector 5 Mobile Units re plan to build Trapeang Thma dam: "the Region Committee said that the plan was a hot measure to make sure each person finished 3 cubic meters"]; **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit Reported* (Hsinhua), 21 Dec 77, EN 00498181 [reporting statement of Northwest Zone Secretary Ros Nhim that the Trapeang Thma reservoir was "built in less than 2 months this year ... in response to the call of the Party Central Committee to build water conservancy projects in a big way," and that "three canals were dug in a week's time linking the reservoir"].

¹⁷⁸⁶ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396502 ["The economy was just another battlefield to be conquered by brute force ... In terms of development policy, this brought a militarisation of thought and language. People 'struggled' to catch fish or to collect fertilizer; they 'waged continuous offensives' to grow 'strategic crops;' they attacked 'on the front lines' (at dam and canal sites) and 'at the rear' (in the village rice-fields) ... It was the doctrine of the bludgeon"]; **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495815 ["If we could achieve three tons per hectare in 1976, then we believe that in 1977 and 1978 we can achieve four and five tons of rice harvesting respectively and the yielding will be gradually increased. By our storming attack/offensive following the Party's resolution, we can achieve a brilliant victory"]; **E3/753** *Revolutionary Youth*, June 1976, EN 00583795 ["The movement to strengthen and expand has been fighting on the hot battlefield of the new paddy dike and feeder canal

lengthy work hours and onerous quotas imposed to fulfil this policy inevitably led to great physical suffering for the workers forced to fulfil the Party's demands.¹⁷⁸⁷ The former Deputy Chairman of the Sector 5 Mobile Force acknowledged the suffering imposed on the workers:

[W]e supervised the mobile unit like we were supervising troops. To fight in the battlefield in Kambor was building dams and canals ... We would determine a win over it by completing it in a certain number of months. And we had to supervise the forces to make sure it was finished as planned. It was impossible if you could not finish it ... They wanted the strong ones. Therefore, the people had to suffer extremely.¹⁷⁸⁸

Philip Short described the CPK policy as the creation of a "slave state,"¹⁷⁸⁹ in which the CPK leaders considered the economy "just another battlefield" to be conquered with no regard for human suffering or individual values.¹⁷⁹⁰ Henri Locard described it as "the

systems ... the movement to strengthen and expand our cooperatives is on the mightiest and hottest of offensives on the battlefield fighting to work the rice fields to achieve 3 tons per hectare during 1976"]; **E3/755** *Revolutionary Youth*, Sept 1976, EN 00509647 [describing Ponhea Leu district as "a hot battlefield during the last two years" at which cooperatives made a "storming attack" to clear forests and farm rice]; **E3/178** Weekly Report of Sector 5 Committee, 21 May 1977, EN 00342721 ["front line in charge of carrying out storm attack on the strategic early rice"]; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 10.55.44 ["the worksite where a dam was being built was called a 'battlefield' and within that field there were chiefs of battalions and regiments"].

¹⁷⁸⁷ See e.g. **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728670 ["Q: Were you the one who decided that one person had to dig up soil for 3 cubic metres? Or was it from Ta Hoeng or the Central Party? A: From the upper, from the Region Committee. Q: From the Region Committee? A: Yes because the Region Committee said that the plan was a hot measure to make sure each person finished 3 cubic meters ... Q: Do you remember what Ta Hoeng said? A: He said 'Now we have to finish the plan as soon as possible in order not to allow the A forces, which means we have to fight to finish 3 cubic metres'"].

¹⁷⁸⁸ **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728655-56. See also **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 11.03.53-11.09.24 ["we all committed to achieve the work plan ahead of the time limit, for that reason we needed to work harder ... we wanted to achieve the work quota before the set time limit. So each regimental commander wanted to have the work completed before the set plan so that they could maintain their positions ... In the regime, those who were in charge to lead people to do work and when they could complete the work plan then they would be promoted, for instance from battalion to regimental level"].

¹⁷⁸⁹ **E1/189.1** Philip Short, T. 6 May 2013, 11.49.25-11.52.32 ["It was a slave state in which people had no money, had no choice over their personal lives, over anything they did"]; **E1/190.1** Philip Short, T. 7 May 2013, 14.27.37-14.31.14 ["It did emanate from the top. It could only have emanated from the top because the underlying principles were the same everywhere. ... 99 per cent of the population, the overwhelming mass, were all slaves, in the sense that they had no choice over any aspect of their lives ... whether the [local] leaders were lenient or harsh, the fundamentals – the existence of slaves – were the same"]; **E1/191.1** Philip Short, T. 8 May 2013, 11.29.50-11.33.44 [implementation of communal dining at cooperatives was "another step in the elimination of personal freedoms"], 11.59.01; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396499 ["What Pol and his colleagues approved that spring [May 1975] was a slave state ... where they were required to execute without payment whatever work was assigned to them for as long as the cadres ordered it, failing which they risked punishment ranging from the withholding of rations to death. ... Like true slaves, the inhabitants of Pol's Cambodia were deprived of all control over their own destinies – unable to decide what to eat, when to sleep, where to live or even whom to marry"].

¹⁷⁹⁰ **E1/190.1** Philip Short, T. 7 May 2013, 14.21.34-14.22.49 ["the ruthlessness, and single-mindedness, and

complete militarization of the entire peasant population ... a reduction to complete slavery.”¹⁷⁹¹

434. As regular attendees at Standing Committee meetings and recipients of reports sent to Office 870,¹⁷⁹² **Nuon Chea** and **Khieu Samphan** helped monitor the enforcement of the CPK policies, and received reports reflecting the enslavement and inhumane conditions imposed on the Cambodian population. For example, on 8 March 1976, **Nuon Chea** and **Khieu Samphan** attended a Standing Committee meeting at which North Zone Deputy Secretary Chor Chhan alias Sreng, Sector 106 Secretary Pa Phal alias Sot and Sector 103 Secretary Bou Phat alias Hang reported on the situations in their regions.¹⁷⁹³ After reporting that some work sites had made “300 hectares of dikes,” Sector Secretary Sot described the “problems of many sick people in the work sites, a loss of 40 percent of the labour force,” with “outbreaks of chickenpox and cholera.”¹⁷⁹⁴ Sector Secretary Hang also reported that many men and women “in the work sites are ill and

the lack of concern for human values, for human suffering, for individual values ... Later on, in the collectives, exactly the same attitude prevailed”], 14.31.14-14.35.32, *referring to E3/9 Philip Short, Pol Pot: The History of a Nightmare*, EN 00396501-02, FR 00639833-35 [“just another battlefield”].

¹⁷⁹¹ **E1/451.1** Henri Locard, T. 29 July 2016, 11.21.32-11.24.24 [“there was a dehumanization because of the fact that no one was master of anything anymore. One was no longer master of the choice of one’s spouse or one’s sentimental life, one’s family life; most of all, you had no control over your timetable, what you were going to spend your time doing. You had to obey the *chhlop*, the local Khmer Rouge. There was a gong which was sounded very early in the morning at dawn; everyone had to get up at the same time and go to work at the same time, usually without eating because the first meal was only at mid-morning and we did not choose, in any case, the type of work we would do. So this was the complete takeover, the complete militarization of the entire peasant population ... it was a reduction to complete slavery”]. *See also E3/1593* Ben Kiernan, *The Pol Pot Regime*, EN 01150080 [“DK policies deprived peasants of three of the most cherished features of their lifestyle: land, family and religion. Cambodia’s population became unpaid indentured laborers”].

¹⁷⁹² *See e.g. E3/230* Minutes of Standing Committee Meeting on Economic Matters, 22 Feb 1976, para. 1 [“Salt production: Propose pushing additional production from 50,000 to 60,000 tons”], para. 5 [“Propose using additional adolescent children from the base areas and handing them over to Industry”]; **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976; **E3/233** Minutes of Standing Committee Meeting on Commerce, 13 Mar 1976; **E3/220** Minutes of Standing Committee Meeting on Commerce Matters, 7 May 1976; **E3/224** Minutes of Standing Committee Meeting on Agricultural Production Work of the Army, 30 May 1976, EN 00182667 [“How is the joint role of the army to build the country in the framework of building socialism with the speed of Great Leap Forward?”], 00182669 [discussing area of Phnom Penh under Division 310: “It is proposed that storm attacks should be carried out ... covering an area of 1,200 hectares. It should be done twice a year ... We will get 6 tons per hectare for a year”]; **E3/226** Minutes of Standing Committee Meeting on Health and Social Affairs, 10 June 1976, EN 00183367 [“Crop production work: We had done a lot but most of the work forces were young children aged from 12 or 13 years old”], 00183372 [discussing “shortfall of work force” in country, and noting that cooperatives did not want to even provide “young children” to work at Industry, because they were being used for “striking assault ...making fertilizer”]; **E3/2041** Report from Commerce Committee to Brother Hem, 1 Nov 1976, EN 00334994 [noting that Kampuchean people were facing a “food shortage” that year].

¹⁷⁹³ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182630 [“The situation in 106: Comrade Sot reported to Angkar on the situation with the paddy dike system, on the rice harvest, on the livelihood of the people, and the enemy situation”].

¹⁷⁹⁴ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182630.

have fevers,” and talked about “groups fleeing” from various locations, reporting that 100 such escapees had been arrested since January 1976.¹⁷⁹⁵ In response, the Centre leaders provided instructions on the building of dikes, rice production,¹⁷⁹⁶ and food rations.¹⁷⁹⁷

435. At the end of the meeting, the Centre leaders ordered “reporting to the Standing Committee every week on the rice field dike situation,” including “general reports” and “short reports by telegram,” so “the Standing Committee knows the situation in order to provide timely instructions.”¹⁷⁹⁸ Later that same month, the Central Committee (of which **Khieu Samphan** was then a full-rights member) also ordered a “regime of weekly reporting” from the base, in order to monitor and achieve “the goal of three tons per hectare.”¹⁷⁹⁹
436. One of the matters regularly reported to **Nuon Chea**, **Khieu Samphan**, and the other Centre leaders was the arrest of persons who tried to flee from the cooperatives and worksites and escape to Thailand or Vietnam.¹⁸⁰⁰ For example, the 23 July 1978 report from the West Zone on the enemy situation contains an entire section titled “Escaping from Cooperatives.”¹⁸⁰¹ Two weeks later, the West Zone reported that sector troops had found three “enemies” trying to escape from the Kampong Chhnang airport site and

¹⁷⁹⁵ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182631 [“As for the entire sector, there is no enemy activity, just groups fleeing in from different locations, like fleeing from 303, or from Kampong Chhnang. Since January, almost 100 have been arrested”].

¹⁷⁹⁶ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182632-33 [“The goal of 106 in 1977 is to export for sale at least 100,000 tons of rice. Therefore, we must really calculate, and use all our possibilities ... In 103: There is very little land. The amount must be clearly grasped, and we must strive to expand it another 10,000 hectares during the next two years. Therefore, go ahead and make dikes, but forces to expand land must be set up. We go on the offensive to solve this problem ... previously, Angkar decided to take 1,000 tons. Now, only 500 tons will be taken”].

¹⁷⁹⁷ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182633 [“As for rice, it should be two cans or a little more. Must be careful that in August and September at the end of the season when there are many shortages, those shortages will impact their health and labor strength”].

¹⁷⁹⁸ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182634.

¹⁷⁹⁹ **E3/12** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182809 [“A Regime of Weekly Reporting to Office 870 - Objective: To follow-up on plans closely and resolve problems in a timely manner in the goal of three tons per hectare”].

¹⁸⁰⁰ See e.g. **E3/178** Weekly Report of Sector 5 Committee, 21 May 1977, EN 00342708 [report on enemies includes persons who had “run away from the mobile unit”]; **E3/179** Report from M-560 to Angkar, 29 May 1977, EN 00183011 [reporting nine enemies from Sector 5: “They were the ones who escaped from the collective; and we investigate and pursue them every day. We met them once they were taking a rest, then fired at them ... but the number of escapers, if compared to the last month’s, is much lesser with most of them smashed by us”]; **E3/1179** Report from M-560, 8 June 1977; **E3/957** Telegram from M-401 to Angkar, 25 June 1977 [report from West Zone regarding 24 people who were arrested after “fleeing” the North Zone, asking “what kind of measures Angkar will take”]; **E3/1120** Telegram from M-560, 6 Nov 1977 [“Of the enemy situation in Sector 5, ... ordinary people are fleeing one after another”]; **E3/1093** Report from M-401 to Angkar, 23 July 1978, EN 00295169; **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368-69, 00315371.

¹⁸⁰¹ **E3/1093** Report from M-401 to Angkar, 23 July 1978, EN 00295169.

“fired some shots” at them, taking one of the captured workers to “the reeducation place for further interrogation.”¹⁸⁰² The Accused thus cannot claim ignorance that escapees were treated as enemies, hunted down, and subjected to arrests and executions, as they were provided reports on this practice. This is further confirmed by the minutes of the 26 March 1976 Standing Committee meeting presided over by **Nuon Chea** and attended by **Khieu Samphan**, at which **Nuon Chea** concluded the meeting by discussing the need to be vigilant about “people who flee to Vietnam and who do not return,” noting that “[t]he bases have taken measures on this problem already.”¹⁸⁰³

437. With respect to the Kampong Chhnang airport worksite, **Nuon Chea** and **Khieu Samphan** both attended meetings of the Standing Committee at which the establishment of the airfield site was discussed and decided, and reports were received from Son Sen on the status of its construction.¹⁸⁰⁴ These minutes demonstrate the Party Centre’s ultimate responsibility for the oversight of that worksite.

2. Visits of Accused to Worksites and Cooperatives

438. As members of the Central Committee, **Nuon Chea** and **Khieu Samphan** were responsible for monitoring and directing the implementation of the Party political line throughout the country by all zone, sector, and Party organisations.¹⁸⁰⁵

a) Joint Visit of Nuon Chea & Khieu Samphan to Tram Kak District

439. Two civil parties testified that **Khieu Samphan**, Pol Pot, and **Nuon Chea**, accompanied by Ta Mok, visited a cooperative and canal worksite in Leay Bo Commune in early 1977.¹⁸⁰⁶ During that visit, the leaders “inspected the working

¹⁸⁰² **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368-69, 00315371 [also reporting arrest of person “who had escaped from Chan Sen cooperative,” whom security had “already taken to M-01”].

¹⁸⁰³ **E3/218** Minutes of Standing Committee Meeting on Results of Negotiations with Vietnam regarding the Eastern Border, 26 Mar 1976, EN 00182657.

¹⁸⁰⁴ **E3/182** Minutes of Standing Committee Meeting, 9 Oct 1975, EN 00183407 [“As for the military airfields, we have plans to build at different sites. We can perhaps examine Kampong Chhnang”]; **E3/229** Minutes of Standing Committee Meeting on “National Defense Matters,” 22 Feb 1976, EN 001826270 [“Airfield: Propose the examination of a new site, somewhat deep inside, for example in the vicinity of Tmat Porng or Kampong Chhang”]; **E3/235** Summary of Decisions of the Standing Committee, 19-21 Apr 1976, EN 00183419 [“Military airfields: We will set up operations in Kampong Chhnang”]; **E3/222** Minutes of Standing Committee Meeting on “National Defense Matters,” 15 May 1976, EN 00182666 [report by Son Sen on construction of airfield].

¹⁸⁰⁵ **E3/130** CPK Statute, Article 23 [“The tasks of the Central Committee are: (1) Implement the Party political line and Statute throughout the Party; (2) Instruct Zone and Sector-City organisations and Party organisations responsible for various matters to carry out activities according to the political line”].

¹⁸⁰⁶ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 13.35.42-13.42.05, 13.54.00 [“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 visited the “K1 cooperative” in Leay Bo commune], 14.21.52-14.23.34; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.11.29-09.13.01, 09.17.39-

conditions and production levels,”¹⁸⁰⁷ ordered that the canal be dug deeper,¹⁸⁰⁸ and held a meeting with commune and village chiefs instructing that workers were to “produce three tons of rice per hectare per year.”¹⁸⁰⁹

440. In June 1977, after this visit, the CPK Central Committee (of which both **Khieu Samphan** and **Nuon Chea** were full-rights member) recognised Tram Kak as one of three model districts in all of Democratic Kampuchea.¹⁸¹⁰ Tram Kak continued to be recognised by the CPK as a model district the following year, as shown by the resolutions adopted at the end of **Khieu Samphan**’s 15 April 1978 speech.¹⁸¹¹ The Leay Bo Cooperative became one of the regular stops when foreign delegations were given tours of the country by CPK leaders from late 1977 to 1978.¹⁸¹² However, at this

1807 09.27.34; **E3/5635** Chou Koemlan Statement, 28 Feb 2011, para. 18-20, 29 [noting that the leaders also visited her sister’s cooperative]; **E1/283.1** 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”].

1808 **E3/5635** Chou Koemlan Statement, para. 20, 22 [“My Mobile Team Chief told our work group that the four leaders were going to inspect the camp and that we should work very, very hard”], para. 24 [“they got out on foot and walked up and down the paths in between the working fields. They inspected the working conditions and production levels at the cooperative. A group of Mobile Team Chiefs and Commune Chiefs followed the four leaders as they walked”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.26.49 [leaders inspected the canal site and gave instructions to dig “deeper so that we could irrigate much water to achieve three to six tons per hectare”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 14.38.55-14.42.29 [workers were digging and carrying soil when leaders arrived]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 10.37.27 [“When I saw them, they were standing to the right of me, and they were about 5 or 6 metres from me ... I was carrying earth at that time”].

1809 **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.26.49; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.13.01 [“They said that we should start to dig the canal deeper in order to irrigate the water from Ou Chambak ... and that we should try to harvest 3 to 6 tonnes of rice produce per hectare”].

1810 **E3/5635** Chou Koemlan Statement, paras 25-27; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.29.51. *See also* **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 13.56.45 [at meeting after visit of Khieu Samphan and Nuon Chea, workers were instructed to “strengthen our stance in order to follow the ‘leap forward’ movement principle”].

1811 **E3/135** *Revolutionary Flag*, June 1977, EN 00446848-52 [30 June 1977 letter from CPK Central Committee awarding Tram Kak District the *Honorary Red Flag* as a “model” in terms of “increasing production,” achieving “maximum paddy yields” and “waging strong and profound class struggle within the entire district, especially inside the Party”]; **E3/289** FBIS, *Revolutionary Organization Gives Awards to Three Districts*, 23 July 1977, EN 00168509-11 [DK Radio broadcast of award to Tram Kak, Prasaut and Kampong Tralach Leu districts]. *See also* **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.30.12-14.32.34 [“upper echelon praised Tram Kak district” as “model district” because of its labour, irrigation systems and harvest].

1812 **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010564 [resolution adopted after Khieu Samphan speech: “To learn from the example of progressive production corps, such as ... Prasaut, Kompong Tralach Leu and Tram Kak Districts, so that all the production corps throughout the country will become great revolutionary movements advancing by leaps and bounds”].

1812 **E3/1339** FBIS, *Chen Yung-Kuei Visits Southwest Region*, EN 00168350-51 [describing 14 Dec 1977 visit to Leay Bo cooperative, accompanied by Pol Pot, Ieng Sary, Vorn Vet and Ta Mok]; **E3/1360** FBIS, *Continuing Coverage of Yugoslav Delegation’s Visit*, EN 00169908 [7 March 1978 visit to Leay Bo]; **E3/1360** FBIS, *Romanian Delegation Tours Kampong Som, Southwest*, EN 00169968 [29 March 78 visit]; **E3/293** FBIS, *Reportage on Italian Unified CP Delegation’s Visit*, EN 00169730-31 [visit to Leay Bo cooperative on 10 July 1978]; **E3/294** FBIS, *Visit of Japanese Friendship Association Delegation*, EN 00170173 [25 Sept 1978 visit to Leay Bo]; **E3/295** FBIS, *Radio Report on Continuing Tour by UK*

‘model’ cooperative: food and medical supplies were insufficient and work conditions harsh;¹⁸¹³ children died from malnutrition and measles;¹⁸¹⁴ hungry people who took food to eat were arrested;¹⁸¹⁵ and workers who complained about the lack of food disappeared, including several colleagues of Chou Koemlan who disappeared within days of the visit of the Accused.¹⁸¹⁶

441. Former Tram Kak District Secretary Pech Chim confirmed that both **Khieu Samphan** and **Nuon Chea** visited the cooperatives in that district.¹⁸¹⁷ **Nuon Chea**’s visit to this district is also corroborated by Keo Chandara, who testified that the Accused came to Takeo around that same time on the occasion of a performance of a visiting Chinese circus.¹⁸¹⁸

Professor, US Journalists, EN 00169144-45 [20 Dec 1978 visit of Elizabeth Becker, Malcolm Caldwell & Richard Dudman to Leay Bo cooperative]; **E1/273.1** Neang Ouch alias Ta San, T. 9 Mar 2015, 14.15.48; **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 14.42.23-14.43.42 [“This is the cooperative where they took all the delegations”].

¹⁸¹³ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.50.25-11.56.00 [“we could have only a spoon full of rice ... I was absolutely hungry”]; **E3/5635** Chou Koemlan Statement, para. 12 [“The living conditions at the cooperative were horrible, they involved food scarcity and extremely long working days”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.34.24-09.37.21 [stating there was “less food to eat” in Leay Bo in 1977]; **E3/5469** Chou Koemlan Victim Info Form, EN 00746218.

¹⁸¹⁴ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.27.03-11.30.21 [“my baby did not have enough to eat ... she died because of the insufficient food”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.54.02-11.00.32 [stating that her daughter had measles and was three years old when she died]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 11.11.37 [stating that she knew of 7 or 8 young children who died of measles in Leay Bo].

¹⁸¹⁵ **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.34.24-09.37.21 [stating she was arrested and sent for re-education for stealing “cassava and maize” in 1977], 09.55.51 [describing how a 15 year old child was killed for complaining he did not have “enough food” and stealing rice or fish to eat].

¹⁸¹⁶ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.56.00-12.00.30 [testifying that three of her peers who “complained that they could not have enough food” disappeared “[a] few days” after the leaders’ visit].

¹⁸¹⁷ **E1/291.1** Pech Chim, T. 23 Apr 2015, 11.38.00-11.42.14 [“Mr. Nuon Chea and Mr. Khieu Samphan. They both did visit”]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 14.42.00-14.43.15 [“I was told by the people at Office 105, that Khieu Samphan had come to visit the area ... He came to visit about the rice production”]. While two other Tram Kak cadres identified by Chou Koemlan and Oem Saroeurn could not confirm the visit of those leaders, their testimony on this issue was not probative or reliable, as it is not clear either of them were in Leay Bo cooperative at the relevant time: **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.14.17 [“I worked at the Nhaeng Nhang commune office until 1977”], 13.46.34 [“Q: Did you remain in charge of these archives until you left the Nhaeng Nhang commune in 1977? A: Yes. Q: Can you tell us exactly when, in 1977, you went to Srae Ronoung commune? A: ... I did not recall it exactly. Perhaps it was in late 1977 or early 1978”], 15.29.11-15.31.50 [“I left Nhaeng Nhang commune in late 1977 or early 1978”]; **E3/5521** Nut Nouv WRI, A32, A36, A45; **E1/274.1** Neang Ouch alias Ta San, T. 10 Mar 2015, 10.08.02-10.11.32 [stating he had not yet moved to Tram Kak District at the time of the event described by Chou Koemlan].

¹⁸¹⁸ **E1/255.1** Kev (Keo) Chandara, T. 2 Feb 2015, 13.41.46-13.44.23; **E1/256.1** Kev (Keo) Chandara, T. 4 Feb 2015, 09.22.28-09.26.13; **E3/5153** Kev Chandara WRI, EN 00205090 [stating that he saw Nuon Chea in “late 1976” when he gave a 10 minute speech before the performance of a visiting Chinese circus in Takeo].

b) Nuon Chea Trips to Provinces

442. As confirmed by numerous witnesses including his personal bodyguards, **Nuon Chea** made regular trips to the provinces during which he inspected worksites and cooperatives and provided instructions to the cadres on the Party's plans and policies.
443. Saut Toeung, one the guards who accompanied **Nuon Chea** on such trips, testified that he travelled to the provinces "rather frequent, once every two or three months."¹⁸¹⁹ During those trips, **Nuon Chea** "frequently" visited dam worksites, where he would meet with the site leaders and inspect the status of the dam's construction.¹⁸²⁰ The specific dams that Saut Toeung recalled visiting with **Nuon Chea** included the 1st January Dam (Chinit River), which he may have visited on multiple occasions, and dams in "Koh Kong and Pursat provinces."¹⁸²¹ He also visited cooperatives to monitor their performance, and provided training to local cadres instructing them to increase rice production.¹⁸²²
444. Saut Toeung's testimony is confirmed by a second guard who worked for **Nuon Chea**, Tha Sot, who provided an OCIJ interview but passed away before he was able to testify in court. Tha Sot accompanied **Nuon Chea** to numerous provinces, and stated that he

¹⁸¹⁹ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.03.45-15.09.21 [also stating that the regions Nuon Chea visited included "Battambang, Kampong Chhnang, Kampong Speu, the East Zone"]; **E3/423** Saut Toeung WRI, A53, A57, A62-A63 ["Nuon Chea went to observe people working at rural areas and cooperatives" where there were "many people working"].

¹⁸²⁰ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.09.21-15.11.29 ["Q: When he went to the provinces, did Nuon Chea ever visit dams or other worksites? A: Yes, he visited very frequently"], 15.13.18 ["Q: What did Nuon Chea do when he went to visit those dams...? A: He visited the status of the dam's construction ... Q: Did he meet with the leaders who were responsible for the construction of the dams in those regions? A: Yes, he met with them"]; **E3/423** Saut Toeung WRI, A89 ["Q: Did Mr. Nuon Chea always go to observe building those dams? A: Yes"], A65 ["When Ta Nuon Chea went there he instructed people to work hard"].

¹⁸²¹ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.11.29-15.13.18; **E3/423** Saut Toeung WRI, A77-A82 ["One of the dams where I used to go with him was called 1 January Dam in Kampong Thom Province ... He encouraged people to try hard to preserve water for planting rice"].

¹⁸²² **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.07.43 ["He went to the province to preside over the meeting or to provide training to other cadres. Q: What type of meetings did he preside over? A: They were training course for the heads of cooperatives, for example on how to cultivate rice"], 15.13.18 [stating that, on these trips, Nuon Chea inspected "rice cultivation and the performance of the cooperatives"]; **E3/423** Saut Toeung WRI, A66-A67 [at study or criticism sessions, Nuon Chea told local cadres "they must produce 3 tons of rice per hectare"]. See also **E1/194.1** Prum Sou, T. 21 May 2013, 10.55.42-11.05.17 [testimony of Sector 103 Commerce Member describing meeting held by Nuon Chea at which he instructed local cadres to increase rice production to "3.5 tonnes to 7 tonnes per hectare"]; **E1/195.1** Prum Sou, T. 22 May 2013, 11.18.20, 11.30.40-11.33.06 [Nuon Chea also "went to visit the dams" and the witness' worksite where rice was cultivated during his trip to Preah Vihear]; **E3/420** Prum Sou WRI, A10.

visited dam sites “very often,” saw the “hardship” of the people, and instructed local cadres on Party policy relating to building dams and increasing production.¹⁸²³

445. With respect to his visit to the 1st January Dam with **Nuon Chea**, Saut Toeung testified that they saw the people building the dam and carrying earth and that “the dam was not constructed very well.”¹⁸²⁴ When asked whether he saw any torture inflicted on the people if they “failed to meet the work quota,” he responded: “Yes, I did.”¹⁸²⁵ He also testified that **Nuon Chea** “summoned” the persons responsible for the project “in order to give them advice or instruction.”¹⁸²⁶ Sou Soeun, a former District Secretary and wife of Central Zone Secretary Ke Pauk, also confirmed that **Nuon Chea** visited the 1st January Dam site,¹⁸²⁷ and stated that her husband’s superiors were “Pol Pot, **Nuon Chea** and **Khieu Samphan**.”¹⁸²⁸
446. While there are no surviving reports relating to the 1st January Dam, a telegram operator from the Central Zone office testified at trial that “information on the activities of building” that dam was reported.¹⁸²⁹ His testimony is corroborated by a surviving 1976 telegram from Central Zone Secretary Ke Pauk, copied to “Brother Nuon,” that reported on the “offensive making the water sluice gates for the dike and canal systems” and the “offensive building the new rice field dike system according to the

¹⁸²³ **E3/464** Tha Sot WRI, EN 00226110 [“I took Nuon Chea to the provinces of Prey Veng, Svay Rieng, Siem Reap, Kampot, Battambang, Kampong Som, Takeo, Kratie and Stoeung Treng to meet with the cadres and the soldier chiefs in order to disseminate and educate them the [Party] policy. In those meetings, he talked about the increase of the production and dam buildings. He also went down to see the dam sites very often about 5 to 6 times per month. Nuon Chea saw the hardship of and the destitute of the people ... I also drove Uncle Pol Pot to see people building dams and digging canals. Sometimes, Nuon Chea went with Pol Pot”]. See also **E3/104** Sa Vi WRI, EN 00204060 [confirming Nuon Chea was accompanied by Sot and Saut Toeung on his trips to the countryside]; **E1/419.1** Nhem En, T. 20 Apr 2016, 10.32.59-10.34.50 [photographer who accompanied Nuon Chea on trips to the “Kamping Puoy reservoir in Battambang” and “another dam in Sector 31 ... in Kampong Chhnang” to “examine the activities of building the dam and digging canal at those locations”]; **E3/68** Nhem En WRI, EN 00401820.

¹⁸²⁴ **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.38.31-11.40.39, 11.45.12.

¹⁸²⁵ **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.38.31-11.40.39.

¹⁸²⁶ **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.45.12-11.47.24.

¹⁸²⁷ **E1/310.1** Sou Soeun, T. 4 June 2015, 11.21.12-11.28.27 [“commune chiefs took some people to the worksite and later on when they returned I was told that Nuon Chea had visited the 1st January Dam worksite on that day”]; **E3/5294** Sou Soeun WRI, EN 00360117 [“I remember Nuon Chea came to visit the 1 January Dam”].

¹⁸²⁸ **E1/310.1** Sou Soeun, T. 4 June 2015, 14.12.49-14.15.10 [“Q: As a wife of Ke Pauk, did you know as to who were his superiors? A: I only knew that Pol Pot, Nuon Chea and Khieu Samphan; besides them, I did not know who else. Q: Did you know how he communicated with the upper level, for example, via his personal messenger or via telegram? A: ... the communication went through his messenger. The messenger would go between Kampong Cham and Phnom Penh to relay messages”].

¹⁸²⁹ **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23 [“The building of the 1st of January Dam was known to me very well because I was stationed and I focused mainly on my task – I focused mainly on receiving or reporting information on the activities of building this dam”].

goals set by Angkar.”¹⁸³⁰ As one of the Party Centre leaders, **Nuon Chea** also received regular written reports from the Northwest Zone on the status of construction of the Trapeang Thma Dam.¹⁸³¹

447. In regards to the Kampong Chhnang Airfield construction site, Keo Loeur testified in his 2008 OCIJ interview that **Nuon Chea**, Ieng Sary, and Ke Pauk came to inspect the site, observed the people working “vigorously,” and met with the site supervisor Ta Lvey.¹⁸³² By the time of trial in 2015, however, the witness no longer remembered this incident.¹⁸³³ Irrespective of whether he personally visited this site, **Nuon Chea** was certainly aware of it through his participation in the meetings at which the Standing Committee decided to construct the airfield and received reports on its status.¹⁸³⁴
448. **Nuon Chea** has admitted that he made trips to the provinces to “inspect the base,” during which he discovered “bad elements” in the cooperatives and saw “flocks of people” being sent to transplant rice at 4 am.¹⁸³⁵ While he claims that he was only allowed to see “healthy people, not the skinny ones,”¹⁸³⁶ the guards who accompanied him testified that they saw the “hardship” of the people and “destitute” conditions during those trips, including “skinny” people who were “working very hard.”¹⁸³⁷

¹⁸³⁰ **E3/952** Telegram 04 from Ke Pauk to Brother Pol, 2 Apr 1976 [also reporting that “among the people in the entire Zone there has been much fever and diarrhea” due to people “working and overheating”].

¹⁸³¹ See e.g. **E3/179** Report from M-560 to Angkar, 29 May 1977, EN 00183014-17 [reporting on status of Trapeang Thma water basin]; **E3/950** Report from Nhim to Angkar 870, 11 May 1978, EN 00185217 [reporting on status of Trapeang Thma water reservoir].

¹⁸³² **E3/467** Keo Loeur WRI, 6 Mar 2008, EN 00205074 [“I saw Ieng Sary, Nuon Chea and Ke Pok come to inspect the airfield site. I knew those three leaders since I had previously seen them at the Olympic Stadium. Each time they came, the leaders at the workplaces told us to work vigorously ... Those arriving leaders saw us working. After they had watched and inspected, they went to work meetings with their people at the work place of Ta Lvey”].

¹⁸³³ **E1/316.1** Keo Loeur, T. 15 June 2015, 09.32.06 [“I may have forgotten it because it happened long time ago”].

¹⁸³⁴ See section **Contribution to Enslavement of the Population – Participation of Nuon Chea and Khieu Samphan in Party Centre Meetings Establishing CPK Policy**.

¹⁸³⁵ **E1/21.1** Nuon Chea, T. 13 Dec 2011, 10.35.21-10.41.11 [“One day, around 4 a.m., I was on a car to Siem Reap. I saw flocks of people and I asked: Where are you going this early morning? I was told they went to transplant rice ... we instructed to screen good seedlings and seeds, but then the bad elements would only put the bad and spoil seeds for transplantation. As a result, crop cultivation is not to the higher production. This is an example and that’s what I saw while I inspected the base”]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757499 [“Nuon Chea visited the cooperatives from time to time to check on progress”], 00757514 [describing trips to Kampong Speu and Siem Reap provinces, including the incident on Road No. 6 when he saw many people “walking in a line” to work in the rice fields when it was still dark].

¹⁸³⁶ **E1/21.1** Nuon Chea, T. 13 Dec 2011, 10.37.11; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757514 [“As for the people who were skinny, they did not allow them to come close to us, only fat people came to see me. I knew that some areas had shortages, but I did not think it was so extreme that they died of hunger”].

¹⁸³⁷ **E3/464** Tha Sot WRI, EN 00226110 [“He also went down to see the dam sites very often ... Nuon Chea saw the hardship of and the destitute of the people”]; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 13.43.54-

Surviving film footage of one of **Nuon Chea**'s visits to a dam worksite shows that he was within a few feet of the workers tasked with carrying dirt.¹⁸³⁸ **Nuon Chea** was also aware from Standing Committee meetings¹⁸³⁹ and written reports received from the Zones¹⁸⁴⁰ that people in the provinces faced difficult work conditions, lacked sufficient food, and suffered from starvation and disease.

c) Khieu Samphan Trips to Provinces

449. **Khieu Samphan** also made trips to the provinces to inspect worksites and cooperatives, including the Trapeang Thma Dam and Kampong Chhnang airport, during which he was able to observe the condition of the workers at those sites.
450. **Khieu Samphan** admitted during the 002/01 trial that he visited Trapeang Thma and other "large-scale dams" during the DK period, and described the Trapeang Thma reservoir as so large "it looked like a sea in the middle of the field where there used to be dry land."¹⁸⁴¹ The conditions faced by the workers who constructed the first phase of

13.55.35, affirming **E3/423** Saut Toeung WRI, A64 ["I saw them working very hard"], A65 ["Because he saw people becoming skinny, he went to visit closely at cooperatives"]; A71 ["I used to hear that people died of starvation and overwork"]. See also **E3/26** Nuon Chea Interview, Oct 2006, EN 00329513 ["There were deaths of many kinds: 1 – illness; 2 – food shortages; 3 – diseases"].

¹⁸³⁸ **E3/2350R** Video, *Pol Pot et les Khmers Rouges (Part 1)*, 33:31-33:39.

¹⁸³⁹ See e.g. **E3/216** Record of Standing Committee Visit to Northwest Zone, 20-24 Aug 1975, EN 00182998 ["new people lack both food and medicine"]; **E3/232** Minutes of Standing Committee Meeting on "Base Work," 8 Mar 1976, EN 00182631 [report from Sector 103 Secretary Hang: "Many of the brothers and sisters of the people in the work sites are ill and have fevers"].

¹⁸⁴⁰ See e.g. **E3/952** Telegram 04 from Pok to Brother Pol, 2 Apr 1976, EN 00182658-59 [reporting that "among the people in the entire Zone there has been much fever and diarrhea" due to "working and overheating," and proposing "reducing work hours"]; **E3/1060** Report from Division 801 Committee Roeun to Uncle 89, 29 Mar 1977, EN 00574313 [report forwarded to Angkar identifying three villages where the people "had been starving since February 1977"]; **E3/179** Report from M-560 to Angkar, 29 May 1977, EN 00183013 [reporting that "most" of the base people in the Northwest Zone were only receiving "thin rice soup"]; **E3/853** Report from Southwest Zone to Angkar, 3 June 1977, EN 00185246 [reporting that some districts and sub-districts had encountered shortages, and that people in Kampot, Kampong Speu and Takeo had cholera and some had died]; **E3/978** Telegram 46 from Thuon to Yi via Office 870, 5 Nov 1977; **E3/918** Telegram 254 from Sè to Committee 870, 10 Jan 1978, EN 00182758 ["According to the presentation of Comrades from the commune during the study session it [was] made known that this year, in Preah Vihear Sector, in the majority of places there is starvation"]; **E3/1073** Telegram 324 from Sè to Committee 870, 10 Apr 1978, EN 00293360 [reporting that dam worksite "productivity is 2 to 3 times faster than that in 77" due to screening out of "opposition group," though "many people [had] become sick since this season is too hot"]; **E3/950** Report from Nhim to Angkar 870, 11 May 1978, EN 00185216 [reporting that rice supplied to Sector 5 had already run out, and Sectors 1 and 4 would be out by the following month].

¹⁸⁴¹ **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42-10.11.20 ["we [built] dams and canals in a speedier process ... And I, myself, witnessed that in 1976. When I had the opportunity to leave Phnom Penh, I saw canals and dams, including Trapeang Thma dam, and the one to the west of Battambang ... As for the Trapeang Thma dam, it looked like a sea in the middle of the field where there used to be dry land. ... I was excited when I saw those large-scale dams"]; **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons behind the Decisions I Made*, EN 00103780 ["although I did not travel inside the country much between 1975 and 1979, I saw with my own eyes some of the achievement I had wished for, especially irrigation in the countryside. Thanks to reservoirs in Trapeang Thmar (in Phnom Srok,

the Trapeang Thma Dam in less than three months was well known to **Khieu Samphan** and other CPK leaders who visited the site,¹⁸⁴² as reflected in the Party's *Revolutionary Youth* publication. It described the precise parameters of the dam and canals, the date on which construction started and the plans for future expansion.¹⁸⁴³ It also acknowledged with indifference the human cost of the dam's construction, noting the "water shortage" problem faced by the "tens of thousands" who worked at the site,¹⁸⁴⁴ yet boasting how the people worked "day and night" and "endured all kinds of hardships" in order to successfully complete construction with "great leap forward speed" in accordance with "the Party's plan."¹⁸⁴⁵

Banteay Meanchey) and in Kampong Puoy (west of Battambang), there were rice fields for as far as the eye could see"], EN 00103782 [describing himself as "obsessed by the dam reservoir complexes"]; **E3/592** Khieu Samphan Statement, 29 Dec 2003, EN 00002803 [stating that his visit to Trapeang Thma and Kampong Puoy made him "respect the souls of hundreds of thousands of those who had sacrificed their lives as well as all our people who were working hard in worksites"]; **E3/8110** and **E3/8113** [OCIJ photographs of Trapeang Thma reservoir].

¹⁸⁴² See e.g. **E3/1339** FBIS, *Chen Yung-Kuei, Delegation Continue Visit to Countryside – Northwest Region*, 9 Dec 1977, EN 00168341 [radio broadcast reporting that Chinese leader Chen Yung-Kuei, accompanied by Pol Pot, Vorn Vet and Ros Nhim, toured the "reservoir at Trapeang Thma"]; **E3/5657** Im Chaem DC-Cam Interview, 4 Mar 2007, EN 00089778 ["Pol Pot visited occasionally, but Khieu Samphan did often"]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.40.57-09.44.46 ["they told us that Angkar would visit the construction site ... I saw a long fleet of vehicles ... Once every 3 or 4 months they would come to visit the dam"]; **E1/419.1** Nhem En, T. 20 Apr 2016, 10.41.20-10.44.36 [describing trips to Trapeang Thma construction site with Ros Nhim, Son Sen and Chinese delegates].

¹⁸⁴³ **E3/771** *Revolutionary Youth*, July-Aug 1977, EN 00509686 ["Brothers began this worksite on 16 February 1977. At the beginning, brothers start the construction of the dam from Trapeang Thma in the northwest direction, building it through the field of Trapeang Thma toward Punley Mountain, which is 8,480 meters long ... In total, the Dam of the Trapeang Thma water reservoir is 20 kilometers long, 5 meters high, 40 to 70 meters wide at the bottom, and 7 to 8 to 10 meters wide on the top. Down from the Dam, brothers dig 3 big canals, each is 12 meters wide on the top, 6 meters wide at the bottom, and 1 to 2 meters deep. The first canal, starting from the 1st water gate of the reservoir down to Rumduol River, is over 20 kilometers long ... In the dry season of next year brothers will strengthen and expand this reservoir bigger and stronger by increasing the height of the Dam up to 8 meters, enlarging the bottom to 120 meters wide and the top to 25 meters wide so that it will be able to hold hundreds millions cubic meters of water"]. See also **E3/9504** 2-TCW-918 WRI, A1 [testimony of Deputy Chairman of Sector 5 Mobile Units: "In the construction plan, the dam had 60-metre bottom base, 8-metre height, 20-metre top back and 8-kilometre length"].

¹⁸⁴⁴ **E3/771** *Revolutionary Youth*, July-Aug 1977, EN 00509686-87 ["Geographically, there were rarely any lakes or ponds on this plain field, and since there were tens of thousands people working at the Trapeang Thma water reservoir worksite, our male-female youths had to face and fight to solve other problems besides their daily core task. Obviously, they had to face with the problem of water shortage. That was because the carts and trucks were not able to deliver water to the worksite on time and as needed"]. See also **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit Reported* (Hsinhua), 21 Dec 77, EN 00498181 [statement of Northwest Zone Secretary Ros Nhim re the Trapeang Thma Dam: "Drought set in when we started to build the reservoir, and the 20,000 people engaged in construction had not enough drinking water"].

¹⁸⁴⁵ **E3/771** *Revolutionary Youth*, July-Aug 1977, EN 00509686 ["During the time of building this Trapeang Thma reservoir, our cooperative male-female youths of the northern sector of Battambang used all of their physical and mental strength, and sacrificed everything in order to serve the collective interest and to achieve the Party's plan totally and successfully. Brothers worked and stayed at the worksite for months like what our male-female combatants of the revolutionary army had done when they were fighting to destroy the enemy during the war. Brothers fought to dig up and carry the earth, all day and

451. **Khieu Samphan** also admits visiting the Kamping Puoy Dam, which was located in Phnom Sampeou commune west of Battambang city.¹⁸⁴⁶ Like Trapeang Thma, the Kamping Puoy Dam was a massive work project built by the manual labour of over 20,000 workers who were guarded by militia and forced to work “night and day.”¹⁸⁴⁷ The workers at this site were described as “thin, their knees larger than their heads.”¹⁸⁴⁸
- Khieu Samphan** also visited the Kok Romchek Dam in Sector 5 of the Northwest Zone,¹⁸⁴⁹ which was 18 kilometres long and required to be built in only three to four

night, under the burning sun, for the entire dry season without any complaining”], EN 00509687 [“our male-female youths had fought to endure all kinds of hardship until they completed the plan and successfully constructed the Trapeang Thma water reservoir in the dry season of 1977 ... In conclusion, in order to join in and totally achieve the 1977 work plan or even to exceed it, and in order for our Kampuchea motherland to progress in the wonderful great leap forward speed, our cooperative male-female youths in the northern part of Battambang dare to sacrifice everything”].

¹⁸⁴⁶ **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons behind the Decisions I Made*, EN 00103780 [one of the dams he saw with his “own eyes” between 1975 and 1979 was “Kamping Puoy (west of Battambang)”]; **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.03.42-10.08.50 [“in 1976 ... I saw canals and dams, including Trapeang Thma dam, and the one to the west of Battambang”]; **E3/592** Khieu Samphan Statement, 29 Dec 2003, EN 00002803.

¹⁸⁴⁷ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.35.29; **E3/5187** Prum Sarun WRI, EN 00274180 [“At the Kamping Puoy worksite there were tens of thousands of people ... About 20 people died of exhaustion and disease each time I worked there. Five people committed suicide by hanging themselves out of hopelessness. There was a military unit which guarded the laborers who worked night and day. Work was from 7 until 11 a.m., in the afternoon from 1 until 5 p.m., and at night from 6 until 10 p.m.”]; **E3/9610** Toat Thoeun WRI, A113-A114 [describing Kamping Puoy Reservoir: “It was very hard work as they had to carry earth and run up to the back of the dam. ... For earth carriers at canal dam worksites, their food was rice dust mixed with porridge which was like pigswill”]; **E3/9473** 2-TCW-920 WRI, A52 [“the construction of the Kamping Puoy Dam was rather difficult because people from Mobile Units were assigned to carry earth by hand in carry baskets to build that dam. Only human labour, no machinery, was used”]; **E3/5185** In Choeun WRI, EN 00274166; **E3/7737** Im An WRI, EN 00274160-61 [“This dam was 6 kilometers long, 12 meters high and 50 meters wide ... and was built entirely with hoes, earth carrying baskets and manpower ... I saw Khmer Rouge cadres riding in a jeep come to look at this work site ... I just knew that they were high level leaders because the subdistrict chief ran to welcome them. The ones who came to look at the worksite were not district or sector or zone level”]; **E3/1339** FBIS, *Battambang Province*, 10 Dec 1977, EN 00168342 [“accompanied by the Comrade Party Secretary and Comrades Ieng Sary, Vorn Vet, Mey Prang and Thioun Thioeunn, Comrade Chen Yunk-Kuei and the other Chinese comrades visited the ‘17 January’ reservoir in Srok Phnum Sampeou. This reservoir has a capacity of 189 million cubic meters”].

¹⁸⁴⁸ **E3/5185** In Choeun WRI, EN 00274166 [“While at the Kamping Puoy worksite the work was hard, from 6 [am] ... until 10 p.m. They had us eat one dish of thin gruel. Sometimes they gave us rice, one dish per person. They had us eat two meals per day ... I observed that there were more than 20,000 people working there, and most of those in the mobile units were thin, their knees larger than their heads. People died from overwork and exhaustion and disease. One of my nephews died from exhaustion and dysentery”].

¹⁸⁴⁹ **E3/9483** 2-TCW-918 WRI, A16 [“I saw Khieu Samphan once when he came to inspect the Kok Romchek dam worksite in 1976. In fact, I did not know he was Khieu Samphan though I was standing next to him. Only after he got into a car and drove off to Phnom Srok district, Ta Val told me who he was”]; **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728676-78 [“Khieu Samphan came with 2 or 3 people. I knew clearly Khieu Samphan ... Q: Did he see the people clearly, including the skinny? A: Yes ... As we were building the Kok Romchek dam, he stood on the dam’s embankment and watched”]; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 11.31.29 [“at the Kouk Rumchek Dam ... a man got out of the vehicle and observed us working”], 13.34.05 [“at the time, Ta Val, who was the leader, told us that the person was Khieu Samphan”], 13.46.41. Ta Val’s identification of the visitor as Khieu Samphan was reliable because, as the Sector 5 Mobile Chief and highest-ranking cadre at the worksite, Ta Val would

months,¹⁸⁵⁰ and the Au Buon Kraom Dam in Mondulkiri (Sector 105).¹⁸⁵¹ **Khieu Samphan**'s knowledge of the 1st January Dam is proven by an 15 April 1977 speech, in which he identified the dam on the Chinith River as an example of the large-scale irrigation projects being quickly built that year by the manual labour of tens of thousands of workers.¹⁸⁵²

452. With respect to the Kampong Chhnang Airfield worksite, three witnesses testified to visits by **Khieu Samphan**. A former messenger of Division 502 Deputy Secretary Lvey (who oversaw construction of the airfield)¹⁸⁵³ described a visit by leaders brought to the site by a convoy of vehicles, at a time airplanes had been brought in for flight tests. While he was too far away to identify the leaders, he was told by guards at the site that they were **Khieu Samphan** and Ieng Sary.¹⁸⁵⁴ A second witness described another visit by **Khieu Samphan** to inspect the worksite, on which occasion he arrived by helicopter with a group of Chinese visitors and walked towards the cave that was being built for use as a secret hangar and command centre.¹⁸⁵⁵ A third witness testified to a visit by

have known the CPK leaders who came to visit his worksite. By contrast, 2-TCW-918's claim at trial (**E1/359.1** at 13.46.41-13.51.45, 13.55.58-13.58.15) that the person he saw at the Kok Romchek site in 1976 ("over 1.70 metres") was taller than the Khieu Samphan he observed in the courtroom ("1.67 or 68 metres") was not a probative or reliable differentiation, as it is to be expected that an 80-year old man using a walking aid would appear significantly smaller than he did 40 years earlier.

¹⁸⁵⁰ **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 11.19.36-11.27.22 [construction of Kok Romchek Dam began in January 1976 with a work force of "around 4000" – "we were told ... we had to complete the work before the Khmer new year"]; **E3/9094** 2-TCW-918 DC-Cam Interview, EN 00728659 ["At Kok Romchek, its width was 18 kilometers, but there were only 4000 forces. There were about 4500 and three machines. He asked me to be determined to finish it within 3 months as well"]; **E3/9483** 2-TCW-918 WRI, A2 ["In March 1976, the number of workforce in the sector mobile unit increased to 7,800"].

¹⁸⁵¹ **E1/409.1** Chan Bun Leath alias Bun Loeng Chauy, T. 28 Mar 2016, 11.03.50-11.10.48 ["the deputy chief of Office K-16 said Khieu Samphan would come to visit ... I saw the vehicles moving on the road while I was in a rice field. I saw the car convoy but I didn't see him"], 14.16.23-14.18.04; **E3/5178** Bun Loeng Chauy WRI, EN 00274104 ["In 1974, Khieu Samphan, head of State and Front Chairman, visited in Mondulkiri province somewhere at K-11 when I was harvesting rice ... and paid visits to [Au] Buon Kraom, Sre Huy and the dam construction. He came with a delegation of many people by 6 vehicles in total ... I knew about that because my worksite chief announced that 'Khieu Samphan is visiting'"].

¹⁸⁵² **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514.

¹⁸⁵³ **E1/312.1** Chan Morn, T. 9 June 2015, 09.27.30, 09.43.30-09.49.58, 09.59.32, 10.37.01-10.41.23 [assigned by Division 502 Secretary Met and Deputy Lvey to work as a driver and to assist Chinese technicians at the Kampong Chhnang Airport site]; **E3/5278** Chan Morn (Man) WRI, EN 00292822-24.

¹⁸⁵⁴ **E1/312.1** Chan Morn, T. 9 June 2015, 13.33.12-13.41.01; **E1/313.1** Chan Morn, T. 10 June 2015, 14.18.01-14.22.14 [stating that in total, he saw "three visits by important people while I was present at the worksite"]; **E3/5278** Chan Morn (Man) WRI, EN 00292824 ["In early 1977, I saw a convoy entering through the access road to the airport construction site. At that time, I saw Khieu Samphan and Ieng Sary visiting the airport construction site with armored vehicles and escorted many soldiers. ... I saw Lvey and other chiefs ... met with them"].

¹⁸⁵⁵ **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.18.12-11.22.33 ["I was going to work, and we saw a helicopter about to [land]. And we were told that it was Khieu Samphan who came to inspect the worksite"]; **E1/320.1** Sem Hoeun, T. 23 June 2015, 09.37.50 ["I could see him from a far distance and my peers and work colleagues told me that Ta Khieu Samphan came to visit the Kampong Chhnang airfield"]; **E3/5280** Sem Hoeun WRI, EN 00290516 ["In late 1977, ... I saw Khieu Samphan riding a

Khieu Samphan and Ta Mok, in which they were accompanied around the airfield site by the leaders of Division 502.¹⁸⁵⁶ The Accused also knew of this site from Standing Committee meetings he attended.

453. During some of his trips to the provinces, **Khieu Samphan** was accompanied by Norodom Sihanouk.¹⁸⁵⁷ Sihanouk described what he observed during those trips to the countryside with **Khieu Samphan** as follows:

I saw that the communes were concentration camps. I saw how work went on day and night. When the moon shone, people could not sleep. Sleep was not allowed. People had to work. I saw what people ate, for there was no rice. The rice was mixed with maize, and other things, beans, even leaves, the chopped up stocks of banana plants. The diet was very, very bad.¹⁸⁵⁸

454. During a late 1976 trip to “gigantic work sites with thousands of men and women silently digging mile-long canals,” **Khieu Samphan** stopped Sihanouk from getting out of the car to speak to the people.¹⁸⁵⁹ Sihanouk also described his “despair” and “disillusion” when he “saw the realities” of what the Cambodian people had been subjected to by the CPK during his trips to the countryside to see “irrigation work” with **Khieu Samphan**, stating that he saw the “misery” of the people and that there was “forced labour” and “no freedom.”¹⁸⁶⁰ There can be no doubt that **Khieu Samphan**, like

helicopter to the workstation of Kompong Chhnang’s airport. ... He was wearing a black shirt and trousers accompanied by a Chinese. I was standing about 50 meters away from the landing ground. He came to observe the laborers’ work and then he walked towards the drilled cave for hiding aircrafts”].
¹⁸⁵⁶ **E1/325.1** Khin Vat, T. 29 July 2015, 15.18.32-15.22.55 [“I knew that Uncle Khieu Samphan and his colleagues, whom I did not know together with the leadership from 502 who accompanied them, paid a visit to the airport worksite”], 15.25.20; **E1/326.1** Khin Vat, T. 30 July 2015, 10.43.25; **E3/5284** Khin Vat WRI, EN 00315915.

¹⁸⁵⁷ See e.g. **E3/273** FBIS, *Sihanouk Completes 3-Day Tour of North*, 21 Jan 1976, EN 00167844 [“From 15 to 17 January 1976 the Samdech head of state and his wife, the Samdech prime minister and his wife and Comrade Deputy Prime Minister Khieu Samphan, visited the northern region. At 09:00 on 15 January the motorcade arrived at Batheay worksite ... The Samdech was greatly moved to see the vast checkerboards of field embankments and irrigation canals. During a trip to Kompong Cham town, the Samdech stopped over at (Veal Sosaen) worksite, where tens of thousands of people were actively building field embankments and digging ditches”]; **E3/464** Tha Sot WRI, EN 00226110 [“I took Khieu Samphan who accompanied Prince Norodom Sihanouk to visit the provinces of Siem Reap, Battambang, Kampot and Kampong Som”].

¹⁸⁵⁸ **E3/3113R** Video *Jungle War*, 29:26-30:26 [Sihanouk description of trips taken “through Cambodia together with Khieu Samphan” between September 1975 and April 1976].

¹⁸⁵⁹ **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192413 [“The tour of the provinces with Khieu Samphan brought home to Sihanouk the great leap forward the Khmer Rouge was trying to achieve. He saw gigantic work sites with thousands of men and women silently digging miles-long canals, carrying soil on shoulder poles to build dikes. The landscape was being turned into a vast checkerboard dotted with antlike men dressed in black. ... An emotional Sihanouk muttered to Monique, ‘That’s enough, I am going to talk to them,’ and started getting out of the car. Samphan, who sat next to the chauffeur, bolted out and told the prince, ‘Please be calm and go back to the car.’”].

¹⁸⁶⁰ **E3/2350R** Video, *Pol Pot et Les Khmer Rouges*, 40:10-40:27 [interview of Norodom Sihanouk in which

Norodom Sihanouk and others who went to visit the large-scale irrigation worksites,¹⁸⁶¹ was readily able to observe the abhorrent and inhumane conditions to which the workers enslaved at those sites were subjected.

3. Instructions to Cadres in Speeches and Political Education Sessions

455. Knowing that the people were confined to cooperatives and worksites and forced to labour in inhumane conditions, **Nuon Chea** and **Khieu Samphan** endorsed the Party's production plans, instructed cadres to implement those plans, and urged the people to work even harder to increase production, fulfil the plans, and achieve the Great Leap Forward.

a) *Political Education Meetings Conducted Jointly by Nuon Chea and Khieu Samphan*

456. Civil Party Em Oeun testified that he attended a week-long political education session conducted by Pol Pot, **Nuon Chea** and **Khieu Samphan**. Pol Pot began by explaining the Great Leap Forward policy that was to transform the country to communism, stating that those who were not "in line with the 'great leap forward' ... would be considered as enemies."¹⁸⁶² **Nuon Chea** endorsed Pol Pot's statements and discussed further the Great Leap Forward, stating that those who damaged equipment or were often sick

he states: "I saw the misery of my people. There was no freedom and there was forced labour", 41:10-42:10 ["From time to time Khieu Samphan accompanied me to the countryside to see some irrigation work with the people. But my disillusion, my despair came to me when I saw the realities. And after that, I was informed by the refugees that after my visit, the ones who cried 'Long live Sihanouk' were killed by the Khmer Rouge. Punished. That was a death penalty to be pro-Sihanouk. I did not imagine that they could be so cruel and so inhumane"], 42:16-42:45 [Sihanouk refers to CPK cooperatives, in which 5 of his children and 14 grandchildren died, as "concentration camps, small Auschwitz"]. See also **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396541 [discussing 1975-76 time period: "Sihanouk was brought face to face with the awfulness of life in Democratic Kampuchea for the first time during two provincial tours he made that winter in the company of Khieu Samphan, one to the Eastern and Northern Zones, the other to the Northwest. 'It bowled me over,' he wrote later. 'My people had been transformed into cattle ... My eyes were opened to a madness which neither I nor anyone else had imagined'"]].

¹⁸⁶¹ **E3/5657** Im Chaem DC-Cam Interview, EN 00089776 [description of condition of workers at Trapeang Thma Dam by Preah Net Preah District Secretary: "Upon my arrival at that place, I found it horrible to see youths at the construction site. They were ill and thin. I saw the evacuees from Phnom Penh having no food"]; **E3/5264** Ke Un WRI, EN 00283343 [description of 1st January Dam worksite by driver of Central Zone Secretary Ke Pauk: "[there] were tens of thousands of people working there. They were working hard in harsh conditions. Especially the women, when they were having a menstrual period, they didn't have any water to clean up themselves, so their buttocks were followed and surrounded by flies. At the work site there were too many flies which looked like bees"]; **E3/464** Tha Sot WRI, EN 00226110.

¹⁸⁶² **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.22.12-14.24.29 ["during the political training [at Borei Keila], we learned how to change the mindset of the people, try to transform them to fall in line with the 'great leap forward' policy"], 14.25.50 ["the lecturers or speakers ... explained that the 'great leap forward' was to transform the country from a socialist to communist country"], 14.30.56-14.35.53 ["the person who started first was Pol Pot ... he also said that every one of us was expected of being in line with the 'great leap forward' ... if we couldn't have this 'great leap,' then we would be considered as enemies"]; **E3/1729** Em Oeun CPA, EN 00751867.

were to be considered enemies.¹⁸⁶³ **Khieu Samphan**, after reiterating the points of the previous speakers,¹⁸⁶⁴ urged cadres to transform themselves in order “to achieve this goal,” and stated that “workers who pretended to be sick very often”, or were careless with materials, were to be “categorized as people who betray the Party.”¹⁸⁶⁵ He told the cadres that “whatever the Party wanted us to do, we had to.”¹⁸⁶⁶ **Khieu Samphan** also instructed that oppressive work and living conditions were to be used in order to draw out enemies:

I still recall what he told us and the political lines at that time. They wanted to uncover the enemy burrowing from within, and in doing so, we had to assign much hard labour; we had to give them a lot of work, little food to eat so that we could uncover the enemies from within. That’s what he mentioned in the session. I was rather terrified, myself, and my colleagues were a bit terrified upon hearing that statement.¹⁸⁶⁷

457. Other witnesses also received political education from the Accused on the CPK’s economic programme. Pean Khean, a former bodyguard of Koy Thuon who was assigned to K-1 in 1976,¹⁸⁶⁸ attended a meeting at Borei Keila organised by S-71 chairman Pang, at which **Nuon Chea** and **Khieu Samphan** gave “high-level political education” to ministry and K-office cadres.¹⁸⁶⁹ At this meeting, the cadres were instructed on the “political line” of the Party to “establish the cooperatives” and “build

¹⁸⁶³ **E3/1729** Em Oeun CPA, EN 00751867; **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.32.48-14.37.54 [“And when Nuon Chea came to the stage, he picked up a few words from Pol Pot before he began his own speech. Mr. Khieu Samphan also did the same. So, to me, these people had to repeat one another before adding further points”]; **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.05.25.

¹⁸⁶⁴ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.32.48, 15.51.23 [“Q: ... do you recall whether Khieu Samphan discussed the affairs or things that were dealt with by the other speakers before him? A: Before they change the speakers ... normally they try to recall what the previous speaker mentioned, and they then try to link up from where they left off”]; **E1/115.1** Em Oeun, T. 27 Aug 2012, 10.18.13-10.19.58 [Nuon Chea and Khieu Samphan “remained in the meeting” during Pol Pot’s presentation], 11.02.47-11.04.32 [“One would pick up briefly from the previous speaker, and one would say ‘as the Party already indicated’”].

¹⁸⁶⁵ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.37.54-14.40.59; **E1/116.1** Em Oeun, T. 28 Aug 2012, 10.29.10-10.33.

¹⁸⁶⁶ **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.02.08-15.04.50.

¹⁸⁶⁷ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.38.18. *See also* **E3/1729** Em Oeun CPA, EN 00751867[“Khieu Samphan clearly stressed that in order to see undercover enemies burrowing from within easily and clearly ..., we needed to assign much hard labour work; then they could no longer hide”]; **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.21.47; **E1/116.1** Em Oeun, T. 28 Aug 2012, 10.29.10-10.33.00 [“in order to find out who would be the infiltrated enemies, ... we needed to look at those people’s performance. So, to do so, one needed to allow people to work more, eat less”].

¹⁸⁶⁸ **E1/71.1**, Pean Khean, T. 2 May 2012, 14.05.07-14.08.50, 14.38.12, 15.49.00-15.52.04, 15.57.40.

¹⁸⁶⁹ **E3/5728** Pean Khean Statement; **E1/73.1** Pean Khean, T. 17 May 2012, 10.08.24-10.19.39 [“I saw some senior people or leaders coming to start the session. Those people included Uncle Hem and Pang ... Om Ieng Sary was not present, but Om Nuon Chea was there”].

canals and dams” using the masses.¹⁸⁷⁰ Chea Say, a mechanic and driver in the K-12 office, attended political study sessions at the Technological Institute and Borei Keila lasting “at least three days” at which **Nuon Chea** and **Khieu Samphan** were the instructors.¹⁸⁷¹ He testified that the main subject the two leaders discussed was “strengthening or working hard ... in order to build the country.”¹⁸⁷² He also heard **Khieu Samphan** speeches on the radio containing “the same type of message” about “striving hard to work and to build the country.”¹⁸⁷³

458. Consistent with Em Oeun’s testimony that the CPK leaders were in agreement and reiterated each other’s points, Chea Say testified that the political message from **Nuon Chea** and **Khieu Samphan** was the same, because “the two came from the same family ... the same Party.”¹⁸⁷⁴ Henri Locard described the interaction between Pol Pot, **Nuon Chea** and **Khieu Samphan** as follows:

I believe Nuon Chea was the shadow of Pol Pot the whole time. He set to music the ideas that both of them came up with, and I think Khieu Samphan played an important role here, because during the re-education sessions, they were the keynote speakers. Pol Pot would speak for days. Then Nuon Chea would follow. Then it was Khieu Samphan ... These personalities monopolized thought. They even nationalized thought.¹⁸⁷⁵

¹⁸⁷⁰ **E1/73.1** Pean Khean, T. 17 May 2012, 10.12.03-10.14.52 [“they mentioned about the political line and prospects for building a prosperous country in the future”], 10.16.41-10.19.39 [“thirdly, to establish the cooperatives and create the collective regime, and encourage the people and the popular masses to build canals and dams”].

¹⁸⁷¹ **E1/124.1** Chea Say, T. 20 Sept 2012, 10.10.42-10.12.48, 10.17.55-10.24.45, 10.30.29 [“Mr. Nuon Chea and Mr. Khieu Samphan talked during the three days or the four-day workshop - or, rather, training sessions”], 10.59.46 [“Besides the two, there was no other instructor”], 13.57.14; **E3/69** Chea Say WRI, EN 00233152 [“Pang opened the sessions ... Q: While learning with Nuon Chea and Khieu Samphan, how many participants were there? ... A: Hundreds of them”].

¹⁸⁷² **E1/124.1** Chea Say, T. 20 Sept 2012, 10.17.55-10.20.32, 10.26.16 [“Nuon Chea and Khieu Samphan taught us during the political study sessions, focusing on those themes that I said on the economization and on strengthening or working hard ... in order to build the country”], 11.41.29-11.43.59 [“As a part of political session and education, we were treated ... like children as opposed to parents who were our superiors so we were educated on how to work very well”].

¹⁸⁷³ **E1/124.1** Chea Say, T. 20 Sept 2012, 11.04.56-11.07.32.

¹⁸⁷⁴ **E1/124.1** Chea Say, T. 20 Sept 2012, 10.28.17 [“Q: ... is your memory that Nuon Chea and Khieu Samphan were covering the same sorts of subjects or different subjects? A: The two – we can say the two came from the same family; they spoke on the same subject matters ... because they are from the same team or, you can say, from members of a same family; they’re from the same party ... So the political education is the same”], 10.54.08-10.55.57 [“the main message was the same. I could not say which one was bad or which one was good. It was the same message that conveyed. Politically, they were from the same source”].

¹⁸⁷⁵ **E1/451.1** Henri Locard, T. 29 July 2016, 11.02.10-11.05.00.

b) *Nuon Chea Speeches & Political Education*

459. In Kratie province (Sector 505), **Nuon Chea** convened a meeting in 1973 at which he instructed 50 local commune chiefs and district committee members, including Yun Kim, how to implement cooperatives.¹⁸⁷⁶ **Nuon Chea** instructed the cadres that “mutual assistance groups” should be used in areas “where there were difficult people,” low-level cooperatives in areas “where people were not so difficult,” and high-level cooperatives in areas “where the people were easy.”¹⁸⁷⁷ **Nuon Chea** also instructed a large group of female cadres from the Central (old North) Zone, including District Secretary Sou Soeun (the wife of Zone Secretary Ke Pauk), on the implementation of cooperatives.¹⁸⁷⁸ During these political study sessions, **Nuon Chea** provided instruction on how to “arrange” workers so that the Party’s production quotas could be met, the digging of canals, and the need to grow multiple harvests each year.¹⁸⁷⁹
460. In a 16 January 1977 speech to the RAK that was attended by **Khieu Samphan** (discussed further in the *Contribution to Persecution* section), **Nuon Chea** spoke about the “important strategic line” of the Party to “control the people and capture the people,” and instructed that the “core work during this year of 1977 is strengthening and expanding the cooperatives,” making them “iron walls throughout the country.”¹⁸⁸⁰

¹⁸⁷⁶ **E1/88.1** Yun Kim, T. 19 June 2012, 09.25.01-09.30.34 [meeting held by Nuon Chea in Dar commune in 1973 “giving instructions regarding the cooperatives”], 10.53.56-10.56.12; **E3/410** Yun Kim WRI, EN 00412193 [“More than 50 participants attended the gathering. They were all from provincial and district committees and commune chiefs”]

¹⁸⁷⁷ **E3/410** Yun Kim WRI, EN 00412193; **E1/88.1** Yun Kim, T. 19 June 2012, 11.03.01-11.04.46 [instructing that “establishment should be based on the real situation at each base”].

¹⁸⁷⁸ **E1/310.1** Sou Soeun, T. 4 June 2015, 10.06.40-10.11.00 [“Q: What was the reason that you went with this group of female cadres to meet Nuon Chea? A: We went with a large group of cadres, hundreds of us to meet him. We went there to attend political study sessions, and be taught of ways to lead cooperative people to increase rice production to a certain quota per year, and work smoothly with the cooperative people in order to increase rice production per hectare and increase the number of harvest per year”], 15.39.27-15.43.05 [“only when Angkar invited me, asked me to come to Phnom Penh to join the study session did I come. As I stated, I came with many of my fellow cadres by a truck or two. And we came to receive the assignments to be implemented and enforced in our respective districts”].

¹⁸⁷⁹ **E1/310.1** Sou Soeun, T. 4 June 2015, 10.08.31 [“we went there to attend political study sessions, and be taught of ways to lead cooperative people to increase rice production to a certain quota per year”], 15.44.43-15.49.05 [discussing meetings with Nuon Chea: “He arranged workforces for the districts. He arranged tasks and he instructed how to dig the canals, how to work in the fields, and he also discussed how the cooperatives were to be arranged. These are the instructions I received from him ... He instructed about the cooperatives, and he also mentioned that the farming should be conducted in a number of times per year”].

¹⁸⁸⁰ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491424-26 [“This is a very important strategic line: control the people and capture the people ... So then, in the work of defending the country at present and later on, it is important to have a grasp on the people. That is why the Party concentrates on grasping the cooperatives. The core work during this year of 1977 is strengthening and expanding the cooperatives and making them strong by building the cooperatives and by building the Party Branches in the cooperatives to 100 per cent level during 1977, making the cooperatives into iron walls throughout the country. Making the cooperatives into iron walls means that the people are strong and nothing at all

He discussed the Party's plans relating to rice production, including the goal of "quickly increasing production,"¹⁸⁸¹ the imposition of food rations,¹⁸⁸² and plans to export rice.¹⁸⁸³ **Nuon Chea** also acknowledged in this speech that he and the other CPK leaders received reports from and visited "every base area."¹⁸⁸⁴

461. Two former cadres have confirmed receiving political education from **Nuon Chea** relating to the Party line to "control the people." Tram Kak District Secretary Pech Chim, who attended the annual political training conducted by the Accused for "all the district secretaries of the entire country," testified that one of the subjects on which **Nuon Chea** gave instructions was how "to control the people properly."¹⁸⁸⁵ Southwest cadre Chhouk Rin also described a political education meeting he attended in Phnom Penh conducted by **Nuon Chea** and Pol Pot, at which the Accused "talked about management of agricultural system with the requirement of producing three tons of rice per hectare," explained that "those who caused the damage of ploughshare, hoe, spoon and so on were considered as enemies," and the Party made clear "how they controlled the population."¹⁸⁸⁶

can penetrate. This is the meaning of grasping the people"]. See also **E1/190.1** Philip Short, T. 7 May 2013, 13.50.07-13.52.04 ["seizing the people" "means, simply, controlling the population" and was a "Chinese Communist [tactic]" used throughout the Chinese Revolution].

¹⁸⁸¹ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435.

¹⁸⁸² **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168469 ["Did we achieve the 1976 plan? Were we able to apply the rice-rationing orders prescribed by the state? ... we have totally achieved the 1976 plan"]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491434-35.

¹⁸⁸³ **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168469 ["we have a surplus of more than 150,000 tons of rice for export"]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491423 ["we have enough left over to export 150,000 to 200,000 tons of paddy"], 00491433 ["some Zone armies have provided rice to Angkar and to the State for export and sale overseas too. As I recall, approximately 40,000 tons of rice"].

¹⁸⁸⁴ **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168469 ["According to reports received early this month from every region and according to our findings after visits to each of our bases"]; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491423 ["From the reports at the beginning of this month and our going to look at every base area, we see that all regimes have been carried out"].

¹⁸⁸⁵ **E3/401** Pech Chim WRI, EN 00381028; **E1/215.1** Pech Chim, T. 1 July 2013, 11.21.01-11.29.35 [also testifying that "the study session lasted for a little bit more than 20 days"], 14.40.06. See also **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.41.41-09.46.29 [discussing organisation of work forces in Tram Kak District: "They had full grasp of forces in their respective units; for example, how many male youths, female youths and children? How was their health condition? The number of members who went to work and the number of forces who remained at their shelter and so on"].

¹⁸⁸⁶ **E3/421** Chhouk Rin WRI, A4; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 09.30.00-09.33.06 ["when I was asked to come to Phnom Penh, I was not attending a meeting but I was attending study session attended by many people from across the country. We were lectured on political lines and other matters ... ordered by Nuon Chea to cultivate rice, to grow crops ... we had to do farming as soldiers, and Nuon Chea was the one who ordered all this ... I believe that the CPK, in its statement, made it very clear about how they controlled the population"], 10.55.26-11.02.30 [study session was attended by 500 participants in 1976].

462. Other witnesses recall **Nuon Chea** stressing the importance of people working hard in order to meet the Party's plans and quotas. Ek Hen, a worker at the K-9 State Textile Factory,¹⁸⁸⁷ attended two annual political study sessions at Borei Keila, one led by **Nuon Chea** and the other by **Khieu Samphan**.¹⁸⁸⁸ She testified that 500 people attended the study session led by **Nuon Chea**.¹⁸⁸⁹ At that meeting, he provided instruction on the importance of workers "striving to work [to keep] up with the plans," and the need to reform workers who made mistakes.¹⁸⁹⁰ Sector 103 Commerce Member Prum Sou attended a late 1977 meeting presided over by **Nuon Chea** at the sector office in Preah Vihear, at which he instructed sector cadres to "work hard to build dams" and to increase rice production to between 3.5 and 7 tonnes per hectare.¹⁸⁹¹ Former District Secretary Prak Yut testified that she attended annual political education sessions conducted by **Nuon Chea** and Pol Pot, and opened by **Khieu Samphan**,¹⁸⁹² that reviewed whether districts had achieved the Party plan for rice production and construction of dams and canals, and encouraged them to "work harder."¹⁸⁹³ Commerce cadre Phan Him attended a meeting at Borei Keila at which **Nuon Chea** instructed cadres to "work hard" in order to "always" achieve "three tonnes of rice yield per

¹⁸⁸⁷ **E1/217.1** Ek Hen, T. 3 July 2013, 10.15.28-10.19.49.

¹⁸⁸⁸ **E1/217.1** Ek Hen, T. 3 July 2013, 12.12.22 ["I did attend sessions where Khieu Samphan and Nuon Chea chaired"], 14.12.11 ["Uncle Khieu Samphan was chairing the second session and the first session was chaired by Uncle Nuon Chea"]; **E3/474** Ek Hen WRI, EN 00205049; **E3/4635** Ek Hen DC-Cam Statement, EN 00662014.

¹⁸⁸⁹ **E1/217.1** Ek Hen, T. 3 July 2013, 11.37.13-11.39.40, *confirming* **E3/474** Ek Hen WRI, EN 00205049-50 ["Nuon Chea also led a study meeting at Borei Keila, with about 500 people attending"].

¹⁸⁹⁰ **E1/217.1** Ek Hen, T. 3 July 2013, 11.37.13-11.39.40, *confirming* **E3/474** Ek Hen WRI, EN 00205050 [describing Borei Keila study meeting led by Nuon Chea: "The content of the study meeting was about: having workers strive to work, and if there were mistakes made, to have the workers reform themselves; ... about striving to work keeping up with the plans; and knowing how to conserve"]; **E3/4635** Ek Hen DC-Cam Statement, EN 00662014.

¹⁸⁹¹ **E1/194.1** Prum Sou, T. 21 May 2013, 10.55.42-11.05.17 ["he spoke about ... the rice production of 3.5 tonnes per hectare to 7 [tonnes per] hectares, and that we all try to work hard to build dams and to raise canals, and to work on fertilizer"]; **E3/420** Prum Sou WRI, A6, A10 ["Nuon Chea also talked about economy and living by instructing us to work harder to increase the harvest from three to seven tons per hectare"]. *See also* **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757499 [admission by Nuon Chea of trip to Preah Vihear during which he visited the cooperatives].

¹⁸⁹² **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.30.22-14.34.26 [Pol Pot and Nuon Chea "shared time in lecturing us," and Khieu Samphan "came in the capacity as presiding person of the study session"], 15.04.15-15.17.12.

¹⁸⁹³ **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.34.26-14.35.52 ["They simply focused on building dams and canals and the production of rice ... encouraging us to work harder to produce rice"], 15.14.20-15.17.12 ["we talked about our one-year plan at level of districts and communes, about dam building, the digging of canals, about the dry season rice farming ... specifically about the rice production, canal building. So we examined our plan that we implemented; how much we have achieved and how much we haven't achieved"].

hectare.”¹⁸⁹⁴ Other witnesses also confirm that **Nuon Chea** provided political education on CPK economic lines and agricultural production.¹⁸⁹⁵

c) *Khieu Samphan Speeches & Political Education*

463. **Khieu Samphan** gave major speeches and conducted political education throughout the regime in which he supported the Party’s onerous production plans and urged the people to work hard to meet or exceed those plans.
464. In April 1976, speaking at the PRA’s inaugural congress, **Khieu Samphan** instructed the representatives on the need to “accelerate our nation-building efforts by leaps and bounds,” to “advance in giant strides in all production fields” and “produce rice to the maximum.”¹⁸⁹⁶ In an April 1977 speech, **Khieu Samphan** urged workers to “struggle even harder” than the past year to “overfulfil the 1977 plan” at each “production battlefield, front, unit or base.”¹⁸⁹⁷ At the end of that speech, the representatives in attendance resolved to “strive to build dams, reservoirs, ditches and canals” and increase production “to the maximum, particularly rice production in order to fulfil and even overfulfil the 1977 plan.”¹⁸⁹⁸
465. Similarly, **Khieu Samphan** began and ended his April 1978 speech by urging the gathered cadres to “struggle and implement the Party’s 1978 tasks more actively and

¹⁸⁹⁴ **E1/467.1** Phan Him, T. 31 Aug 2016, 15.09.51-15.11.17 [“we were called for a meeting at Borei Keila and Ta Nuon Chea was the instructor on the topic of striving to work for the Party, and that we should respect the Party and the Party’s disciplines, that we should work hard to produce good products to achieve always three tonnes of rice yield per hectare”]; **E3/9318** Phan Him DC-Cam Statement, EN 00679670.

¹⁸⁹⁵ **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 11.03.02 [Pol Pot guard heard Nuon Chea discussing agricultural production over loudspeakers at Borei Keila study sessions]; **E1/82.1** Sao Sarun, T. 6 June 2012, 09.54.40-10.02.02, *affirming* **E3/367** Sao Sarun WRI, EN 00278694 [Nuon Chea presented “economic lines” at political training sessions he attended in Phnom Penh lasting “between 12 and 13 days,” at which Khieu Samphan and Pol Pot were also present]; **E1/475.1** Mom Vun 16 Sept 2016, 13.58.05-14.01.22 [1976 assembly at Phnom Kulen presided over by Nuon Chea, Khieu Samphan and Ieng Sary, at which Nuon Chea directed the people to “strive to produce more product in order to sustain the economic situation to gain surplus in order to assist the revolutionary army”], 14.11.20-14.15.27, 14.17.13; **E3/464** Tha Sot WRI, EN 00226109 [former driver of Nuon Chea attended a meeting of 200 participants chaired by the Accused at Borei Keila that discussed how to increase production].

¹⁸⁹⁶ **E3/275** FBIS, *First People’s Representative Assembly Convened*, 13 Apr 1976, EN 00167641 [Khieu Samphan speech: “We must always maintain our revolutionary vigilance so as to advance in giant strides in all production fields and particularly in the field of agriculture in which we must produce rice to the maximum”].

¹⁸⁹⁷ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419513 [“the thrust to build our country in 1977 is more powerful than in 1976”], 00419517 [“We must ... implement and carry out our revolutionary organization’s 1977 plan 100% and even more. We must fulfil or overfulfil production plans both within the framework of the overall 1977 plan and within the framework of each production battlefield, front, unit or base ... so as to contribute along with our cooperative peasants to fulfilling and overfulfilling the 1977 rice planting plan”]. *See also* **E3/712** International Herald Tribune, *Cambodian Chief Vows More Toil, Discipline*, 16 Apr 1977 [article re Khieu Samphan speech].

¹⁸⁹⁸ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419518.

successfully by great leaps and bounds in all fields”¹⁸⁹⁹ and to continue building the country “in accordance with the 1978 annual plan of the Party.”¹⁹⁰⁰ The resolution made following that speech agreed to strive to attain “at all costs” the “1978 rice production plan” of 3.5 and 7 tons-per-hectare, yet at the same time to implement the “food rationing determined by the Party.”¹⁹⁰¹ It also resolved to strengthen and expand the “socialist collective system” and the “dictatorship of the proletariat” at all cooperatives, factories, and worksites,¹⁹⁰² and to “subordinate resolutely all personal and family interests to the collective interests of the nation, class, people and revolution.”¹⁹⁰³

466. The Accused gave the same message and instructions at political education meetings he conducted. As testified by witness Ek Hen, **Khieu Samphan** presided over a “large scale study session” at Borei Keila attended by 400 to 500 people.¹⁹⁰⁴ At this meeting, he discussed the “struggle” to complete work plans, including the “3 tonnes per hectare” quota for rice farmers, and instructed people to “strive harder in our work ... to fulfil the quota.”¹⁹⁰⁵ **Khieu Samphan** also conducted meetings of Commerce

¹⁸⁹⁹ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010558; **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280390 [“accomplish the tasks the Party has set for the year 1978 with more ardour ... by leaps and bounds”].

¹⁹⁰⁰ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280398 [“we have to relentlessly pursue the struggle to accomplish the tasks of the Party ... we must continue with impetuosity and dynamism to pursue the tasks of nation building in the countryside, factories ... to spur the development of the country in accordance with the 1978 annual plan of the Party”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563 [“we must struggle arduously to fulfil the Party’s tasks assigned to each unit, section and base”].

¹⁹⁰¹ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010564 [Resolutions adopted at meeting: “To 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 ... fulfill and overfulfil the 1978 plan, the 1977-80 four-year plan, the 10-15-year plan to modernize agriculture and the 15-20-year industrialization plan ... To implement resolutely the food rationing (*robab shieng ahar*) determined by the Party from the beginning to the end of the year”].

¹⁹⁰² **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010565 [“Increasingly to strengthen and expand the socialist collective system in all cooperatives, factories, places of work, ministries and departments in political, ideological and organizational terms; To strengthen and expand the dictatorship of the proletariat at all cooperatives, factories, places of work ... it is imperative to wage constant class struggle ... To emulate all kinds of sacrifices made by the poor people ... in fighting against nature to maximize production”].

¹⁹⁰³ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563. *See also* **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280392 [calling on people to “draw inspiration” from the army “by resolutely placing the interests of the nation, the class, the people and the revolution above personal and family interests and mobilizing all our efforts to accomplish all the tasks entrusted to each of us by the Party”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010559 [“resolutely uphold the collective interest of the nation, class, people and revolution above individual and family interests”].

¹⁹⁰⁴ **E1/217.1** Ek Hen, T. 3 July 2013, 11.14.35-11.18.47 [also describing how the workers in her unit rotated and “took turn[s] to attend the study sessions”].

¹⁹⁰⁵ **E1/217.1** Ek Hen, T. 3 July 2013, 11.18.47-11.21.13 [“It started with him explaining and instructing the workers to strive harder in our work in order to assist our country. Q: When you say ‘he,’ which man are you referring to? A: I refer to Uncle Khieu Samphan ... We sat down and listened to his instructions. He talked about struggle, about work ... the struggle meant for us to be patient and to strive to work to fulfil

cadres,¹⁹⁰⁶ at which they were instructed to “strive to work hard for the Party” and told that “those who were lazy to work” were enemies.¹⁹⁰⁷ The political education provided by **Khieu Samphan** to returning intellectuals at the K-17 site (discussed in detail below in the *Contribution to Persecution* section) was so intense that one woman “worked herself to her last drop of energy” until she was ill and “bedridden” for over a month.¹⁹⁰⁸

4. Statements Evidencing Knowledge and Support of CPK Policy

a) *Nuon Chea*

467. In addition to his January 1977 RAK speech (*discussed above*), **Nuon Chea** gave other speeches during the DK regime evidencing his knowledge and support of the CPK’s Great Leap Forward policy. In an April 1976 statement, he urged people to be “on the offensive on every battlefield of production in every sector, especially in agriculture, aiming to produce the maximum amount of rice ... to push the building of our country even faster in a great and miraculous leap.”¹⁹⁰⁹ In a January 1978 speech during the visit of a Chinese leader, **Nuon Chea** boasted of having “achieved 100% success in the plan to produce 3 tons per hectare and 6 tons per hectare,” and urged his fellow comrades to “keep up our revolutionary vigilance.”¹⁹¹⁰ And in a July 1978 speech, he asserted that problems in living conditions had been solved “by means of irrigation projects.”¹⁹¹¹

the quota. People at that time engage in rice farming and producing 3 tonnes per hectare. And for us, the factory workers, we had to strive to make a similar output in our work”]; **E3/474** Ek Hen WRI, EN 00205049 [describing Borei Keila study meeting led by Khieu Samphan: “As for the content of the meeting, it seemed to be about striving to work, conservation, about food”]; **E3/4635** Ek Hen DC-Cam Statement, EN 00662014 [“I knew Ta Khieu Samphan and Nuon Chea. I used to study with them ... They taught us to work hard, be punctual and not be lazy”].

¹⁹⁰⁶ **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.52.03-10.54.50 [“Q: Did you ever see Khieu Samphan come to your ... workplace at the Tuol Tumpung area for meetings when you worked there? A: Yes, he came to attend meetings with us, who were the Party members, because he was in charge of supervising the Ministry of Commerce ... I cannot recall whether it took place once every two months or three months”], 10.56.40-11.00.11 [other Commerce leaders present at meetings included “Ta Hong, Ta Rith, Comrade Tha”]; **E3/10721** Bit Na WRI, A242.

¹⁹⁰⁷ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 15.06.55-15.09.18; **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.54.50-10.56.40 [“Q: And what was discussed at those meetings? A: The discussions were about the work leadership, about discipline adherence and about morality. Q: Was there any discussion about enemy policy at those meetings? A: Yes, such topics were also discussed about the psychological enemy; I mean those who were lazy to work”].

¹⁹⁰⁸ **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785760 [“her daughter was so enthused by the political training given by Khieu Samphan that she worked herself to her last drop of energy to become a model revolutionary. She had been ill for more than one month, bedridden”].

¹⁹⁰⁹ **E3/165** Nuon Chea Statement, *Information Announcement of the 1st Conference of the People's Representative Assembly of Kampuchea*, 14 Apr 1976, EN 00184076 [Nuon Chea statement announcing “instructions of [PRA] on policy direction”].

¹⁹¹⁰ **E3/78** Nuon Chea Speech, 18 Jan 1978, EN 00290285.

¹⁹¹¹ **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762396 [“As for living conditions, we have basically solved our problems by means of irrigation projects”].

468. **Nuon Chea** defended the use of cooperatives in his interviews with Thet Sambath, arguing that “the cooperatives were very good to help all the people who were moved from the towns to the countryside,” and “if there was privacy and everyone did things by themselves, no one would have had anything to eat.”¹⁹¹² He also sought to justify the Party’s Great Leap Forward policy that forced people to “work long hours with little food and barely any time to rest,” admitting that he had agreed with Pol Pot on the necessity of that plan:

We agreed to go faster so our enemies could not attack us. Pol Pot said if we did not develop faster and try to make it work, we would die and Vietnam would swallow us up.¹⁹¹³

469. While denying for the first two years of those interviews that people in cooperatives had been classified into groups, **Nuon Chea** eventually admitted that the people were divided into Base People and New People, which he asserted was necessary to “make sure who they were.”¹⁹¹⁴ He acknowledged that “all the people were in the provinces to work in the cooperatives,” and that the CPK leaders had “organized cooperatives first and made them strong before we worked on the national government.”¹⁹¹⁵ And he conceded:

Our regime may have been destroyed because we walked too fast and the Great Leap Forward was very fast ... We probably walked faster than the people wanted. They wanted to eat with their families, not in the cooperatives.¹⁹¹⁶

470. Similarly, in a 2007 interview, **Nuon Chea** acknowledged that the CPK had tried to develop the country “too fast,” and that its “requirements for the people were too

¹⁹¹² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757492.

¹⁹¹³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757500-01 [“Nuon Chea had heard outsiders say the Khmer Rouge program was too extreme, but he did not see it that way at the time. ‘We wanted economic power, and then we would have political power against neighboring countries,’ he said ... ‘We didn’t want to make people do hard work but we had nothing at the beginning’”].

¹⁹¹⁴ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757493 [“Nuon Chea denied for the first two years of our interviews with him that the people were divided ... Later he acknowledged that the people were split into groups to ‘make sure who they were.’ ‘The base people are those who were in the struggle and the 17 April people are those who were liberated,’ Nuon Chea said ... ‘In the beginning we grouped them like that so it would be easy to recognise where they were from. We wanted to know who was working for us’”].

¹⁹¹⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757493.

¹⁹¹⁶ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757559 [noting that “even more than Pol Pot, the extremist policies of the Khmer Rouge, like eliminating money and banning markets, bear the fingerprints of Nuon Chea”].

high.”¹⁹¹⁷ And in his 2012 testimony in this Court, **Nuon Chea** admitted that the people who had lived in the cooperatives were not free to leave.¹⁹¹⁸

b) Khieu Samphan

471. From the time the CPK took power¹⁹¹⁹ until the end of the DK regime, **Khieu Samphan** endorsed the CPK’s Great Leap Forward plan, making statements that reflected his knowledge of the worksites across the country at which large-scale irrigation projects were being built by hand and his support of the Party plans directing the rapid construction of dams and ever-increasing levels of rice production.
472. Speaking at a mass rally in September 1975 celebrating the return of Norodom Sihanouk to Cambodia, **Khieu Samphan** endorsed the plan for a “revolution affecting water, field embankments, ditches, paddyfields” that would “rapidly” increase production and “greatly transform the entire countryside.”¹⁹²⁰ Around the same time, he declared that Cambodia had become “a big construction site,”¹⁹²¹ and told Sihanouk that “with one giant leap forward we can reach the goal of communism and not go through stages of socialism.”¹⁹²² In a December 1975 speech on the proposed DK constitution, **Khieu Samphan** endorsed the “collective ownership” regime that had been established throughout the country for “all main production facilities,”¹⁹²³ dismissed the importance of individual freedoms such as the right to “write newspaper articles and speak out,”¹⁹²⁴

¹⁹¹⁷ **E3/663** Nuon Chea Interview, Jan 2007, EN 00087608 [“Q: What lessons did you learn? A: One great lesson is that we wanted too much, too fast. We aimed too high. Our requirements for the people were too high. We thought we had to develop the country very quickly”].

¹⁹¹⁸ **E1/36.1** Nuon Chea, T. 31 Jan 2012, 10.02.38-10.05.37 [in response to question as to whether people “had the choice to leave the cooperatives and settle elsewhere,” Nuon Chea responded: “If they were to live in the cooperatives they could not go anywhere else”].

¹⁹¹⁹ **E3/118** Khieu Samphan Speech, 22 Apr 1975, EN 00166995 [praising people who “fought by building dikes, digging canals and water reservoirs, increasing production, growing rice in the dry and rainy seasons, working day and night with all their physical and moral strength without rest”]. *See also* **E3/30** FBIS, *Cambodians Urged to Unite in New Year’s Offensive*, 31 Dec 1974, EN 00166660-61 [Khieu Samphan statement praising the “offensive to build dams, dig canals and ponds to solve the water problem” and urging people to continue “the great offensive movement of production, harvest”].

¹⁹²⁰ **E3/271** FBIS, *Khieu Samphan Speech*, 12 Sept 1975, EN 00167454. *See also* **E3/119** FBIS, *Deputy Premier Khieu Samphan Grants Interview to AKI*, 13 Aug 1975, EN 00167386 [“We mobilized all of our forces – that is, the forces of all the people and the armed forces ... to increase production throughout the country”], 00167387 [“our people and revolutionary army have brandished the combat banner to restore the economy, build the country”].

¹⁹²¹ **E3/619** US State Department Telegram, “Khieu Samphan Visit to People’s Republic of China,” 16 Aug 1975, EN 00413733-34.

¹⁹²² **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192227, 00192229 [also describing Sihanouk’s account of how the CPK rejected “Zhou Enlai’s advice about slow steps to socialism,” with Son Sen and Khieu Samphan telling Sihanouk that Cambodia could “achieve total communism” in “one grand sweep”].

¹⁹²³ **E3/273** FBIS, *Khieu Samphan Report*, 14 Dec 1975, EN 00167813 [also describing a “collective system” in labor that “has been in effect for a long time,” including before 1975].

¹⁹²⁴ **E3/273** FBIS, *Khieu Samphan Report*, 14 Dec 1975, EN 00167814.

and supported the Great Leap Forward policy through which the collective forces at worksites were building dams and digging canals “at a pace never before attained in our country.”¹⁹²⁵

473. In April 1976, speaking on the first anniversary of the fall of Phnom Penh, **Khieu Samphan** stated that even though the regime had “accelerated the great movement to boost agricultural production,”¹⁹²⁶ advancing in “great leaps and bounds” at “incredible speed” and achieving in “just 1 year” as much as other countries “would in 10 years,” there was still “so much to do.”¹⁹²⁷
474. One year later, in his speech marking the 2nd anniversary of the CPK’s 17 April victory, **Khieu Samphan** spoke approvingly of the worksites across the country with tens of thousands of workers¹⁹²⁸ at which massive reservoirs, dams, and canals¹⁹²⁹ were built in extremely short periods of time¹⁹³⁰ by manual labour:

Have these achievements been made possible by machines? No, we have no machines. We do everything by mainly relying on the strength of our people ... Though barehanded, they can do everything.¹⁹³¹

He described how a dam in Kampong Speu had been built in a “single month,”¹⁹³² stated that all construction sites in the nation would fulfil the 1977 plan “by the end of May,”¹⁹³³ and boasted that the DK regime was able to build in months what “would

¹⁹²⁵ **E3/273** FBIS, *Khieu Samphan Report*, 14 Dec 1975, EN 00167817. See also EN 00167813 [“There are worksites everywhere where our people are making allout efforts to ... boost agricultural production”], EN 00167815 [“at every work site no one remains idle in the offices ... Everybody works in the fields because our workers practice the collective system of labor ... They are striving to dismantle the old field embankments and replace them with new high, tall and straight structures forming a great checkerboard network throughout the country”], 00167816 [“We are striving hard to build new embankments measuring thousands of kilometres in length”].

¹⁹²⁶ **E3/275** Khieu Samphan Speech, 15 Apr 1976, EN 00167634.

¹⁹²⁷ **E3/275** Khieu Samphan Speech, 15 Apr 1976, EN 00167635-36 [“from 17 April 1975 to the present, our advance was made with an equally incredible speed. In just 1 year we achieved in all aspects as much as one would in 10 years. Our advance is of course rapid, but we still have so much to do ... the task of striving by leaps and bounds to build our country as quickly as possible”].

¹⁹²⁸ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“Each construction site of a reservoir, canal or dam is manned by as many as 10,000, 20,000 or even 30,000 workers. For this reason, the work progresses quickly”].

¹⁹²⁹ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“we have built or are building large reservoirs of hundreds of millions of cubic metres”].

¹⁹³⁰ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“at every construction site where dams are being built and reservoirs and ditches are dug, many corps have already finished their 1977 plans ... several canal-digging projects will be 100% completed by the end of April. Across the nation, all construction sites will fulfil the 1977 plan by the end of May”].

¹⁹³¹ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514.

¹⁹³² **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [“Look at the Prek Thnot dam ... Last year, we spent only one single month to contain the Stung Prek Thnot stream”].

¹⁹³³ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514.

have taken years to finish” if “so-called agricultural experts” from Japan or France had built them.¹⁹³⁴ In a clear display of the CPK leaders’ willingness to abuse and exploit the captive workforces in the countryside for short-term gain, **Khieu Samphan** remarked that: “Whether the dams and reservoirs that we have built last only five or 10 years does not matter.”¹⁹³⁵

475. In the same April 1977 speech, **Khieu Samphan** justified the use of child labour to fulfil Party plans, asserting that children were happy “collecting natural fertilizer and helping to build dams and embankments and dig reservoirs and ditches.”¹⁹³⁶ Sot Sophal, who as a child in Democratic Kampuchea was forced to make fertilizer by mixing “cow dung and human urine,”¹⁹³⁷ refuted the Accused’s claim that children were “happy” performing work during the regime, testifying: “How could we be happy carrying dirt, carrying fertilizer? ... We could have been happy if we could go to school. But we were made to work very hard.”¹⁹³⁸ Responding to a question from a civil party in court, **Khieu Samphan** acknowledged that he was aware of the abolition of schools, and that children were expected to learn at work, “for example, in collecting fertilizer.”¹⁹³⁹
476. And in his April 1978 speech, **Khieu Samphan** again discussed the construction of dams and reservoirs and the production of “natural fertilizer,”¹⁹⁴⁰ endorsed the Great Leap Forward policy,¹⁹⁴¹ praised salt-producing units for having achieved their annual

¹⁹³⁴ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [“Many reservoirs, canals and ditches that we have now completed would have taken years to finish if we had waited for the so-called agricultural experts of the previous era to build them for us”].

¹⁹³⁵ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516. *See also* **E1/190.1** Philip Short, T. 7 May 2013, 15.39.20-15.42.21 [“it’s once again the idea that people are expendable ... that the goal of making Kampuchea strong and prosperous outweighs any considerations of the wellbeing of the population”], referring to **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396517 [“To Pol and his colleagues, the Cambodian people were no longer individual human beings ... They had become soulless instruments in the working out of a grand national design”].

¹⁹³⁶ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516.

¹⁹³⁷ **E3/7755** Sot Phal WRI, EN 00293003 [“They ordered us to cut *eupatorium* to make fertilizers; some of us carried termite mound soil to mix with *eupatorium*, cow dung and human urine. We brought a plastic liquid container with us when we worked to urinate in it. When we returned, we poured the urine into the communal jar to mix with termite mound soil and carried it to put in the paddies”].

¹⁹³⁸ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 10.35.43-10.38.56 [also stating: “I could have been literate if I were able to go to school. But at that [time], we learned ... how to dig the canal, how to carry earth, how to collect the fertilizers. That was what we learned ... there was no school. We only saw children carrying cow dung, fertilizers and dirt”]. *See also* **E1/451.1** Henri Locard, T. 29 July 2016, 13.49.43-13.55.15 [describing Khieu Samphan’s statement about children building dams as “completely monstrous” and an “abominable” effort to transform children into “beasts of burden”].

¹⁹³⁹ **E1/197.1** Khieu Samphan, T. 27 May 2013, 14.58.10-15.02.55.

¹⁹⁴⁰ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280393 [“We have constructed water reservoirs with a capacity of 100 to 200 million cubic metres in every zone ... We have also constructed a great number of small reservoirs and dams”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010560.

¹⁹⁴¹ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280393 [“our progress has, on the whole, doubled from April 1977 to April 1978 ... we have rapidly developed our agriculture”], 00280397 [“we have

production plan by the end of March,¹⁹⁴² and announced that because food production objectives had been met, the Party had “decided to increase our exports compared to last year.”¹⁹⁴³ He also repeated his endorsement of the CPK’s reliance on human manpower more than technology to achieve rapid development.¹⁹⁴⁴ **Khieu Samphan’s** speeches during the regime also show his knowledge and support of the imposition of food rations, which at one point he claimed were sufficient to “fatten up” the workers.¹⁹⁴⁵

477. In his statements after 1979, **Khieu Samphan** has admitted that coercion was used to force the people into cooperatives:

[T]here had to be coercion for a while, coercion to join cooperatives, because nobody would voluntarily take part in cooperatives ... Therefore, there had to be coercion first. It was this coercion that would impact some innocent peasants. However this had to be ... Our country was small, and it had to be done by coercing everyone into cooperatives.¹⁹⁴⁶

He admits that everybody had to work, “both the healthy people and the sick people.”¹⁹⁴⁷ He admits that people were pushed to work too hard, not allowed to be late “even by a day or two” and forced to “run faster,” even while facing “starvation,” in an effort to build quicker than Vietnam and to meet a rice production quota (three tons per

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- improved our economy within a short time span, rapidly build our country in every domain by leaps and bounds”].
- ¹⁹⁴² **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280394 [“Last year, the salt-producing unit produced salt that far exceeded the forecast production. This year, it has already attained the annual production forecast at the end of March”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010560.
- ¹⁹⁴³ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280393 [“This year, we have achieved the objective of our Party and Government in the domain of agriculture and rice-growing by nearly 100% ... we have attained our food crop production objective, built up enough seed stock reserves and we have now decided to increase our exports compared to last year”].
- ¹⁹⁴⁴ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010561 [“This is our strategic line which aims at organizing and building the country in all fields by depending upon the people’s strength ... we are not learning technology separately from practical national construction work”].
- ¹⁹⁴⁵ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419513 [“Now we can feed our people a sufficient ration allocated by the State”], 00419514-15 [“three, two and a half, or two small tin cans of rice is allocated daily ... they now eat dessert three times a month, which is sufficient to take care of their health and fatten them up”].
- ¹⁹⁴⁶ **E3/4049** Khieu Samphan Interview, EN 00789058 [transcript of video **E3/4049R**]. See also **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498303 [“some coercion was required for a while, coercion to work in a situation of lacking everything ... because time was very urgent”]; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons behind the Decisions I Made*, EN 00103753, [“For sure, [cooperatives] had to be imposed on the population, because peasants in any country would never agree to give all the fruits of their labour to any organization”].
- ¹⁹⁴⁷ **E3/4050** Khieu Samphan Interview, EN 00789062 [transcript of video **E3/4050R**: “both the healthy people and the sick people had to work. Moderately sick people had to work too”]; **E3/587** Khieu Samphan Interview, Oct 2007, EN 00680029 [“Regarding the rice yield; we anticipated that we would achieve this within three or four years if we worked hard, regardless of being ill”].

hectare) that was three times what other countries had achieved.¹⁹⁴⁸ He concedes that the CPK policy to establish “large-scale cooperatives” and abolish “crop distribution” failed because “peasants could not accept the expropriations and loss of their harvests.”¹⁹⁴⁹

478. In a 2006 interview, **Khieu Samphan** admitted that the people in the cooperatives were “not free,” but sought to justify that as necessary to feed them.¹⁹⁵⁰ He defended the “radical policy” and lack of freedom during the DK regime as necessary to be independent of Vietnam.¹⁹⁵¹ He told the interviewer that Cambodians needed to learn from their history, and that the country’s “best agricultural policy” was during the Angkorian period when the King had “absolute” power and could force “anybody to do anything,” and “farmers were regarded as slaves.”¹⁹⁵²

¹⁹⁴⁸ **E3/587** Khieu Samphan Interview, 15 Oct 2007, EN 00680029 [“They (*referring to China and Vietnam*) got less than one ton of rice per hectare per year. Therefore, we had to work harder in order to achieve the minimum three tons of rice per hectare per year. I realised that we would not be able to reach this goal unless we fully irrigated the rice fields, and transplanted the rice seedlings three times a year ... before the war broke out they had to work harder and run faster, often reciting ‘run faster and faster.’ Liberation could not be successful if they were late even by a day or two ... Some were running with starvation, while some were running with less food. They lacked rice and medicines”]; **E3/4049** Khieu Samphan Interview, EN 00789058 [“if we ran fast, Vietnam could not catch up”]; **E3/4051** Khieu Samphan Interview, EN 00788872 [transcript of video **E3/4051R**: “the factor of Vietnam ... led Pol Pot into thinking only about being fast ... he thought that high-level cooperatives would lead to running very fast and winning against Vietnam”]; **E3/4039** Khieu Samphan Interview, EN 00789648; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498302 [“Pol Pot saw that the expansion of high-level cooperatives throughout the country had made ‘the revolution in Kampuchea 30 years faster than the revolutions in China, North Korea and Vietnam’”]. See also **E1/450.1** Henri Locard, T. 28 July 2016, 13.39.10-13.40.47 [“there was this race with Vietnam. As Khieu Samphan explained to me when I interviewed him, ‘We had to rush because we came last in the history and we did not want to be overrun, overtaken by Vietnam’”]; **E1/190.1** Philip Short, T. 7 May 2013, 14.35.32-14.38.48.

¹⁹⁴⁹ **E3/4603** Khieu Samphan Interview, 24 Jan 2004, EN 00716440 [describing the CPK policy as “total communism,” and explaining that the 17 April victory “further convinced Pol Pot that collectivisation was the only way to avoid enemy pressure”].

¹⁹⁵⁰ **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000928 [“They evacuated people to live in cooperative. In the cooperative people were not free but they had enough food to eat”].

¹⁹⁵¹ **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000929-30 [“Stop talking only about the killings which is only one side of the coin. If you want your country to gain independent and free you have to dedicate something for your nation. People may not so much freedom. Political leaders have to practice radical policy. If we did not do that we would depend on Vietnam to help us on everything”].

¹⁹⁵² **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000927 [“Cambodia was so powerful in the 13th century during the Angkorian period ... The question is why we were so strong. This is because we had the best agricultural policy. We had water for our cultivation. We had pond, river and irrigation to bring water for our plantations ... How could we do that? ... We gave all the power to the king. The king was an absolute body who controlled everything. Farmers were regarded as slaves. The king could force anybody to do anything including building the temple and fight in the battle”].

CONTRIBUTION TO PERSECUTION AND EXECUTION OF ENEMIES

1. Participation of Nuon Chea and Khieu Samphan in Party Centre Meetings

Establishing CPK Policy

479. As key members of the Party Centre leadership, **Nuon Chea** and **Khieu Samphan** helped to develop and implement the CPK policy pursuant to which persons considered to be opposed to the revolution or Party, whether because of their class, prior occupation, ethnicity, opinions, or association with other persons, were labelled enemies and arrested, imprisoned, and smashed.¹⁹⁵³
480. **Nuon Chea** admits working together with Pol Pot to draft the original Party lines,¹⁹⁵⁴ which authorised the use of violence against class enemies considered to have antagonistic or “life-and-death” contradictions with the Party.¹⁹⁵⁵ The enemies identified by the Party lines included “reactionaries,” whom **Nuon Chea** defined as “people who protest, who oppose,”¹⁹⁵⁶ and “feudalists,” who were defined to include both “landowner and aristocrat (namely commune chief, district governor, provincial

¹⁹⁵³ **E3/65** Kaing Guek Eav WRI, EN 00147524-25 [“Policy was, in general terms, the political line, the long-term main ideas of the Party ... A political line is disseminated throughout the country ... The Party political line regarding the enemy, let me use those words, was that they absolutely had to be smashed”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 15.24.26-15.26.27; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.48.51-14.50.40; **E3/35** Ke Pich Vannak WRI, EN 00346160 [describing Party policy since 1973 that “an opponent is considered as a traitor and must be smashed” and that “an individual who does not follow the Party line will be considered as an opponent of the Party”].

¹⁹⁵⁴ **E3/3** Nuon Chea Statement, EN 00184661-62; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.01.20-14.03.12; **E1/17.1** Nuon Chea, T. 6 Dec 2011, 09.44.21-10.01.56; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 11.56.19 [“Tou Samouth, Pol Pot and I were the ones who designed the Party’s political line at the beginning”]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498229-30; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757506-07.

¹⁹⁵⁵ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401491 [“[T]he Party must lead the people in the use of violence”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486229-30 [contradiction with “feudalist landowners” defined as an “antagonistic contradiction”], 00486231 [“solution” of “revolutionary violence”], 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”], 00486236 [1st Party Congress resolved to use “revolutionary violence” to “strike the enemy”]; **E3/139** *Revolutionary Flag*, Nov 1976, EN 00455312 [“If they joined the revolution to embed themselves to attack the Party, that is an antagonistic contradiction and we take measures accordingly”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450507 [Party line that “[o]nly the use of revolutionary violence would enable us to defeat the enemy”], 00450529-30 [“Antagonistic life-and-death contradictions between the workers and peasants on one side and the capitalists and feudalists on the other side”]; **E3/138** CPK Circular *Sharpen the Ideology of the Proletarian Class*, EN 00743798-99, 00743812 [“The conflict must be solved according to its situation and type whether it is the internal conflict or the life and death one”].

¹⁹⁵⁶ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412 [Nuon Chea speech discussing “strategic line of the Party that was set in 1960”: “It was imperative to attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea ... We had to attack by using political violence and use armed violence”]; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 10.00.01-10.04.16.

governor, civil servant, police and soldier).”¹⁹⁵⁷ These policies were conveyed to Party cadres through the monthly publication *Revolutionary Flag*, which **Nuon Chea** admits was written by him and Pol Pot and “examined by the Standing or Central Committee,”¹⁹⁵⁸ and at meetings led by Party Centre leaders.¹⁹⁵⁹ One issue of *Revolutionary Flag* identified the specific classes for which there were “life-and-death contradictions,” and warned cadres:

Some elements may reform, but many elements do not reform. When they die, they instruct their children to struggle on against the communists.¹⁹⁶⁰

481. **Khieu Samphan** agreed to the Party’s political lines when he joined the CPK,¹⁹⁶¹ and approved them in his role as a Central Committee member at Party Congresses.¹⁹⁶² On 30 March 1976, at which time both **Nuon Chea** and **Khieu Samphan** were full-rights members, the Central Committee assigned authority to various CPK committees to

¹⁹⁵⁷ **E3/138** CPK Circular *Sharpen the Ideology of the Proletarian Class*, EN 00743798-99; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529-30 [“there are class contradictions with the feudalist, landowner and privileged classes (subdistrict chiefs, district governors, provincial governors, government officials, police and soldiers ... There are also ... contradictions with capitalists and feudalists that are life-and-death contradictions”]; **E3/146** *Revolutionary Youth*, Aug-Sept 1974, EN 00538746; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865697; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 10.04.16-10.18.09 [stating that feudalists or aristocrats who were “nationalists” were not considered enemies].

¹⁹⁵⁸ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.20.03-14.21.58 [“The ones who made the ‘Revolutionary Flag’ were the Standing Committee, especially the Secretary of the Party. And me, myself, were the one who wrote it”]; **E3/3** Nuon Chea Statement, May 1998, EN 00184663; **E1/220.1** Nuon Chea, T. 9 July 2013, 09.57.42-09.59.14 [asserting that *Revolutionary Flag* was written by Pol Pot and “examined by the Standing or Central Committee”].

¹⁹⁵⁹ **E1/98.1** Phy Phuon, T. 30 July 2012, 10.21.20-10.27.21 [discussing excerpt in MFA notebook **E3/522**, which witness identifies as Ieng Sary instruction that where there were “antagonistic” or “adversarial” contradiction,” such persons should be “hand[ed] over to the security sector to deal with,” because “keeping them alive means killing the revolution”]; **E3/522** Notes of 18 January 1977 Ministry of Foreign Affairs Cell Congress, EN 00003331; **E3/807** Minutes of Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 Mar 1977, EN 00933843-44 [“It is imperative to grasp the antagonistic contradictions to the utmost degree. In the past, we have eliminated a lot of important traitorous links, but it is imperative to continue with further revolutionary vigilance because remnants still remain, and new traitors will continue to be born”].

¹⁹⁶⁰ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450529.

¹⁹⁶¹ **E3/130** CPK Statute, Article 1.1 [1st requirement for membership in CPK includes “following the Party political line, following the ideological stances of the Party”], Article 2.2.C [duty of Party members to “implement the Party politics, ideology and organization”]; **E3/4201R** Video *Facing Genocide: Khieu Samphan and Pol Pot*, 16:45-17:43 [Khieu Samphan admission that in 1970 he accepted “the use of violence to change society”]. See also **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498231-32.

¹⁹⁶² **E3/130** CPK Statute, Article 21.2 [responsibility of Party Congress to “Designate the political line”]; **E1/25.1** Nuon Chea, T. 11 Jan 2012, 11.41.53-11.45.42; **E1/14.1** Nuon Chea, T. 22 Nov 2011, 14.08.25; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2013, 09.27.24-09.29.53 [1971 Party Statute had only “very minimal” changes]; **E169/4/1.1.2** *Revolutionary Flag*, Dec 1975-Jan 1976, EN 00865704 [3rd Congress “unanimously agreed” that “strategic line” from Party’s 1st and 2nd Congresses were “correctly decided”].

“smash” enemies “inside and outside the ranks.”¹⁹⁶³ Earlier in 1976, after having already engaged in mass killings of ranking members of the Lon Nol military and government,¹⁹⁶⁴ the CPK leaders approved the division of the survivors into three categories. The bottom category were New People who were suspected and persecuted simply because they had lived in areas controlled by the Lon Nol regime.¹⁹⁶⁵ In June 1978, the Central Committee issued a circular revising the Party policy on CIA, KGB, and “Yuon” spies.¹⁹⁶⁶

482. The 30 March 1976 Central Committee decision also reaffirmed the “regime of weekly reporting to Office 870,”¹⁹⁶⁷ a long-standing requirement from the CPK Statute.¹⁹⁶⁸ During the DK period, Office 870 received reports and telegrams from the base discussing the arrests and smashing of internal and external enemies,¹⁹⁶⁹ including persons who opposed or criticised the CPK,¹⁹⁷⁰ soldiers or officials of the former

¹⁹⁶³ **E3/12** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182809 [“If in the base framework, to be decided by the Zone Standing Committee. Surrounding the Center Office, to be decided by the Central Office Committee. Independent Sectors, to be decided by the Standing Committee. The Center Military, to be decided by the General Staff”].

¹⁹⁶⁴ See discussion of evidence in **Common Criminal Plan – Policy to Persecute and Kill Enemies – Former Khmer Republic Soldiers and Officials**.

¹⁹⁶⁵ **E3/94** Ieng Sary Interview, 22 July 1981, EN 00342504 [“in a meeting of leadership in 1976, this division was accepted by the leadership. Collectively it was decided. Two or three opposed it, but we didn’t want a split. As chairman, Pol Pot summed it up collectively. At that time we divided it up: (1) people of the base; (2) poor people from the cities; (3) people who supported Lon Nol”].

¹⁹⁶⁶ **E3/763 (E3/764)** CPK Circular, “Guidance of the Central Committee of the Communist Party of Kampuchea on the Party’s Policy towards Mised Persons Who Have Joined the CIA, Served as Yu-on Agents or Joined the KGB and Opposed the Party, Revolution, People and Democratic Kampuchea,” 20 June 1978, EN 00275218 [“Regarding those who have joined the CIA, Yuon or KGB after the liberation, the Party will divide them into two categories ... First category: any person who is recalcitrant, who still continues to carry out his/her activity against the CPK ... This sort of people has made the clear marks of their own boundaries, thus the CPK must eliminate them”]; **E3/429** Kaing Guek Eav WRI, EN 00403923 [stating that it was Nuon Chea who sent this circular to him]; **E1/84.1** Sao Sarun, T. 11 June 2012, 09.48.02-09.52.48, 09.57.19-10.05.54, 10.22.31-10.31.22, *confirming* **E3/367** Sao Sarun WRI, EN 00278694, 00278697 and **E3/404** Sao Sarun WRI, EN 00403024-26 [witness attended September 1978 Congress in Phnom Penh, at which Pol Pot and Nuon Chea gave presentations and Khieu Samphan was on the stage with other members of the Central Committee, and during which Pol Pot declared that “Angkar had eliminated all enemies,” stated that further arrests required the authorisation of the Central Committee, and read and “distributed” **E3/764**].

¹⁹⁶⁷ **E3/12** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182809.

¹⁹⁶⁸ **E3/130** CPK Statute, Article 6.5 [“Organizational principle” that “lower echelon must report to upper echelon”], Article 19.4 [duty of Zone Committees to maintain “system of reporting to the Central Committee on the situation and the work of the Zone”]. See also **E3/783** *Revolutionary Flag*, Sept-Oct 1972, EN 00720226, 00720229 [requiring “clear and regular reports” on “the enemy, people, all working activities”], 00720230 [“Clear and regular reports to the upper levels help them grasp and master the situations resulting in direct and timely advice”].

¹⁹⁶⁹ See e.g. **E3/1092** Report from M-401 (West Zone) to Angkar, 16 July 1978, EN 00289921-23 [committing to continue efforts to “uncover enemy burrowing from within, so that we can absolutely sweep them away by way of strictly following the party’s organizational line”]; **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368 [“Party’s assignment line to routinely remove, screen, and sweep clean” enemies].

¹⁹⁷⁰ See e.g. **E3/1077** Telegram from Se to Committee 870, 10 Apr 1978, EN 00340540 [“We are continuing

regime,¹⁹⁷¹ Vietnamese,¹⁹⁷² Cham¹⁹⁷³ and persons implicated by others as traitors.¹⁹⁷⁴

These reports establish beyond any doubt that the persecution, imprisonment, and execution of perceived enemies that was regularly reported to the Centre by all regions and organisations was the implementation of policy ordered by the Centre leaders in Phnom Penh.

483. Both **Nuon Chea** and **Khieu Samphan** participated in Standing Committee meetings at which zone and sector leaders came to K-1 to report to the Centre on the enemy situation in their regions.¹⁹⁷⁵ Sao Sarun, the sole surviving Zone or Autonomous Sector

to purge the remaining group continuously, including those who oppose our revolution openly and secretly”]; **E3/1093** Report to Angkar from M-401 (West Zone), 23 July 1978, EN 00295172 [“In spite of the fact that enemies were able to perform some (opposition) activities in sectors, districts and cooperatives, we ... acted upon them and arrested enemies day by day”]; **E3/1094** Report to Angkar from M-401, 4 Aug 1978, EN 00315375 [“elements included those who were lazy, opposing Angkar, cursing at people ... and refused to work”]; **E3/1179** Report from M-560 (NW Zone) to Angkar, 8 June 1977, EN 00583917-18 [“enemies opposed to paddy dyke and dam construction by asserting that the construction was just a waste and that farming rice paddy was not for consumption”].

¹⁹⁷¹ See e.g. **E3/179** Report from M-560 (Northwest Zone) to Angkar, 29 May 1977, EN 00183011-12 [reporting “enemy activities” in Sector 3 that led to the arrest of 42 people: “these acts actually arose from among old veteran soldiers and those with the ranks of 2nd lieutenant, 1st lieutenant, captain and major who hide themselves in collectives, and whom we have never found [before] ... We have already taken steps and arrested all of them”]; **E3/952** Telegram from Ke Pauk to Brother Pol, 2 Apr 1976, EN 00182658; **E3/1144** Telegram from Sè (North Zone Secretary) to Committee 870, 5 Sept 1977 EN 00517923 [“enemies who were former officials, policemen or soldiers of the previous regime were discovered one after another”]; **E3/996** Telegram from Sè to Committee 870, 19 Mar 1978 [“These enemies contacted with the [former] policemen, soldiers and government officials. They mingled themselves as the ‘New people.’ After they acted against us, we knew them clearly and we systematically purged them”]; **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368 [reporting “elements of the 17 April including former civil servants,” for whom the Zone planned to apply “the Party’s assignment line to routinely remove, screen and sweep clean”], 00315374 [“Smashed 60 persons who had been from the ranking group”].

¹⁹⁷² See e.g. **E3/1094** Report to Angkar from M-401, 4 Aug 1978, EN 00315374 [“Smashed 100 ethnic Yuons includ[ing] small and big, adults and children”]; **E3/248** Telegram from Sarun (Sector 105 Secretary) to Office 870, 1 Jan 1978 [“We would like to report nine Yuon people fleeing from their country ... we have swept them away”]; **E3/240** Telegram 07 from Vi, 15 June 1977 [capture of 209 Vietnamese/Jarai].

¹⁹⁷³ See e.g. **E3/952** Telegram from Ke Pauk to Brother Pol, 2 Apr 1976, EN 00182658 [“The enemies are former soldiers in combination with the Cham”]; **E3/178** Weekly Report of Sector 5 Committee, 21 May 1977, EN 00342709 [“The 17 April elements from Phnom Penh who were Cham nationals conducted a protest in the common kitchen of the cooperative concerning their belief in what they eat ... we have taken special measures, that is, look for their string, look for the head of their movement in order to sweep clean”].

¹⁹⁷⁴ See e.g. **E3/1060** Report from Division 801 Secretary Roeun, 29 Mar 1977, EN 00574315 [para. 5 of report forwarded to Angkar: “targets included ... those newly and previously implicated by the enemy”]; **E3/1144** Telegram from Sè to Committee 870, 5 Sept 1977, EN 00517923 [section I: “At the bases, offices, ministries and military offices, we have uncovered many enemies who are burrowing from within either through the spying of their anti-revolution activities or through the implication”]; **E3/240** Telegram from Vy to Respected Brother, 15 June 1977, EN 00897668 [“take secret measure to take out ... [n]etworks implicated by the contemptible Lou”]; **E3/1077** Telegram from Se to Committee 870, 10 Apr 1978, EN 00340540 [“This female comrade was implicated by many enemies”]; **E3/1094** Report to Angkar from M-401, 4 Aug 1978, EN 00315375 [“elements included those ... being implicated in many confessions of the enemy”].

¹⁹⁷⁵ **E1/86.1** Oeun Tan, T. 13 June 2012, 11.14.15-11.18.25, 11.22.30-11.23.32 [“There were people from

Secretary, admitted being regularly called to Phnom Penh for meetings in which he reported to and received instructions from Pol Pot, **Nuon Chea**, **Khieu Samphan**, and Son Sen.¹⁹⁷⁶ The instructions Sarun conveyed to Sector 105 cadres when he returned from his meetings in Phnom Penh included orders to “track-down the imbedded enemies (who contacted the Vietnamese) and the enemy traitors.”¹⁹⁷⁷

484. An example of the level of detail in which the base reported to the Centre and sought instructions on enemies is the 8 March 1976 Standing Committee meeting. The minutes record that North Zone Deputy Secretary Sreng, Sector 106 Secretary Sot, and Sector 103 Secretary Hang came to Phnom Penh to report to the Centre, and met with Pol Pot, **Nuon Chea**, **Khieu Samphan**, and Doeun.¹⁹⁷⁸ Sreng reported to the Centre leaders on the activities of two groups of purported enemies in his Zone, and “asked for instructions from Angkar.”¹⁹⁷⁹ He was instructed to bring the individuals in for “further questioning” and to report their responses to the “upper echelon.”¹⁹⁸⁰ In regards to the “enemy situation” in Sector 106, Secretary Sot reported on the capture of Thai “spies” and the investigation of a 24 February 1976 explosion in Siem Reap.¹⁹⁸¹ Sector 103 Secretary Hang reported on the capture of “Thai nationals” at the Preah Vihear border, and also reported that “almost 100” people trying to flee from the North Zone (303) or Kampong Chhnang had been “arrested” since January.¹⁹⁸² This meeting is further

sectors and zones at the place of Pol Pot and there were Khieu Samphan, Ieng Sary and Nuon Chea in the meetings”], 11.27.29-11.29.57, 11.42.57-11.45.28; **E1/156.1** Sa Vi, T. 8 Jan 2013, 10.13.11-10.17.32, 15.09.45-15.13.52; **E3/4044** Khieu Samphan Interview, EN 00789478-79 [transcript of video **E3/4044R**] [“as for zone chairpersons, I saw that they had nothing to fear because they came to the meetings working and laughing together ... The alleged fact that it was too fearful to report reality, I don’t believe this”].

¹⁹⁷⁶ **E1/83.1** Sao Sarun, T. 7 June 2012, 11.45.40-11.53.08, 11.54.08; **E1/84.1** Sao Sarun, T. 11 June 2012, 09.13.55-09.19.10; **E3/367** Sao Sarun WRI, EN 00278695-96.

¹⁹⁷⁷ **E3/366** Ham Ansi WRI, EN 00250751. *See also* **E3/506** Sao Champi WRI, EN 00244492 [policies discussed when Sector leaders returned from Phnom Penh: “they also addressed the principles for fighting and resisting Vietnamese enemy and joining an effort to prevent people from taking side with Vietnam”].

¹⁹⁷⁸ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976.

¹⁹⁷⁹ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182630 [section II.1: [“The situation in 303: Comrade Sreng reported to Angkar on the activities of: A-Loeun’s group and their associates, 34 persons, whom the Zone military have all already arrested. The group of A-Uk Moeun alias Uk Hong which attempted to flee to Southern Vietnam and 4 or 5 of their associates, and asked for instructions from Angkar”].

¹⁹⁸⁰ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182631 [section III.1: “Opinions and instructions of Angkar”].

¹⁹⁸¹ **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182630-31 [section II.2.B: “Along the border, the Thais send spies ... The ones we have captured all pure Thai, and they refused to speak. In the sectors, there are some bandits in groups of ten spying on our comrades offices. No clear roots of the events in Siem Reap on 24 February have been discovered”].

¹⁹⁸² **E3/232** Minutes of Standing Committee Meeting on Base Work, 8 Mar 1976, EN 00182631 [section II.3: “As for the entire sector, there is no enemy activity, just groups fleeing in from different locations, like

confirmation that **Khieu Samphan** brazenly lied to the CIJs when he testified that he never learned of a single arrest during the DK regime.¹⁹⁸³ Even more importantly, the evidence demonstrates the absolute authority of the Party Centre leaders in relation to arrests of enemies in the Zones and Autonomous Sectors.¹⁹⁸⁴

2. Implementation of Policy at Organisations Overseen by Accused

a) *Nuon Chea Responsibility for S-21*

485. The S-21 security office reported to and took instructions from members of the CPK Standing Committee.¹⁹⁸⁵ Duch has consistently testified that prior to 15 August 1977, S-21 was directly supervised by Son Sen, who in turn reported to **Nuon Chea** and the rest of the Standing Committee.¹⁹⁸⁶ During this period, **Nuon Chea** conveyed orders to Duch through Son Sen,¹⁹⁸⁷ including instructions on interrogations and the use of

¹⁹⁸³ fleeing from 303, or from Kampong Chhnang. Since January almost 100 have been arrested”].
E3/210 Khieu Samphan WRI, EN 00156948-49 [“Q: Do you still maintain that you did not learn of any arrest before 1979? A: Not any”].

¹⁹⁸⁴ See also **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding Eastern Border,” 26 Mar 1976, EN 00182657 [meeting presided over by Nuon Chea and attended by Khieu Samphan - section titled “Opinions and Instructions from Comrade Deputy Secretary” discusses “group of 5 or 6 Vietnamese” living in the forest, stating: “We have ordered them arrested already”].

¹⁹⁸⁵ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 11.33.37-11.39.02; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00; **E3/453** Kaing Guek Eav WRI, EN 00147583 [“S21 was managed by the Standing Committee of the Party Center”]; **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/15** Kaing Guek Eav WRI, EN 00251380; **E3/5763** Kaing Guek Eav WRI, EN 00164366 [Duch “report[ed] on Special Branch documents to the Centre Standing Committee,” and “at the Centre Standing Committee, for its part, only Son Sen and bigger above him Nuon Chea were routinely tasked with the duty of supervising S21”]; **E1/95.1** David Chandler, T. 24 July 2012, 11.31.45-11.32.45; **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94.

¹⁹⁸⁶ **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.24.03-11.29.44; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.21.52-11.24.10 [“The general staff was under the supervision of the Central Committee, so the report had to be filed or made to the Secretary of the Party and deputy secretary of the Party, who were Pol Pot and Nuon Chea”]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.05.39-14.07.14 [Son Sen delivered letters to Duch that he described as from “Angkar”]; **E3/453** Kaing Guek Eav WRI, EN 00147584 [“Q: When Son Sen was in charge, did Son Sen do the same as what Nuon Chea did? A: I would like to remind you that Son Sen was the 7th person, but Nuon Chea was the 2nd person. Everything had to pass through Nuon Chea even if it was in scope of the military”]; **E3/1579** Kaing Guek Eav WRI, EN 00398206 [Nuon Chea was the “superior of my superior”]; **E1/427.1** Him Huy, T. 4 May 2016, 13.40.05-13.43.38 [Duch referenced Office 870 “in every training session,” and “identified Brothers Number One and Two as Pol Pot and Nuon Chea respectively”]; **E3/426** Lonh Dos WRI, EN 00346072 [statement of chief of General Staff radio and telephone unit that Son Sen reported to the Party Centre, who approved decisions “to arrest the implicated cadre”]; **E3/70** Lonh Dos WRI, EN 00407788, 00407791 [Son Sen went to K-1 every day, and all matters reported to Son Sen and the General Office were reported to Angkar]; **E1/189.1** Philip Short, T. 6 May 2013, 13.42.27 [Son Sen was “not a full member, but an alternate member of the Standing Committee”].

¹⁹⁸⁷ **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49 [“Since I went to see Son Sen when I was under his control, he said what was told to be done by Brother Nuon. I did not just make it up. It showed that above Son Sen was Brother Nuon and then Brother Pol”]; **E3/454** Kaing Guek Eav WRI, EN 00147602 [“Nuon Chea was charged with implementing these lines. Initially in relation to S-21 it was via Son Sen, but later on it was direct”]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“Three days after this

torture.¹⁹⁸⁸ Duch states that on 15 August 1977, he was called to a meeting with **Nuon Chea** and informed that Son Sen had been assigned to the battlefield to lead troops in the escalating conflict with Vietnam, following which he reported directly to **Nuon Chea**,¹⁹⁸⁹ meeting with him every three to five days to report on S-21 and receive orders.¹⁹⁹⁰

486. **Nuon Chea** admitted his responsibility for S-21 to Thet Sambath:

For the first half of the Khmer Rouge rule, Nuon Chea didn't have direct control over S-21, but as one of the top leaders of the movement he was involved in decisions to purge top cadre. And when Khmer Rouge defense minister Son Sen was dispatched to take care of border conflicts with Vietnam and growing tension with the Eastern Zone in the fall of 1977, Nuon Chea became the de facto head of the interrogation center, according to Brother Number Two and testimony from Duch in the spring of 2009.¹⁹⁹¹

Fellow Standing Committee member Ieng Sary also confirmed that "when Son Sen went to the East," Duch "went directly up to Nuon Chea."¹⁹⁹²

487. Corroboration of Son Sen's Assignment to Eastern Front: Numerous witnesses and sources confirm that Son Sen was assigned to the Eastern front in the fall of 1977. The head of the General Staff Communications unit stated that Son Sen was assigned "to station at the front line when the Vietnamese attacked in Svay Rieng" in 1977. That witness was subsequently assigned to join Son Sen at his "Svay Rieng office in late

person was smashed, the body was exhumed and photographed pursuant to orders of Nuon Chea to Son Sen, and Son Sen in turn gave the orders to me"]; **E3/453** Kaing Guek Eav WRI, EN 00147584 [describing Son Sen discussion of arrest decision made by Nuon Chea]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 ["Originally when Nuon Chea went through Son Sen"].

¹⁹⁸⁸ **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.29.44 [describing how Son Sen conveyed to Duch an order from Nuon Chea to interrogate certain prisoners: "Son Sen said, 'Keep them for now' and later on, he told me that Bong Nuon or Brother Nuon instructed me to interrogate them"]; **E1/437.1** Kaing Guek Eav, 14 June 2016, 13.39.11-13.42.21; **E3/65** Kaing Guek Eav WRI, EN 00147522; **E3/60** Kaing Guek Eav WRI, EN 00195601 [interrogation and torture of S-21 detainee Mil Kavin alias Kdat ordered by Nuon Chea through Son Sen].

¹⁹⁸⁹ **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.32.31, 13.51.08-13.56.39; **E1/59.1** Kaing Guek Eav, T. 4 Apr 2012, 15.17.07-15.19.58; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.41.56-11.43.42; **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.15.49; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49; **E3/60** Kaing Guek Eav WRI, EN 00195600; **E3/5763** Kaing Guek Eav WRI, EN 00164361.

¹⁹⁹⁰ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.28.19-14.34.51 ["I would go to see and work with Nuon Chea at Suramarit Buddhist School once every three or four days"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.16.43-15.18.21, 15.48.36-15.51.28; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42; **E3/65** Kaing Guek Eav WRI, EN 00147520, 00147522; **E3/452** Kaing Guek Eav WRI, EN 00147569; **E3/5748** Kaing Guek Eav WRI, EN 00153570-71, 00153576; **E3/83** Kaing Guek Eav WRI, EN 00398164.

¹⁹⁹¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521.

¹⁹⁹² **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627. See also **E3/39** Ieng Thirith Statement, 24 Feb 2009, EN 00293075 ["Kaing Guek Eav received orders from Nuon Chea"].

1977.”¹⁹⁹³ A Division 164 soldier assigned to the Eastern battlefield in the “early second half of 1977” confirms that Son Sen was commanding troops there at that time, ordering incursions into Vietnamese territory.¹⁹⁹⁴ Other former RAK commanders sent to the East Zone also confirm Son Sen’s presence in that region during 1978.¹⁹⁹⁵ A number of surviving documents show Son Sen reporting by telegram from the Eastern front to the leaders in Phnom Penh at various dates in 1978.¹⁹⁹⁶

488. *Corroboration of Duch Reporting to Nuon Chea*: In addition to **Nuon Chea**’s admission to Thet Sambath and Ieng Sary’s statement, Duch’s testimony that he reported to the Accused is corroborated by multiple other sources, including an S-21 confession bearing a note from Duch to interrogator Pon stating that “Brother Number II” had advised on 25 February 1978 to remove certain names from that confession.¹⁹⁹⁷ S-21 cadres heard Duch discuss his reporting to “Brother Number Two.”¹⁹⁹⁸ Saut

¹⁹⁹³ **E3/426** Lonh Dos WRI, EN 00364071 [“Later on in 1977, the Central Committee assigned Son Sen to station at the front line when the Vietnamese attacked in Svay Rieng. Later on, Son Sen took me to work at the Communication Radio and Logistics in Svay Rieng office in late 1977”].

¹⁹⁹⁴ **E498.1** 2-TCCP-235, T. 10 Nov 2016, 15.18.02-15.19.51, 15.40.15-15.44.32 [witness was part of a group of 1,000 soldiers who were sent to Borei Keila and then on to the Eastern battlefield in the “early second half of 1977,” where he saw Son Sen arrive on “Chinese-made vehicles”]; **E499.1** 2-TCCP-235, T. 11 Nov 2016, 09.12.14-09.17.52 [Son Sen “arranged us into different groups and units,” and after Vietnamese troops retreated into Tay Ninh province, “some of us were reassigned by Son Sen to enter Vietnamese territory”], 10.06.46 [“by mid-1977, I was transferred to fight against the Vietnamese in the East Zone for 16 months”].

¹⁹⁹⁵ **E1/492.1** Ieng Phan, T. 31 Oct 2016, 11.35.34 [meeting with Son Sen in Svay Rieng in mid-1978]; **E3/419** Ieng Phan WRI, A8; **E1/489.1** Chuon Thi, T. 25 Oct 2016, 14.31.05; **E1/183.1** Chuon Thi, T. 24 Apr 2013, 10.07.37-10.10.30 [“Q: When at the East Zone, did you ever see Minister of the Defence, Mr. Son Sen ...? A: I met him. I met Mr. Son Sen on some occasions when we discussed plans to deal with the Vietnamese”]; **E3/4593** Chuon Thi WRI, A17; **E3/428** Sokh Chhien WRI, EN 00374948-49; **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.54.29-13.56.07 [Son Sen in charge of East Zone in 1978], 14.00.15, 14.25.20; **E3/375** Ban Seak WRI, EN 00360756-57 [meetings led by Son Sen at Suong in mid-1978]. See also **E3/426** Lonh Dos WRI, EN 00364071 [“In 1978 when Son Sen was transferred from Svay Rieng to station at Suong Office”].

¹⁹⁹⁶ **E3/181** Telegram 11 from 47 (Son Sen), 14 Feb 1978; **E3/868** Telegram 16 (Band 318) from 47 (Son Sen) to Brother 09, 20 Mar 1978; **E3/867** Telegram 16 (Band 598) from 47 (Son Sen) to Brother 09, 20 Mar 1978; **E3/1075** Telegram 18 from 47 (Son Sen), 8 Apr 1978; **E3/1117** Telegram 19 from 47 (Son Sen), 8 Apr 1978; **E3/859** Report from 47 (Son Sen) to Grand Uncle, 15 Apr 1978; **E3/1011** Report from 47 (Son Sen), 22 Apr 1978; **E3/812 (E3/946)** Telegram 20 from 47 (Son Sen), 26 Apr 1978. See **E3/64** Norng Sophang WRI [statement of cadre who worked at Centre telegram office regarding telegram **E3/812**: “this telegram was a confidential telegram of the Commander in Chief Son Sen. This is based on this code number 47 which represented Son Sen. ... at that time he was in charge of the armed forces, leading the East Zone military at the Cambodia-Vietnam border during the border conflict”].

¹⁹⁹⁷ **E3/1688** S-21 Confession of Chap Mit, EN 00284069 [annotation recording instruction received by Duch from “Brother Number II” on 25 Feb 1978]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.36.06-10.47.34; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 10.26.28-10.29.16, 10.55.21-11.00.02.

¹⁹⁹⁸ **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.56.52-11.00.06 [“He never told us the specific names of his superiors. He simply referred to those superiors as Brother Number One, Brother Number Two ... Talking about Brother Number One and Two, he talked about the reports that he sent to the two brothers, whether the two brothers accepted it or rejected it”]; **E3/79** Prak Khan WRI, EN 00161562; **E3/7468** Lach Mean, T. 4 Aug 2009, 15.40.22-15.41.40 [“I heard that Duch say sending to Brother Number One or Brother Number Two”]; **E3/68** Nhem En WRI, EN 00401826-27 [“I heard Ta Duch say to send things

Toeung, one of the personal messengers of **Nuon Chea** identified by Duch,¹⁹⁹⁹ testified at the 002/01 trial that he picked up “thick” envelopes of documents at Duch’s house and delivered those documents to **Nuon Chea**, and also was given letters by the Accused to deliver to Duch.²⁰⁰⁰

489. Date on which Duch Began Reporting to Nuon Chea: Duch’s testimony that Son Sen first left for the Eastern front in mid-August 1977 is corroborated by 2-TCCP-235’s testimony, who places Son Sen at the Eastern front as of August or September 1977.²⁰⁰¹ DK forces had been engaged in incursions into Vietnamese territory from March to September of that year.²⁰⁰² In response, Vietnamese forces attacked into DK territory in September 1977.²⁰⁰³ Son Sen was not present when the Burmese Foreign Minister

to Brother Number One or Brother Number Two”].

¹⁹⁹⁹ **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 09.31.13-09.36.24; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 11.08.48-11.10.43 [“after 1977, Comrade Toeung, Brother Number Two’s messenger, came to take the documents”]; **E3/65** Kaing Guek Eav WRI, EN 00147521; **E3/5763** Kaing Guek Eav WRI, EN 00164361; **E3/60** Kaing Guek Eav WRI, EN 00195603; **E3/357** Kaing Guek Eav WRI, EN 00242932; **E3/431** Written Record of Confrontation, EN 00413940-41.

²⁰⁰⁰ **E1/64.1** Saut Toeung, T. 19 Apr 2012, 09.31.11-09.35.55 [“I – on some occasions, picked up letters from Nuon Chea to Duch and from Duch back to Nuon Chea”], 09.41.31-09.46.20 [testifying that the envelopes he received from Nuon Chea were “addressed to the recipient of the document, namely Duch,” and that the envelopes of documents he delivered from Duch to Nuon Chea were “thick” as a book]; **E3/423** Saut Toeung WRI, A104 [“I was a messenger delivering mails for Ta Nuon Chea. I received mails from Ta Nuon Chea and delivered them to Ta Duch”], A105 [“I used to fetch mails from Duch to deliver back to Ta Nuon Chea directly”], A106-A113, A117.

²⁰⁰¹ **E1/499.1** 2-TCCP-235, T. 11 Nov 2016, 10.06.46 [“by mid-1977, I was transferred to fight against the Vietnamese in the East Zone for 16 months”]; **E1/498.1** 2-TCCP-235, T. 10 Nov 2016, 15.40.15-15.44.32 [witness sent to Borei Keila in “early second half of 1977” and “shortly” after to the Eastern battlefield, where he met Son Sen]. In order to have been at the Eastern front for 16 months, the witness had to arrive by early September 1977.

²⁰⁰² **E3/18** Khieu Samphan, *Cambodia’s Recent History*, EN 00103759-60; **E1/486.1** Stephen Morris, T. 19 Oct 2016, 13.55.50-14.02.14; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001767, 01001937; **E3/7449** Nayan Chanda, T. 25 May 2009, 11.23.00-11.25.01; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192281-82, 00192378-79; **E3/878** Telegram 46 from Chhean (DK Ambassador to Vietnam), 15 June 1977 [reporting Vietnamese complaint of DK attack in Ha Tien causing “enormous casualties” of civilians, and referencing photographs and “irrefutable evidence”]; **E3/880** Telegram 56 from Chhean, 20 July 1977, EN 00182767; **E3/882** Telegram 62 from Chhean, 4 Aug 1977, EN 00182766 [“The Kampuchean army has committed mass killings of 1,000 ordinary Vietnamese people at Ha Tien in Kien Giang province”]; **E3/143** Bangkok Post article *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150185-86 [describing DK incursions into Vietnam massacring civilians from March to June 1977], 01150193 [“On the night of 24 September [1977], elements of the reconstituted 3rd Eastern Zone Division, under the general command of Son Sen, crossed into Tay Ninh province and massacred nearly 300 civilians in 5 villages”]; **E3/3959** Kung Kim WRI, EN 00278686. *See also* **E3/8190** New York Times article, *Vietnam Holds Cambodian Region After Bitter Fight*, 4 Jan 78, EN 00166022 [“From mid-September to November [1977], Cambodian pressure on the frontier increased, with troops encroaching as far as 4 miles into Vietnam and inflicting heavy casualties”].

²⁰⁰³ **E3/56** Nayan Chanda, T. 26 May 2009, 10.07.11; **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391 [“fighting between us and Vietnam ... especially from September 1977, has been going on non-stop”]; **E3/8304** Khieu Samphan Speech, 31 Dec 1977, EN 00166065; **E3/1393** DK Government Statement to the Revolutionary Armed Forces and People of Cambodia, 31 Dec 1977, EN 00713102; **E3/1263** Statement of DK Ministry of Propaganda, 6 Jan 1978, EN 00337187 [“The Vietnamese army

visited the General Staff headquarters on 2 September 1977.²⁰⁰⁴ Based on interviews with **Nuon Chea**, Thet Sambath wrote that Son Sen was dispatched to the border “in the fall of 1977.”²⁰⁰⁵ There is thus significant evidence corroborating Duch’s recollection of the date Son Sen was assigned to the Eastern front.

490. It is also possible Son Sen initially went back and forth to the East and his new assignment did not become permanent until later in 1977. It was not until November or December that Vietnamese forces penetrated deep into DK territory.²⁰⁰⁶ FBIS records show that Son Sen continued to attend major events in Phnom Penh until early December 1977,²⁰⁰⁷ but was absent from most such events thereafter.²⁰⁰⁸ Ieng Sary recalled that it was “late 1977 or early 1978” when Son Sen went to the East.²⁰⁰⁹ Duch testified that the transition from Son Sen to **Nuon Chea** occurred around the time Chao

began its invasion in September 1977”]; **E3/1383** DK Government Statement to U.N., 6 Jan 1978, EN 00419866; **E3/1258** DK Government Statement, “Evidences of the Vietnamese Aggression Against Democratic Kampuchea,” Feb 1978, EN S 00004902; **E3/881** Report from Comrade Lin to M-870, 14 Aug 1977 [report on “boundary situation in Region 23”: “Yvon enemies have increased their ferocious nature of aggression”]; **E3/885** Telegram from Chhon (Sao Phim) to Brother Pol, 24 Sept 1977 [Vietnamese ambush on 16 Sept 1977]; **E3/886** Telegram from Chhon to Brother Pol, 26 Sept 1977 [report on “battlefield north of Route No. 1”].

²⁰⁰⁴ **E3/143** FBIS, *Report on Departure*, 3 Sept 1977, EN 00168731.

²⁰⁰⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521.

²⁰⁰⁶ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391 [referring to “Vietnamese aggression in November and December 1977”]; **E3/8304** Khieu Samphan Speech, 31 Dec 1977, EN 00166065 [“Later, in November 1977, the SRV Armed Forces carried out an aggression offensive in Svay Rieng Province, penetrating several kilometres”]; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001768; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192391; **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight*, 4 Jan 78, EN 00166022 [“In November, Vietnam built up its military units in Tay Ninh province. In the first week of December, the Vietnamese opened an offensive ... forcing Cambodian troops back and capturing positions 10 to 15 miles inside Cambodia”].

²⁰⁰⁷ See e.g. **E3/1512** FBIS, *Pol Pot, Delegation Return from PRC*, 22 Oct 1977 [Son Sen, Nuon Chea, Khieu Samphan and other leaders greet Pol Pot at airport on his return from China]; **E3/291** FBIS, November 1977, EN 00168591-94, 00168599-600, 00168603-06 [reporting Son Sen participation with other CPK leaders in events during 26-29 Nov 1977 visit of Burmese president]; **E3/1495** FBIS, *PRC Delegation Led by Chen Yung-Kuei Arrives*, 3 Dec 1977, EN 00168315-16 [Son Sen part of group of leaders to attend meeting with Chen Yung-Kuei at State Palace and banquet after his arrival in DK].

²⁰⁰⁸ See e.g. **E3/1499** & **E3/1339** FBIS, December 1977, EN 00168360-64, 00168372-77 [Son Sen not present with other CPK leaders during 17-20 Dec 1977 state visit of Lao President]; **E3/1359** FBIS, *Mass Rally Marks Revolutionary Army’s 10th Anniversary*, EN 00169608-20 [Son Sen not identified as present at 17 Jan 1978 speech celebrating 10th Anniversary of RAK – compare to prior year (**E3/147** at EN 00168464), when Son Sen gave opening remarks at same event]; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 10.38.16-10.40.17; **E3/107** Kaing Guek Eav WRI, EN 00198224 [Son Sen not part of group of leaders present at 17 April 1978 ceremony]; **E3/1363** FBIS, *Pot Pot 28 May Banquet for Romania’s Ceausescu Reported*, 29 May 1978, EN 00169785-86 [Son Sen not present with other CPK leaders during 28-30 May 1978 visit of Romanian President]; **E3/1525** FBIS, *Nuon Chea Delegation Returns Home from PRC*, 16 Sept 1978 [Son Sen not present with other CPK leaders to greet Nuon Chea on his return from China]; **E3/1523** FBIS, *PRC Ambassador Hosts Reception for Nuon Chea*, 18 Sept 1978 [Son Sen not present with other leaders]; **E3/77** FBIS, November 1978, EN 00170080-83, 00170095-96, 00170101-02 [Son Sen not present with other CPK leaders during 5-8 Nov 1978 visit of high-level Chinese delegation].

²⁰⁰⁹ **E3/89** Ieng Sary Interview, 17 December 1996, EN 00417627.

Seng was arrested and sent to S-21,²⁰¹⁰ and S-21 records indicate he entered in November 1977.²⁰¹¹ Nonetheless, irrespective of the exact date of the transition, there is no doubt that Son Sen was away from Phnom Penh and fully engaged in the conflict with Vietnam by the latter part of 1977, and that **Nuon Chea**'s involvement in S-21 increased at that time.

491. *Nuon Chea Receipt of S-21 Confessions*: **Nuon Chea**'s responsibility for security issues related to S-21 is also shown by his receipt of confessions from that security office. There are over 25 S-21 confessions in evidence that contain annotations by Son Sen or Duch recording that a copy of the confession was sent to "Brother Nuon."²⁰¹² In a video-recorded interview, **Nuon Chea** admitted to Thet Sambath that he received "so many" confessions he could not read them all.²⁰¹³
492. *Arrests & Imprisonment*: In addition to his role in the circulation of S-21 confessions and decisions on arrests of implicated cadres (discussed in the *S-21 – Authority Structure* section), **Nuon Chea**'s responsibility for specific arrests of cadres sent to S-21 was testified to by S-21 Chairman Duch.²⁰¹⁴ Duch testified that he would report

²⁰¹⁰ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 13.56.48-13.58.27 [describing instructions received initially from Son Sen and later Nuon Chea regarding Chau Seng, who was imprisoned at S-21 under the name "Chen Suon"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 14.22.17-14.28.10 ["when Chau Seng was sent to S-21, it was around August '77 and before Son Sen left, he gave me instruction for the arrangement for Chau Seng. And when Son Sen went out to the front battlefield, Son – actually Brother Nuon Chea came to be my direct superior. And I kept Chau Seng alive at the time and one day Nuon Chea asked what happened to Chau Seng. I told him I kept him alive, and Nuon Chea said, 'Smash him'"]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 11.43.59-11.46.06; **E3/60** Kaing Guek Eav WRI, EN 00195604-05 ["Son Sen telephoned me to inform me of the imminent arrest of Chao Seng alias San (founder of *L'Institut de Pedagogie du Groupe Sud*, for the training of professors), asking me to keep this information secret and to record the detainee under the name 'Chen Suon.' ... This happened in August 1977. Three days later, I started to work with Nuon Chea"].

²⁰¹¹ **E3/10604** OCIJ S-21 Prisoner List, No. 14164 [Chen Suon alias San, "Doctor of Pedagology from France," entered in Nov 1977]; **E3/10609** S-21 Confession of Chen Suon [earliest statement dated 21 Nov 1977]; **E1/457.1** Chau Khim, T. 15 Aug 2016, 14.17.41-14.19.41 [testimony of brother of Chau Seng that he was imprisoned at S-21 from November 1977 to February 1978], 15.16.41-15.18.39 [confirming confession **E3/10609** is his brother], 15.23.31 ["the date of the arrest on this document is more accurate"].

²⁰¹² See **E295/6/1** Co-Prosecutors' Final Trial Brief in Case 002/01, EN 00948246-47, fn. 1836 [list of 25 S-21 confessions with annotations stating they were sent to Nuon Chea, covering the time period from May to November 1977].

²⁰¹³ **E93/7.3R** Video, *Nuon Chea on Confessions*, V00717048; **E1/214.1** T. 27 June 2013, 13.33.58-13.37.02 [presentation of video clip **E93/7.3R**]. See also **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537 ["Nuon Chea said when he read these confessions, he made marks on the documents with a red pen"].

²⁰¹⁴ See e.g. **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 10.11.00, 12.02.53 [describing Nuon Chea's order to arrest S-71 Chairman Pang, which was conveyed to Duch by Vorn Vet]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.13.47 [Pang arrested "according to the order from Nuon Chea"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 09.57.30, 15.38.03-15.43.51; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 11.26.39-11.29.46 ["The time that it became so terrified when the Party; that is, Brother Nuon Chea order the arrest of [Commerce chief] Nget You alias Hong"]; **E3/10604** OCIJ S-21 Prisoner List, No. 5490 [Nget

suspect S-21 staff members to **Nuon Chea**, and the Accused would decide whether to arrest and imprison them at S-21.²⁰¹⁵ Duch also confirmed that only the Standing Committee could approve transfers of prisoners from Zone security offices to S-21, and that it was **Nuon Chea** who organised such transfers.²⁰¹⁶

493. The prisoners sent to S-21 in 1978 included two nieces of **Nuon Chea** and their husbands.²⁰¹⁷ S-21 cadres were informed by Duch at a study session that “Brother Number Two” had approved the arrest of his nieces and nephews, as recorded in the notebook of S-21 interrogator Mam Nai,²⁰¹⁸ to show that even the CPK leaders were willing to “sacrifice” family members “for the revolutionary cause.”²⁰¹⁹ One of **Nuon**

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- You alias Hong, Member of Commerce Committee, entered S-21 on 13 March 1978]; **E3/1578** Kaing Guek Eav WRI, EN 00194551 [Nuon Chea ordered arrest of Duch’s brother-in-law Thoeun, a cadre from the North Zone].
- ²⁰¹⁵ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.54.39-16.01.13 [regarding S-21 staff: “An arrest could only be made with authorization from a higher level, that is from Son Sen or Brother Nuon”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.42.19-09.47.10, 09.48.46 [“Q: And who was the superior that you reported to who made the decision on what to do with Huy Sre? A: Uncle Nuon. That is Nuon Chea”], 09.59.11-10.03.16 [confirming no S-21 cadres were arrested in 1978 “without the authorization from Brother Nuon”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.05.25-10.07.30; **E3/60** Kaing Guek Eav WRI, EN 00195604-05 [Nuon Chea “decided on certain arrests immediately, in my presence ... for example for the arrest of S-21 cadres”]; **E3/5770** Kaing Guek Eav WRI, EN 00177611; **E3/5771** Kaing Guek Eav WRI, EN 00185499, 00185502-03; **E3/1578** Kaing Guek Eav WRI, EN 00194548, 00194552 [“Hor drafted a report that I forwarded to the Standing Committee and Nuon Chea ordered the arrest, the interrogation and the execution of Huy Sre”].
- ²⁰¹⁶ **E3/1578** Kaing Guek Eav WRI, EN 00194551 [“Transfers to S-21 were decided by the Standing Committee of the Central Committee”]; **E3/1564** Kaing Guek Eav WRI, EN 00403892 [regarding transfers of prisoners from Zone security centres to S-21: “only Nuon Chea had the power to organize such transfers: Son Sen was not qualified to intervene and Pol Pot did not get personally involved in the organization of transfers”]; **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 15.29.09-15.32.02 [“All documents from the zones came to Brother Nuon, and he made the decisions”]. *See e.g.* **E3/1098** Letter from Pal to Angkar “Through K-7,” 26 Mar 1978 [letter from West Zone Deputy Secretary Pal requesting approval to send Udong District Secretary Im Nen alias Ly (the wife of Zone Secretary Chou Chet) to K-7 in Phnom Penh for arrest – contains handwritten annotation “S-21” in red in upper margin]; **E3/5790** Kaing Guek Eav WRI, EN 00414347-48 [identifying “S-21” annotation as handwriting of Nuon Chea]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537 [Nuon Chea “made marks on the documents with a red pen”]; **E3/10604** OCII S-21 Prisoner List, No. 2123 [Im Nen alias Ly, Oudong District Secretary, entered S-21 on 26 March 1978].
- ²⁰¹⁷ **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 13.46.34-13.56.12 [“the Party decided to arrest four people: two nieces of Nuon Chea and two nephews-in-law. Lach Vary and Lach Dara were the nieces ... Nuon Chea’s nieces were doctors ... They worked at the 17 April Hospital ... Q: Who ordered those arrests? A: In principle, the decision was made by only two people: Pol Pot and Nuon Chea”]; **E3/10604** OCII S-21 Prisoner List, Nos 4425 [Lach Dara alias Than, “Technique Committee Member of General Section in P-17 and wife of Men Tol alias Sat,” entered S-21 on 1 May 78], 4885 [Men Tol alias Sat, “Committee Member of P-17,” also entered on 1 May 78], 4243 [Lach Vary alias Nan, “Combatant of B-1” and “wife of Pech Huon alias Yoeun,” entered on 9 June 1978 – execution recorded by “handwritten note”]; 6859 [Pech Huon alias Yoeun, “Chief of Office B-62” at MFA, also entered on 9 June 78, executed 20 Oct 1978]; **E3/1857** S-21 Confession of Men Tol alias Sat, 26 Aug 1978 [contains annotation “Already Reported”].
- ²⁰¹⁸ **E3/833** Mam Nai S-21 Notebook, EN 00184608 [notes from Duch study session: “Our Party always makes the example of socialist revolution. Brother Number Two arrested his nephew named Sat”].
- ²⁰¹⁹ **E3/429** Kaing Guek Eav WRI, EN 00403925 [“Mam Nai’s notes were taken during a lesson I gave my subordinates. On that occasion, I used Nuon Chea as a model because he had sacrificed many members

Chea's nieces (Lach Vary alias Nan) was executed while she was pregnant.²⁰²⁰ Despite this, **Nuon Chea** still refuses to “apologize for S-21.”²⁰²¹

494. *Inhumane Treatment of Prisoners*: Duch testified that **Nuon Chea** ordered him to test drugs on S-21 prisoners,²⁰²² including one incident in which the Accused instructed him to use prisoners to test whether pills that had been found in the house of a cadre accused of an assassination plot contained poison.²⁰²³
495. *Interrogations & Use of Torture*: Duch had regular meetings with **Nuon Chea** in which he reported on interrogations and confessions, particularly for prisoners “identified as important,” and received instructions back from the Accused.²⁰²⁴ **Nuon Chea** ordered the removal of names from confessions, in some cases to protect trusted persons in his inner circle who had been implicated (such as **Khieu Samphan**)²⁰²⁵ and in other cases

of his family for the revolutionary cause”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 11.30.56-11.33.51 [“I said in my presentation that we should look at Brother Number Two. He did not claim anything or anyone to be his. Even in the case of Lach Dara, he allowed Lach Dara to be arrested and sent to S-21 ... in Mam Nai’s notebook, he used the name Sat instead”].

²⁰²⁰ **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 11.33.51 [“Sat, Nan and her husband were smashed and Than survived”], 13.31.44 [“I kept her there so that I could use her as a medic”], 13.33.30 [“The two siblings, I mean Comrade Nan and Than, were pregnant. Nan was pregnant when she was smashed at S-21”].

²⁰²¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521 [“Nuon Chea doesn’t apologize for S-21, even though his niece and others close to him were sent there”]. See also **E3/558** Nuon Chea OCIJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [stating that he “lost” 40 members of his family, including his “niece/nephew”].

²⁰²² **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.34.56 [“they used the newly composed medicine to trial on the prisoners ... Uncle Nuon gave me some medicine to use and test on the prisoners ... only two people were aware of this. That was I, myself, and Uncle Nuon. I did it personally. Each day I gave them two pills and next day I gave them two more pills for 3 days in a row”].

²⁰²³ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.07.19-09.11.39 [“Bong Nuon gave me the pills in order to test whether the pills were poisonous or not”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 16.01.56-16.03.47 [“prisoners were taken to test the poison under the instruction of Uncle Nuon”]; **E3/448** Kaing Guek Eav WRI, EN 00154912-13 [“Nuon Chea ordered me to test medicines on victims”]; **E3/5769** OCIJ Written Record of Confrontation, EN 00166567.

²⁰²⁴ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.45.37-11.57.54 [describing his regular meetings with Nuon Chea: “We merely discussed the confession regarding the enemies, and I, at times, reported to him the overall situation”], 11.52.13-11.55.32 [“normally we only reported on those individuals whom the upper echelon identified as important ... he wanted the confession of the prisoner whom he identified as important. And then he also wanted to know the overall situation at S-21 and then he would provide direction or guidance”]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 09.24.20 [“After we sent those confessions, ... sometime Brother Nuon would ask for clarifications of a word or of a group of words or a phrase”]; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 15.20.13-15.22.52 [“an enemy implicated Meng and Poen. I reported to Brother Nuon whether I should continue interrogate or extract the confessions”]; **E3/65** Kaing Guek Eav WRI, EN 00147522 [“The reason for the meetings was that I was called to report and receive instructions ... general reports regarding S-21 and summaries of interrogations. On instructions, calling them orders would be better”].

²⁰²⁵ **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 14.23.57-14.26.07; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 14.32.36 [after detainee implicated Khieu Samphan: “Brother Nuon reprimanded me, saying that: Look, you know, in the whole country, there was only Pol Pot and I, myself, and you would like Comrade Hem to also be in trouble; and for that, would you wish to go to be assigned to work at the embassy?”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.00.35-14.03.31, 14.05.08-14.07.10 [describing

to maintain secrecy in relation to individuals the Party was planning to arrest.²⁰²⁶ In October 1978, a few days after a study session in which Pol Pot had discussed limiting torture and interrogations with respect to prisoners who were not “foreigners,” “Yuon,” or CIA,²⁰²⁷ **Nuon Chea** “reprimanded” Duch for “not interrogating prisoners,” and interrogations resumed as normal at S-21.²⁰²⁸

496. Duch sent to **Nuon Chea** summary reports on confessions that referenced the use of torture during prisoner interrogations,²⁰²⁹ and testified that **Nuon Chea** never instructed

how Nuon Chea threatened him after Khieu Samphan was implicated in a confession]; **E3/356** Kaing Guek Eav WRI, EN 00242899 [“Chorn had implicated Khieu Samphan, I then sought advice from Nuon Chea. Nuon Chea then threatened me, so I withdrew all the points that implicated Khieu Samphan from the confession. When members of the upper echelon were implicated in confessions, I had to seek advice from Son Sen, then Nuon Chea”]; **E3/355** Kaing Guek Eav WRI, EN 00242877; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757520 [describing Nuon Chea’s account of the confession implicating Khieu Samphan, including that Nuon Chea warned Duch “Don’t report this again and don’t say it again”].

²⁰²⁶ **E3/1688** S-21 Confession of Chap Mit, EN 00284069 [note from Duch to interrogator Pon: “Brother Number II has advised on 25 February 1978 that the names of Brother Soe (Sector 23), Brother Mon (General Staff 203), Soth (Sector 21), Chhien (Sector 22), Tat & Sokh (Division 170) and Tal (Division 290) must be withdrawn, if they appear in this confession”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.36.06-10.47.34; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 10.26.28-10.29.16 [“It was Brother Nuon or Nuon Chea who issued such instruction or advice”], 10.55.21-11.00.02 [“Q: Do you know why Nuon Chea advised you of this, to withdraw the names? A: ... we removed those names because we did not want them to be aware that their names were implicated because this document was to be sent to the Eastern Zone ... Those whose names were removed were later on arrested”]; **E3/10604** OCJ S-21 Prisoner List, Nos 2969 [Ke San alias Sokh, Division 170 Secretary, entered 4 Mar 1978, executed 11 May 1978], 5999 [Uk Savann alias So, Sector 23 Secretary, entered 17 Mar 1978], 5235 [Meas Mon, Chief of East Zone General Staff, entered 24 May 1978], 8226 [Sam Huoy alias Meas Tal, Division 290 Secretary, entered 24 May 1978], 2047 [It Man alias Tat, Division 170 Deputy Secretary, entered 25 May 1978], 12681 [Tauch Chem alias Sot, Sector 21 Secretary, entered 5 June 1978], 5246 [Meas Chhuon alias Chhean, Sector 22 Secretary, entered 12 June 1978].

²⁰²⁷ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184522 [8 Oct 1978 notes: “In the near term, we have plans to interrogate all of the Khmer without beatings and getting 80% confessions. No beatings and getting very detailed confessions, 70%. As for the foreigners, the Yuon, the imperialist CIA, we apply absolute Special Branch methods, completely and totally, permanently. Also in this temporary period, the task of defense will temporarily apply the old principles, absolutely and totally”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.10.07-11.18.34 [“The content related to the instructions given by Pol Pot during the time I attended the training session where he taught ... we called the interrogators for the presentation of those documents that night”].

²⁰²⁸ **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.25.09-09.32.05 [“During the study session, Pol Pot advised S-21 people not to question or interrogate the enemies to extract confessions. But a few days later, Brother Nuon called me to work and I did not really interrogate prisoners but, then, Nuon Chea really reprimanded me for not interrogating prisoners ... After that, I called on the interrogators and to implement the plans to continue interrogating those prisoners”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.08.42-11.10.07, 11.18.34-11.20.19; **E3/429** Kaing Guek Eav WRI, EN 00403924.

²⁰²⁹ See e.g. **E3/1687** S-21 Confession of Chout Nhe, EN 00758196 [11 Nov 1977 annotation: “One copy for Bang Nuon”], EN 00758200 [Summary report by interrogator: “I intensively questioned him about his connection with many traitors. However, he did not confess to being a traitor until he had been tortured”]; **E3/1861 (E3/3645)** S-21 Confession of Mao Choeun, EN 00223137 [10 Nov 1977 annotation: “To Brother Nuon”], EN 00794694 [Summary by interrogator: “I later tortured him and he started to confess his traitorous records in sequence including being an agent and CIA network”]; **E3/1869** S-21 Confession of Nheum Sim alias Saut, EN 00837416, [11 Nov 1977 annotation: “Central Zone. One copy for Brother Nuon”], 00837417 [Summary Report by interrogator: “I tortured him until he confessed that he worked as a spy and a CIA network”]; **E3/1894** S-21 Confession of Sieng Pauy alias

him to stop using torture after receiving such reports.²⁰³⁰ In **Nuon Chea**'s interview with Thet Sambath, he admitted his knowledge of the use of torture, stating: "They normally confessed when they were beaten painfully and seriously tortured."²⁰³¹ Despite this knowledge, when Duch expressed concern to **Nuon Chea** that the number of people being implicated in confessions was "out of control," the Accused advised Duch to "just strive to do whatever is necessary to get their responses" and "not to worry" whether they were "true or not."²⁰³²

497. *Vietnamese Prisoners of War*: **Nuon Chea** knew that the prisoners sent to S-21 in 1978 included captured Vietnamese combatants,²⁰³³ and sometimes informed Duch in advance of the arrival of such prisoners.²⁰³⁴ In January 1978, after a state of war had been declared by the DK Government,²⁰³⁵ **Nuon Chea** provided instructions to Duch to

Sean, 28 Oct 1977, EN 00702082 [annotation: "Sent to Brother Nuon 2 copies"], EN 00702085 [Report by Interrogator: "When we started torturing, he agreed to confess by telling about his connection, activities and plans in the network from the beginning until his arrest by Angkar"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.29.29-09.31.47, 09.42.41-09.44.52 [referring to confession summaries in **E3/1869** and **E3/1894**: "I sent this document together with the confession report to the superior ... I sent the documents to the upper echelon; that's why there is Son Sen's signature on the document to be sent further to Brother Nuon"], 09.44.52-09.46.17 ["Q: And that's what I'm asking you about ... these very short summaries like we see in these two documents. Were they sent to your superiors? A: ... I sent all of them together that's why there are annotations on them"], 11.22.52-11.31.07 [identifying two other interrogation reports describing the use of torture, **E3/3844** and **E3/7437**, that were sent during the time he reported to Nuon Chea]; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 10.07.46-10.11.21 ["My common roles included reading and summarizing the confessions, and brief[ing] the superior on the confessions"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.38.28-15.40.15; **E3/1579** Kaing Guek Eav WRI, EN 00398206-07.

²⁰³⁰ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.47.00-13.48.45 ["Q: On any occasion after you sent those documents to Nuon Chea describing the use of torture, did he ever call you and instruct you to stop torturing the prisoners at S-21? A: No, never"].

²⁰³¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537. See also **E1/451.1** Henri Locard, T. 29 July 2016, 14.12.56-14.13.56 [Nuon Chea learned from the Viet Minh practice of shackling and torturing political prisoners and POWs].

²⁰³² **E3/1560** Kaing Guek Eav Interview, 6 June 1999, EN 00327327 ["I also complained to Nuon Chea about the confessions that kept spreading out of control everywhere, every time. Nuon Chea convinced me not to worry, and said that clearly their units knew which ones were true and which ones were untrue. Comrade, just strive to do whatever is necessary to get their responses"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185037-38 ["the CPK limited my duties as only to get confessions, true or not, they did not worry about that ... I wanted to know what was true and proper in the confessions. Seeing that I was getting no where, Nuon Chea explained to me, 'Comrade you must think about the truth of the proletarian class'"].

²⁰³³ See e.g. **E3/181** Telegram 11 from 47 (Son Sen) to Respected Brother, 14 Feb 1978, copied to "Grand Uncle Nuon" [para. 5: "Comrade Tal captured 2 Yvon heads, ages 17 and 27. They were sent to S-21"]; **E3/10604** OCJ S-21 Prisoner List, Nos 8227 & 14893 [17-year old Le Vang Khoeung and 27-year old Troeung Yaing Nhim entered S-21 on 15 Feb 1978]; **E3/867** Telegram 16 from 47 to Brother 09, 20 Mar 78, copied to "Uncle Nuon" [para. 2: "We destroyed approximately 100 enemy combatants ... We captured three of; two were shot and killed because they jumped into the river. One of them is kept to be sent to 21 this evening"]; **E3/10604** OCJ S-21 Prisoner List, No 8690 [Fam Yaing Ya sent from East Zone to S-21 on 20 Mar 1978].

²⁰³⁴ **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.43.05-09.44.35 [confirming that Nuon Chea informed him that "Yvon soldiers would be sent to me"]; **E3/1580** Kaing Guek Eav WRI, EN 00177588.

²⁰³⁵ **E3/1265** Statement of DK Minister of Foreign Affairs, 31 Dec 1977 [announcing that DK Government

obtain confessions from imprisoned Vietnamese soldiers on their country's "Indochina Federation" strategy,²⁰³⁶ knowing that the use of torture would be necessary.²⁰³⁷ He ordered Duch to make audio recordings of their confessions that could be broadcast on the DK radio,²⁰³⁸ and also requested a film of the Vietnamese soldiers to be used for propaganda.²⁰³⁹ S-21 records confirm the execution of Vietnamese prisoners of war.²⁰⁴⁰

498. *Executions of Prisoners*: In addition to the general standing order that all persons imprisoned at S-21 were to be killed,²⁰⁴¹ Duch also testified regarding specific execution orders he received from **Nuon Chea**, including mass executions of hundreds of prisoners that clearly establish the Accused's intent to kill on a massive scale. In 1978,

was breaking off diplomatic relations with Vietnam due to the invasion of its army]; **E3/1393** Communique of the DK Government to the Revolutionary Armed Forces and People of Cambodia, 31 Dec 1977, para. 9 [calling on the RAK to "stop the invasion of the enemy" and "defeat the territory-swallowing Vietnamese enemy"].

²⁰³⁶ **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.57.07-09.59.14 ["on the 8th of January 1978, Brother Nuon called upon me ... Brother Nuon asked me to interrogate the Vietnamese war prisoners and record the prisoners' confessions"]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30 ["There was an order from the upper echelon regarding the questioning of 'Yuon' soldiers and the purpose was for them to confess that they invaded Kampuchea and they wanted to use Kampuchea as an umbrella of Indo-China ... It was Pou Nuon who ordered me to do that"], 15.10.40-15.13.58 [confirming that Nuon Chea made changes to the Vietnamese confessions sent by Duch]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48 ["The essence of the confessions of those Vietnamese was sent to Uncle Nuon. Therefore, whatever it is he would adjust it and then he would send it to me"].

²⁰³⁷ **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.48.34 ["Q: Were those Vietnamese prisoners tortured? A: Yes, but not seriously ... although they were told to confess what I said. Of course, prisoners of war and spies were tortured in order to get confessions. So forcing them to say what I just said was not serious torture"]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.35.57 ["The objective is determined from the upper echelon and I, myself, I ordered the interrogators to do what it took in order to receive the objective of the upper echelon, that is, Vietnam invaded Cambodia in order to put Cambodia into the Chinese federation"], 10.04.15-10.07.07, 11.57.14 ["Q: So that means they were forced to confess to the way that you wanted? A: If we wanted them to say that the Vietnamese soldiers were starved and did not have any food to eat, they had to say that in their confession"].

²⁰³⁸ **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30 ["Their voices would be recorded and broadcast and that required two segments of five minutes each per week ... When Vu Dinh Ngo arrived, I received an order from Brother Nuon regarding the audio recording of the confessions"]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 ["Only confessions of Vietnamese were radio broadcast. It is Nuon Chea who decided this"]. See **E3/10604** OCJ S-21 List, No. 13474 [Vu Dinh Ngor, Major Sergeant and former Thieu Ky marine from Vietnam, entered S-21 on 3 or 9 January 1978]; **E3/1249** BBC-SWB, *Confession of a Captured SRV Sailor*, 29 Jan 1978, EN S 00008894-96 [radio broadcast of "confession by Vu Dinh Ngo, former midshipman of the Thieu-Ky puppet navy, who was captured on 3rd January 1978," described as proof of "the intention to force Cambodia into an Indochina federation headed by Vietnam"].

²⁰³⁹ **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.11.42-15.17.31 [describing film of Vietnamese prisoners in their uniforms that was ordered by Nuon Chea, and made by Pol Pot's nephew Theng]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 14.23.48-14.31.39 [testimony of Pol Pot's nephew confirming film of Vietnamese prisoners]; **E3/351** Mam Nai WRI, EN 00162920 [regarding Vietnamese POWs: "I know they once made a film ... Filmed for upper echelon"].

²⁰⁴⁰ See e.g. **E3/10604** OCJ S-21 Prisoner List, Nos 8257, 8393-8394, 8397-8400, 8403, 13485 [Vietnamese soldiers executed on 27 Mar 1978]; **E3/8463** S-21 Execution List, KH 00016256-57.

²⁰⁴¹ **E3/453** Kaing Guek Eav WRI, EN 00147582 ["For S21 Nuon Chea clearly told me that all people whom were sent to S21 had to be killed. As I was in charge of S21, I followed implemented his orders"]. See also **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.57.28 ["Sometimes Brother Nuon or Brother Son Sen asked me whether certain prisoners had been sent out"].

Nuon Chea ordered Duch to execute hundreds of East Zone cadres sent to S-21 without conducting interrogations.²⁰⁴² This included a mass execution of 582 prisoners on 27 May 1978,²⁰⁴³ carried out at the very time Centre forces were conducting widespread arrests of people in the East Zone,²⁰⁴⁴ which was ordered by **Nuon Chea** to clear space for the new incoming East Zone prisoners.²⁰⁴⁵ This was the single largest execution in the history of S-21.

499. Near the end of the regime, as Vietnamese forces were advancing towards Phnom Penh, **Nuon Chea** ordered Duch to execute all the remaining prisoners at S-21.²⁰⁴⁶ Duch testified that it took several days for S-21 cadres to kill all of those prisoners.²⁰⁴⁷ One surviving S-21 list from this period records the execution of 225 prisoners on 31 December 1978.²⁰⁴⁸

²⁰⁴² **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.04.47 [“there was one occasion when East Zoners were brought in trucks ... they were brought in the morning on that day and in the evening, they were put back on trucks and sent for execution. There were about 200 or 300 of them ... Q: And who was it that ordered you to take these people immediately out for execution without interrogation? A: The same, that is, it was Brother Nuon”]; **E3/1576** Kaing Guek Eav WRI, EN 00160724 [“about 300 prisoners were executed as soon as they arrived at S-21, without interrogation and on Nuon Chea's order (the Eastern Zone had rebelled and interrogation was unnecessary because we were sure of the prisoners' betrayal)”].

²⁰⁴³ **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032508-36 [Nos 526-556 on the list arrived on 28 May 1978 and were immediately sent out for execution].

²⁰⁴⁴ **E1/446.1** Meas Soeun, T. 29 June 2016, 10.58.46, 14.20.30-14.27.35; **E3/5531** Meas Soeun WRI, A62 [describing mass arrests conducted by Centre army in East Zone on 25 May 1978]; **E3/390** Math Ly, EN 00436870 [“The important day was 25 May 1978”].

²⁰⁴⁵ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.55.33-11.01.06 [discussing mass execution of East Zone cadres on 27-28 May 1978 recorded in **E3/8463**: “Phim and members of the committee of the East Zone, together with some of his close combatants, were arrested in June 1978, so there were instructions from the upper echelon before that date that a maximum amount of prisoners had to be withdrawn or removed to reserve space for newcomers. So prisoners were sent to Choeung Ek in large numbers at that time ... Brother Nuon instructed me to do that ... So we realized that the purge of the East Zone would take place very soon”].

²⁰⁴⁶ **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.53.40-15.55.16; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.35.04-15.38.03 [“I am not quite sure about the date. The instruction was to kill all of prisoners ... The instruction may have been issued on 1 January and all the prisoners had to be killed by 3 January 1979 ... The instruction was made by Nuon, Uncle Nuon”]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that he received an order from Nuon Chea “on the 1st or the 2nd of January 1979” to execute all “remaining prisoners in S-21”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 14.01.08-14.03.22 [“after I received order from Brother Nuon to destroy the remaining prisoners, I came to tell Comrade Hor to follow the order, for him to execute the order”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 15.25.33-15.30.24; **E3/1576** Kaing Guek Eav WRI, EN 00160724; **E3/5769** Written Record of Confrontation, EN 00166563.

²⁰⁴⁷ **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that there were still “over 500” prisoners left when he received the order from Nuon Chea to execute all “remaining prisoners in S-21,” and that Hor reported back to him three days later that the order had been “carried out”]; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.39.10 [“all of them may have been killed by 3rd January, because there were many prisoners. It was difficult to smash all of them in just three days”]; *See also* **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.18.53-09.21.04 [referring to late 1978 and early 1979: “we stopped interrogating any more prisoners, and I saw prisoners being transported out continuously until the 2nd or the 3rd of January when prisoners were no longer transported out to be killed”].

²⁰⁴⁸ **E3/10455** List of Prisoners Smashed on 31 December 1978. *See also* **E3/10640** Henri Locard, *Pourquoi*

500. With respect to the Western prisoners at S-21, **Nuon Chea** ordered that “the long nose people had to be smashed” and their bodies “burned completely so that there was no evidence left behind.”²⁰⁴⁹ S-21 records confirm that these Westerners were imprisoned at S-21 in 1978, during the period Duch reported to the Accused.²⁰⁵⁰ With respect to high-ranking important CPK leaders at S-21, and prisoners who were former S-21 staff, **Nuon Chea** ordered Duch to provide photographs confirming that such prisoners had been executed.²⁰⁵¹ S-21 records confirm that such prisoners were photographed after their execution, further corroborating Duch’s testimony.²⁰⁵²

501. The above evidence proves beyond reasonable doubt **Nuon Chea**’s participation in and significant contribution to the common criminal plan to imprison, torture, and execute perceived enemies of the CPK.

b) Khieu Samphan Responsibility for FUNK, GRUNK, Intellectuals, and Commerce

502. FUNK/GRUNK Intellectuals: In 1975-76, **Khieu Samphan** conducted political education at K-15 (the Khmer-Soviet Technical Institute), a “reeducation” centre at

les Khmer Rouges, FR 01303654 [“The last days of the regime, that is to say the first days of January 1979 were the most deadly. Order was then given by the top leader of the purification of society – Nuon Chea – to exterminate all of the unfortunate prisoners all over Cambodia in order for the Vietnamese not to witness the crimes of Angkar. The result was followed loyally by the very zealous Duch at S-21. Close to Pursat about 1,000 prisoners in a row were therefore exterminated between 7:00 in the evening and 5 o’clock in the morning”]; **E1/451.1** Henri Locard, T. 29 July 2016, 14.25.26-14.30.40 [“I believe that this directive was general ... I asked the same questions everywhere, over and over again, and I noticed that everywhere the same orders had been given”].

²⁰⁴⁹ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.08.59, 15.13.31-15.17.28; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.06.52; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00-09.35.23; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.29.20-14.35.52 [regarding foreigners sent to S-21: “The smash was to be conducted in a formal burning to ash ... I was following the order from Nuon Chea, and I implemented the order ... Q: And why was it necessary to burn them to ashes? A: The reason was that no one would be able to trace – to trace them so no bones were left behind”]; **E3/1570** Kaing Guek Eav WRI, EN 00154194; **E3/65** Kaing Guek Eav WRI, EN 00147526.

²⁰⁵⁰ **E3/2210** List of Prisoners Entered 21-28 April 1978, EN 00181722 - No. 13 [Jim Clark], No. 14 [Lance McNamara]; **E3/7344** S-21 Confession of Kerry George Hamill, 17 Sept 1978; **E3/7343** S-21 Confession of John Dawson Dewhurst, 13 Oct 1978; **E3/1553** S-21 List of Prisoners, 26 Nov 1978, EN 01236389 – No. 1 [Christopher Delance], No. 2 [Michael Scott Deeds].

²⁰⁵¹ **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.48.58-09.56.32, 10.04.16-10.06.52 [“The photos of those who were killed or those who had just been killed were photographs based on the orders of Brother Nuon”]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“this photography was only done after receiving orders from upper echelon, especially Nuon Chea, out of [their] fear of the release of some victims whom we knew”]; **E3/65** Kaing Guek Eav WRI, EN 00147526 [“I received the photographs and sent them to Nuon Chea”].

²⁰⁵² **E3/2285** List of Prisoners Who Were Smashed and Photographed on 8 December 1977, EN 00873280-81 [list includes General Staff Deputy Secretary Seat Chhae alias Tum, the Regiment 152 Secretary, Division 164 Deputy Secretary, Division 290 Deputy Chief, Sector 105 Deputy Secretary and Members of the Northwest Zone General Staff and Sector 5 Committee]; **E3/8483** List of Prisoners from General Staff, July 1978, Nos 5-7, 11 [entries for S-21 cadres contain annotation: “Removed & Photo taken”]; **E3/10604** OCIJ S-21 Prisoner List, Nos 509, 1207, 1989, 2047, 2363, 2900, 4395, 4556, 5160, 5243, 5356, 5575, 6857, 11329, 11460, 11770, 12630, 13054, 14931.

which intellectuals and other Cambodians returning from abroad were detained and tempered.²⁰⁵³ **Khieu Samphan** was assigned responsibility for the FUNK by the Standing Committee,²⁰⁵⁴ and “about half” of the returnees detained at K-15 were members of the FUNK.²⁰⁵⁵ Ong Thong Hoeung, one of the surviving K-15 detainees, testified that his wife attended a study session chaired by **Khieu Samphan** at the site in early 1976, at which the Accused instructed intellectuals how to reeducate themselves “to behave like peasants.”²⁰⁵⁶ When Ong Thong Hoeung arrived at K-15 in mid-1976, his wife told him about that study session and warned him to “sit, eat, speak and rest like the peasants,” explaining: “Angkar is watching ... do not ask for anything. Do not give them any ideas. Do only as told.”²⁰⁵⁷

503. Expert Philip Short, who interviewed the Accused and surviving intellectuals from K-15, testified that **Khieu Samphan** was responsible for the political education of returning students and “did it quite a lot,” including a “month-long seminar” at K-15.²⁰⁵⁸

²⁰⁵³ **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.31.22-15.37.35 [“Q: What was the purpose of the establishment of K-15? A: It was a reeducation place, or centre ... Q: What types of people were sent to be reeducated at K-15? A: Those Cambodian people coming from overseas, like my group ... There were those Khmer students from overseas, and there were soldiers ... The majority of those people at K-15 were from France”]; **E1/455.1** Ros Chuor Siy, T. 11 Aug 2016, 15.37.33-15.39.28 [testimony of Civil Party who returned from France with her husband and 3 daughters in August 2016: “When we disembarked the plane-, we had no rights to move anywhere. We were put in Office K-15. It was like a detention centre. We had no freedom to go anywhere outside that office”]; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396523 [“Along with other returnees from Europe and America, Visalo stayed at the former Khmer-Soviet Technical Institute, which had been renamed K-15 and transformed into a holding camp for intellectuals”].

²⁰⁵⁴ **E3/182** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393 [“Delegation of work and the operational process ... Comrade Hem: Responsible for the Front and the Royal Government, and Commerce for accounting and pricing”].

²⁰⁵⁵ **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785763.

²⁰⁵⁶ **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.33.23-15.35.52 [“my wife told me upon her arrival there was a study session chaired by Khieu Samphan”]; **E1/107.1** Ong Thong Hoeung, T. 14 Aug 2012, 13.57.52-14.00.12 [“my wife saw Khieu Samphan when she first arrived in Cambodia. That was in early 1976”]; **E3/97** Ong Thong Hoeung WRI, EN 00287106 [“Before I arrived, my wife attended a meeting with Khieu Samphan; he had come to talk about how to re-educate oneself and how to behave like a peasant”]; **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785765 [“She spoke to me about political training courses, criticism and self-criticism meetings and about her seminar with Khieu Samphan, president of Democratic Kampuchea. I asked her what he said. ‘He spoke of Angkar’s grandiose endeavor and he invited us to build ourselves up’”].

²⁰⁵⁷ **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785756. *See also* **E3/97** Ong Thong Hoeung WRI, EN 00287105 [“She emphasized that it was prohibited to ask questions or to dissent”]; **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.29.32 [“She told me that I had to do whatever I was assigned to do”], 15.40.02-15.42.40 [“reeducation was for us to forget everything in the past. And the main point was that we shall be able to understand that if we want a freedom, freedom does not exist”].

²⁰⁵⁸ **E1/191.1** Philip Short, T. 8 May 2013, 10.12.00 [describing CPK leaders’ responsibilities for political education: “Khieu Samphan ... for the students who came back from overseas ... he certainly had an important role and I think it was something which he felt at ease doing, because he did it quite a lot”]; **E1/190.1** Philip Short, T. 7 May 2013, 09.27.20, 09.48.07-09.51.11, *referencing* **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396523-25 [describing “month-long seminar conducted by Khieu Samphan” for new arrivals at K-15, in which he explained how to make “communist revolution”: “To

Khieu Samphan's responsibility for political education at the Khmer-Soviet Technical Institute (K-15) is also confirmed by the trial testimony of Phy Phoun²⁰⁵⁹ and Chea Say,²⁰⁶⁰ and the research of Ben Kiernan,²⁰⁶¹ Henri Locard²⁰⁶² and Michael Vickery.²⁰⁶³

504. The K-15 site at which **Khieu Samphan** reeducated intellectuals was surrounded by barbed wire and guarded by young soldiers with rifles.²⁰⁶⁴ The returnees sent there were not free to leave,²⁰⁶⁵ and were assigned hard labour to “rebuild” or “refashion” themselves.²⁰⁶⁶ Like others who came to this site, Ong Thong Hoeung was startled by

become a true revolutionary, you must wash your mind clean. That knowledge comes from the teaching of the colonialists and imperialists and it has to be destroyed. You intellectuals who have come back from abroad bring with you the influence of Europe, what we may call the ‘sequels of colonialism.’ So the first thing you must do to make yourself fit to participate in the communist revolution, to put yourself on a par with the ordinary people of Cambodia, the peasants, is to wash your mind”].

2059 **E1/96.1** Rochoem Ton alias Phy Phoun, T. 25 July 2012, 14.29.38-14.31.11 [“After the liberation, the first instructor was Om Khieu Samphan. It was at the Soviet Technical School”]; **E1/100.1** Phy Phoun, T. 1 Aug 2012, 15.26.35-15.35.43 [describing study session at Soviet Technical School at which Khieu Samphan spoke for a “few days” on the “situation after the liberation,” “socialist revolution” and “revolutionary life view”].

2060 **E1/124.1** Chea Say, T. 20 Sept 2012, 13.59.03 [witness attended political study session conducted by Khieu Samphan held at either the Soviet Technical Institute or K-6]; **E3/69** Chea Say WRI, EN 00233152 [“Q: Did you ever participate in the political education? A: I participated many times at the technological institute and Borei Keila ... Q: Who chaired the educational courses? A: Pang opened the sessions. The uncles included Nuon (Nuon Chea) and Ta Khieu Samphan, were the teachers”].

2061 **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150070 [“On arrival in Phnom Penh, nearly all the returnees were first put through twenty-day political education courses”], EN 0115071-72 [describing political education sessions conducted by Khieu Samphan for returning intellectuals at the former Khmer-Soviet Technical Institute in October 1975, December 1975 and February 1976, during which he would lecture for 2 to 3 days on subjects such as “building socialist revolution,” “economic reconstruction and life in revolutionary society,” “communal eating” and relations with Vietnam].

2062 **E1/451.1** Henri Locard, T. 29 July 2016, 11.02.10-11.05.00 [“And Khieu Samphan, when those returning from abroad arrived at the technology institute, during re-education sessions organized for them, the main speaker was Khieu Samphan”].

2063 **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397089 [discussing returning intellectuals: “all of them were first taken to one of two reception centres, the Khmero-Soviet Technical Institute ... [or] Boeng Trabek ... In both places they were put to work at ‘unpleasant’ manual tasks – planting food, clearing swamps, preparing natural fertilizer – and at the same time were subject to political reeducation. At the technical institute the political work was often directed by Khieu Samphan himself, indicating the importance the regime, at least in the beginning, attached to these people”].

2064 **E3/97** Ong Thong Hoeung WRI, EN 00287104-05 [“there were some Khmer Rouge soldiers, some of them armed ... two Khmer Rouge soldiers searched our luggage. They took out books and radios”]; **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785753-54 [“I suddenly took notice in the distance of two young boys taking firm steps towards us, with their rifles slung across their shoulders. They were *Yothea*, aged 15 to 17 years at most ... They searched our bags, through and through ... They confiscated certain ‘suspicious’ objects: cameras, books”], 00785762 [“The unit was surrounded with barbed wire and it was, naturally, forbidden to go beyond it”].

2065 **E3/97** Ong Thong Hoeung WRI, EN 00287104 [“The camp authority, the Angkar, informed us that we could not leave the premises”]; **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785752 [“He provided us with our instructions (it was, for instance, forbidden to go beyond the walls of the building)”]; **E1/455.1** Ros Chuor Siy, T. 11 Aug 2016, 15.37.33-15.39.28 [“We were put in Office K-15. It was like a detention centre. We had no freedom to go anywhere outside that office”].

2066 **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.25.28-15.29.32, 15.37.35-15.40.02 [“The general situation was that we had to rebuild ourselves ... to break the rock in order to build the rice field ... as we were told, to engage in intensive labour was an effective way to rebuild oneself ... Some of us would work with fertilizer number one, which was ... the mixture of feces with urine”], 15.44.03 [“we

the condition of his friends from Paris, who had arrived at K-15 only a few months earlier:

I could not believe how much my friends had changed! It was amazing. They were as skinny as beanpoles, emaciated. We had only been apart for three months. ... Moreover, they were not only skinny; they were also filthy and covered with wounds and spots on their skin. When they smiled, we saw their black teeth. Some of them had almost none left. They looked like they had just returned from Buddhist hell or from Nazi concentration camps.²⁰⁶⁷

505. Ong Thong Hoeung testified that some of those detained with him at K-15 were “taken away,” in particular the returnees from the United States and former soldiers,²⁰⁶⁸ and he identified a fellow K-15 detainee who was taken away and sent to S-21.²⁰⁶⁹

refashioned ourselves in order to become a pure labour or peasants’ class”]; **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785759 [“The next morning at 5, I was woken up by a bell. It was still dark. A half hour later the old-timers were already standing in rows, one behind the other, with their pickaxes in hand ... Shortly afterwards, the unit leader signaled the groups to head to the ‘production battlefield’”], EN 00785762 [daily schedule of “manual labour” that began at 5 am. and continued until 9:30 p.m.]. See also **E3/99** CPK Circular No. 6, *Concerning the Grasp and Implementation of the Political Line in Mobilizing the National Democratic Front Forces of the Party*, 22 Sept 1975, EN 00244277 [“Those living in the Western Europe and America have asked for a return. They are intellectuals. ... We do not want them to live outside the country because this could politically weaken us ... If they return, what will we make them do? We will make them do labour work as those who came in 1972, 1973, 1974. Those who come now will even more deserve to do labour work ... we must train and reeducate them”]

²⁰⁶⁷ **E3/1713** Ong Thong Hoeung, *J'ai cru aux Khmers Rouges*, EN 00785751, FR 00287920. See also **E3/97** Ong Thong Hoeung WRI, EN 00287104 [“We were taken straight to the Khmer Rouge-Soviet technical institute, called Kar 15 at the time. There, I saw most of my old friends, whom I had met in Europe or in France, and who had returned to Cambodia before I did. I immediately felt like I was in a Nazi camp ... What struck me wasn’t so much the camp’s structure, but rather the people’s emaciated appearance”]; **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.25.28-15.29.32; **E1/455.1** Ros Chuor Siy, T. 11 Aug 2016, 14.55.55 [“At Office K-15 I saw friends, especially two elder men whom I met a few months before ... Their physical bodies were very thin and they wore old torn clothes and their appearance looked very upsetting to me”].

²⁰⁶⁸ **E1/103.1** Ong Thong Hoeung, T. 7 Aug 2012, 15.35.52-15.37.35 [“The majority of those people at K-15 were from France, and others from the United States or military soldiers who were later on taken away”], 15.45.51 [“I, of course, saw people who were taken out ... Some soldiers who came with me – they were taken out”]; **E1/104.1** Ong Thong Hoeung, T. 8 Aug 2012, 14.14.39 [“I witnessed that a large number of Cambodian people who stayed there were taken to Ta Lei”]. **E3/97** Ong Thong Hoeung WRI, EN 00287101-02 [witness returned on same flight as “15 officers or non-commissioned officers of the Lon Nol army” who had been “refugees in the United States”], 00287106 [“When we arrived, we stayed together. After that, the soldiers were sent to other places”], 00287107 [“Q: Did you ever attempt to resist? A: Some people tried, including soldiers; but whenever the Khmer Rouge heard that something was awry, they would whisk away the person involved, and the person was never seen after that”], 00287108 [“we did not see the Khmers from the United States. Most of them were nowhere to be seen by then”]; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397090 [Ta Lei internment site included “military personnel who had come back from the United States”]. S-21 records establish that these former soldiers were sent from Ta Lei to S-21 in August 1976 (see e.g. **E3/2017** S-21 List of Prisoners Taken from Ta Lei, EN 00183670-72).

²⁰⁶⁹ **E3/97** Ong Thong Hoeung WRI, EN 00287107 [“I attended the meeting where Koy Chea – who was a journalist in Moscow – talked about himself and apologized for having made his living the way he did. The next day, I realized that he had been removed from the camp. And later, when I was working at Tuol Sleng, I saw his name on the list of Tuol Sleng prisoners ... I saw more than 100 names of people I

506. House arrest of Sihanouk: **Khieu Samphan** was also directly responsible for the most important prisoner in all of Democratic Kampuchea, Norodom Sihanouk. During the initial phase of the DK regime, the Accused was assigned responsibility for the “Front and the Royal Government,”²⁰⁷⁰ which he admits included “maintain[ing] relations with” Sihanouk.²⁰⁷¹ In March 1976, when Sihanouk sought to resign as GRUNK head of state, **Khieu Samphan** presented the issue to the Standing Committee and took part in the deliberations on whether Sihanouk would be allowed to resign and whether to kill him.²⁰⁷² After two meetings, it was decided that Sihanouk would be kept alive, as long as he did not resist, but placed under house arrest.²⁰⁷³ However, the meeting decided to send a wire to Sihanouk’s children inviting them to come to Cambodia immediately for the “New Year’s and independence celebrations,” so that “problem” could be resolved “cleanly.”²⁰⁷⁴ Many of Sihanouk’s children and relatives were killed by the CPK,²⁰⁷⁵ including former GRUNK Minister Prince Norodom Phurissara,²⁰⁷⁶ whose fate was also

knew, people I have not seen since”]; **E3/1713** Ong Thong Hoeung, *J’ai cru aux Khmers Rouges*, FR 00287940; **E3/10604** OCIJ S-21 Prisoner List, No. 3993 [Koy Chea, Broadcaster in Russian Radio, entered S-21 on 23 September 1976]. The OCIJ S-21 Prisoner List contains others from K-15, including a number of people identified as former students from France or other countries (e.g. Nos 626, 1582, 2307, 4687, 5174, 5183, 5806, 6268).

²⁰⁷⁰ **E3/182** CPK Standing Committee Meeting Minutes, 9 Oct 1975, EN 00183393.

²⁰⁷¹ **E3/37** Khieu Samphan WRI, EN 00156754 [describing his assigned responsibilities: “I also had to maintain relations with King Norodom Sihanouk”]; **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103755-56 [“Around October 1975, I was assigned a position within an organization called ‘Office 870’ in which I was responsible for relations with Prince Norodom Sihanouk and his wife, ... who were living in the Royal Palace”]. See also **E3/9** Philip Short, *Pol Pot: History of a Nightmare*, EN 00396539 [describing threat made by the Accused after Sihanouk aide interviewed by a Western newspaper gave a “lurid description of life in revolutionary Phnom Penh”: “Khieu Samphan had responded by sending Sihanouk what the Prince later called a letter ‘of rare insolence,’ warning that ‘by choosing a wrong road, you have nothing to gain and everything to lose’”]; **E3/272** FBIS, *Sihanouk Aide Interviewed on Prince’s Prospects*, 17 Oct 1975, EN 00167514-15.

²⁰⁷² **E3/197** Minutes of Standing Committee Meeting on “The Front,” 11 & 13 Mar 1976.

²⁰⁷³ **E3/197** Minutes of Standing Committee Meeting on “The Front,” 11 & 13 Mar 1976, EN 00182640-41 [“the entire Standing Committee had already agreed, as follows: 1. Do not let Sihanouk leave the country ... In fact, Sihanouk is a tame tiger, with only skin and bones, no claws, no fangs, and his whiskers have been pulled out as well. Therefore, he is just waiting for the day of his death. But if this old tiger is released to walk along the road, the children will certainly be frightened ... We keep him as a dignitary. We do not kill him ... We will maintain him, but if he keeps on struggling to free himself, we must end it”]. See also **E1/92.1** David Chandler, T. 19 July 2012, 15.21.47-15.23.19 [“they simply wanted to get him out of the way ... they felt that it was perfectly safe to remove him from any positions of power and lock him up”]

²⁰⁷⁴ **E3/197** Minutes of Standing Committee Meeting on “The Front,” 11 & 13 Mar 1976, EN 00182641 [“Send a wire for his children to come immediately, explaining that they are coming for the New Year’s and the independence celebrations. We want to resolve this problem cleanly. We must resolve it like this to the benefit of the revolution”].

²⁰⁷⁵ **E3/2350R** Video, *Pol Pot et Les Khmer Rouges*, 42:16-42:45 [Sihanouk statement that 5 of his children and 14 grandchildren died during DK regime]; **E3/2813** Norodom Sihanouk, *Prisonnier des Khmers Rouges*, EN 00359360 [stating that all of his children and grand-children except for two sons by Monique, nearly 20 people in all, disappeared].

²⁰⁷⁶ **E3/30** FBIS, *Sihanouk Names New RGNUC Ministers*, 16 Jan 1975, EN 00166707-08 [“Prince Norodom Phurissara, Minister of Justice and Judicial Reforms”]; **E3/412** Toch Vannarith WRI, A25 [describing

discussed by **Nuon Chea** and **Khieu Samphan** at a different Standing Committee meeting.²⁰⁷⁷

507. Norodom Sihanouk remained under house arrest at the Royal Palace until the very last days of the DK regime,²⁰⁷⁸ under the supervision of **Khieu Samphan**.²⁰⁷⁹
508. *Ministry of Commerce*: Like other DK organisations, the Ministry of Commerce, an entity for which **Khieu Samphan** had oversight responsibilities, was heavily purged during the regime. The Committee of the Ministry of Commerce made decisions, memorialised in writing,²⁰⁸⁰ to arrest and send Commerce workers for interrogation or to the “re-education centre,” including: individuals “linked to” or in the “organizational line” of other persons previously purged,²⁰⁸¹ those who failed to perform work as

Chraing Chamreh (then called M-1 office, later B-60): “I saw educated people such as ... Prince Phuri Sara, a royal family member from overseas”]; **E3/1602** Toch Vannarith WRI, A68-A69, A72-A74 [“Q: You said the intellectuals and the Front cadres were all taken away at once. Did you see they were taken away? A: Yes, I did ... It was probably in late 1976 or early 1977”], A77 [“I remember that the first family to be sent away was Sisowath Phurisara. The rest were sent later in that same year”], referring to list of people in **E3/5679** Sisowath Arayvady Statement, EN 00078082-83 [identifying former GRUNK officials and diplomats at Chraing Chamreh and later Boeng Trabek, and stating: “Under Van Piny, the following ‘departed definitively’: 1. Prince Norodom Phourissara, his wife and a son”]; **E3/1714** Interview of Ong Thong Hoeung and Sauv Him Hong, 29 Feb 1980, EN 00170699. *See also* **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002755, 00002759 [“how well and in what way Khieu Samphan discharged his responsibilities vis-à-vis his 16 former GRUNK and FUNK colleagues can perhaps be inferred from the fact that nine of them were eventually executed ... They are: Hou Youn, Hu Nim, Prince Norodom Phourissara, Tauch Pheuan, Van Piny, Tiv Ol, Chau Seng, Chea San and Huot Sambath”].

²⁰⁷⁷ **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183412 [“Phourissara and a number of other elements cannot be guaranteed. We must be really vigilant”].

²⁰⁷⁸ **E3/20** Elizabeth Becker, *When The War Was Over*, EN 00238146 [“Just two days before the Vietnamese captured Phnom Penh, Prince Norodom Sihanouk was freed from house arrest, apparently at the strong insistence of the Chinese”].

²⁰⁷⁹ **E3/2350R** Video, *Pol Pot et Les Khmer Rouges*, 40:27-41:00 [interview of Norodom Sihanouk: “I would like to soften the regime, but the Khmer Rouge did not listen to me. So in 1976, I resigned. Since then they put me under house arrest ... I saw only one man, Khieu Samphan, from time to time. He came to the Royal Palace”]; **E1/260.1** Elizabeth Becker, T. 10 Feb 2015, 09.52.49-09.55.39, 10.02.22; **E3/20** Elizabeth Becker, *When The War Was Over*, EN 00238146 [“He spoke of his three years of house arrest, sleeping no more than 3 hours each night, pacing the rooms of a small apartment inside the royal palace ... Sihanouk and his entourage saw no one but Khieu Samphan during the first two years”]. *See also* **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103800 [“My other responsibilities were to maintain contact with their Highnesses, Prince Norodom Sihanouk and Princess Norodom Monineath Sihanouk, who lived in the Royal Palace”].

²⁰⁸⁰ **E3/962** Ministry of Commerce Arrest Decision [“Committee of the Ministry of Commerce After Asking for Opinions from the Sections in the Ministry Decides: To arrest and send the following persons to security to interrogate for information: ... Measures were taken on 17 October 1976”]; **E3/174** Ministry of Commerce Arrest Decision [“After consulting with all the sections, Committee of the Ministry of Commerce Decides to: Send the people with the following names to the re-education centre of the security: ... Decide to implement on 17 October 1976”].

²⁰⁸¹ **E3/962** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00333254 [“Pi – City Market Section: In the organizational line of A Pruonh and Pin. Later on he was linked to A Oeun, Pheap and Chheng ... Chhon – Hospital: Under the organizational line of A Pruonh, Pin, Oeun, Pheap and Net in the City Market. At the hospital, he behaved like a playboy”]; **E3/174** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00548780 [“The person called Laom, the deputy group chief of the rice warehouse, an

assigned;²⁰⁸² those who criticised the CPK or DK government;²⁰⁸³ those who tried to flee or escape their worksite;²⁰⁸⁴ and those who committed moral offences.²⁰⁸⁵ The Commerce Committee submitted written reports to *Angkar* every ten days which included a section on the enemy situation detailing the arrests of workers sent to the “Reeducation Office.”²⁰⁸⁶

509. Contemporaneous documents show that in the same month extensive arrests of workers were being decided and carried out by the Commerce Committee,²⁰⁸⁷ it had stopped reporting to Doeun²⁰⁸⁸ and began reporting to **Khieu Samphan**.²⁰⁸⁹ The documentation of arrests at the Commerce Ministry proves both that the Ministry was implementing the same enemy policy as other DK organisations, and that it was doing so with the knowledge and approval of **Khieu Samphan** and other top Party leaders.
510. Arrests and disappearances of workers were widely known amongst Commerce cadres, as testified by witnesses²⁰⁹⁰ and noted in a contemporaneous report from the Ministry.²⁰⁹¹

intimate of Contemptible Eun, a traitorous leader at Thmei market who has already been arrested. The person called Than, a stubborn person who cannot be refashioned; moved freely; connected with the agriculture section ‘group of no good elements such as the person called Rum Eun’”].

²⁰⁸² **E3/174** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00548780 [“Supply Section: The person called Hai – close to Contemptible Sat and At, a child of the deputy chief; they did not do any work. The person called Thi – Contemptible Sat’s close messenger and knows Contemptible Sat’s work a lot: unruly, arrogant; He did not accept to do the work unless assigned by the person called Sat ... Municipal Market Section:... The person named Sen defecated everywhere; he pretended to be insane; he did not do any work”], 00548781 [“Hospital Section: The person called Lay ... When he was transferred from the hospital to do agriculture work, he escaped from doing work and complained that he had stomach ache”].

²⁰⁸³ **E3/174** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00548780 [“The person called Mi said that Democratic Kampuchea will collapse very soon and eats only smelly fish”].

²⁰⁸⁴ **E3/962** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00333254 [“That – Commerce Section: ... joined the ranks of Commerce in Kampong Som after the fall of Phnom Penh. He was gossipy and incited the masses to run bak home. He is complicated about Angkar not allowing him to go home”].

²⁰⁸⁵ **E3/174** Ministry of Commerce Arrest Decision, 17 Oct 1976, EN 00548781 [“Commerce Section: The person called Vat ... committed a moral offence, with a woman; he was arrested by the security; he lied a lot”].

²⁰⁸⁶ **E3/846** Commerce Committee, Ten Day Periodic Report, 24 Oct 1976, EN 00234229 [“At Land Transport, two bad combatants who intended to desert their unit were detained. During interrogation they responded that they had received a bicycle and a motorcycle supplied to them by Iet in the Commerce Motor Pool. The Ministry examined this one and found he was a liberal combatant with many bad contacts and he had already been warned once or twice, and decided to send him to the Reeducation Office on 17-10-76”], 00234230 [“Inside the unit: Those formerly close to bad groups whom we withdrew previously still have many signs which show that they are liberal, complicated and ignore their work. The Ministry has taken the additional measure of withdrawing them to the Reeducation Office, as listed in the report to Angkar dated 21-10”].

²⁰⁸⁷ **E3/962** Ministry of Commerce Arrest Decision, 17 Oct 1976; **E3/174** Ministry of Commerce Arrest Decision, 17 Oct 1976; **E3/846** Commerce Committee, Ten Day Periodic Report, 24 Oct 1976, EN 00234229-30.

²⁰⁸⁸ See **E3/2038** Report from Commerce Committee to Respected and Beloved Brother Doeun, 30 Sept 1976 [last report sent by Commerce Committee to Doeun].

²⁰⁸⁹ **E3/2040** Report from Commerce Committee to Respected and Beloved Brother Hem, 29 Oct 1976.

²⁰⁹⁰ **E1/467.1** Phan Him, T. 31 Aug 2016, 15.24.04-15.31.53; **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov

Arrests took place at Commerce sites that were regularly visited by **Khieu Samphan**, such as the Tuol Tumpung and Kilometre 6 warehouses.²⁰⁹² More than 500 people were arrested from the Ministry of Commerce and State Warehouses and sent to S-21.²⁰⁹³ The individuals arrested included persons connected to the North and East Zones,²⁰⁹⁴ and top cadres who worked under **Khieu Samphan**,²⁰⁹⁵ such as Deputy Minister Nhem,²⁰⁹⁶ Domestic Commerce chief Hong,²⁰⁹⁷ and a husband and wife who worked at the Ren Fung office in Hong Kong. The couple were recalled to Cambodia by the Commerce Committee on 10 December 1978²⁰⁹⁸ and sent to S-21 shortly after their arrival.²⁰⁹⁹

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- 2091 2016, 09.52.22-10.00.23 [describing arrest of her husband, Ministry Deputy Hong, and Hong's wife & grandchildren]; **E3/5647** Beit Boeurn alias Bit Na Statement, EN 00640160, 00640175; **E1/206.1** Sim Hao, T. 12 June 2013, 14.06.49-14.08.34, 14.11.06-14.14.25, 15.54.44-15.58.46; **E1/207.1** Sim Hao, T. 13 June 2013, 13.38.58-13.41.30; **E3/472** Sim Hao WRI, EN 00205031; **E3/4623** Sim Hao WRI, EN 00679709-10, 00679714, 00679716; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 15.16.15-15.17.55; **E3/4594** Ruos Suy Statement, EN 00710558-59, 00710564-65, 00710569-70; **E3/4624** Suon Ri Statement, EN 00699089, 00699091; **E3/437** Yen Kuch WRI, EN 00375485; **E3/5688** Yen Kuch Statement, EN 00662046; **E1/80.1** Sakim Lmut (Sar Kimlomouth), T. 4 June 2012, 11.10.40-11.14.21.
- 2092 **E3/846** Commerce Committee, Ten Day Periodic Report, 24 Oct 1976, EN 00234231 ["Some of the masses are worried after we took measures to remove bad groups for reeducation"].
- 2093 **E1/206.1** Sim Hao, T. 12 June 2013, 13.53.43-13.57.42, 14.11.06-14.14.25, 15.56.19-15.58.46; **E3/363** Sim Hao WRI, EN 00239067-68; **E3/4623** Sim Hao Statement, EN 00679716; **E3/472** Sim Hao WRI, EN 00205031; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 14.15.50-14.18.22, 15.54.55-15.57.05; **E3/4594** Ruos Suy Statement, EN 00710558-59, 00710565; **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 09.54.38-09.58.11, 11.00.11-11.02.30; **E3/5647** Bit Na Statement, EN 00640146, 00640174; **E3/4624** Suon Ri Statement, EN 00699091, 00699099-100; **E1/467.1** Phan Him, T. 31 Aug 2016, 15.24.04-15.27.14.
- 2094 See **Annex F.24** List of Ministry of Commerce S-21 Prisoners; **Annex F.2** Figure 3.4, Ministry of Commerce Arrests by Month at S-21, p. 35.
- 2095 **E1/467.1** Phan Him, T. 31 Aug 2016, 14.01.34-14.04.55, 15.28.28-15.31.53; **E1/502.1** Bit Na, T. 28 Nov 2016, 11.02.30-11.04.04; **E3/5647** Bit Na Statement, EN 00640144, 00640146, 00640149; **E1/206.1** Sim Hao, T. 12 June 2013, 13.57.42-14.01.58; **E3/472** Sim Hao WRI, EN 00205031.
- 2096 See e.g. **E3/2040** Report from Commerce Committee to Brother Hem, 29 Oct 1976; **E3/2041** Report from Commerce Committee to Brother Hem, 1 Nov 1976; **E3/2940** Report from Commerce Committee to Brother Hem, 16 Mar 1977; **E3/334** Telegram from the Commerce Committee to Comrade Sokh, 3 Feb 1978, EN 00647721 ["Sent to Bang Hem for comments before sending to Hong Kong"]; **E3/2524** Letter from FORTRA to Ren Fung, 3 Aug 1978 ["To Brother Hem, Original to Hong Kong, Copy to Brother in person"]; **E3/2520** Letter from FORTRA to Ren Fung, 7 Dec 1978 [Annotation: "One copy was sent to Brother Hem"].
- 2097 **E3/10604** OCIJ S-21 Prisoner List, No. 14623 [Tit Sun alias Nhem]; **E3/1929** S-21 List "State Commerce"; **E1/206.1** Sim Hao, T. 12 June 2013, 14.11.06-14.13.20; **E3/5223** Uong Thea WRI, EN 00239008.
- 2098 **E3/10604** OCIJ S-21 Prisoner List, No. 5490 [Nget You alias Hong entered S-21 on 13 March 1978]; **E3/1833** S-21 Confession of Nget You alias Hong, 5 Apr 1978; **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 09.52.22-10.00.23 ["[Ta Hong] was accused of being a traitor and he was arrested at his office ... Ta Hong had a wife and grandchildren, and all of them were also arrested and taken away"]; **E3/5647** Bit Na Statement, EN 00640175; **E1/206.1** Sim Hao, T. 12 June 2013, 14.11.06-14.13.20; **E3/458** Sao Run WRI, EN 00231698.
- 2099 **E3/1623** Letter from Commerce Committee to Krin and Nath, 10 Dec 1978.
- E3/10604** OCIJ S-21 Prisoner List, Nos 12795 [Oeng or Ing Sok, entered S-21 on 29 Dec 1978], 14849 [Phal Va alias Nat, entered on 30 Dec 1978]; **E3/1532** S-21 Biography of Ing Sok, 29 Dec 1978; **E3/1533** S-21 Biography of Phal Va alias Nat, 30 Dec 1978; **E1/79.1** Sakim Lmut (Sar Kimlomouth), T. 31 May 2012, 15.52.04-15.56.54.

c) Nuon Chea and Khieu Samphan Contribution to Purges of CPK Leaders, Zones, & Autonomous Sectors

511. As members of the Central Committee and regular participants in Standing Committee meetings, **Nuon Chea** and **Khieu Samphan** participated in decisions on whether to purge fellow CPK leaders and the organisations associated with them.²¹⁰⁰ **Khieu Samphan** has admitted that one of the responsibilities of the Office 870 Committee, of which he and Doeun were the only members, was to “monitor suspected members of the Party for the Standing Committee.”²¹⁰¹ When challenged by Stephen Heder on the reasons for the killings of CPK leaders with whom he was friends, **Khieu Samphan** asserted that “[n]ot a single one” of them was innocent.²¹⁰² **Nuon Chea** also admitted his agreement with the purges during his interviews with Thet Sambath:

Nuon Chea does not deny that these party members were killed in purges ordered by the leadership, and reiterates that they were traitors and needed to be “smashed.” In fact, “most of the leaders in the Center were on Vietnam’s puppet strings.” ... Nuon Chea said he was not particularly disturbed when his former comrades and friends were executed. “The Party decided to kill them because they were betraying the party and the nation. I was not scared or sad when they

²¹⁰⁰ **E3/5799** Kaing Guek Eav, T. 15 June 2009, 9.57.30-10.00.45 [describing practices pursuant to which the “Standing Committee made the decision to arrest,” including decisions to arrest “key people”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00 [“the Standing Committee of the Party, in which there was Son Sen and Nuon Chea, was to decide what to do with the confessions ...once he received the confessions, he decided that those people were to be smashed”]; **E3/453** Kaing Guek Eav WRI, EN 00147583 [“it was only S-21 that received cadres of the Central Committee, and in order to arrest them the decision had to be made before hand by the Standing Committee of the Party Centre”]; **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/426** Lonh Dos WRI, EN 00346072 [stating that Son Sen reported to the Party Centre, who approved decisions “to arrest the implicated cadre”]; **E3/1870** Note from S-21 Interrogator Pon to Agriculture Minister Chey Suon alias Non Suon, 15 Nov 1976, EN 00096849 [“Your detention was decided on by the Standing Committee of the Party Centre and not be some other level or part of the Party”].

²¹⁰¹ **E3/37** Khieu Samphan WRI, EN 00156754-56; **E3/557** Khieu Samphan Adversarial Hearing, EN 00153269 [claiming he only learned of the function of the Committee on which he sat after January 1979]. See also **E3/12** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182809 [“Central Office Committee” assigned authority to smash individuals “surrounding the Center Office”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 14.29.12 [““surrounding the Centre Office, to be decided by the Central Office Committee,” here, it refers to Khieu Samphan, who made such a decision as set forth in this paragraph”]; **E3/15** Kaing Guek Eav WRI, EN 00251378; **E1/191.1** Philip Short, T. 8 May 2013, 09.47.42-09.49.37 [Pol Pot assigned Khieu Samphan to investigate matters, and made arrest decisions based on his reports]; **E1/192.1** Philip Short, T. 9 May 2013, 14.06.53-14.08.23 [Khieu Samphan assigned by Pol Pot to investigate “particularly delicate matters” in the provinces]; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002760.

²¹⁰² **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002771 [“As far as you know, there weren’t any cases where somebody innocent was accused? A: No. Q: Not a single one? A: No, none. Q: So everybody who was executed was in fact a traitor? A: Yes, as far as I can grasp”]. See also **E1/221.1** Stephen Heder, T. 10 July 2013, 10.20.53-10.23.29; **E1/222.1** Stephen Heder, T. 11 July 2013, 15.42.13-16.04.08 [confirming statements made by Khieu Samphan during his interview, which was tape-recorded and transcribed].

were killed. They had done wrong and betrayed us, so they received the kind of treatment they deserved.”²¹⁰³

As top Centre leaders, the Accused were aware of and involved in arrests of fellow CPK leaders and the purges of various regions, as demonstrated in the examples below.

512. *Sector 24 Secretary Chhouk*: In 1976, Son Sen asked Duch to prepare a dossier of the confession excerpts implicating Sector 24 Secretary Suos Neou alias Chhouk, telling Duch that the “brothers in [the] upper echelon” were going to meet within the next few days to decide whether he should be arrested.”²¹⁰⁴ Duch prepared seven copies of that dossier for the CPK leaders,²¹⁰⁵ and was informed by Son Sen after the Standing Committee meeting about the decision to arrest Chhouk.²¹⁰⁶ Chhouk was brought from the East Zone to the K-7 Office in Phnom Penh, where he was arrested and sent to S-21 at the end of August 1976.²¹⁰⁷
513. As regular attendees of Standing Committee meetings, both **Nuon Chea** and **Khieu Samphan** would have been present for the discussions about Chhouk, and in a post-79 interview **Khieu Samphan** provided a detailed account of the reasons and process that led to the decisions to arrest Chhouk and Division 170 Secretary Chan Chakrei, noting that “many documents” had been collected “before making a decision.”²¹⁰⁸ Duch was

²¹⁰³ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757530-31.

²¹⁰⁴ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 14.23.00 [“My superior asked me through the telephone that the brothers in upper echelons were about to meet in order to decide on the Secretary of Sector 24 by the name of Chhouk”]; **E3/345** Kaing Guek Eav, T. 18 May 2009, 12.04.12-12.09.31; **E3/61** Kaing Guek Eav WRI, EN 00195577-78 [Son Sen asked him to “gather all the confessions” involving Chhouk because “the brothers were going to meet within the next 3 days to discuss the arrest”]; **E3/5790** Kaing Guek Eav WRI, EN 00414345 [“Chhouk had been implicated in many documents and Son Sen asked me to collect all of the relevant documents in preparation for a meeting of the standing committee”].

²¹⁰⁵ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.27.22; **E3/345** Kaing Guek Eav, T. 18 May 2009, 12.04.12-12.09.31; **E3/61** Kaing Guek Eav WRI, EN 00195578 [“on this occasion, I made 7 copies of the excerpts from the confessions in question”]; **E3/5790** Kaing Guek Eav WRI, EN 00414345 [“along with my team, I worked for 3 days and 3 nights on this issue. The final result was a very thick document that I reproduced in 7 copies for distribution to the members of the standing committee”].

²¹⁰⁶ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 15.04.54-15.05.59 [describing conversation with Son Sen about Standing Committee meeting that determined Chhouk was an “enemy”]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 09.47.56-09.52.03; **E3/61** Kaing Guek Eav WRI, EN 00195578 [“Son Sen told me that he had read the confessions before the Standing Committee and that Pol Pot had asked what the chances were of Suos Neou alias Chhouk being a traitor. Son Sen replied 50%, and Sao Phim laughed, saying that for him, it was 100%”]; **E3/5790** Kaing Guek Eav WRI, EN 00414345.

²¹⁰⁷ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.12.16-15.16.28; **E3/5748** Kaing Guek Eav WRI, EN 00153571; **E3/5790** Kaing Guek Eav WRI, EN 00414348; **E3/342** OCP Revised S-21 Prisoner List, No. 10192 [Suos Nov alias Chhouk, Secretary of Sector 24, entered S-21 on 28 Aug 1976]; **E3/2494** S-21 Confession of Suos Neou alias Chhouk, 1 Sept 1976, EN 00796081 [cover page: “Arrested on 31 August 1976”].

²¹⁰⁸ **E3/4023** Khieu Samphan Interview [transcript of video **E3/4023R**: “it is imperative that we distinguish the arrests approved by Salot Sar or Pol Pot himself along with Standing Committee from those made by the respective arbitrary authority of others in the various Sectors and Zones ... Kindly be informed of two arrests – the very first of all were the arrest of Mr. Chan Chakrei, the Chairman of Division 170 in

told by a member of the special force team that arrested Chhouk that **Nuon Chea** had watched the arrest.²¹⁰⁹ Chhouk was one of the former CPK leaders who was specifically identified as a traitor in the Party's *Revolutionary Flag* magazine.²¹¹⁰ He was subjected to psychological and physical torture at S-21 in order to force his confession.²¹¹¹ His execution was personally witnessed by Duch, on orders from Son Sen.²¹¹²

514. *Koy Thuon*: Koy Thuon alias Thuch, who served as the Secretary of the North Zone in the pre-75 period and the Minister of Commerce after 17 April 1975, had been a regular participant in Standing Committee meetings with **Nuon Chea** and **Khieu Samphan** until his arrest in April 1976.²¹¹³ As **Khieu Samphan** has acknowledged, Koy Thuon was held under house arrest for approximately nine months at the premises of K-1,²¹¹⁴ a

the East Zone and the arrest of Mr. Chhouk, Secretary of Sector 24 ... I am familiar with Pol Pot's working style. On whatever issue, he always needed to collect many documents, to collect information, to gather a great deal on a situation before making a decision"]; **E3/4024** Khieu Samphan Interview, EN 00788870 [transcript of video **E3/4024R**: "with the arrests, he collected much information; he had to assemble a lot of information. As long as I knew him, Mr. Pol Pot implemented that principle"]; **E3/4035** Khieu Samphan Interview, EN 00789052 ["Standing Committee decided to arrest Chan Chakrei"]; **E3/4036** Khieu Samphan Interview, EN 00790622 [transcript of video **E3/4036R**: "to be more precise, the fighting had taken place in Chhouk's sector. So according to Pol Pot's understanding, Chhouk could have been mixed up in it with others"]].

- ²¹⁰⁹ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 15.14.34-15.19.50 ["Sri, one of my special forces, said Brother Nuon ... was trying to look at the situation ... Comrade Sri saw this and he reported it to me"]; **E3/5748** Kaing Guek Eav WRI, EN 00153571 ["Sri also witnessed Nuon Chea observing the scene"]; **E3/65** Kaing Guek Eav WRI, EN 00147523 ["when the Party decided to hand Sao Chhouk, Secretary of East Zone Sector 24, over to S-21, Nuon Chea was the one who personally went to inspect and monitor at the Central Messenger Office"].

- ²¹¹⁰ **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 ["The despicable Chakrei, the despicable Chhouk, the despicable Thuch, the despicable Doeun, the despicable Phim, the despicable Sy, the despicable Keo Meah and the despicable Chey were all CIA. The only difference among them was that some of these CIAs were more on the American side while others were more on the Yuon side"].

- ²¹¹¹ **E3/2990** Report from Duch to Respected Brother re "the successive work of interrogating VIII," 26 Sept 76, EN 00284028-29 ["When it was proposed that he confess, VIII exploded in anger. Later VIII reacted in various ways, eating paper, for example. But after reaching a political dead-end, with us having sufficient documentation, and after being tortured twice, VIII agreed to confess ... this is why he was fighting within his own ideology and had been unable to sleep or eat for nearly one month"].

- ²¹¹² **E3/5801** Kaing Guek Eav, T. 17 June 09, 09.25.27-09.28.41; **E3/5790** Kaing Guek Eav WRI, EN 00414346.

- ²¹¹³ **E3/227** CPK Standing Committee Minutes, 2 Nov 1975; **E3/229** Minutes of Standing Committee Meeting on "National Defense Matters," 22 Feb 1976; **E3/230** Minutes of Standing Committee Meeting on "Economic Matters," 22 Feb 1976; **E3/217** Minutes of Standing Committee Meeting on "Problems on the Eastern Frontier," 11 Mar 1976; **E3/233** Minutes of Standing Committee Meeting on "Commerce," 13 Mar 1976 [last Standing Committee meeting with record of Koy Thuon's attendance].

- ²¹¹⁴ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498273 ["Even though Koy Thuon had been in custody since April 1976, ... it was not until 15 January 1977, nine months later, that the Standing Committee sent him to S-21 for interrogation"]; **E3/5810** Kaing Guek Eav, T. 25 Nov 2009, 11.11.40 ["Koy Thuon was placed under house arrest from the 8th of April 1976"]; **E3/355** Kaing Guek Eav WRI, EN 00242874 ["Koy Thuon was under house arrest for about 8 months. I remember clearly that he arrived at S-21 on 25 January 1977"]; **E3/10604** OCIJ S-21 Prisoner List, No. 14027 [Koy Thuon confession records note that he was "arrested from Central Market at 8 am on 8/4 for house detention"]; **E1/71.1** T. Pean Khean, 2 May 2012, 16.00.46 [testimony of former Koy Thuon messenger who later worked as guard at K-1, describing occasion he saw Koy Thuon after his arrest: "Pang asked me to bring

site visited on almost a daily basis by both Accused.²¹¹⁵ Under these circumstances, there can be no doubt that both **Khieu Samphan** and **Nuon Chea** were privy to the arrest of Koy Thuon. He was also one of the CPK leaders whose purge was openly discussed in *Revolutionary Flag*.²¹¹⁶ **Nuon Chea** spoke at length about Koy Thuon, and the reasons for his arrest, in his interviews with Thet Sambath,²¹¹⁷ stating:

Koy Thuon was the first one we found had betrayed the organization ... After we arrested him we saw that there were many people under him and we knew that our internal organization was not clean.²¹¹⁸

515. Purge of North Zone: Koy Thuon's interrogation at S-21 was personally conducted by Duch.²¹¹⁹ After his first confession was extracted and delivered to Son Sen, Duch was told of the impending purge of the numerous cadres implicated by Koy Thuon.²¹²⁰ Central Zone Secretary Ke Pauk described a meeting in Phnom Penh in early 1977 called by **Nuon Chea** and Pol Pot to discuss the purge of his zone, at which the "upper brothers" presented Pauk with detailed documents listing the zone cadres "accused of being CIAs."²¹²¹ Following that meeting, a massive purge of the zone began, starting in

chicken to Koy Khuon, when he was at a location to the south of Om Pol's house. He was about [300] meters from Om Pol's location"; **E1/72.1** Pean Khean, 3 May 2012, 09.24.31-09.27.38 [stating that Koy Thuon was "detained alone" in structure "surrounded by wall"].

- ²¹¹⁵ **E1/156.1** Sa Vi, T. 8 Jan 2013, 09.42.35-09.47.08 ["Q: Did any other senior leaders of the Khmer Rouge reside at K-1? A: I saw other leaders, including Uncle Ieng Sary, Nuon Chea, Khieu Samphan, who came and went to the office. Every time they came to the meetings and worked, they would stay there. ... I saw them almost every day. They came to the place very often"], 11.13.56-11.18.36; **E1/503.1** Seng Lytheng, 29 Nov 2016, 09.49.30-09.52.02 ["Q: And when you were sent to K-1 and when you worked there as a guard and messenger, who were the leaders who you saw who lived or worked there on a daily basis? A: K-1's leaders included Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary"]; **E3/462** Seng Lytheng WRI, EN 00223564 [witness saw Pol Pot, Khieu Samphan and Nuon Chea "everyday" at K-1]; **E3/37** Khieu Samphan WRI, EN 00156755 [Standing Committee meetings "often held at K1 office"]; **E1/86.1** Oeun Tan, T. 13 June 2012, 11.05.01 ["Pang worked with Pol Pot, Nuon Chea, and Khieu Samphan at K-1 location"], 11.52.44-11.54.56 ["At K-1, it was the workplace for all leaders"].
- ²¹¹⁶ **E3/170** *Revolutionary Flag*, Oct-Nov 1977, EN 00182553 ["once the contemptible Thuch was out, he just did things according to his own stance. After a period, enemies were swarming all over Zone 304. This guy was an enemy"]; **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185330 ["We see that the defence situation in 1977 is good because we are rid of the despicable Thuch, the despicable Ya and the despicable Chakrei"], 00185333 ["the despicable Thuch"].
- ²¹¹⁷ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757532-34 ["He spoke extensively of Koy Thuon's wrongdoings during many of our interviews"].
- ²¹¹⁸ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757534-35.
- ²¹¹⁹ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.12.14-15.14.58 ["There was one prisoner that I was strictly instructed from the upper echelon to interrogated myself – that is, Koy Thuon"].
- ²¹²⁰ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 ["they planned to arrest the North Zone network because there were implications in Koy Thuon's confession"], 15.44.23-15.46.30 ["Son Sen kept calling me about the result of his confessions ... I did not even finish recording it properly when the man came to collect it from me"]; **E3/394** Kaing Guek Eav WRI, EN 00398230 ["Regarding the purges in the North Zone, ... I spoke about this to Son Sen and he told me that these arrests were the result of Koy Thuon's confession"]; **E3/45** Kaing Guek Eav WRI, EN 00205162-63.
- ²¹²¹ **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089713 ["as I arrived in Phnom Penh, I met Pol Pot and Brother Nuon Chea. They showed me documents of all regions and ministries ... I said, 'It is difficult to

mid-February 1977 with the arrests of almost all zone, sector, and district committee members.²¹²² Southwest cadres sent to take over the Central Zone, including Tram Kak District Secretary Pech Chim, stopped on their way to Kampong Cham for a meeting in Phnom Penh with Pol Pot, **Nuon Chea**, Son Sen and other Centre leaders, and were instructed by Pol Pot to “deal with” the traitors in that zone.²¹²³ Over 500 people from the North Zone were sent to S-21,²¹²⁴ and Ke Pauk stated that by the time the purge was over: “there was only me left.”²¹²⁵

516. *Soeu Vasi alias Doeun*: Doeun entered S-21 on 16 February 1977.²¹²⁶ He also had been a regular attendee at Standing Committee meetings with **Khieu Samphan** and **Nuon Chea**,²¹²⁷ and he and **Khieu Samphan** were the sole members of the Political 870 Committee.²¹²⁸ **Khieu Samphan**’s wife testified that Doeun often ate meals with her husband at K-3 before he disappeared.²¹²⁹ Accordingly, **Khieu Samphan**’s claim to OCIJ that he did not know Doeun was arrested, because he may have just been

say, because all comrades are life-and-death friends. However, if Angkar has decided already, I do not have any complaint.’ Some soldiers served me since 1968, but they were accused of being CIAs. I did not know what to do, except telling them, ‘I just put them forward for the higher level [upper brothers]’]. See also **E3/394** Kaing Guek Eav WRI, EN 00398230 [“I know that Ke Pauk came to Phnom Penh at the time of the purges, in early 1977, because Son Sen told me about it”].

²¹²² **E3/2956** S-21 List of Persons from the North Zone, 1 February 1977 to 27 March 1977 [listing 94 cadres sent to S-21 between mid-February and late March]; **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089705-06, 00089713 [describing arrests conducted by “security vehicle from Phnom Penh” of zone ministry secretaries, military committee, sector committees, district committees and “some commune chiefs”].

²¹²³ **E1/290.1** Pech Chim, T. 22 Apr 2015, 15.23.29-15.38.39 [“Only Pol Pot spoke at that meeting. And he simply said that there were traitors in the Central Zone”]; **E3/9587** Pech Chim WRI, A60 [“the high-ranking people included Pol Pot, Ta Mok, Nuon Chea, Ke Pauk and Son Sen”], A63 [“As for the Southwest Zone, Ta Mok, approximately 10 other people and I attended that meeting. The meeting was held to receive plans from the upper echelon”], A64-A65 [“During the meeting, Pol Pot said about betrayal in the Zones, and it was also written on blackboards ... Pol Pot did not use the word ‘purges.’ He said that ‘this zone is traitorous; I assign you Comrade to go! You are my right-hand man; deal with it. Can you do it?’”]. See also **E1/378.1** Prak Yut, T. 19 Jan 2016, 13.54.34-13.56.29 [“We left Kampot and then we stopped over in Phnom Penh. And we stopped at a location that belongs to the Central Zone and I spent overnight there”], 14.12.31-14.15.50 [admitting she heard about the meeting with Pol Pot and Nuon Chea, but claiming she did not have an “important position that allowed me to attend”]; **E3/9476** Prak Ny WRI, A10-A11.

²¹²⁴ See **Annex F.2** Figure 6.6, *North Zone Arrests by Month at S-21*, p. 56. See also **E3/3861** S-21 List, “List of Prisoners Smashed on 8-7-77, North Zone” [173 prisoners from the Central (old North) Zone killed at S-21 on 8 July 1977]; **E3/2957** S-21 Prisoner List, “Central Zone” [list of 59 Central Zone cadres who entered S-21 from 14-19 November 1977].

²¹²⁵ **E3/2782 (& E3/2783)** Ke Pauk Interview, EN 00089706, 00089713.

²¹²⁶ **E3/10604** OCIJ S-21 Prisoner List, No. 14596.

²¹²⁷ **E295/6/1.2** Table of Attendance at Standing Committee Meetings [showing Doeun present for 12 of 18 surviving minutes with attendance lists, only behind Nuon Chea (18), Pol Pot (17) and Khieu Samphan (16)].

²¹²⁸ **E3/37** Khieu Samphan WRI, EN 00156754.

²¹²⁹ **E1/206.1** So Socheat, T. 12 June 2013, 09.34.24-09.38.04, 09.42.40-09.44.15.

travelling (for two years),²¹³⁰ was a blatant lie, particularly in view of the fact Doeun was named as a traitor in *Revolutionary Flag* and his arrest was no secret.²¹³¹ **Nuon Chea**, on the other hand, was bluntly honest when asked by Thet Sambath about Doeun, saying “matter-of-factly that Doeun was killed because he was ‘Koy Thuon’s string.’”²¹³²

517. Minister of Propaganda Hu Nim: When Hu Nim was arrested, he immediately wrote a letter expressing his innocence addressed to “Brother Pol, Brother Nuon, Brother Van, Brother Vorn, Comrades Khieu and Hem.”²¹³³ The CPK leaders to whom Hu Nim addressed his letter reflected his understanding, as an insider, on who had authority to decide his fate.²¹³⁴ **Khieu Samphan** has indicated that his close colleagues Hu Nim and Hou Youn were killed because of their disagreement with Party policy.²¹³⁵ Yet less than a week after the arrest of Hu Nim,²¹³⁶ **Khieu Samphan** continued to urge implementation of the CPK policy to “wipe out the enemy ... neatly and thoroughly.”²¹³⁷ He made such statements with full knowledge that the persons who would be killed as “enemies” included anyone who dissented, opposed or disagreed with the Party.²¹³⁸

²¹³⁰ **E3/37** Khieu Samphan WRI, EN 00156753 [discussing Soeu Vasy alias Doeun: “He was arrested in 1977, but I only discovered that fact after the fall of the Khmer Rouge, that is, after 1979. I was not surprised by his absence because, as I have said, each of us had to concentrate on his or her own tasks. He travelled quite a lot, Doeun. No one knew where he was except the members of the Standing Committee”]. See also **E3/210** Khieu Samphan WRI, EN 00156948-49.

²¹³¹ **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333. See also **E3/456** Kaing Guek Eav WRI, EN 00198883 [“everybody knew that there were disappearances and massacres. Khieu Samphan was undoubtedly all the more aware, since Pol Pot liked him and considered him as his pupil, and gave him privileged information”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.17.44-09.27.23; **E1/451.1** Henri Locard, T. 29 July 2016, 15.15.21-15.17.01 [in response to whether Khieu Samphan could have been ignorant of CPK’s security policies: “Unless His Excellency Khieu Samphan was completely blind and unless his ears were plugged, ... this would have been impossible”].

²¹³² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757534 [“Soon after Koy Thuon was taken into custody, Doeun was arrested. Nuon Chea said Doeun was ‘Koy Thuon’s man, as Koy Thuon had pushed for his people to be appointed to the Center office’ ... Nuon Chea said, matter-of-factly, that Doeun was killed because he was ‘Koy Thuon’s string’”].

²¹³³ **E3/1550** Letter from Hu Nim alias Phoas, 10 Apr 1977, EN 00249844-45 [letter also indicates that Hu Nim was arrested when “Pang called me on the phone to work with Angkar”]; **E1/56.1** Kaing Guek Eav, T. 29 March 2012, 15.58.12.

²¹³⁴ **E1/93.1** David Chandler, T. 20 July 2012, 11.03.48-11.05.18 [“these are the revolutionary names of the members of the Party Centre ... Hu Nim was high enough up in the Party hierarchy to know”], 14.02.08 [“he knew exactly who the leaders were of the Party ... he was an insider”].

²¹³⁵ **E3/37** Khieu Samphan WRI, EN 00156757 [“I would not have survived if I dared to reveal any disagreement or objection to anything. The obvious example of that was the case of Hu Nim and Hou Youn”].

²¹³⁶ **E3/10604** OCJ S-21 Prisoner List, No. 1959 [Hu Nim alias Phoas, Secretary of Ministry of Propaganda, entered S-21 on 10 April 1977, executed 6 July 1977].

²¹³⁷ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419513.

²¹³⁸ See also **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14, 14.58.33-15.01.24; **E1/467.1** Chea Dieb, T. 31

518. West Zone Secretary Chou Chet: Duch testified that Pol Pot invited **Khieu Samphan**, instead of Vorn Vet, to the meeting that decided on the arrest of West Zone Secretary Chou Chet.²¹³⁹ **Khieu Samphan** acknowledged his involvement in investigations of West Zone cadres when interviewed by Stephen Heder, describing one occasion in which they found a “comrade in the west” had been falsely accused.²¹⁴⁰ This is consistent with the evidence (discussed above) of the role of the Office 870 Committee in monitoring suspect cadres.
519. Purge of Northwest Zone: Civil Party 2-TCCP-223, whose uncle was the chairman of the Northwest Zone Office, was brought to Phnom Penh for political reeducation after the June 1977 arrests of his uncle, father and other zone cadres.²¹⁴¹ He testified that, before the arrests of the Northwest Zone cadres, **Nuon Chea** came to Battambang for meetings with Northwest Zone Secretary Ros Nhim and Deputy Keu.²¹⁴² After his arrest, the Civil Party attended a three-day political reeducation workshop for hundreds

Aug 2016, 09.06.49-09.08.31 [testifying that Khieu Samphan was present on the podium at Borei Keila at event in which Hu Nim’s messenger publicly denounced him].

²¹³⁹ **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 14.30.27-14.32.36, 15.27.22-15.29.05 [“And when Chou Chet was to be arrested, the decision was made in the meeting, and at that time Pol Pot did not ask Vorn Vet to attend the meeting but he invited Brother Hem ... instead of Brother Vorn”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 09.16.52-09.24.31, 11.37.45-11.43.50; **E3/453** Kaing Guek Eav WRI, EN 00147584; **E3/356** Kaing Guek Eav WRI, EN 00242901; **E3/61** Kaing Guek Eav WRI, EN 00195578.

²¹⁴⁰ **E3/203** Khieu Samphan Interview (by Stephen Heder), 4 Aug 1980, EN 00424016 [in response to whether there were people in the upper echelon falsely accused of being CIA or Yuon agents: “Yes, there was a comrade in West. ... They accused him. However, they were not successful because we investigated the case in a timely manner”]; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002771 [referring to above statement by Khieu Samphan: “This was evidently an allusion to the investigation he conducted in the West Zone in August 1977, and Pol Pot’s resulting decision to kill Zone Secretary Chou Chet, but not his deputy, Heng Pal”].

²¹⁴¹ **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 10.03.02-10.10.25 [describing disappearance of his uncle Say, who was chief of the Northwest Zone Office, and his father Sau Chim alias Chet, who was chairman of a Zone factory]; **E3/9477** 2-TCCP-223 WRI, A47-A48, A53-A54; **E3/10604** OCIJ S-21 Prisoner List, No. 10054 [So Chim alias Chet, Chief of Textile Factory in Battambang, entered S-21 on 28 June 1977]; **E3/9996** S-21 Daily Control List of Prisoners, 30 July 1977 [handwritten note that “Sau Chim alias Chèt, chief of textile factory in Battambang, died from dysentery and severe wound to the back”]; **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 10.11.31 [“Q: Was your father in good health or poor health the last time you saw him before his arrest? A: My father was in good health and he did not have any disease”]; **E3/9646** S-21 List of Prisoners Entering on 26 June 1977, KH 01017054 [No. 26 - Ruoh Mao, Chief of NW Zone Office]; **E3/2285** S-21 List of Prisoners Smashed on 18 October 1977, EN 00873637 [No. 35 - Ruos Mao alias Say].

²¹⁴² **E3/9477** 2-TCCP-223 WRI, A49 [“Q: Did you know who ordered the arrests of your father and uncle? A: I knew that each arrest had an order issued from the Party Centre. Before each arrest, there was a meeting led by Pol Pot with Ruos Nhim, and there were other meetings led by Nuon Chea with Kân alias Keu”], A51-A52 [“I remember that Nuon Chea attended the meetings there 3 times, once in 1976 and twice in 1977 ... Q: How did you know that those meetings discussed about the arrests of people? A: My older uncle Say told me about that because he also attended those meetings”]; **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 11.03.00-11.10.39 [“Nuon Chea came to chair meetings at the Battambang University, and I personally saw him there”].

of people from the Northwest Zone, at which **Nuon Chea** spoke.²¹⁴³ During this reeducation session, **Nuon Chea** talked about the Northwest Zone cadres who had been arrested, asserting that 2-TCCP-223's uncle Say was a "traitor of the Party" who had worked with the CIA.²¹⁴⁴ Some of the participants in the reeducation session conducted by **Nuon Chea** were subsequently arrested and taken away.²¹⁴⁵

520. Preah Vihear (Sector 103 of new North Zone): **Khieu Samphan** has admitted he was aware during the DK regime of mass arrests in Preah Vihear province, which arrests included relatives of his wife.²¹⁴⁶ Meas Voeun, who was appointed Secretary of Sector 103 in August 1978,²¹⁴⁷ testified that he received a telegram from **Khieu Samphan** instructing him to report on the situation in the sector and to check on the well-being of the Accused's relatives.²¹⁴⁸ Meas Voeun recalled informing the Accused that his sister-in-law (Yeat), who had been the head of women in Sector 103,²¹⁴⁹ was detained at Siem Reap.²¹⁵⁰ Following **Khieu Samphan's** intervention, his in-laws were released,²¹⁵¹ but 700 other purge victims remained imprisoned in the North Zone security office.²¹⁵²

²¹⁴³ **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 09.48.18-09.56.20, 11.14.18-11.20.45 ["we were sent to attend the meeting chaired by Nuon Chea ... the total number of people including the elders, the youths, came up to hundreds ... Q: Do I understand correctly that the other people that were sent from Battambang were also people like yourself whose relatives had been arrested; is that right? A: That is correct"]; **E3/9477** 2-TCCP-223 WRI, A61; **E3/5000** 2-TCCP-223 CPA, EN 00793364.

²¹⁴⁴ **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 09.45.06-09.48.18 ["In 1977, I received information from Nuon Chea, who had brought me to 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 ... He explained to us that a number of people in the leaders of the Northwest Zone were traitors"]; **E3/9477** 2-TCCP-223 WRI, A54, A62 ["He said that the Party arrested Say (my uncle) who was the ringleader of traitors and the one who provided information to the American CIA"]; **E3/5000** 2-TCCP-223 CPA, EN 00793364 ["In the workshop, Nuon Chea had spoken about the guilt of those whom Angkar had taken to execute and told the participants that the murdered were traitors against the Party"].

²¹⁴⁵ **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 11.29.58-11.35.35; **E3/5000** 2-TCCP-223 CPA, EN 00793364.

²¹⁴⁶ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103794 ["Near the middle of 1978, I did hear of massive arrests and atrocities committed in Preah Vihear province. It was my wife who, in tears, told me of the atrocities committed against her brothers, her relatives, and many other innocent victims"].

²¹⁴⁷ **E3/424** Meas Voeun WRI, A9-A11, A19 ["I went to control sector in Preah Vihear in August 1978"]; **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.26.30-14.28.34 ["the sector was known as autonomous sector and it was supposed to report directly to Khieu Samphan"], 15.11.31-15.16.07; **E3/420** Prum Sou WRI, EN 00422379-80.

²¹⁴⁸ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.11.45-14.15.14, 14.17.15 ["He instructed me to follow-up with the welfare of his relatives and if they were facing hardship then they should be sent to Phnom Penh"], 14.25.15-14.26.30; **E1/131.1** Meas Voeun, T. 8 Oct 2012, 14.08.50-14.13.46; **E1/132.1** Meas Voeun, T. 9 Oct 2012, 11.28.53, 14.08.31-14.10.47; **E3/424** Meas Voeun WRI, A13, A18.

²¹⁴⁹ **E3/420** Prum Sou WRI, EN 00422380 ["The survivors include ... Bang Yiet (female) who was the head of women of Sector and also was the elder sister-in-law of Ta Khieu Samphan"].

²¹⁵⁰ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.13.35, 14.17.15-14.25.15 [confirming he reported to Khieu Samphan that his sister-in-law Yeat was detained at Siem Reap]; **E3/424** Meas Voeun WRI, A14.

²¹⁵¹ **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.21.10-14.23.22 [describing release of Yeat by North Zone Secretary Ta Soeung]; **E1/132.1** Meas Voeun, T. 9 Oct 2012, 14.08.31-14.10.47 ["Ta Soeung had to make some contacts with the military there. And with some investigation and inquiries, then the release

521. **Nuon Chea** also had knowledge of and responsibility for the purge of this region. In late 1977, he presided over a meeting at the Sector 103 office in Preah Vihear province, at which he instructed sector cadres to be “vigilant” about internal enemies “burrowing inside,” such as CIA and KGB.²¹⁵³ In the days and weeks following the **Nuon Chea** meeting, there was a series of arrests of Sector 103 cadres, including the former Sector Secretary Bou Phat alias Hang and his family.²¹⁵⁴ **Nuon Chea** was also specifically aware that the purges in this region included “policemen, soldiers and government officials” from the prior regime.²¹⁵⁵
522. *Standing Committee Member Vorn Vet*: Both **Khieu Samphan** and **Nuon Chea** worked with Vorn Vet at K-3²¹⁵⁶ and attended Standing Committee meetings with him.²¹⁵⁷ Vorn

of elder sister of Mr. Khieu Samphan was made”]; **E3/424** Meas Voeun WRI, A20; **E3/420** Prum Sou WRI, EN 00422379-80 [stating that one of the other survivors of the Siem Reap Security Centre was “Bang Chhorn ... brother-in-law of Ta Khieu Samphan”].

²¹⁵² **E1/130.1** Meas Voeun, T. 4 Oct 2012, 14.19.13-14.21.10 [testifying that North Zone security office in Siem Reap had “up to 700 prisoners”], 14.28.34-14.32.40 [confirming that when he went to the Siem Reap prison, Khieu Samphan’s sister-in-law was the only prisoner released].

²¹⁵³ **E1/194.1** Prum Sou, T. 21 May 2013, 10.55.42-11.00.40 [“Q: At the meeting that you attended, did Nuon Chea talk about the enemy situation, such as presence of agents from the CIA and KGB? A: To my recollection, he spoke about that: that we, at the base, had to be vigilant because the enemy conducted their activities burrowing inside”]; **E3/420** Prum Sou WRI, A6, A10 [“Ta Nuon Chea talked about the situation in the whole country; the forces, like CIA and KGB that tried to disturb the Democratic Kampuchea and to infiltrate and sap from within”]. See also **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757499 [admission by Nuon Chea of trip to Preah Vihear during DK regime].

²¹⁵⁴ **E1/194.1** Prum Sou, T. 21 May 2013, 11.05.17-11.07.17 [“It was not long after that meeting was held; Hang disappeared, and the arrests began – that is, the arrests for cadres in all units, including the sector office. And the family, and the relatives, and the children of Hang were also arrested”]; **E3/420** Prum Sou WRI, A10; **E3/425** Seng Kimoeun WRI, EN 00421613 [Hâng and his deputies were “invited” by upper echelon to re-education in Phnom Penh, and “many cadre of Sector 103 were arrested”]; **E3/10604** OCIJ S-21 Prisoner List, No. 120 [Sector 103 Secretary Bou Phat alias Hang entered S-21 on 4 Jan 1978], Nos 1932-1933 [Dom Phem alias Pin, the wife of Sector Secretary Hang, and her 65-year old father Dom Pok entered S-21 on 16 Jan 1978]; **E3/918** Telegram 254 from Sè to Committee 870, 10 Jan 1978, EN 00182758 [report from North Zone Secretary Kang Chap alias Sè, copied to “Uncle Nuon”: “I did appoint Comrade Bun Chan as Assistant at Sector 103. So when I go there I will send more crocodiles to the organization, please receive them”]; **E3/996** Telegram 313 from Sè to Committee 870, 19 Mar 1978, EN 00436996 [report copied to Uncle Nuon: “As far as the hidden enemies in Preah Vihear areas are concerned, after the enemies have been purged, no incidents are observed”]; **E3/1077** Telegram 324 from Sè to Committee 870, 10 Apr 1978, EN 00340539-40 [telegram with annotation “Uncle Nuon” references the previous arrest of “Hang and all of his henchmen in Chaom Ksan district and in Sector 103 military unit,” and reports: “We are continuing to purge the remaining group continuously, including those who oppose our revolution openly and secretly ... In Sector 103, we carry out the purge of the hiding-burrowing-enemy”].

²¹⁵⁵ **E3/1144** Telegram from Sè to Committee 870, 5 Sept 1977, EN 00517923 [telegram copied to “Uncle Nuon” states: “enemies who were former officials, policemen or soldiers of the previous regime were discovered one after another”]; **E3/996** Telegram 313 from Sè to Committee 870, 19 Mar 1978, EN 00436995-96 [telegram copied to “Uncle Nuon” that the Zone had “systematically purged” enemies associated with former “policemen, soldiers and government officials” and planned “to arrest more people”].

²¹⁵⁶ **E3/858** List of K-Office Cadres, EN 00391725-26 [identifying guards for “Uncle II,” “Brother Hèm” and “Brother Vorn” who were based at K-3]; **E1/208.1** Leng Chhoeung, T. 17 June 2013, 13.56.17-14.01.37

Vet and his deputy Cheng An were arrested on 2 November 1978 after the conclusion of the 5th Party Congress,²¹⁵⁸ in view of other members of the Central Committee.²¹⁵⁹ **Nuon Chea** and **Khieu Samphan** were present at this Congress, where they were reappointed to their positions on the Standing and Central Committees.²¹⁶⁰

523. In a 2006 interview, **Khieu Samphan** stated that Vorn Vet was “arrested because he also [was] one of the Vietnam bodies hidden in the Communist Party of Kampuchea.”²¹⁶¹ Ieng Sary attributed the decision to arrest Vorn Vet and Northwest Zone Deputy Secretary Kong Sophal alias Koe (or Keu) to Pol Pot, **Nuon Chea**, and Son Sen.²¹⁶² Vorn Vet was tortured using ice water and a fan during his interrogation.²¹⁶³ Duch has stated that **Nuon Chea** followed the interrogation of Vorn Vet “closely” and

[witness saw Vorn Vet at K-3 office “once in a while”]; **E3/385** Leng Chhoeung WRI, EN 00360131 [“Vorn Vet was also at the K-3 office”].

2157 See **E295/6/1.2** Table of Attendance at Standing Committee Meetings.

2158 **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 10.18.21 [“when Vorn Vet was arrested he was arrested at the Central Office”], 10.22.09 [“it was on the 2nd of November 1978”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.29.32 [“Lin called me and said, ‘Duch, be ready to receive 3 packages, 3 big packages.’ Of course it included Brother Vorn, Kong Sophal, the Secretary of the Northwest, and Brother Cheng An”]; **E3/106** Kaing Guek Eav WRI, EN 00177636 [“Vorn Vet and his deputy Cheng An were arrested at the headquarters of the Standing Committee (Office 870) by Comrade Lin and his men”]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417617 [“After the Party Congress before the Yuon came in 1978, after the end of the Party Congress, that night Vorn Vet was arrested”]; **E3/1681** S-21 Confession of Cheng An, EN 00864642 [“Confessed on 03-11-78”]; **E3/3192** S-21 Confession of Kung Sophal alias Koe alias Keu, 4 Nov 1978, EN 00797073; **E3/10604** OCIJ S-21 Prisoner List, No. 14514 [Penh Thuok alias Sok alias Vorn Vet entered S-21 on 2 November 1978]; **E3/816** Notes from 5th Party Congress, 2 Nov 1978.

2159 **E3/2782 (E3/2783)** Ke Pauk Interview, EN 00089715 [“In 1978 before the Vietnamese invaded Cambodia, when we were conducting the 5th General Assembly ... Pol Pot told me to stay waiting to see a movie. I was wondering of what was going on. I decided to stay in the building of the Central Committee. To my amazement, at one in the morning, they captured Ta Keu and Vorn Vet”]; **E3/394** Kaing Guek Eav WRI, EN 00398234 [“Ke Pauk told to me, when we met in 1988 or 1989 in Thailand, that after a Central Committee meeting, Pol Pot has asked the participants to stay and watch a film projection; that Ta Mok had ordered the arrest of Ta Keu and Vorn Vet”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.20.19-11.24.30 [describing joke made by Nuon Chea’s wife about same incident].

2160 **E3/203** Khieu Samphan Interview, 4 Aug 1980, EN 00424014; **E3/816** Notes from 5th Party Congress, 2 Nov 1978 [identifying “Nuon” as Deputy Secretary of Standing Committee and “Vice-Chairman [of Military Committee] in charge of Political Affairs,” “Hom” (believed to be Haem) as “Committee Secretary in charge of unit 870” and Member of Economic Committee, and “Sarun” as in charge of Mondulkiri].

2161 **E3/108** Khieu Samphan Interview, 9-11 June 2006, EN 00000929 [in response to question whether Vorn Vet was still alive].

2162 **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417617 [discussing arrests of Vorn Vet and Koe near end of DK regime: “later on I learned that three people, Nuon Chea, Son Sen and Pol Pot had made the decision ... they said that that group had joined the Vietnamese”].

2163 **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.24.30-11.30.42 [describing Pon’s interrogation of Vorn Vet: “He used torture during the interrogation ... to make Brother Vorn shiver ... ice was put into a container and water was poured into it, then they splashed that cold water on to him and then they turned on a fan”]; **E3/347** Kaing Guek Eav Interview, May 1999, EN 001850026; **E3/106** Kaing Guek Eav WRI, EN 00177637.

“needed a full confession,”²¹⁶⁴ and that after his confession was obtained, it was **Nuon Chea** who ordered Vorn Vet’s execution.²¹⁶⁵

524. As with other purged CPK leaders, the relatives and associates of Vorn Vet were also arrested and smashed.²¹⁶⁶ Shortly after Vorn Vet and Cheng An’s arrest, their wives were summoned to **Nuon Chea**’s office at the Preah Suramarith Buddhist School, arrested and taken to S-21, on the orders of **Nuon Chea**.²¹⁶⁷ S-21 records confirm the imprisonment of the two spouses,²¹⁶⁸ the four daughters of Cheng An aged 15 to 21 years old,²¹⁶⁹ and the 75-year old mother and children of Vorn Vet (identified as “Brother 10”), including a 6-year old daughter,²¹⁷⁰ corroborating Duch’s testimony that the “whole family was arrested.”²¹⁷¹

²¹⁶⁴ **E3/106** Kaing Guek Eav WRI, EN 00177637; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 13.33.13 [“Regarding the interrogation of Vorn, Brother Nuon followed the process of the interrogation as normal”], 13.39.11 [“Regarding Vorn Vet’s interrogation, I constantly made reports to Nuon --Uncle Nuon. After I obtained a few pages of a confession, I would go to make the report to Nuon Chea and he would also call me to brief him on how it went once every few days. At the end, the full confession was obtained, and I would send Uncle Nuon the document”].

²¹⁶⁵ **E3/106** Kaing Guek Eav WRI, EN 00177637 [“I received his confession, read it and forwarded it to the superiors. Nuon Chea then decided to have him executed”]. *See also* **E3/65** Kaing Guek Eav WRI, EN 00147526 [discussing photographs taken of important executed prisoners, including Vorn Vet: “I received the photographs and sent them to Nuon Chea”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.05.24 [“The photos of ... those who had just been killed were photographs based on the orders of Brother Nuon”].

²¹⁶⁶ **E3/10586** Kaing Guek Eav Statement, 4 June 1999, EN 00326765 [“the families of Vorn Vet, Koy Thuon, Soeu Vasi and Chhim Sam Aok alias Pang were all smashed”]; **E1/451.1** Henri Locard, T. 29 July 2016, 09.41.02-09.42.45 [“The Khmer Rouge were convinced, Nuon Chea in particular, was convinced that the most absolute priority was to protect the two or three leaders of the country ... that is, those at the apex of the country, Pol Pot, Nuon Chea and Khieu Samphan; their lives had to be protected at all costs ... So they had to execute the children of traitors because they were convinced that the children would take revenge some day”].

²¹⁶⁷ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.39.23-09.41.28 [“when Brother Vorn was arrested, his spouse named Vin was also arrested”], 10.03.18-10.08.38 [“Q: Who was the superior who instructed you to arrest these wives? A: At that time, it was Brother Nuon who gave me the direct instruction ... On that day the women were called to ... work with Brother Nuon at the Buddhist school of Suramarit”]; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 10.20.05 [“I went to arrest people ... upon order from Bong Nuon. I had to receive Cheng An’s wife and Vorn Vet’s wife”]; **E3/5748** Kaing Guek Eav WRI, EN 00153571 [“I can mention the arrest of two women: one was Vorn Vet’s wife (Vin), chairwoman at the Ministry of Industry Hospital ... The other was the wife of ... An (deputy of Vorn Vet at the Ministry of Industry) Phoas. These two women were summoned by Nuon Chea to his office, transferred to S-21 and then smashed”].

²¹⁶⁸ **E3/10604** OCIJ S-21 Prisoner List, No. 14479 [Prum Phal alias Vin, Chief of Hospital 75], 13598 [Yan Kang alias Phoas, Chief of Flour Factory and “wife of Brother 30,” entered S-21 on 21 Nov 1978]; **E3/10256** S-21 List of Prisoners from State Industry, KH 01016798 [No. 38]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 10.33.22-10.38.15 [identifying spouses of Vorn Vet and Cheng An].

²¹⁶⁹ **E3/10256** S-21 List of Prisoners from State Industry, KH 01016798 [Nos 40-43 identified as “daughters of 30,” on the same list Cheng An’s wife Phoas (No. 38) is identified as “wife of Brother 30”; No. 39 on list, Soeng Boratt, Chief of West Zone Hospital and “son of 30,” entered S-21 on 6 Dec 1978]; **E3/10604** OCIJ S-21 Prisoner List, Nos 8154, 12771-12774; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 10.38.15-10.42.50.

²¹⁷⁰ The same S-21 list of State Industry prisoners (**E3/10256**) that includes the wife and daughters of Cheng An (“Brother 30”) also contains an 18-year old girl Sok Sry (No. 37) who is identified as the “daughter

525. Duch also testified that when he reported Vorn Vet's confession to **Nuon Chea**, the Accused responded that "Vorn Vet did not work alone at the Ministry of Industry" and shared power with "other persons."²¹⁷² Over the ensuing final weeks of the DK regime, from 21 November to 27 December 1978, a total of 90 people from the State Industry Ministry were sent to S-21, including Committee Members,²¹⁷³ the Chief of Construction,²¹⁷⁴ the Warehouse Chief and his wife and three daughters,²¹⁷⁵ and 23 factory chiefs.²¹⁷⁶ Many of these victims from the Ministry of Industry were killed in the mass execution of 225 S-21 prisoners on 31 December 1978.²¹⁷⁷ After Vorn Vet and the other leaders of the Ministry of Industry were purged, it was **Khieu Samphan** who provided instructions to the remaining Industry cadres when Vietnamese forces were advancing on Phnom Penh in late 1978.²¹⁷⁸

of Brother 10" and a medic at Hospital P-75, the same hospital at which Vorn Vet's wife Vin was the chairwoman. Vorn Vet's original name was Penh Thuok alias Sok. *See also* **E3/10604** OCIJ S-21 Prisoner List, Nos 11459 [Sok Sry], 14868 [75-year old woman By Khen, identified as the "mother of 10," entered on 18 Dec 1978], 14869 [17-year old girl Prum Peou, the same family name as Vorn Vet's wife and identified as the "niece of 10," entered on 18 Dec 1978], 14923 [6-year old girl Nin, identified as the "daughter of 10," also entered S-21 on 18 Dec 1978]; **E3/10546** S-21 Biography of By Khen, KH 01219656; **E3/10546** S-21 Biography of Prum Peou, KH 01219657; **E3/10563** S-21 Biography of Nin, KH 01219750. The OCIJ S-21 Prisoner List contains other people believed to be children of Penh Thuok alias Sok alias Vorn Vet, including 23-year old Division 502 pilot Penh Seth alias Phen (No. 6862) who was identified by Duch, 18-year old female medic Penh Sreng alias Pheap (No. 14485), P-6 medic Say Khon alias Phy (No. 12994), 14-year old boy Sok Ly (No. 14922) and a 12-year old girl Nhor (No. 14883) who entered the same date as Vorn Vet's mother and 6-year old daughter. *See* **E3/1876** S-21 Confession of Vorn Vet, EN 00767763-64 [list of Vorn Vet's children]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 11.17.05 ["For some other children, they were arrested because their fathers had been arrested as in the case of Phen, the son of Brother Vorn, who was a war plane pilot"]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 10.35.58 ["Phen was the son of Vorn ... After Vorn was arrested, the child was not spared"]. OCIJ's List also includes the son-in-law of Vorn Vet who was a factory chief. *See* **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.49.92 ["when Vorn was arrested and then Comrade Noy (phonetic), who was his son-in-law, was also arrested. Noy was the head of the iron factory"]; **E3/10604** OCIJ S-21 Prisoner List, No. 420 [Chea Hoeun alias Nay, Chief of State Industry Factory D-6, entered on 21 Nov 1978].

²¹⁷¹ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.49.92-09.51.20; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 09.28.05 [stating that when Vorn Vet was arrested, his wife Vin and children were also arrested].

²¹⁷² **E3/106** Kaing Guek Eav WRI, EN 00177637.

²¹⁷³ **E3/10604** OCIJ S-21 Prisoner List, Nos 8724 [Svay Rum, Committee Member of Industry - 6 Dec 1978], 5539 [Nai Chhin alias Maok, Committee Member of Hospital P-75 - 6 Dec 1978].

²¹⁷⁴ **E3/10604** OCIJ S-21 Prisoner List, No. 14852 [Song Chour alias Phai, Chief of Construction]. It should be noted that No. 12762 is a duplicate entry for the same person.

²¹⁷⁵ **E3/10604** OCIJ S-21 Prisoner List, Nos 5545 [Nut Kap alias Keat, Chief of Industry Warehouse, entered 21 Nov 1978], 12759 [Nguon Duong alias Kann, wife of Nut Keat], 12757 [Keat Say, 17-year old daughter of Nut Keat], 12758 [Keat Nuon alias Ny, 16-year old daughter of Nut Keat], 14859 [Keat Na alias Nakk, 14-year old daughter]. The spouse and three daughters all entered S-21 on the same day, 6 December 1978.

²¹⁷⁶ **E3/10604** OCIJ S-21 Prisoner List, Nos 1195, 2144, 4023, 5229, 7341, 11463, 12745, 12747, 12749, 12754-12755, 12761, 12763, 12765, 12940, 12959, 13110, 13112, 13114-13115, 13121-13123.

²¹⁷⁷ **E3/10455** S-21 List of Prisoners Smashed on 31 December 1978 [Nos 117-170 identify 53 people from State Industry who were executed on that date].

²¹⁷⁸ **E1/511.1** 2-TCW-823, T. 12 Dec 2016, 15.48.50-15.52.18 [testimony of former Division 164 battalion chief transferred to the Ministry of Industry in 1978 regarding a meeting with Khieu Samphan: "Q: Was

3. Instructions to Cadres in Speeches and Political Education Sessions

526. The two Accused also contributed to the implementation of the CPK's plans and policies relating to enemies through speeches and political education sessions that instructed the Party cadres to identify and eliminate persons considered enemies by the CPK.

a) *Political Education Meetings Conducted Jointly by Nuon Chea and Khieu Samphan*

527. At a 1975 meeting announcing the reorganisation of the RAK at which **Nuon Chea** “spoke at length” and Pol Pot and **Khieu Samphan** spoke briefly,²¹⁷⁹ the several thousand RAK soldiers in attendance were instructed about defending against “internal and external enemies,” including enemies “within the rank.”²¹⁸⁰ The August 1975 *Revolutionary Flag* confirms that the presentations to the RAK cadres at this assembly discussed: the Party line to use “revolutionary violence” against “reactionaries and the oppressor classes;”²¹⁸¹ the presence of “external enemies and internal enemies,” and the RAK's mission to “continue to smash the defeated enemy remnants” and “espionage groups.”²¹⁸²

528. Commerce section chief Beit Boeurn alias Bit Na testified that she twice attended three-day study sessions at which Pol Pot, **Nuon Chea** and **Khieu Samphan** spoke and

he the one giving you the instructions – your instructions about how to carry out your work? A: Yes, it was Khieu Samphan ... Khieu Samphan told me to prepare our forces to be evacuated to the forest if Vietnamese came in”]; **E1/512.1** 2-TCW-823, T. 13 Dec 2016, 10.56.42-10.59.10 [“I met Khieu Samphan in a meeting to discuss about the Ministry of Industry. I was requested to go and supervise the workers at that factory ... by the time, the ‘Yvon’ almost reached Phnom Penh”], 11.09.32-11.12.12.

²¹⁷⁹ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 11.38.49, 11.50.33-11.52.30 [CPK leaders who attended Olympic Stadium assembly relating to “establishment of the army” included Pol Pot, Nuon Chea and Khieu Samphan], 13.55.39-13.58.10 [confirming that Nuon Chea gave a speech at the assembly], 14.01.48-14.06.23, 14.11.50 [confirming that the RAK conference described in the August 1975 *Revolutionary Flag* corresponds to the assembly he attended]; **E3/407** Chhaom Se WRI, A4 [Khieu Samphan also spoke “a little” at the assembly]; **E3/5532** Him Han WRI, EN 00425235-36 [describing 1975 meeting at Olympic Stadium about “the transfer of the army to the Party Center” at which Pol Pot, Nuon Chea and Khieu Samphan were present and Nuon Chea spoke]; **E1/320.1** Him Han, T. 23 June 2015, 14.12.27-14.21.24 [“Pol Pot only spoke a few words, but Nuon Chea spoke at length”]; **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401488 [“On 22 July 1975 on the occasion of the ceremony of the CPK Center to establish the Revolutionary Army, the comrade chairman of the High-Level Military Committee of the Party convened an important political conference of the CPK Center for approximately 3,000 representatives of every unit of the Revolutionary Army”].

²¹⁸⁰ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 13.58.10-14.00.27 [“they talked about the enemy within the country and outside the country, and also they talked about the enemy within the rank or within the unit. However, the measures taken were depending on the real situation because the Movement kept going, and people kept being reeducated”]; **E1/320.1** Him Han, T. 23 June 2015, 14.21.24 [confirming that Nuon Chea talked about “the defence of the country against internal and external enemies”].

²¹⁸¹ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401491 [“strategic political line” that “the Party must use revolutionary violence and must assemble the people to use revolutionary violence to oppose the reactionaries and the oppressor classes”].

²¹⁸² **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401500-01 [describing 1st mission of the RAK].

“taught the contents of the *Revolutionary Flag* magazines.”²¹⁸³ At those study sessions, they “spoke about the enemy activities” and instructed cadres that they had to “smash” the enemies, even if they were parents or relatives.²¹⁸⁴ In the presence of the two Accused, Pol Pot identified as enemies people connected to the Vietnamese, officials in the Lon Nol regime, and CIA or KGB spies, and instructed the cadres to “monitor and track down” such enemies.²¹⁸⁵ Witness Pean Khean described a similar political education session at Borei Keila presided over by **Nuon Chea**, **Khieu Samphan** and S-71 chief Pang, at which the CPK leaders instructed cadres to defend against enemies infiltrating the country, including the CIA, KGB, and Vietnamese, and to “watch over people who violated the political line.”²¹⁸⁶ Pang instructed the cadres that anyone affiliated with the CIA or KGB “shall be destroyed.”²¹⁸⁷

529. Civil Party Em Oeun, a Sector 20 medic and Party member,²¹⁸⁸ took part in a seven to ten day “political training” session at Borei Keila where approximately 2,000 participants (including district committee members) were lectured by Pol Pot, **Nuon Chea**, and **Khieu Samphan**.²¹⁸⁹ Pol Pot spoke first and explained revolutionary politics, including the difference between friends and enemies who had to be smashed.²¹⁹⁰ **Nuon Chea** followed, and was “very firm” about “finding individuals who burrow within the Party” and “people who were opposing the Party,” including “soldiers in the previous regimes,”²¹⁹¹ CIA, KGB, and ‘Yuon’ agents,²¹⁹² and “people who were educated

²¹⁸³ **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.06.40-10.14.06 [also noting that the two Accused would “comment” on and “supplement” Pol Pot’s presentation].

²¹⁸⁴ **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.14.06 [“sometimes the enemies were our parents or our relatives and did we dare to smash those enemies if our parents were the enemies.”].

²¹⁸⁵ **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.34.33-10.38.23, 10.42.33-10.45.14 [“Q: Did they request you to search for enemies within your units? A: Yes, they also talked about that ... They said that we should strengthen our leadership and to search for the enemy embedded within our revolutions”]; **E3/5647** Bit Na DC-Cam Statement, EN 00640152 [Nuon Chea provided instructions on enemy groups].

²¹⁸⁶ **E1/73.1** Pean Khean, T. 17 May 2012, 10.19.39-10.24.01 [adding that “[a]nyone who abused the line could have been viewed as someone who did things against the Party”].

²¹⁸⁷ **E1/72.1** Pean Khean, T. 3 May 2012, 10.13.44.

²¹⁸⁸ **E1/113.1** Em Oeun, T. 23 Aug 2012, 13.36.55; **E1/115.1** Em Oeun, T. 27 Aug 2012, 09.19.35-09.21.36.

²¹⁸⁹ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.25.50-14.35.53, 15.37.38-15.40.33; **E1/115.1** Em Oeun, T. 27 Aug 2012, 10.11.40-10.16.23 [“The committee of the political study session presented - or introduced these individuals”]; **E1/117.1** Em Oeun, T. 29 Aug 2012, 09.29.57-09.34.30.

²¹⁹⁰ **E3/1729** Em Oeun CPA, EN 00751867; **E1/115.1** Em Oeun, T. 27 Aug 2012, 10.24.40-10.28.26 [“The Party had the view that anyone who obstructs the Party’s affair or opposed the Party, this individual would be regarded as the enemy or the traitor”], 10.56.06-10.58.23 [“Pol Pot and others ... were very vigilant of the enemies burrowing from within. They said, if the external enemies, they could see them easily, but the internal enemies, the enemies burrowing from within were invisible ... any individuals who had any contradiction within their cooperative or communities ... they may be eliminated”].

²¹⁹¹ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.35.53-14.37.54.

²¹⁹² **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.18.00-11.20.30.

abroad.”²¹⁹³ He also identified specific leaders who had purportedly betrayed the Party, including Koy Thuon, Keo Meas and Chan Chakrei, and warned cadres “not to follow the footsteps of those individuals,” otherwise they would also “end up being executed.”²¹⁹⁴

530. Em Oeun testified that **Khieu Samphan** spoke next and urged the cadres to be vigilant and to monitor people’s activities in order to “uncover the traitors of the Revolution and the infiltrated enemies.”²¹⁹⁵ He stated that workers who broke materials or pretended to be sick should be “categorized as people who betray the Party,”²¹⁹⁶ and that New People in particular should be closely watched because they had “feudalist ideology.”²¹⁹⁷ **Khieu Samphan** also warned the cadres that if they did not “apply the policy,” they too would be considered enemies and “smashed.”²¹⁹⁸ Following the instructions from the CPK leaders, numerous arrests occurred at the Civil Party’s hospital, including the hospital chief.²¹⁹⁹

b) Nuon Chea Speeches & Political Education

531. **Nuon Chea** was responsible for political education of district and sector secretaries who implemented CPK enemy policy throughout the country, and conducted month-long training sessions for those individuals at the end of each year.²²⁰⁰ Fomer Tram Kak District Secretary Pech Chim testified that **Nuon Chea** covered “all aspects” relating to

²¹⁹³ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.11.59-11.14.22 [“what he said about people who were educated abroad who received foreign doctrine. These individuals could pose some risk to the revolution”].

²¹⁹⁴ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.08.28-11.14.22.

²¹⁹⁵ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.21.47, 11.25.32-11.27.47; **E1/116.1** Em Oeun, T. 28 Aug 2012, 10.29.10-10.33.

²¹⁹⁶ **E1/113.1** Em Oeun, T. 23 Aug 2012, 14.37.54-14.40.59; **E1/116.1** Em Oeun, T. 28 Aug 2012, 10.29.10-10.33.

²¹⁹⁷ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.31.20-11.38.18 [“Particularly, they paid attention to the 17 April People, or the New People. That was the words used in his political training session - which Mr. Khieu Samphan conducted”], referring to **E3/1729** Em Oeun CPA, EN 00751867 [Khieu Samphan asked cadres “to pay attention to the New People, who he saw having feudalist ideology/trend”].

²¹⁹⁸ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.31.20, referring to **E3/1729** Em Oeun CPA, EN 00751867 [describing Khieu Samphan’s presentation at study session: “He addressed to those attending the course too that if any of us dared not apply the policy, that individual would also be our enemy; and we really needed to smash the enemies”].

²¹⁹⁹ **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.20.11-15.24.52 [“During the course of my study, ... staff members were arrested; people who came to attend study sessions were also arrested ... People would be loaded onto trucks ... I was told that these people were the enemies ... people who betrayed the Party”], 15.24.52-15.27.05 [describing arrest of hospital chief Leng Sei]; **E1/116.1** Em Oeun, T. 28 Aug 2012, 10.15.14-10.16.56 [“I did see people being taken by military truck from the hospital”]; **E1/117.1** Em Oeun, T. 29 Aug 2012, 09.24.27-09.25.45 [“Leng Sei was arrested in the hospital. Leng Sei was Mr. Tiv Ol’s wife and she was stripped naked when she was tossed into the truck”]; **E3/10604** OCJ S-21 Prisoner List, No. 4401 [Leng Soem Hakk alias Sei, Chief of Hospital P-17 and wife of Tiv Ol, entered S-21 on 17 December 1977].

²²⁰⁰ See section **Role and Contribution of Accused to Common Criminal Plan – Role of Nuon Chea – Responsibility for Security & Military**.

internal and external enemies, adding that: “Without having covered this subject of enemies, people would never know how to identify enemies from friends.”²²⁰¹ Ban Seak, who served as Deputy Secretary of Chamkar Leu District of the Central Zone in 1977, testified that Sector 42 Secretary Oeun (the brother-in-law of Zone Secretary Ke Pauk) attended political study sessions conducted by the Accused in Phnom Penh,²²⁰² and that when Oeun returned he told the witness that “decisions to purge or kill” came from **Nuon Chea**.²²⁰³

532. **Nuon Chea** also provided political instruction on enemies to RAK cadres. On 16 January 1977, the Accused gave a speech to RAK cadres to mark the 9th Anniversary of the RAK. An edited version of the speech was broadcast on the DK Radio in which **Nuon Chea** was expressly identified as the speaker,²²⁰⁴ and the full speech was published in the *Revolutionary Flag*.²²⁰⁵ The other CPK leaders present during this

²²⁰¹ **E1/215.1** Pech Chim, T. 1 July 2013, 11.29.35-11.31.01. *See also* **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.30.38 [in response to question whether Nuon Chea discussed former Lon Nol officials and soldiers at political education sessions: “it was said at the time in the liberated zone that those who served the interests of the enemy were considered as the enemy and those who had been in in the enemy’s zone, but served those who were in the liberated zone were considered to be friends”].

²²⁰² **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.42.10-13.44.00 [“I knew that Uncle Nuon Chea was the only person who chaired those study sessions attended by cadres from the sector and district levels”].

²²⁰³ **E3/9517** Ban Seak WRI, A64; **E3/9649** Ban Seak WRI, A10 [“Q: To your knowledge, who gave the order to purge the people in the Central Zone and to kill the Cham? A: ... I still remember what I heard from other people who said that under that regime, Pol Pot did not give all of those orders ... They said that the one who issued those orders was Nuon Chea because he was the one who developed and put into practice the policies of the Communist Party of Kampuchea”]; **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.45.35-13.51.11 [in response to question as to who provided the above information: “I heard it from Brother Oeun. When I went to see him, 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. Q: And did the sector secretary Oeun specifically talk to you about the role of Nuon Chea? A: Yes, he did”]; **E1/354.1** Ban Seak, T. 6 Oct 2015, 11.07.35-11.09.55.

²²⁰⁴ **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168465-70 [Phnom Penh Domestic Service broadcast of “Excerpts of speech by Nuon Chea, chairman of Cambodian People’s Representative Assembly Standing Committee and acting prime minister, at 16 January mass rally in Phnom Penh marking 9th anniversary of Cambodian Revolutionary Army”]. *See also* **E3/191** BBC-SWB, *Nuon Chea’s Speech at Army Anniversary Meeting*, 17 Jan 1977, EN S 00004073-76 [same broadcast]; **E3/544** Peking Review, 9th Anniversary of Founding of Revolutionary Army, 28 Jan 1977, EN S 00005866 [describing speech given by Nuon Chea on the history of the RAK].

²²⁰⁵ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491406-37 [“Presentation of the Comrade Party Representative on the Occasion of the 9th Anniversary of the Founding of the Brave, Strong, Skilled and Magnificent Revolutionary Army of Kampuchea”]. While the speech published in *Revolutionary Flag* is only identified as a presentation of the “Comrade Party Representative,” it tracks the Nuon Chea speech broadcast on the radio, except that the radio version was edited to change references to the CPK or Party to “Revolutionary Organisation” and to omit other content altogether. For example, the paragraph in the published speech (**E3/25** at EN 00491407) that begins “Our first impression” corresponds to the paragraph of the radio version that begins “The first point” (**E3/147** at EN 00168465). The paragraph in the published speech (**E3/25** at EN 00491411) that discusses the 17 January 1968 attack on Bay Damran “located along the Steung Sangkae tributary about 10 or 11 kilometers above Battambang city” matches a paragraph of the radio version (**E3/147** at EN 00168466: “on the bank of Stung Sangke, 11 kilometers above Battambang town”).

speech included Son Sen and **Khieu Samphan**.²²⁰⁶ In the speech, **Nuon Chea** spoke extensively on the CPK policies relating to “enemies,”²²⁰⁷ including the Party line to use violence to attack class enemies and reactionaries,²²⁰⁸ and internal purges to cleanse the Party.²²⁰⁹ At the very moment a massive purge of Divisions 310 and 450 was about to begin, he told the RAK cadres that it was imperative to “purge our Army to make it clean and pure,” even if it resulted in fewer numbers in the military.²²¹⁰

533. In the same speech, **Nuon Chea** referred to Khmer Republic General Norodom Chan Raingsey as a “contemptible.”²²¹¹ DK-era documents from Tram Kak District reference efforts to identify and imprison persons associated with Chan Raingsey,²²¹² and cadres from that district received instruction from **Nuon Chea** on persons to be considered enemies.²²¹³

²²⁰⁶ **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168464 [“Among DK leaders attending this meeting were Comrade Khieu Samphan, chairman of the State Presidium of DK ... Comrade Son Sen, deputy prime minister in charge of national defence, opened the meeting”].

²²⁰⁷ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491410 [“The names outside the country, the enemies inside the country, the imperialist enemies, the enemies of every other type, and the various exploiting class enemies all carry out activities”], 00491420 [“The line of our Party is to fight day and night, dry season and rainy season, and not let the enemy catch its breath”], 00491424 [instructing cadres to “Attack the enemy politically; attack the enemy economically; attack the enemy with a strong military movement; and attack the enemy by eradicating their war of espionage, their psychological warfare, and their pacifist agents”].

²²⁰⁸ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412; **E3/147** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168467 [“after 1960 our Revolutionary Organisation clearly decided that political action and armed violence must be used to overthrow and crush the enemy”].

²²⁰⁹ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491423 [“When we set up the plan for the decisive attack in mid 1974 to prepare for 1975, we agreed to close the doors to the Party and not expand the Party to prevent the enemy from entering ... the first thing is having a clean Party”], 00491436.

²²¹⁰ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491436 [“It is imperative to ... purge our Army to make it clean and pure following the Party’s line ... As long as it is clean, even if the numbers are few it will still be strong”].

²²¹¹ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491425. *See also* **E1/417.1** Chum Mey, T. 18 Apr 2016, 14.22.28-14.25.31 [Prince Chan Raingsey was “the late King Sihanouk’s uncle” and a Brigadier General]; **E1/386.1** Sao Van, T. 2 Feb 2016, 10.40.45; **E1/381.1** Prum Sarat, T. 25 Jan 2016, 15.43.48.

²²¹² *See e.g.* **E3/2046** Kraing Ta Chan Prisoner List [Nos 33-35 are former soldiers connected to Chan Raingsey]; **E3/2426** List of Persons Not Yet Arrested [No. 18 is Warrant Officer from “Chan Raingsey’s force”]; **E3/2429** Report from Ta Phem Commune [identifies two persons connected to Chan Raingsey: “Kol Bau ... a major lieutenant in the military of the contemptible Chan Raingsey” and “Kol Moeun – a civilian and soldier of the contemptible Chan Raingsey”]; **E3/4095** Kraing Ta Chan notebook, EN 00747241 [listing prisoner who was a “Chan Rainsey soldier with ‘Tiger Head’ insignia”]; **E3/2107** Kraing Ta Chan notebook, EN 00290207-10 [identifying prisoners who supported or spoke favourably about Chan Raingsey].

²²¹³ **E1/215.1** Pech Chim, T. 1 July 2013, 11.29.35-11.31.01; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 15.25.42-15.33.36, *referencing* **E3/72** Phan Chhen WRI, A17-A19 [testimony of former chief of Kus commune, who was also responsible for Kraing Ta Chan prison from 1973-75, that Tram Kak district cadres received political training from the “upper echelon,” identifying Nuon Chea and Khieu Samphan].

534. Numerous other witnesses also testified to instructions provided by **Nuon Chea** regarding enemies at political education sessions.²²¹⁴ The Accused instructed cadres on the importance of identifying and eliminating internal enemies, by conducting investigations within their units “to search for more traitors.”²²¹⁵ On several occasions, **Nuon Chea** discussed Koy Thuon and the purge of those connected to him,²²¹⁶ playing a recording of his confession²²¹⁷ and warning cadres to stop any association with his networks “before it’s too late.”²²¹⁸

c) Khieu Samphan Speeches & Political Education

535. At the end of February 1975, it was **Khieu Samphan** who announced that it was “absolutely necessary to kill” the seven top leaders of the Khmer Republic regime: Lon

²²¹⁴ **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 11.00.54-11.08.03, *discussing E3/462* Seng Lytheng WRI, EN 00223564 [witness guarded political study sessions conducted by Pol Pot and Nuon Chea at Borei Keila, and heard the leaders talk about enemies and the “plans to deal with them”]; **E3/423** Saut Toeung WRI, A169 [statement of Nuon Chea bodyguard that he talked about “traitors” at study sessions]; **E1/64.1**, Saut Toeung, T. 19 Apr 2012, 10.16.12-10.19.13; **E1/88.1** Yun Kim, T. 19 June 2012, 09.25.01-09.28.47 [describing 1973 meeting at which Nuon Chea instructed 50 commune chiefs and district committee members]; **E1/89.1** Yun Kim, T. 20 June 2012, 14.06.51-14.07.54 [describing subjects discussed by Nuon Chea: “enemy situation was discussed and we were told that there were American enemies and the Vietnamese and the internal enemies”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 13.36.36-13.42.27 [meeting led by Nuon Chea at Borei Keila asking garment workers who were “still attached to the old tendency” to identify themselves]. *See also E3/196* Nuon Chea Speech, 30 July 1978, EN 00762397-98 [“Cadres are also instructed in revolutionary vigilance, that is, taking care to be on guard against the enemy ... There are also other courses held about twice a year in which party members are ... educated in our political, ideological and organizational line”].

²²¹⁵ **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.56.55-11.59.48 [describing Nuon Chea study sessions attended by witness at Borei Keila and Ounalom Pagoda: “he also advised us to conduct the investigation within our unit to search for more traitors”], 13.36.38-13.42.46 [Nuon Chea discussed “monitoring of the network of traitors” and taught “who were the traitors, which string and level were arrested” and that “we must keep an eye on ... strings that had infiltrated in us”]; **E3/469** Ruos Suy WRI, EN 00205112-13; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 10.59.45-11.05.19 [subjects at study sessions included “elimination of the enemy burrowing from within”], 14.14.04-14.23.34 [Nuon Chea lectured about “the purge of the enemy”]; **E3/421** Chhouk Rin WRI, A4 [Nuon Chea “taught how to follow the enemy’s trail and when we found one enemy we had to cleanse that enemy”]. *See also E3/1568* Chea Sim Interview, 3 Dec 1991, EN 00651866 [“we must take care to carefully screen internal agents in the Party, in the armed forces, in the various organisations and ministries, in the government, and among the masses of the people. We have to carefully screen them. Nuon Chea said this”], EN 00651869 [“We saw that the aim at that time was the line of screening (people) ... These words ‘carefully screen’ were the killing principle”].

²²¹⁶ **E1/217.1** Ek Hen, T. 3 July 2013, 11.37.13-11.43.46 [Nuon Chea “referred to people being traitors in the North Zone, and that Koy Khuon was a traitor”]; **E3/474** Ek Hen WRI, EN 00205049-50 [Nuon Chea discussed “the North Zone group’s treason; about Koy Thuon’s treason; not letting workers to join in the treason ... he told us about the purge of those connected to Koy Thuon”]; **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.08.28-11.14.22 [Nuon Chea stated people “should not follow what Mr. Koy Thuon had been doing because he was the Party’s betrayer ... he showed several names in a document”]. *See also E3/9318* Phan Him DC-Cam Statement, EN 00679670; **E1/467.1** Phan Him, T. 31 Aug 2016, 15.13.28-15.20.25.

²²¹⁷ **E1/184.1** Ruos Suy, T. 25 Apr 2013, 14.30.38 [confirming “vivid memory” of Nuon Chea playing tape recording of Koy Thuon’s confession at study session], 15.39.08-15.46.20; **E3/469** Ruos Suy WRI, EN 00205112-13.

²²¹⁸ **E1/217.1** Ek Hen, T. 3 July 2013, 11.43.46-11.45.52 [“he said, if we knew that we were affiliated with these networks, we had to be mindful and then stop our association with them before it’s too late”].

Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene Fernandez.²²¹⁹ This was not an isolated incident. To the contrary, the Accused made repeated calls for the execution of the top civilian leaders of the Khmer Republic, both before and after February 1975.²²²⁰ Two of the seven individuals whose execution was directed by **Khieu Samphan** (Prime Minister Long Boret and Prince Sirik Matak) stayed in Phnom Penh and were ultimately executed by the CPK.²²²¹

536. Throughout the ensuing DK regime, **Khieu Samphan** continued to provide instructions to CPK cadres relating to the destruction of internal and external enemies through speeches and political education sessions, including major speeches he admits delivering during 17 April anniversary events.²²²² In a 15 April 1977 speech, **Khieu Samphan** urged cadres to “wipe out the enemy ... following the lines of domestic policy, foreign policy and military policy of our revolutionary organization,” adding:

Everything must be done neatly and thoroughly. We must not become absent-minded, careless or forgetful because of past victories. On the contrary, we must further steel ourselves, remain

²²¹⁹ **E3/117** FBIS, *Khieu Samphan Chairs NUFC Congress Session: Communique Issued*, 26 Feb 1975, EN 00166772; **E3/3334** US Embassy *Khmer Report*, 4 Mar 1975, EN 00413053. *See also* **E1/201.1** Sydney Schanberg, T. 5 June 2013, 10.40.39-10.46.33; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 13.33.34-13.37.07; **E1/386.1** Sao Van, T. 2 Feb 2016, 09.13.52-09.20.20, 09.38.38; **E1/192.1** Philip Short, T. 9 May 2013, 09.07.33-09.11.56; **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002752; **E3/189** Telegram from GRUNK Minister for Foreign Affairs to Secretary-General of the United Nations, 18 Mar 1975, EN 00894298.

²²²⁰ **E3/116** Statement of Khieu Samphan, Hou Youn and Hu Nim, 9 Sept 1972, EN 00485282-83 [appealing to the public to “fight resistantly to eliminate the main traitors including the contemptible Lon Nol, Sirik Matak, Son Ngoc Thanh, In Tam, Lon Non, Hang Thun Hak, and others and their subordinates” using “all types of weapons such as small and big guns, knives and sticks to kill the traitors”]; **E3/120** FBIS, *RGNUC Cabinet Issues 25 March Communique-Appeal*, 25 Mar 1975, EN 00166874 [Khieu Samphan statement reaffirming the necessity of putting to an end the “existence of the fascist, rotten [seven] traitors”]; **E3/273** FBIS, *Khieu Samphan Report*, 14 Dec 1975, EN 00167811. *See also* **E1/190.1** Philip Short, T. 7 May 2013, 15.05.53-15.09.17 [testifying that Khieu Samphan “did not distance himself” and “was in agreement with” the decision to kill the Khmer Republic leaders].

²²²¹ **E3/604** Bangkok Post, *Executions Admitted*, 2 Nov 1975; **E3/4001R** Video *One Day at Po Chrey*, 22:07-22:11; **E1/203.1** Sydney Schanberg, T. 7 June 2013, 08.47.05-08.48.41. *See also* **E3/51** London Times, *Jon Swain’s Diary*, 11 May 1975, EN S 00003278-79, 00003281; **E1/165.1** Al Rockoff, T. 28 Jan 2013, 11.29.20-11.57.19; **E1/201.1** Sydney Schanberg, T. 5 June 2013, 10.50.17-11.02.07; **E3/2694** Telegram from French consul Jean Dyrac titled “Political Asylum,” 18 April 1975; **E3/2702** Telegram from Jean Dyrac, 20 Apr 1975.

²²²² **E3/37** Khieu Samphan WRI, 14 Dec 2007, EN 00156756-57 [“My only official role was to deliver speeches during formal ceremonies ... In reality the content of the speeches I made was dictated by Pol Pot himself. Q: Did you agree with the content of those speeches you made? ... A: Generally I agreed with the content ... I do not remember the exact number of times of making speeches. I can say that 3 or 4 times I delivered speeches during the 17 April victory anniversary”]. *See also* **E1/451.1** Henri Locard, T. 29 July 2016, 15.12.51 [noting that even if speeches were written by Pol Pot, Khieu Samphan “said it anyway, so therefore he is the owner”].

alert, constantly maintain the spirit of revolutionary vigilance and continue to fight and suppress all stripes of enemy at all times.²²²³

537. A year later, on the third anniversary of the 17 April victory, **Khieu Samphan** instructed the thousands of cadres in attendance for his speech as to their “1st task” from the Party:

We must defend tooth and nail the country, the Revolution, the power, the people, the Army, the Party and the Kampuchean race. We can only succeed if we properly implement the Party line in external as well as internal defence. All units throughout the country must continue to increase their revolutionary vigilance.²²²⁴

He told the cadres that the Party had “assigned each of us” to “completely and forever eliminate the aggressive enemies of all stripes.”²²²⁵ At the end of **Khieu Samphan**’s speech, the cadres at the meeting resolved to “exterminate” from their units and Cambodian territory all Vietnamese agents, “CIA agents” and “enemies of all stripes, particularly the expansionist, annexationist Vietnamese enemy,”²²²⁶ and to “screen and exterminate all enemy elements planted within our ranks disguised as cadres.”²²²⁷

538. A number of witnesses testified to statements by **Khieu Samphan** regarding enemies of the CPK during political training courses and other meetings. Ek Hen attended a study session led by **Khieu Samphan** at Borei Keila in 1978, at which the Accused stated that S-71 chairman Pang had been “arrested and taken away because he was a traitor collaborating with the Yuon” and instructed cadres not to follow Pang’s example,²²²⁸ demonstrating yet again his support of the ongoing purges. Commerce cadre Ruos Suy attended a study meeting at which **Khieu Samphan** discussed the problem of internal enemies burrowing within the Party.²²²⁹ Phy Phoun testified regarding political education sessions conducted by the Accused both before and after

²²²³ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419513; *see also* EN 00419517 [“We must uphold our spirit of revolutionary vigilance at all times against the enemies from all quarters, both at home and abroad”]. *See also* **E1/451.1** Henri Locard, T. 29 July 2016, 15.14.32 [Khieu Samphan’s words signified that “anyone who was suspected of being an enemy had to be eliminated”].

²²²⁴ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280398; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563 [“Only by implementing the Party’s lines can we defend our country against both internal and external enemies”].

²²²⁵ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010559-60.

²²²⁶ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563 [also resolving: “To hold extremely high and keep extremely seething the national spirit of revolutionary vigilance in order to be ready beforehand to deal with all poisonous manoeuvres of the enemy”].

²²²⁷ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010566.

²²²⁸ **E1/217.1** Ek Hen, T. 3 July 2013, 11.26.06-11.28.02, 11.30.15, 14.32.47-14.36.29; **E3/474** Ek Hen WRI, EN 00205049. This witness had previously met and spoken to Khieu Samphan when he visited her factory: **E1/217.1** Ek Hen, T. 3 July 2013, 11.33.02-11.37.13; **E3/474** Ek Hen WRI, EN 00205049.

²²²⁹ **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.44.26-11.46.17; **E3/4594** Ruos Suy WRI, EN 00710554.

17 April 1975, at which cadres were instructed that the Party's enemies included "those who opposed the revolution."²²³⁰

539. Civil Party Preap Chhon testified to a speech given by **Khieu Samphan** to a group of people being evacuated from the East Zone to the Northwest in 1978,²²³¹ as they were watched by armed guards.²²³² In his speech, the Accused stated that the revolution had eliminated capitalists, feudalists and the Lon Nol regime,²²³³ and instructed the people that:

we must respect the Party's lines and policies strictly, and not to betray the Party. If we betrayed the Party and the Party knew it, then we would be killed. He added ... 'If you are kept, no gain; if you're pulled out, no loss!'²²³⁴

540. **Khieu Samphan** distributed blue kramas to the group,²²³⁵ which were used by the CPK to mark the East Zone people being dispersed to other regions.²²³⁶ Preap Chhon testified that of the 70 families in his group at that time, only 20 survived.²²³⁷

²²³⁰ **E1/97.1** Rochoem Ton alias Phy Phoun, T. 26 July 2012, 09.20.26 ["we were told ... the main enemy was the American imperialists ... And another enemy was those who opposed the revolution, who refused to join the revolution"], 09.23.39-09.26.03 ["all zones, sectors, and district levels were told the enemies were those whom we fought against on the battlefield. Off the battlefield, enemies were those who opposed the revolution. Q: [Y]ou informed the Chamber that he educated you and others about who were the enemies ... who do you refer to? A: Those senior leaders in the Party, they shared the same opinion of the enemy,, including Pol Pot, Khieu Samphan, Son Sen"]; **E1/96.1** Phy Phoun, T. 25 July 2012, 14.25.02-14.34.24 ["After the liberation, the first instructor was Om Khieu Samphan. It was at the Soviet Technical School ... they discuss about the masses movement throughout the country to oppose our common enemy"]; **E1/100.1** Phy Phoun, T. 1 Aug 2012, 15.26.35-15.35.43.

²²³¹ **E1/504.1** Preap Chhon, T. 30 Nov 2016, 14.52.55-14.57.23 ["when they evacuated me from Svay Rieng to Neak Loeng and to Chbar Ampov market ... I met Khieu Samphan. On the third day he came to distribute materials, for example clothes, rice"], 15.12.52-15.14.34 ["Khieu Samphan came at around 8:00 in the morning. He came with some of his colleagues and there were about 10 of them ... That's why I am certain that it was Khieu Samphan. I knew him from that film that I watched"], 15.14.34-15.17.16 ["When Khieu Samphan arrived at the market, people were instructed to line up in order to listen to his speech and to receive him"], 15.19.01-15.23.05 ["I was in the middle row, and I was about 20 metres away from where he was ... there was someone who made the announcement that Khieu Samphan had arrived ... Khieu Samphan also used a microphone. If he did not use a microphone, we could not hear him"], 15.52.02-15.54.43 ["Khieu Samphan made a speech for more than half-an-hour"].

²²³² **E1/504.1** Preap Chhon, T. 30 Nov 2016, 15.49.08-15.52.02 ["All the people who listened to his speech were evacuees from the East Zone ... there were armed guards who were standing outside the market, around the market, in order to prevent us from escaping back to our homeland"].

²²³³ **E1/504.1** Preap Chhon, T. 30 Nov 2016, 15.14.34-15.17.16 ["In that occasion, he said that we made a revolution in order to eliminate the Lon Nol regime. And other point was to eliminate the capitalist, the feudalism, the intellectuals. He didn't want them to exist. That's what he meant in his speech"].

²²³⁴ **E1/504.1** Preap Chhon, T. 30 Nov 2016, 15.30.00-15.32.00, 15.54.43-15.56.18 [regarding Khieu Samphan's statement that those who betrayed the Party would be killed: "At that time when I heard him say so, I was panicked. I felt afraid ... based on my observation even people who did not commit any wrongdoing were taken away and they disappeared ... each of us thought that would happen to us in the coming days"].

²²³⁵ **E1/504.1** Preap Chhon, T. 30 Nov 2016, 15.25.43-15.28.26. *See also* **E1/503.1** Kheav Neab, T. 29 Nov 2016, 15.37.54-15.42.57 [testimony of Civil Party whose husband worked for Office 870 that Khieu Samphan distributed food and clothes, including krama, to East Zone evacuees at Phsar Thmei in 1978];

4. Statements Evidencing Knowledge and Support of CPK Policy

541. Both of the Accused have made numerous statements evidencing their knowledge of and agreement with the executions of CPK enemies that took place during the regime.

a) Nuon Chea

542. In a 1978 speech to a delegation from the Danish Communist Party, **Nuon Chea** revealed his knowledge of and agreement with the CPK's purge of purported internal enemies:

Since liberation, our experience relates to anti-party activities organized inside our party ... it appears from what we have been able to learn that CIA, Vietnamese and KGB agents have been working inside the party for a long time ... Where there were deviations to the left or to the right, we looked carefully into the backgrounds of the cadres ... We have thus been able to uncover enemy agents step-by-step.²²³⁸

543. In that same speech, **Nuon Chea**, Number Two in the CPK, expressed his willingness to kill hundreds of Party cadres in order to safeguard "two or three leading cadres."²²³⁹ His statements reflect both an extreme paranoia that there were spies and traitors

E1/504.1 Kheav Neab, T. 30 Nov 2016, 09.21.25-09.25.04 [kramas distributed by Khieu Samphan were blue]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.49.50-09.51.38 [testifying he saw Khieu Samphan at the railway station when he was assigned to bring packages of rice there for the people evacuated from the East Zone].

2236 **E3/5542** In Vuthy WRI, EN 00373231 [Bakan District, NW Zone: "Those who were given the white and blue *kramas* were the people from East Cambodia ... The Khmer Rouge distributed these *kramas* to identify and recognize those people who were going to be killed"]; **E3/7708** Duong Sau WRI, EN 00250741 [statement of former chief of Rumlech commune describing site near Rumlech Pagoda where 300 East Zone people were executed: "I personally saw the bodies in the two grave pits ... There were blue scarves remaining ... from which it could be recognized that those people had come from Prey Veng and Svay Rieng provinces"]; **E3/5500** Ork Chhoem WRI, EN 00367288-89 [witnessed group of people from the East Zone "wearing blue scarves" who were "shot dead by Khmer Rouge soldiers near the banks of the Pursat Stream"]; **E3/3970** Pech Srey Phal WRI, A23 [group of 400 East Zone people wearing "blue *krama*" taken away for execution].

2237 **E1/504.1** Preap Chhon, T. 30 Nov 2016, 15.59.32-16.01.21 ["for evacuees from the east to Battambang, there were 70 families who were evacuated and there were 20 families who survived"].

2238 **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762402 [also stating: "People who had infiltrated the party could not react immediately, but we discovered them later when they planned coups d'état ... we caught the traitors inside the party. Although we say plans have been crushed, we do not mean the enemy has given up. We have to continue to ... apprehend the people who have infiltrated our party"], 00762398 ["We investigate life histories and class background both before and after they join the revolution. We do this to prevent infiltration by, for example, CIA, KGB or Vietnamese agents. By adopting these organizational principles, we have unity in the party and can cleanse our party of bad elements. We have not been 100% successful. The enemy is still attempting to undermine the party. Consequently, we are striving to ... clean the party"]. See also **E3/451** Kaing Guek Eav WRI, EN 00204345 [confirming that Nuon Chea gave speech to visiting Danish delegation and made similar statements "within the Party"].

2239 **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762403 ["The leadership apparatus must be defended at any price ... There can be no comparison between losing 2 to 3 leading cadres and 200-300 members. Rather the latter than the former"].

everywhere,²²⁴⁰ and a delusional belief that at the height of the Cold War, and shortly after its bitter defeat in Vietnam, the United States was working hand-in-hand with the Soviet Union and Vietnam to conspire against the CPK.²²⁴¹ They also show that the Accused received and carefully read the torture-induced confessions from S-21 in which long-time CPK revolutionaries were forced to state they had actually been CIA, KGB or Vietnamese spies, going back to the 1950s or 1960s, who were planning *coups d'état*.

544. The Accused continued in post-1979 interviews to acknowledge and attempt to justify the widespread purges of purported enemies.²²⁴² He admitted those enemies were killed or “smashed.”²²⁴³ In response to a question from Thet Sambath on whether it was “right to kill traitors,” **Nuon Chea** stated: “I don't want to be accused of being brutal. But we have to consider whether it was reasonable given the threat they posed to our nation. ... So I dare to suggest our decision was the correct one. If we had shown mercy to these people, the nation would have been lost.”²²⁴⁴ When asked why the CPK leaders had to kill alleged traitors, rather than just imprison them for life, he responded:

²²⁴⁰ **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762399 [“the enemy, both the imperialists and the revisionists as well as the Vietnamese, continue to fight us ... The Vietnamese also try to infiltrate our party ... We worry most of all about the enemy inside”]. See also **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757520-21[“now that Nuon Chea and his comrades had taken power, enemies abounded and conspired to destroy the regime. This belief, still held today by Nuon Chea, fueled the paranoia and delusions that led to purges, torture and murder ... By the time they took power, it seemed Khmer Rouge leaders couldn't distinguish truth from fiction, and the two often mixed. Nuon Chea lived in constant wariness not only of the enemies he knew, but also of those he didn't know. He said he applied that vigilance to ‘leaders around me and in the party.’ ... According to Nuon Chea, there were Americans, Thais, Vietnamese and French ... ‘We knew that there were many enemies hiding in our regime and planning to destroy our policies. So we were very busy trying to find the enemies.’ ... ‘There were many spies in Cambodia. They had been hiding in Cambodia and destroying the internal party for a long time,’ Nuon Chea said, pointing his index finger for emphasis”].

²²⁴¹ **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762402 [“We know the current plan involves not only Vietnamese agents, but has something to do with US imperialism and the KGB. All of them!”], 00762403 [“some CIA agents joined up with the Vietnamese in order to come to Kampuchea. Because the US was unable to come into Kampuchea, it had to rely upon Vietnam”].

²²⁴² **E3/108** Nuon Chea Interview, 10 June 2006, EN 00000934 [claiming U.S. and Vietnamese enemies were “hidden in the comrades” and “destroyed my regime by not following the policy”]; **E3/2357R** Video *Pol Pot, Journey to the Killing Fields*, 00:36 [asserting that the reason the purges started was that “some of the people in charge of districts and provinces were our enemies ... these traitors didn't follow our policies”]; **E3/54** Nuon Chea OCIJ Initial Appearance, 19 Sept 2007, EN 00148817 [“[t]here were American CIA and Soviet KGB agents, the Free Khmer and Vietnamese secret agents who were hiding within the Party, among the population and in our cooperatives”].

²²⁴³ **E3/2357R** Video *Pol Pot, Journey to the Killing Fields*, 00:44:18-00:44:41 [“we killed only the bad people”]; **E3/26** Nuon Chea Interview, Oct 2006, EN 00329515 [“Q: Now how would describe your revolution, as a just one, or what? A: I would say it was just, because it smashed and eliminated enemies”]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521 [“Nuon Chea doesn't apologize for S-21 ... He often stated that the enemies responsible for killing people in the countryside had to be smashed. Others were conspiring to overthrow Pol Pot and had to be stopped”].

²²⁴⁴ **E3/4003R** Video *Nuon Chea on Killing Traitors*, V00717048.

That is an easy question to ask but a difficult one to answer. ... But at that time, we had no proper prisons. And if we kept them, they would spread and produce their eggs and many more would have been killed.²²⁴⁵

545. With respect to former Khmer Republic officials, **Nuon Chea** admitted at trial that he was aware of the FUNK radio broadcasts calling for the execution of the seven Lon Nol “super-traitors,” and confirmed that the CPK Standing and Central Committees took no action to renounce the call for the execution of those individuals.²²⁴⁶ He admitted to Thet Sambath that the top leadership of the Lon Nol regime were “liquidated” by the CPK.²²⁴⁷

546. **Nuon Chea** admitted that S-21 was an entity “established to search for the enemy of the country,”²²⁴⁸ and told Thet Sambath that “for every person they killed, they found out through the traitors’ confessions obtained at S-21 that there were more enemies.”²²⁴⁹ In 1983, the Accused showed his knowledge of the crimes that had been committed at S-21, when he told Duch he had “smashed” all of his own documents and blamed Duch for having failed to destroy the S-21 archives before the Vietnamese seized Phnom Penh.²²⁵⁰

b) *Khieu Samphan*

547. **Khieu Samphan** has also made statements that revealed his knowledge of and involvement in the purges of the CPK’s enemies, as an insider who worked directly with Pol Pot and **Nuon Chea** at the Party headquarters throughout the DK regime.

548. In an April 1978 speech, the Accused announced that Vietnam’s “subversive, spying, infiltration activities and coup attempts to overthrow the CPK and the Government of

²²⁴⁵ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521.

²²⁴⁶ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 10.59.45; **E1/35.1** Nuon Chea, T. 30 Jan 2012, 10.23.20-10.30.03.

²²⁴⁷ **E3/4001R** Video *One Day at Po Chrey*, 22:07-22:11. See also **E1/14.1** Nuon Chea, T. 22 Nov 2011, 15.22.57-15.24.03 [describing conclusion of CPK leaders on what Lon Nol soldiers would do if left free after the war: “the Lon Nol soldiers – majority of whom were free Khmers – would desert the army; some would remain hiding in Phnom Penh or city while the others would be fleeing to the border areas ... They would start stealing, robbing, burning down people homes ... They would start fighting; attacking our people through means of guerilla war and they would drag us to follow them and that there will be no peace”].

²²⁴⁸ **E3/108** Nuon Chea Interview, 10 June 2006, EN 00000934 [“Q: What is S-21? A: It was established to search for the enemy of the country ... Q: Did they find the enemy? A: They did. But S-21 comrades went too far”].

²²⁴⁹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757521.

²²⁵⁰ **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.48.52-10.50.50; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.28.14; **E3/452** Kaing Guek Eav WRI, EN 00147570; **E3/357** Kaing Guek Eav WRI, EN 00242929.

Democratic Kampuchea” had been defeated.²²⁵¹ In a 30 December 1977 statement, he asserted that a “handful of traitorous forces which were Vietnam’s agents” had attempted to stage a coup d’etat in 1975 and 1976.²²⁵² In his 1980 interview with Stephen Heder, **Khieu Samphan** spoke extensively about “Khmer people who were Yuon undercover agents” and over time had infiltrated the highest level of the Party as zone leaders and members of the Central and Standing Committees. He told Heder those people had been “dealt with” in 1977 and 1978,²²⁵³ and that “[n]ot a single one” of them was innocent.²²⁵⁴ These statements prove that **Khieu Samphan** was fully aware of the arrests of fellow CPK leaders accused of being traitors, and that he was privy to the purported justification for such purges derived from torture-induced S-21 confessions.

549. In 1987, **Khieu Samphan** issued a statement that those “imprisoned” during the DK regime, which he numbered at 8,000, were “mostly the organizers of the 6 coups d’etat and the chief traitors who in connivance with the Vietnamese tried to take control of the Eastern Zone,” and included members of zone, sector and district committees and division commanders.²²⁵⁵ In that same statement, he conceded that:

²²⁵¹ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010558 [“subversion, espionage and attempts to stage a coup d’etat to overthrow the CPK and the Government of Democratic Cambodia have suffered continuous bitter defeats”].

²²⁵² **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166067 [“In 1975 and 1976 Vietnam continuously conducted aggression and carried out criminal activities in an attempt to stage a coup d’etat overturning Democratic Cambodia through a handful of traitorous forces which were Vietnam’s agents”], EN 00166066 [accusing SRV of “inciting a handful of Cambodian traitors to create a new party as its tool in order to destroy the KCP”].

²²⁵³ **E3/203** Khieu Samphan Interview, 4 Aug 1980, EN 00424013-14 [“Khmer people who were Yuon undercover agents in our authority lines ... during the First Indochina War, there were Viet Minh cadres and army carrying out activities in Cambodia and controlling resistance movements in Cambodia. It was then when they established their agents to serve their Indochina strategies. Since then, year by year those agents had gained more and more important positions and they had worked undercover in our movements. In 1975, it was those people who obtained important positions ... Some of them were in charge of major zones ... Then it would be easy for them to stage a coup. This was an attack on us from the inside out ... we fought constantly against these attempts and defeated them. Until 1977-1978, we managed to deal with those people completely and brought order back to the country ... Q: In 1975, what percentage of them were in the senior ranks of the party, in the Central Committee, or in the Standing Committee? A: There were many. Q: Half? A: Less than half in the Central Committee, but nearly half in the Standing Committee”].

²²⁵⁴ **E3/3169** Stephen Heder, *Pol Pot and Khieu Samphan*, EN 00002771 [“Q: So what about people like Hou Youn and Hu Nim, and all the others who were executed as a result of being accused of treason? ... As far as you know, there weren’t any cases where somebody innocent was accused? A: No. Q: Not a single one? A: No, none. Q: So everybody who was executed was in fact a traitor? A: Yes, as far as I can grasp”]; **E1/221.1** Stephen Heder, T. 10 July 2013, 10.20.53; **E1/222.1** Stephen Heder, T. 11 July 2013, 15.42.13-16.04.08.

²²⁵⁵ **E3/703** DK Publication, *What are the Truth and Justice about the Accusations against Democratic Kampuchea of Mass Killings from 1975 to 1978?*, 15 July 1987, EN 00004002 [statement issued by Khieu Samphan as Vice-President of Democratic Kampuchea in charge of Foreign Affairs]. *See also* **E3/706** FBIS, *Khieu Samphan Addresses ESCAP Meeting in Bangkok*, 26 Apr 1987; **E3/631** FBIS, *Khieu Samphan Sends New Year Message*, 31 Dec 1987, EN 00442999 [statements identifying Khieu

in our measure to arrest and punish those Vietnam agents, we committed mistakes that affected the lives of minor offenders or innocent civilians. From 1975 to 1978, over 3,000 people died in this category.²²⁵⁶

While the number of victims acknowledged by **Khieu Samphan** was a gross understatement, this admission nonetheless confirms the Accused's knowledge that thousands of innocent people had been imprisoned and killed during the CPK purges.

550. In other interviews, **Khieu Samphan** provided detailed accounts of how Pol Pot evaluated cadres²²⁵⁷ and how decisions were made by the CPK leaders on arrests,²²⁵⁸ admitting that he was personally "familiar with Pol Pot's working style" on such matters.²²⁵⁹ He stated that arrest decisions were not made by Pol Pot alone, but "with the participation from the Standing Committee."²²⁶⁰ The only way **Khieu Samphan** would be aware of this is because he was regularly present at those meetings, including when arrests were discussed. He explained and defended the role of S-21,²²⁶¹ even speaking dismissively of the killing of children.²²⁶² He has acknowledged that torture was used to obtain S-21 confessions.²²⁶³

²²⁵⁶ Samphan as "Democratic Kampuchea vice president in charge of foreign affairs"].
²²⁵⁶ **E3/703** DK Publication, What are the Truth and Justice about the Accusations against Democratic Kampuchea of Mass Killings from 1975 to 1978?, 15 July 1987, EN 00004002 [further asserting that: "As we were able to get rid of Vietnam's agents infiltrated in our State organs, we were also able to progressively prevent such mistakes"].
²²⁵⁷ **E3/16** Khieu Samphan, Considerations on the History of Cambodia, EN 00498273 [describing Pol Pot's "3-7-8 Principle of Analysis"]; **E3/4024** Khieu Samphan Interview, EN 00788870 [transcript of video **E3/4024R**: "he was a leader who monitored his cadres very closely ... he wanted to monitor to see which cadres were good and which cadres were bad"]; **E3/4032** Khieu Samphan Interview, EN 00798304 ["He paid close attention to situations and cadres, particularly key cadres ... He often invited them to have chit-chats with him for hours ... However, those individuals who came for chit-chats with Pol Pot were not aware of Pol Pot's real intent"]. See also **E1/191.1** Philip Short, T. 8 May 2013, 09.32.24-09.34.26.
²²⁵⁸ **E3/4023** Khieu Samphan Interview, EN 00792450 [transcript of video **E3/4023R**: "Now let's talk about the arrests. These arrests involved detention, imprisonment and death ... I am of the opinion that it is imperative that we distinguish the arrests approved by Salot Sar or Pol Pot himself along with Standing Committee from those made by the respective arbitrary authority of others in the various Sectors and Zones ... Pol Pot at the leadership echelon only considered the arrests of cadres who had committed misconduct"]; **E3/4026** Khieu Samphan Interview, EN 00789052 ["Pol Pot did not just arrest cadres randomly. These were matters that had to be investigated, monitored, and seen clearly"].
²²⁵⁹ **E3/4023** Khieu Samphan Interview, EN 00792451 [transcript of video **E3/4023R**: "I am familiar with Pol Pot's working style. On whatever issue, he always needed to collect many documents, to collect information, to gather a great deal on a situation before making a decision"].
²²⁶⁰ **E3/587** Khieu Samphan Interview, 15 Oct 2007, EN 00680031 ["Pol Pot hunted down and made arrests with the participation from the Standing Committee; he never did anything alone"].
²²⁶¹ **E3/4023** Khieu Samphan Interview, EN 00792450 [transcript of video **E3/4023R**: "The latter type of arrests occurred, and those they arrested they kept in their respective places or else they sent them to S-21"], EN 00792451 [disputing that the purpose of S-21 was merely to "furnish the 'proof' of treason that the leadership required"]; **E3/16** Khieu Samphan, Considerations on the History of Cambodia, EN 00498277-78
²²⁶² **E3/4201R** Video *Facing Genocide: Khieu Samphan and Pol Pot*, 01.14.15-01.14.42 [in response to question about the children killed at S-21: "a few youngsters is not a reason to erase and reject an entire

5. Specific Evidence relating to Treatment of Ethnic Minorities (Vietnamese & Cham)

a) Party Centre Plan to Destroy Vietnamese, Cham, and Other Ethnic Minorities

551. Both **Nuon Chea** and **Khieu Samphan** participated in the daily meetings of the top CPK leaders held in Phnom Penh in April and May 1975 that formulated and agreed upon the Party plans and policies, which were then announced by Pol Pot and **Nuon Chea** at the 20-25 May 1975 mass meeting attended by CPK leaders from all zones, sectors, districts and organisations of the country.²²⁶⁴ As confirmed by former Sector 105 Secretary Sao Sarun, the plans announced by the CPK leaders at the meeting included the removal of all Vietnamese people from the country.²²⁶⁵ Numerous witnesses and other sources confirm this was part of a broader CPK policy to have only one race or nationality, the Khmer, and to eliminate and no longer recognise the country's ethnic minorities.²²⁶⁶ David Chandler testified that the CPK policy was a "race war against the Vietnamese" and "anyone else in the country who was not Khmer."²²⁶⁷

period in history"], 01.16.00-01.17.55 [referring to Vietnam: "So they talk about the little S-21 here in order to make people forget the gigantic S-21 over there"].

²²⁶³ **E3/4603** Khieu Samphan Interview, 24 Jan 2004, EN 00716435 ["After more than three decades of dedicated service, and silence, followed by several years of reflection, Khieu Samphan admitted that there was indeed a 'state institution' in which systematic crime, torture, extermination were state policy"]; **E3/18** Khieu Samphan, *Cambodia's Recent History*, EN 00103788 [stating that confession naming him as Office 870 Chairman had the "indelible stain of a terrible crime – torture"]; **E3/4023** Khieu Samphan Interview, EN 00792450 [agreeing with Philip Short that Pol Pot did not "believe documents obtained by torture"]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498273.

²²⁶⁴ See discussion of meetings in the section **Contribution to Enslavement of the Population – Participation of Nuon Chea and Khieu Samphan in Party Centre Meetings Establishing CPK Policy**.

²²⁶⁵ **E1/82.1** Sao Sarun, T. 6 June 2012, 11.24.43-11.27.21 ["That's what I heard at the time, that the Vietnamese were sent back to their country"], confirming **E3/384** Sao Sarun WRI, EN 00348375 ["Q. Did they talk about driving all of the Yuon from Cambodia? A. That was said, and the speaker was Pol Pot. Later on, I heard my lower-level cadres say that trucks transported the Vietnamese from the provinces of Kampong Cham and Kratie back to their country"]; **E3/1568** Chea Sim Interview, 3 Dec 1991, EN 00651867 and original interview notes **E3/5593** at EN 00419371-72 ["Pol Pot spoke a lot about the question of Vietnam. He stressed the importance of the issue of evacuating all of the Vietnamese people out of Cambodian territory"], EN 00651868 ["We heard it said that Vietnam was an enemy all over the place bit by bit ... It was only Pol Pot and Nuon Chea who said this, in speeches to political schools ... The conflict became antagonistic in 1975 ... Because at that time the Vietnamese residents were expelled from Cambodian territory"]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [list of 8 key points made at 20-25 May 1975 meeting, based on interviews of multiple attendees, includes: "(7) Expel the entire Vietnamese minority population"].

²²⁶⁶ **E1/344.1** Seng Khuy, T. 9 Sept 2015, 15.09.49 ["During the Pol Pot regime, ... they only wanted to have one pure race ... so they would not spare any other ethnicity, including the Cham race"]; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 11.24.39 ["I was there when the 'Yuon' and the Chinese were cleansed. That's always the words they used. And they did not want any other race except the Khmer ... In every study session I attended, ... that was the policy of the CPK to cleanse or to purge"]; **E3/5643** Seng Soeun DC-Cam Interview, EN 00753855 ["There was a plan to smash ethnic Vietnamese and ethnic Chinese"]; **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.33.46 ["under the Khmer Rouge regime, not only the Cham or the Vietnamese people were screened and names were compiled, the Chinese were also screened and lists

552. The April 1976 issue of *Revolutionary Flag*, which published a CPK leader's speech from the 17 April ceremony, described the 1975 deportation of the Vietnamese as follows:

Our people are called the 'Kampuchean people.' However, there were many foreigners, hundreds of thousands, and *one type of foreigner that was very strongly poisonous and dangerous to our people*. These people have what is called a poisonous composition since they came to wolf us down, came to nibble at us, came to swallow us, came to confiscate and take away everything, and came to endanger our nation, and our people, and they have caused us to lose much territory in the past ... Within 20 years these foreigners would certainly have increased to 10,000,000 persons ... However, our revolution, in particular on 17 April 1975, sorted this issue out cleanly and sorted it out entirely. We assume that we sorted it out permanently ... the great typhoon of our democratic revolution *swept hundreds of thousands of these foreigners clean and expelled them from our country*, got them permanently out of our territory.²²⁶⁸

553. In the fall of 1975, the Cham people who lived in communities along the Mekong River in Kroch Chhmar and other districts were "broken up," forcibly moved to other regions

were compiled"]; **E3/1692** Seng Srun WRI, EN 00242088 [describing how the Vietnamese wife of his uncle and their children were all killed, but his uncle "was not arrested and killed because he was pure Cambodian"]; **E3/7821** Math Ly Interview, 27 Mar 2000, EN 00441579 ["Q: Was there a policy against Cham, Chinese and Vietnamese? A: All were targeted. Vietnamese were even treated more badly"]; **E3/1568** Chea Sim Interview, 3 Dec 1991, EN 00651868, and original interview notes **E3/5593** at EN 00419374 ["Q: What did Pol Pot say about the Cham people? A: [At] that time the Cham people were considered as a minority among the various nationalities throughout Cambodia. Like other various national groups. And they were all killed together. Whether the minority groups were Cham or other minorities, they [were] killed"]; **E3/1593** Ben Kieman, *The Pol Pot Regime*, EN 01150139-40 [quoting interview of former Sector 21 Deputy Secretary Ouk Bun Chhoeun: "There was no policy of allowing minority nationalities. Everyone was mixed together. There was only one race – the Khmer"]; **E1/301.1** Or Hau, T. 19 May 2015, 10.07.16-10.09.56 [CPK "wanted to have only ethnic Khmer"]; **E1/302.1** Or Hau, T. 20 May 2015, 14.02.21 ["After having heard the mid-level Angkar representative, who said that in Kampuchea there would be only one single population – that is, Khmer"]; **E1/260.1** Elizabeth Becker, T. 10 Feb 2015, 11.28.17 ["When I would ask about minorities, I was told this is one Cambodian nation, one Cambodian people"]; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237951 ["Under the Khmer Rouge, the desire for racial purity"]; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548861 ["As soon as the Khmer Rouge took power, it publicly announced that there was to be only a Khmer race and began the regime's pursuit for an ethnically pure Democratic Kampuchea"]; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge*, EN 00554567-69 ["the Khmer Rouge proceeded to erase the identity of each ethnic minority group by ordering people to embrace a single race: Khmer. They instituted a racist, chauvinistic policy of forced assimilation or 'Khmerization' of the Cham and other ethnic minorities ... In decrees sent to the provinces, the Khmer Rouge declared that ... the various nationalities do not exist any longer in Kampuchea"].

²²⁶⁷ **E1/93.1** David Chandler, T. 20 July 2012, 16.02.14-16.03.42 ["By the end of 1978, the Khmer Rouge certainly had a policy of exterminating the Cham. By the end of 1978, they had a policy of eliminating the Vietnamese ... their public statements began to refer to the '*puch*' – or the race, the Cambodian race. It was not a word they'd used much before ... It's a term that was meant to encourage the Cambodian citizens to pursue, engage and win a race war against the Vietnamese and, by extension, not against the Cham, but against anyone else in the country who was not Khmer"].

²²⁶⁸ **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853-54 [emphasis added].

and dispersed into Khmer villages. The dispersal of the Cham was the subject of a 30 November 1975 telegram from Sao Phim (using his alias Chhon) to Pol Pot, copied to **Nuon Chea**, Doeun (the other member of the Office 870 Committee along with **Khieu Samphan**) and “Archives.”²²⁶⁹ This telegram states that the removal of 50,000 Cham from the East Zone was pursuant to prior “discussions” with and “instructions” from the Centre.²²⁷⁰ Norng Sophang testified this telegram was distributed to **Nuon Chea** because the K-1 telegram unit was under instructions that **Nuon Chea** “was in charge of people” and responsible “to find a solution” to such matters.²²⁷¹ Doeun’s receipt of the telegram confirms that Political Office 870 was also involved in this crime.

554. Between July and October 1975, the CPK leaders broadcast a series of propaganda reports on DK radio about Cham or Muslim villages in Cambodia, claiming they had been persecuted by the former regime, but were now “happy” because the revolution had guaranteed the freedom to “worship their religion.”²²⁷² After October 1975, however, there were no further DK radio broadcasts or statements referencing the Cham or Muslim peoples in the country.²²⁷³ This radio silence, that began at the very time the CPK was breaking up Cham villages and dispersing their people throughout

²²⁶⁹ **E3/154** Telegram 15 from Chhon (Sao Phim) to Brother Pol, 30 Nov 1975.

²²⁷⁰ **E3/154** Telegram 15 from Chhon to Brother Pol, 30 Nov 1975, EN 00185064 [“There are some problems ... on which the views and the instructions of the Organization are not being respected ... The view decided at the meeting stipulated that Islamic brothers and sisters were not to be sent into [Kratie], whereas the Northwest and the North had to accept them in order to split up Islamic people and separate them from the length of the Mekong River ... In principle their removal was to break them up, in accordance with your views in your discussions with us”].

²²⁷¹ **E3/64** Norng Sophang WRI, EN 00334057; **E1/120.1** Norng Sophang, T. 3 Sept 2012, 11.48.02-11.49.35.

²²⁷² **E3/1366** FBIS, *Moslem Villagers Enjoy New Life After Liberation*, 5 July 1975, EN 00167281 [“The Cambodian Moslems of Chrek Romiet village, Kompong Chhnang province are very happy with their new life”]; **E3/119** FBIS, *Revolution Improves Cambodian Moslems’ Livelihood*, 31 July 1975, EN 00167362 [Prek Hay village, Stung Trang district, Kampong Cham: “It is inhabited by our brothers, the Cambodian Moslems ... In the present era of liberation, the Moslem brothers are happy ... They are free to worship their religion and free to work and move about”]; **E3/272** FBIS, *Moslems Guaranteed Full Democratic Liberties*, 15 Oct 1975, EN 00167520 [Antong Sar village, Peam Chikang commune, Kang Meas district, Kampong Cham: “The majority of the inhabitants of this village has always been Cambodian Moslem ... the fraternal Cambodian Moslems in Phum Antong Sar have received much help from the revolutionary organization and are guaranteed full democratic liberties, including the freedom of belief”].

²²⁷³ This statement is based on a review of the monthly FBIS records of DK Radio broadcasts during the DK period and the written statements issued by the DK Government. See also **E1/88.1** Yun Kim, T. 19 June 2012, 11.53.18 [“During the study session, I had never learned anything about the Cham or Muslim people, because these people were regarded as Khmer or Cambodians and they were never regarded as another race or national in any document taught to us”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150140 [“In lectures to foreign ministry staff in 1976-77, Ieng Sary and his aides sometimes touched on the nationalities issue. According to a witness, ‘They just talked about one nationality – the Khmer. They did not mention the Chams ... The Chams they did not like, because they had killed revolutionary cadres ... The Chams and the Chinese were capitalists. They had been saying this for years’”].

the country, reflects the determination of the CPK leaders that the Cham people would no longer exist as a distinct ethnic, national or religious group. The next mention of the Cham came in the *Black Paper* published by the DK Government in September 1978, in which the CPK leaders told the world the “Cham race was totally exterminated by the Vietnamese.”²²⁷⁴ This calculated lie in a document prepared by Ministry of Foreign Affairs cadres, pursuant to instructions received at a meeting with Pol Pot, **Nuon Chea**, and Ieng Sary,²²⁷⁵ evidences the consciousness of guilt of the CPK leaders and their knowledge or expectation that there would be no more Cham in the country.

555. In 1977-78, pursuant to the plan to eliminate ethnic minorities and to have only the Khmer race and nationality in Democratic Kampuchea, the Vietnamese who had avoided deportation and remained in the country were identified and executed,²²⁷⁶ as were the Cham people who remained in Kang Meas, Kampong Siem and Kroch Chhmar districts, the traditional Cham heartland of Cambodia. The executions of the Cham were conducted primarily by Southwest Zone and Centre Division forces sent to purge the Central Zone in 1977 and the East Zone in 1978. (These killings are described in detail in the sections of this brief discussing the Crimes Against the Cham and Vietnamese.)
556. Both **Nuon Chea** and **Khieu Samphan** were on the stage with Pol Pot during his 17 April 1978 speech,²²⁷⁷ in which he described the ongoing war as one between the “Yuon” and “Kampuchean race,”²²⁷⁸ instructed cadres to cleanse the “germs” amongst

²²⁷⁴ **E3/23** DK Publication, *Black Paper*, Sept 1978, EN 00082514.

²²⁷⁵ **E1/102.1** Suong Sikoeun, T. 6 Aug 2012, 14.30.36-14.33.39 [meeting regarding preparation of Black Paper presided over by Pol Pot and attended by Nuon Chea and Ieng Sary]; **E3/42** Suong Sikeoun WRI, EN 00327217 [“Q: Did you have any contact with Nuon Chea from 1975 to 1979? A: ... I only saw him during a meeting organized in September 1977 for the drafting of the black book about the foreign policy of the Socialist Republic of Vietnam towards Democratic Kampuchea ... We had been summoned by Pol Pot, and he was the one who spoke most. Nuon Chea was more an observer”].

²²⁷⁶ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.57.30 [“Initially, ... they were peacefully sent back to their country by the government, and that continued until 1975 ... later on we were instructed that Vietnamese had to be smashed because they did not return to their country”].

²²⁷⁷ **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 10.38.16-10.40.17 [participants on stage at 17 April 1978 celebration with Pol Pot included “Uncle Nuon, Brother Thiounn Thioeunn, Brother Vorn and Brother Hem”]; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 09.04.12 [“Q: Before the meeting of 6 January 1979 that we will talk about in a while, did you have any particular contact, of any kind, with Mr. Khieu Samphan? A: ... Before that date, I did not have any involvement with Khieu Samphan; I only saw him from a distance on the 17 April 1978 commemoration”]; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 13.51.23-13.59.16 [confirming he heard presentation printed in Revolutionary Flag **E3/4604** at 17 April 1978 rally he attended].

²²⁷⁸ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519837 [“To defend Kampuchean territory means to defend the Kampuchean race. If the Yuon are able to take it, the Kampuchean race will be gone within 30 years”].

the people,²²⁷⁹ and called on every Khmer to kill 30 Vietnamese.²²⁸⁰ Pol Pot's speech was published in the April 1978 issue of *Revolutionary Flag*,²²⁸¹ and a similar message broadcast on the DK radio on 11 May 1978,²²⁸² in which the CPK made very clear that their objective was to target the entire Vietnamese population:

If we have 2 million troops, there should be 60 million Vietnamese. For this reason, 2 million troops should be more than enough to fight the Vietnamese, because Vietnam only has 50 million inhabitants. We do not need 8 million people. We need only 2 million troops to crush the 50 million Vietnamese; and we still would have 6 million people left.²²⁸³

557. There can be no doubt, based on the numbers used, that the CPK leaders were not just speaking about combat between DK and Vietnam's armies, but rather the elimination of the entire Vietnamese race.²²⁸⁴ Two months later, in the July 1978 *Revolutionary Flag*, the CPK cadres were told that it was the "national duty of all" to eliminate the "genocidal Yuon enemy" who "stink to high heaven and are degradingly despised as nothing,"²²⁸⁵ and the Party commended the "quick-burning flames of national and class

²²⁷⁹ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519842 ["Do not let those germs bore inside among our people, our Party, our Army. We make our Army clean, our Party clean, our people clean, so that they can fight the enemy and defend Kampuchean territory, that is, defend the Kampuchean race. Otherwise our race will disappear ... The Yuon will keep coming, 1,000,000 a year, 2,000,000, and will be out of territory and will have lost our race. This is our belief"].

²²⁸⁰ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519833-34 ["The Party made the determination to fight and smash large numbers of the enemy's life forces and to protect our forces to the maximum ... This is our slogan. Looking at the numbers, one of us must fight 30 Yuon. If we can implement this slogan, we win ... So when we have 2 million, we already have more than we need to fight them because they only have 50 million. We don't need to use 8 million; we can use [a] force of only 2 million to fight and smash the Yuon and still have 6 million left"]. See also **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166070 [repeated references to how "when 100 of the enemy were killed or wounded, we suffered from 3 to 5 killed or wounded," which may be the origin of the 30:1 reference in Pol Pot's speech].

²²⁸¹ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519830 ["The Presentation of the Comrade Secretary of the [CPK] on the Occasion of the 3rd Anniversary of the Great Victory of 17 April"].

²²⁸² **E3/1722** FBIS, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294786 ["The party instructed that we must try to destroy as many of the enemy as possible and to preserve our forces to the maximum ... This was our slogan. In terms of numbers, one of us had to kill 30 Vietnamese"], 00294790 ["We must purify our armed forces, our Party and the people in order to continue fighting the enemy in defense of Kampuchean territory and the Kampuchean race, for if we fail to do so, our race will disappear"].

²²⁸³ **E3/1722** FBIS, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294787.

²²⁸⁴ See also **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519836 ["And now, how about the Yuon? There are no Yuon in Kampuchean territory. Formerly there were nearly 1,000,000 of them. Now there is not one seed"]; **E3/1568** Heng Samrin Interview, EN 00651903 ["At Suong in Jan. 1978, Pol Pot said that in the war against Vietnam and the 1977 victory over Vietnam it was fixed that each Khmer should kill 10, no 30 Vietnamese. [Was this about the troops ... or the general population?] The whole, everyone. Both troops and civilians. Each Khmer had to kill 30 Vietnamese. Pol Pot said this clearly, directly. It was certain that he was not talking just about troops"].

²²⁸⁵ **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [also stating that the Yuon had been the "national enemy" of the Kampuchean race "from the beginning up through the present"].

hatred” that had been “transformed into a great mass movement” to sweep cleanly away the “Yuon” enemies.²²⁸⁶

558. **Nuon Chea** and **Khieu Samphan** were thus part of the CPK leadership that formed the Party plan to eliminate ethnic minorities and have only a single race and nationality in Democratic Kampuchea, the Khmer people, a plan that was accomplished by mass deportations of Vietnamese, the break-up and dispersal of the Cham, and mass executions of those who remained behind. As demonstrated below, the Accused’s intent and agreement with the plan to remove and eliminate ethnic minorities is proven by their statements and acts during the regime.

b) Evidence of Intent of Nuon Chea

559. In his January 1977 speech to the RAK, in describing how the 1973 capture of the town of Banam had correctly implemented the Party’s line of “attacking the enemy,” **Nuon Chea** noted that they had “expell[ed] the ethnic Vietnamese, the ethnic Chinese, the military, the police,”²²⁸⁷ reflecting the CPK leaders’ view of those groups as enemies. **Khieu Samphan** was present during that speech.²²⁸⁸ In another speech at which **Khieu Samphan** was present,²²⁸⁹ **Nuon Chea** stated that the ‘Yuon’ were the “enemy of the revolution.”²²⁹⁰ In the presence of Ta Mok and Son Sen, **Nuon Chea** rallied 1,000 soldiers against the “contemptible ‘Yuon’ enemies” who had “sent spy agents” to invade DK territory.²²⁹¹
560. In other speeches during the regime, **Nuon Chea** used inflammatory language designed to provoke hatred towards the Vietnamese. He referred to the Vietnamese as “vicious” and “evil” annexationists who acted “cruelly” and “barbarously” and intended to “exterminate the Kampuchea race.”²²⁹² He further revealed his paranoid and hostile

²²⁸⁶ **E3/746** *Revolutionary Flag*, July 1978, EN 00428303-04.

²²⁸⁷ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491425.

²²⁸⁸ **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168464 [“Among DK leaders attending this meeting were Comrade Khieu Samphan”].

²²⁸⁹ **E1/475.1** Mom Vun 16 Sept 2016, 13.58.05-14.01.22 [describing 1976 assembly at Phnom Kulen presided over by Nuon Chea, Khieu Samphan and Ieng Sary, at which Nuon Chea gave a speech], 14.11.20-14.15.27.

²²⁹⁰ **E1/475.1** Mom Vun 16 Sept 2016, 14.17.13-14.19.41.

²²⁹¹ **E498.1** 2-TCCP-235, T. 10 Nov 2016, 14.50.11-14.57.36 [testimony of Division 164 cadre describing Nuon Chea speech at Borei Keila, after which troops were sent to the Eastern battlefield].

²²⁹² **E3/76** FBIS, *Nuon Chea Hosts Banquet*, 18 Sept 1978, EN 00170388 [Nuon Chea speech referring to “the Vietnamese enemy’s acts of territorial expansion, annexation and aggression,” and stating that Vietnam was “vicious and devoid of all gratitude,” had “arrogantly returned evil for good” and “intend[ed] to annex Kampuchea as a whole”]; **E3/199** Nuon Chea Speech, 3 Sept 1978, EN 00065915 [praising the RAK because it had “smashed all the acts of subversion, attempts at coups d’etat ... cruelly, barbarously and successively perpetrated by Vietnam against Democratic Kampuchea” and “crushed the

attitude towards the Vietnamese in a July 1978 speech, in which he told a visiting delegation of Danish Communists at the height of the Cold War that “CIA agents [had] joined up with the Vietnamese in order to come to Kampuchea,” explaining that the Vietnamese did not “discriminate in choosing agents” and would “accept anybody who fights the CPK.”²²⁹³

561. **Nuon Chea** also made nationalist and xenophobic statements evidencing his distrust of and desire to exclude non-Khmer people from Democratic Kampuchea. At a study session held at Borei Keila, he declared that “Khmers should love Khmers,” and urged cadres to stand “shoulder to shoulder to protect our land” against “the Yuon.”²²⁹⁴ At another political education session conducted with **Khieu Samphan** and Pol Pot, **Nuon Chea** spoke of “aggressive Yuon agents” who had infiltrated the country,²²⁹⁵ and instructed cadres that anyone educated in foreign countries was a threat to the revolution.²²⁹⁶
562. **Nuon Chea** is directly linked to arrests and killings of Vietnamese people, including women and children. In the minutes of the 26 March 1976 Standing Committee meeting on Vietnam that was presided over by **Nuon Chea** and attended by **Khieu Samphan**, the CPK Deputy Secretary discussed a “group of five or six Vietnamese [who] came to live in the forest,” stating: “We have ordered them arrested already.”²²⁹⁷ At the conclusion of that meeting, **Nuon Chea** remarked that “with Vietnam, our problems are never ending.”²²⁹⁸ In June 1977, **Nuon Chea** was one of the CPK leaders who received Northeast Zone Secretary Vi’s telegram requesting instructions on “209 Vietnamese soldiers, including 9 females” who had been captured and detained by Division 801.²²⁹⁹ It is apparent from the telegram that these people were not soldiers of the Vietnamese government, but rather Jarai dissidents.²³⁰⁰ As detailed in the *Au*

Vietnamese strategy of ‘Indochina Federation’ aiming at swallowing the Kampuchea territory and exterminating the Kampuchea race”].

²²⁹³ **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762403.

²²⁹⁴ **E1/217.1** Ek Hen, T. 3 July 2013, 11.45.52; **E3/474** Ek Hen WRI, EN 00205050.

²²⁹⁵ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.18.00-11.20.30.

²²⁹⁶ **E1/115.1** Em Oeun, T. 27 Aug 2012, 11.11.59-11.14.22.

²²⁹⁷ **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding the Eastern Border,” 26 Mar 1976, EN 00182657.

²²⁹⁸ **E3/218** Minutes of Standing Committee Meeting on “Results of Negotiations with Vietnam regarding the Eastern Border,” 26 Mar 1976, EN 00182657.

²²⁹⁹ **E3/240** Telegram 07 from Vi, 15 June 1977 [copied to “Grand Uncle, Uncle Nuon, Brother Van, Brother Vorn, Brother Khieu, Office & Documentation”].

²³⁰⁰ **E3/240** Telegram 07 from Vi, 15 June 1977, EN 00897667 [reporting that the captured Vietnamese were almost all Jarai, carried “US-made backpacks,” brought only “one AK rifle, three AR-15 guns, two pistols and three US-made grenades,” and had stated “they were ordinary people who came to defect to

Kanseng section, the order sent down to Division 801, which was carried out, was to execute all the Jarai prisoners from Vietnam.

563. Other mass killings of Vietnamese were also reported to the Party Centre leaders. In its July 1978 monthly report, the West Zone reported that Sector 37 had “smashed 100 ethnic Yuons, including small and big, adults and children,”²³⁰¹ pursuant to the “Party’s assignment line to routinely remove, screen and sweep clean” such persons.²³⁰²
564. In 1978, during the period Duch reported directly to **Nuon Chea**, numerous Vietnamese were taken to S-21 and executed, including two seven year old boys and two eight year olds from Svay Rieng,²³⁰³ seven children aged 10 or 11 years old,²³⁰⁴ and 16 other Vietnamese children between the ages of 13 and 15.²³⁰⁵ In total, well over 500 Vietnamese prisoners were sent to S-21 in 1978,²³⁰⁶ the majority of whom were not Vietnamese soldiers.²³⁰⁷ They were arrested and sent from different regions of the country, though primarily the provinces that bordered Vietnam, that is, Svay Rieng (East Zone), Takeo (Southwest Zone) and Mondulkiri (Northeast), as well as Vietnamese arrested at sea and sent to S-21 from Kampong Som.²³⁰⁸ The 1978 evidence from S-21 thus demonstrates that, under **Nuon Chea**’s oversight, all Vietnamese found

Cambodia”].

²³⁰¹ **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315374-75.

²³⁰² **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315368.

²³⁰³ **E3/10604** OCIJ S-21 Prisoner List, Nos 10129 [8-year old Vin Yaing Fa entered S-21 on 6 May 1978], 12623 [7-year old boy Troeng Yaing Fak entered on 30 October 1978 and was executed the following day], 12660 [7-year old Troeng Yaing Ngok entered 13 Nov 1978], 12697 [8-year old girl Le Thimiphoeung entered S-21 on 19 Nov 1978]. *See also* **E3/10456** S-21 List of Prisoners Killed on 31 October 1978, KH 01018835 [Troeng Yaing Fak]; **E3/8463** S-21 List of Prisoners Smashed on 27 May 1978, EN 01032536 [No. 578 – Vin Yaing Fa].

²³⁰⁴ **E3/10604** OCIJ S-21 Prisoner List, Nos 8037 [11-year old Meu Chuk from Vietnam entered S-21 on 17 Jan 1978], 12509 [10-year old Vinh Yaing Thanh from Svay Rieng entered 25 Sept 1978], 12590 [11-year old boy Le Yaing Ve from Southwest Zone entered 12 Oct 1978], 12657-12659 [11-year old boys Dinh Thanh Siem and Ngvieng Yaing Ta and 11-year old girl Ngvieng Thinga from Svay Rieng all entered on 13 Nov 1978], 13974 [11-year old Yor Yaing Nhoek from Svay Rieng entered 4 Dec 1978]. Le Yaing Ve’s S-21 Photograph is No. 610 in **E3/9837**. He was executed on 20 Oct 1978 (OCP Revised S-21 List, No. 4593).

²³⁰⁵ **E3/10604** OCIJ S-21 Prisoner List, Nos 8258, 8405, 9767, 9856, 9902, 10130, 10262, 11832, 12496, 12507, 12594, 12619, 12633, 12677, 13196, 13891, 14879. A number of these Vietnamese children appear to have been arrested at sea and sent to S-21 from Kampong Som, including 15-year olds Loeung Minh Tun Hay, who entered on 16 Feb 1978 and was executed on 27 Mar 1978 (No. 8405), and Ngvieng Kong Vieng (No. 12496). The S-21 photograph of 13-year old Vin Thi Ngok (OCIJ No. 10130), taken on her arrival on 6 May 1978, is **E3/8639.171**. She was executed a week later on 14 May 1978 (**E3/8463** at KH 00016000-04 - No. 69). *See also* **E3/10456** S-21 List of Prisoners Killed on 31 October 1978, KH 01018835 [includes 13 year old Ngvieng Yaing Vin (OCIJ 12619)].

²³⁰⁶ *See Annex F.33 List of Vietnamese S-21 Prisoners; Annex F.2 Figure 5.2, Vietnamese Arrested by Month at S-21*, p. 47.

²³⁰⁷ *See Annex F.2 Figure 5.1, Vietnamese Described as Spies, Soldiers and Civilians at S-21*, p. 47.

²³⁰⁸ *See Annex F.2 Figure 5.3, Vietnamese Arrested by Zone at S-21*, p.49. *See also* **E3/196** Nuon Chea Speech, 30 July 1978, EN 00762405 [“The Vietnamese thus crawled into our country by what they term ‘legal’ means, especially in Takeo and Svay Rieng”].

on Cambodian soil or waters were being arrested and sent for execution, whether they were a 20-year old soldier, a 45-year old fisherman or a seven year old child.²³⁰⁹

565. The evidence also proves that these crimes were being committed under the immediate oversight and direction of **Nuon Chea** and the Party Centre leaders. **Nuon Chea** received reports from the base regarding Vietnamese who were being sent to S-21,²³¹⁰ and on some occasions informed Duch in advance that Vietnamese prisoners were being transported to S-21.²³¹¹ He provided specific instructions to Duch regarding the interrogation and filming of Vietnamese POWs and recording of their confessions for broadcast on the DK radio.²³¹²

566. Surviving notebooks of S-21 interrogators record the political education and instructions provided to S-21 cadres in 1978 relating to the Vietnamese, including a statement by Pol Pot emphasizing the importance of smashing completely the Vietnamese enemy:

On 17 January 1978, Brother Party Secretary said that if we hit their legs the Yuon can still crawl, if we hit their arms they can walk.²³¹³

567. Subsequent notes reflect repeated discussion of “the problem of the Yuon hidden in Kampuchea,” who were said to be “hiding everywhere.”²³¹⁴ Interrogators were specifically instructed to “ask about the Yuon in hiding,”²³¹⁵ and told that “finding the Yuon” was a “maximum victory,” while “finding additional traitor connections who are Yuon agents” was only a “minimum victory.”²³¹⁶ Duch testified that a note from an 8 October 1978 meeting, which referenced a future plan to restrict the use of torture and beatings on Khmer prisoners, but continue to apply “absolute Special Branch methods, completely and totally, permanently” for “Yuon” and “foreigners,” was part of the

²³⁰⁹ See **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.53.10 [“Yuon people were not able to live in Cambodia”].

²³¹⁰ See e.g. **E3/181** Telegram 11 from 47 (Son Sen) to Respected Brother, 14 Feb 1978, copied to “Grand Uncle, Grand Uncle Nuon & Archive” [para. 5 reports: “Comrade Tal (*Division 290 Secretary*) captured 2 Yuon heads, ages 17 and 27. They were sent to S-21”]. **E3/10604** *OCIJ S-21 Prisoner List* records that, 17-year old Le Vang Khoeung (No. 8227) and 27-year old Troeung Yaing Nhim (No. 14893) entered S-21 on the following day, 15 February 1978.

²³¹¹ **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.43.05-09.44.35 [confirming that Nuon Chea informed him that “‘Yuon’ soldiers would be sent to me”]; **E3/1580** Kaing Guek Eav WRI, EN 00177588.

²³¹² **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30, 15.11.42-15.17.31; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.59.14; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48, 11.54.57; **E3/1580** Kaing Guek Eav WRI, EN 00177588.

²³¹³ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184497.

²³¹⁴ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184498 [18 June 1978 note].

²³¹⁵ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184529 [16 December 1978].

²³¹⁶ **E3/834** Pon-Tuy S-21 Interrogator Notebook, EN 00184504 [18 July 1978 note].

instructions he had received at a political education meeting led by Pol Pot and **Nuon Chea**.²³¹⁷

568. Thet Sambath, who interviewed the Accused over a number of years, states that **Nuon Chea** always referred to the Vietnamese as “Yuon,”²³¹⁸ and that his contempt for the Vietnamese began early,²³¹⁹ “reach[ed] its height” during the DK period and “still lingers today.”²³²⁰ As one example of this, **Nuon Chea** cannot bring himself to admit he was once called “Brother Number Two,” despite the incontrovertible evidence, because he views that name as one “derived from the cult of Vietnam.”²³²¹ Even in his carefully crafted statements to this Chamber, **Nuon Chea** is unable to conceal his hatred and contempt for Vietnam.²³²²

²³¹⁷ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184522 [8 Oct 1978 notes: “In the near term, we have plans to interrogate all of the Khmer without beatings and getting 80% confessions. No beatings and getting very detailed confessions, 70%. As for the foreigners, the Yuon, the imperialist CIA, we apply absolute Special Branch methods, completely and totally, permanently. Also in this temporary period, the task of defense will temporarily apply the old principles, absolutely and totally”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.10.07-11.18.34.

²³¹⁸ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757508 [“Even now, Nuon Chea always refers to the Vietnamese as ‘Yuon,’ a racist term used by Cambodians”]. *See e.g.* **E3/26** Nuon Chea Interview, Oct 2006, EN 00329513 [“The evil groups ... There were Khmer Serei, the CIA, the KGB, the Yuon”]; **E3/108** Nuon Chea Interview, 10 June 2006, EN 00000934 [claiming that the “Yuon” set up Tuol Sleng to “blame us for killing our own people”]; **E3/3** Nuon Chea Statement, May 1998, EN 00184657 [“a number of the Yuon who had led in Kampuchea and who had been secretly imbedded in the Yuon ethnic minority”], 00184672 [“Right after the coup, the Yuon had no place to stay because America was attacking ... The Yuon had to depend on us. The bitch Nguyen Thi Binh, the female commander, came to meet Phim”], 00184674 [after completing presentation on pre-75 period: “Attacking the Yuon, attacking whatever, that was later”], 00184676 [“The experience about the Yuon, that many were smashed”]. **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.15.50-09.17.13 [“the term ‘Yuon’ ... is one that signals this hatred of the Vietnamese other”]; **E1/404.1** Alexander Hinton, T. 17 Mar 2016, 12.10.24-12.11.14.

²³¹⁹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757501 [“Nuon Chea and Pol Pot both had personal experiences with the Vietnamese that colored their opinions of their neighbors from an early age ... ‘I hated Vietnamese youths from the time I was young,’ Pol Pot told Nuon Chea. ‘I did not like them because the Vietnamese were rude and too clever at playing unfair tricks while playing football against me’”].

²³²⁰ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757508, 00757511 [also noting: “With the Khmer Rouge emphasis on racial purity and hostility between Cambodia and its neighbors, Vietnamese living in Cambodia were targeted by the Khmer Rouge, just as they had been with Lon Nol. Vietnamese citizens were labelled spies. Many were arrested and others fled to Vietnam”].

²³²¹ **E1/22.1** Nuon Chea, T. 14 Dec 2011, 09.42.13 [“Number One or Number Two here, I think, was derived from the cult of Vietnam, particularly those Cambodians who left for Vietnam following the Geneva Conference. Certain number of Cambodian people – approximately 1,500 of them – went to Vietnam. Those Cambodians returned to Cambodia and they brought along with them this culture. But in the Communist Party of Kampuchea there was no such thing as Brother Number One, Number Two, we only address each other by Brother”]. *See also* **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 10.08.08-10.10.50 [“it was the ‘Yuon’ who usually referred to their cadres as ‘Brother Number 1’ or ‘Number 2’ ... later on, Brother Pol and Brother Nuon advised not to use that title again ... later on, the upper echelon gave instructions for us to stop using the titles because in the ‘Yuon’ structure, they use such titles”].

²³²² **E1/14.1** Nuon Chea, T. 22 Nov 2011, 13.54.42 [Khmer people did not participate in the Indochinese Party because “Khmer dislike Vietnamese”], 13.59.43 [accusing Vietnam of having an “evil ambition”], 15.06.32 [“Vietnam’s bad behavior remains unchanged for centuries”], 15.08.57 [“Vietnam’s cadres still

c) Evidence of Intent of Khieu Samphan

569. **Khieu Samphan**'s decision to participate in the CPK criminal plan was a conscious choice driven by his nationalist views²³²³ and his paranoia about a Vietnamese threat – beliefs which he shared with Pol Pot and **Nuon Chea**.²³²⁴ He contributed to the CPK's crimes against the Vietnamese, and revealed his agreement with the plan to eliminate all Vietnamese from Cambodia, through political education and other speeches he made during the DK regime.
570. In a study session he led at Borei Keila that was attended by over 400 cadres, **Khieu Samphan** stated that Khmers had to be united and "free of Vietnamese."²³²⁵ The witness present at this meeting indicated that **Khieu Samphan** used the term "Yuon," and stated that by that time, "there were only Cambodians" and "no Yuons" in the country.²³²⁶
571. In his speeches, **Khieu Samphan** referred to the Vietnamese as "our sworn enemy,"²³²⁷ "the worst criminals ever,"²³²⁸ "superpower chauvin[ists],"²³²⁹ "ruthless, savage international enemies"²³³⁰ who were "ferocious," "brutal,"²³³¹ "evil,"²³³² "ugly,"²³³³

... remain discretely on Cambodian soil in order to ... annex, swallow Cambodia and rid Cambodia of her race and ethnicity and bring further Vietnamese illegal immigrants to live in Cambodia", 15.34.13 [describing Vietnamese as "thieves who wished to steal our land and wipe Cambodia off the face of the world"]].

²³²³ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103783 ["Indeed most militants of my generation, including those who, like me, were driven by fervent nationalism, made a fundamental mistake."].

²³²⁴ **E3/4201R** Video *Facing Genocide: Khieu Samphan and Pol Pot*, 01.15.10-01.15.42 ["You have to understand that, without Pol Pot, without the Khmer Rouge, ... Cambodian would have been in the hands of the Vietnamese communists. Don't forget that!"]; **E3/4046** Khieu Samphan Interview, EN 00792907 ["if we trusted and were close to the Vietnamese that was wrong, that was against the line"]; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498302 ["If the Vietnamese had liberated the South before Phnom Penh had been liberated, there may have been major danger"]; **E1/190.1** Philip Short, T. 7 May 2013, 14.37.11 [discussing above statement in **E3/16**: "That reflects the paranoia about Vietnam"]; **E1/191.1** Philip Short, T. 8 May 2013, 09.36.53 ["it became a self-fulfilling prophecy. If you are convinced that the Vietnamese wish you ill, then you see all kinds of reasons to take measures against the Vietnamese, which in turn ... becomes enmity"].

²³²⁵ **E1/217.1** Ek Hen, T. 3 July 2013, 11.30.15-11.33.02 ["'Yuon' were not regarded as our friends because in our country, in those days, there were only Cambodians, no 'Yuons.' And he [*referring to Khieu Samphan*] also mentioned something about this. He said Khmer had to be united and Khmer shall be free of Vietnamese, or the 'Yuon'"].

²³²⁶ **E1/217.1** Ek Hen, T. 3 July 2013, 11.30.15-11.33.02.

²³²⁷ **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169296 ["the entire Kampuchean people oppose Vietnam which is our sworn enemy"]. See also **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280392; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010559; **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166069 ["aggressive, expansionist and annexationist Vietnamese enemy"].

²³²⁸ **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169296.

²³²⁹ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391 ["we have powerfully shattered ... the flag of Vietnam's 'superpower chauvinism'"].

²³³⁰ **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169296.

“barbaric and cruel,”²³³⁴ “devoured by sinister ambition,”²³³⁵ akin to Hitler,²³³⁶ and engaged in “genocidal aggression”²³³⁷ aimed at “swallowing up” and “snuffing out” Kampuchea.²³³⁸

572. **Khieu Samphan**’s inflammatory nationalist language was designed to provoke hatred against the Vietnamese. In a statement broadcast at the end of 1977 that had been approved by **Nuon Chea**,²³³⁹ **Khieu Samphan** told Cambodians that the “Vietnamese enemy” had “plundered Cambodia’s rice,” “raped and killed our women,”²³⁴⁰ and wanted to “enslave all our people and turn all of us into Vietnamese.”²³⁴¹ In an April 1978 speech, he publicly endorsed “national hatred” against the Vietnamese,²³⁴² talked

²³³¹ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166065, 00166068; **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169295 [Vietnam acted “in a most insolent and brutal manner ... arrogantly and savagely”].

²³³² **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166066; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010558.

²³³³ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166070 [“SRV’s ugly face”].

²³³⁴ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391.

²³³⁵ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391.

²³³⁶ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166068 [asserting that Vietnam had acted “in the same way Hitler invaded Czechoslovak territory in 1939”].

²³³⁷ **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169295 [“anti-Kampuchea genocidal aggression” aimed at “exterminating the Kampuchean nation”].

²³³⁸ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280391-92 [“an aggressor eager to grab and annex the Kampuchean territory”], 00280396-97; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010558 [“the greedy Vietnamese have the evil intention of swallowing up our Cambodian territory in accordance with their Indochinese federation plan”]; **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166066 [“The SRV thinks that if this aim could be achieved, in 30 years at most, the Vietnamese nationals would become the majority in Cambodia, for it would be possible to send from 500,000 to 1,000,000 Vietnamese nationals into Cambodia each year”], 00166069 [appealing to Cambodian people to “prevent the aggressor Vietnamese enemy from annexing and swallowing up our territory”]; **E3/296** Khieu Samphan Statement, 2 Jan 1979, EN 00169294 [Statement of DK Government “read by State Presidium Chairman Khieu Samphan”: “Vietnam has relentlessly used all kinds of tactics - persuasion, hostility, clandestine manipulation, subversion, intimidation, threats, coups d’etat, infiltration and outright aggression and invasion -- against the Kampuchean nation and people ... carrying out the strategy of swallowing up Kampuchean territory ... aiming at snuffing out and destroying Democratic Kampuchea all at once”].

²³³⁹ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166068 [“with the approval of the CPRA Standing Committee which met in special session on 25 December 1977 under the chairmanship of Comrade Nuon Chea, the Government of Democratic Cambodia decides to issue this statement”].

²³⁴⁰ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166065.

²³⁴¹ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166070 [“The aggressive, expansionist Vietnamese enemy has a great ambition; they want to annex all our territory and enslave all our people and turn all of us into Vietnamese within the next few decades”]. See also **E1/120.1** Norng Sophang, T. 3 Sept 2012, 15.06.26 [“I used to listen to the statement made by Mr. Khieu Samphan. It was done on the 31st of December 1977 through the National Radio of Democratic Kampuchea broadcast”]; **E1/382.1** Prum Sarat, T. 26 Jan 2016, 15.59.35; **E3/385** Leng Chhoeung WRI, EN 00360130 [“Q: Did you hear any announcement of Khieu Samphan on radio? A: I heard his appeals on radio to fight against the Yuon”].

²³⁴² **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280396 [“the fight against Vietnam the aggressor that wants to grab and annex our territory further raised the political awareness and patriotism of our people and again stirred up their national hatred and class hatred. Consequently, our people’s political and ideological awareness was further developed”].

about the conflict as a war between races,²³⁴³ and called on the people to “draw inspiration” from the army and “radically eliminate forever from the territory of Kampuchea” the Vietnamese aggressors.²³⁴⁴ At the end of that speech, the meeting participants adopted a resolution to “keep extremely seething the national spirit of revolutionary vigilance” and to “exterminate the enemies of all stripes, particularly the expansionist, annexationist Vietnamese enemy, in order to preserve the nation and the Cambodian race forever.”²³⁴⁵

573. **Khieu Samphan** intended his words to have this very effect and to inspire hatred against the Vietnamese, as he would later admit to Norodom Sihanouk:

He [*referring to Khieu Samphan*] unabashedly told me that ‘to unite our compatriots through the Party, to bring our workers up to their highest level of productivity, and to make the *yotheas*’ ardor and valor in combat even greater, the best thing we could do was incite them to hate the Yuons more and more every day.’ Khieu Samphan added: ‘Our *bang-phaaun* [literally, older and younger brothers and sisters] are willing to make any sacrifice the minute we wave the ‘Hate Vietnam’ flag in front of them.’²³⁴⁶

6. Persecution of Buddhists

574. As with the other key CPK policies, Pol Pot and **Nuon Chea** conveyed the plan to close all pagodas and disrobe all monks at the 20-25 May 1975 mass meeting of cadre from across Cambodia.²³⁴⁷ The announcement of this policy followed weeks of meetings of the CPK leaders in Phnom Penh formulating the Party’s post-liberation plans. Both

²³⁴³ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280392 [describing RAK as “cornerstone” of defence of “the race of Kampuchea”], 00280398 [instructing people that their “1st task” from the Party was to “defend tooth and nail ... the Kampuchean race”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563.

²³⁴⁴ **E3/169** Khieu Samphan Speech, 15 Apr 1978, EN 00280392; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010559-60 [“strive wholeheartedly to fulfil all the tasks the Party has assigned each of us ... so as to completely and forever eliminate the aggressive enemies of all stripes, particularly the expansionist, annexationist Vietnamese aggressors, from our Cambodian soil”].

²³⁴⁵ **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010563 [also resolving to “destroy forever all the expansionist, annexationist Vietnamese aggressors”].

²³⁴⁶ **E3/1819** Norodom Sihanouk, *War and Hope*, EN 00349591.

²³⁴⁷ **E1/82.1** Sao Sarun, T. 6 June 2012, 11.08.03 & 11.34.17, *confirming* **E3/367** Sao Sarun WRI, EN 00278694 [“In that meeting, the presenters at the opening sessions were Nuon Chea and Pol Pot ... Both of them talked about ... monastery closings”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [list of eight policies discussed at meeting includes: “(4) Defrock all Buddhist monks and put them to work growing rice”]; **E3/1568** Chea Sim Interview, 3 Dec 1991, EN 00651867, and original interview notes **E3/5593** at EN 00419371-72 [confirming that one of the eight points discussed by Pol Pot and Nuon Chea was to “Defrock all monks”]. *See also* **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.34.47 [testifying that Tram Kak District Secretary Khom attended the May 1975 meeting and convened district cadres on her return to communicate the plan: “Q: Do you recall whether she said anything about disrobing or defrocking of the monks? A: Yes, she actually spoke about that subject ... She talked about that and she led the communes to implement”].

Khieu Samphan and **Nuon Chea** participated in those meetings, as discussed in previous sections. The Party leaders confirmed their view on the need to eliminate Buddhism in Cambodian society in *Revolutionary Flag*, noting their long-standing conclusion that the Buddhist religion and its leaders were an obstacle to the goals of the CPK revolution.²³⁴⁸ (The evidence of a uniform prohibition on Buddhism that could only have originated from the Party Centre leaders is discussed in the JCE section on *Targeting of Buddhists*.)

575. Both Accused showed their agreement with the elimination of religion during the DK regime. Civil Party 2-TCCP-223 testified that he was informed by a Member of the Northwest Zone Committee of an order from **Nuon Chea** to close the pagodas.²³⁴⁹ **Khieu Samphan**, in explaining the limitation on religious freedom in the DK Constitution, warned that “imperialists continue to look for means to attack us, among which is the use of a religious cloak to infiltrate our country.”²³⁵⁰ S-21 Chairman Duch testified that at a political training session presided over by Pol Pot and **Nuon Chea** near the end of the regime, Pol Pot announced that the plan to “eliminate Buddhism” had been “successful.”²³⁵¹
576. Moreover, it is noteworthy that while both Accused have begun virtually every statement in ECCC court proceedings by paying their respect to the venerable monks,²³⁵² not a single one of their DK-era speeches contains any such statement. As

²³⁴⁸ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486230 [stating that “the contradiction between the peasants and the landowners” had been buried in the past because “the landowner class, the mandarin holders of power, and the spiritual leaders of the exploiting classes disseminated information to bury these contradictions. The belief that bad and good deeds from another life resulted in present conditions, etc., served to deceive the peasants and prevent them from seeing the contradictions”]; **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.21.58-14.34.54 [refusing to respond to questions on this issue]; **E3/144** Pol Pot Speech, 27 Sept 1977, EN S 00012677.

²³⁴⁹ **E1/500.1** 2-TCCP-223, T. 21 Nov 2016, 10.50.48, *referencing* **E3/6636a** 2-TCCP-223 CP Supplementary Information, EN 00859259; **E3/5000** 2-TCCP-223 CPA, EN 00793364.

²³⁵⁰ **E3/273** FBIS, *Khieu Samphan Report*, 14 Dec 1975, EN 00167816 [adding that they should be opposed “at all costs”], EN 00167813 [also stating that the new regime opposed “all corrupt, reactionary cultures of the various oppressive classes ... in Cambodia”].

²³⁵¹ **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.21.32-09.23.24 [describing Sept 1978 study session: “Pol Pot, Nuon Chea were there and Pol Pot was presenting documents in the training sessions for senior cadres when Nuon Chea was seen sitting alongside”], 09.25.09-09.28.00 [describing Pol Pot presentation: “he indicated as well that we were trying to eliminate Buddhism and our cause was successful ... Pol Pot told Le Duan that how to eliminate Buddhism was by way of making monks build dams and blend in the popular masses”].

²³⁵² *See e.g.* **E1/14.1** Nuon Chea, T. 22 Nov 2011, 13.49.55 [“my respect to venerable monks”]; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.16.49 [“Mr. President ... venerable monks”]; **E1/23.1** Nuon Chea, T. 15 Dec 2011, 13.57.07 [“My respects to the monks”]; **E1/27.1** Khieu Samphan, T. 16 Jan 2012, 12.06.07 [“venerable monks”]; **E1/237.1** Nuon Chea, T. 31 Oct 2013, 09.03.56 [“My respect to the venerable monks who are present here today and those at the pagodas”]; **E1/237.1** Khieu Samphan, T. 31 Oct 2013, 13.46.52 [“My utmost respect to venerable Buddhist monks in various monasteries and pagodas across

Nuon Chea has acknowledged,²³⁵³ the explanation for this is simple – the CPK leaders understood there were no monks left.

CONTRIBUTION TO FORCED MARRIAGE

1. Development and Implementation of Policy at Centre

577. The development of a nationwide policy relating to forced marriage will be discussed in detail later in this brief in the section titled *Forced Marriage and Rape – Establishment of the Policy*. This policy was implemented by the very top CPK leaders.

578. Forced marriages and mass weddings were conducted at the Ministry of Commerce,²³⁵⁴ for which **Khieu Samphan** had oversight responsibility.²³⁵⁵ As many as 20 to 30 couples were married at the same time,²³⁵⁶ in marriages sometimes conducted by

Cambodia”].

²³⁵³ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.38.16 [“Q: I had noted that, in your opening statement, you had started your comments by paying respect to the Venerable Monks and that you did so also today ... Why is it that the speeches you made as a Khmer Rouge leader contain no respect to the Venerable Monks? A: Mr. President, a speech could be a political one. I do not want to mix religion with politics. However, at that time, at that particular time, there was no monk participating ... For that reason, I never used a line to pay my respects to Venerable Monks”].

²³⁵⁴ **E1/467.1** Phan Him, T. 31 Aug 2016, 14.21.44 [testimony of female Commerce cadre who worked at Tuol Tumpoung: “I was told that despite my refusal, Angkar would assign me to have a husband and if I violated the discipline, then I had to be careful”], 14.29.03 [marriage conducted “to the east of the Tuol Tumpung pagoda”]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.25.10-09.30.50, 09.40.52-09.42.13; **E3/9318** Phan Him DC-Cam Statement, EN 00679676-77; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.51.10-14.06.10 [Civil Party who worked for Ministry of Commerce was forced by her supervisor to marry a handicapped soldier and stay in rooms at the Tuol Tumpung market, where they were monitored by the militia], 15.27.51-15.32.37 [required to make commitment to “produce children for Angkar” at marriage ceremony]; **E3/10620** Ruos Suy WRI, A77, A79, A83 [witness was forcibly married himself, and facilitated hundreds of forced marriages as deputy chief of the State Warehouses, testifying: “Some people who were assigned to get married did not dare to refuse the assignment because of fear from being mistreated or fear of bad things happening to them. When they asked for agreement from them, they just answered in agreement because of fear. Although from outside it seemed that it was not a forced marriage, in fact they forced people to accept, including myself”].

²³⁵⁵ **E1/502.1** Beit Boeurn alias Bit Na, T. 28 Nov 2016, 10.52.03-10.54.50 [testimony of Chairperson of Product Sorting Section at Tuol Tumpung that Khieu Samphan held meetings there “because he was in charge of supervising the Ministry of Commerce”]; **E3/10721** Bit Na WRI, A242; **E1/206.1** Sim Hao, T. 12 June 2013, 14:34, 15:10 [witness who worked at Tuol Tumpoung warehouses describes inspections of premises by Khieu Samphan, accompanied by Van Rith]; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 10:36, 11:18, 13:53 [testimony of deputy chief of State Warehouses describing Khieu Samphan inspections of warehouses and training sessions]. Khieu Samphan’s oversight of the Ministry of Commerce is discussed in further detail in the previous section **Role of Khieu Samphan – Responsibility for Commerce and DK Economy and Contribution to Persecution and Execution of Enemies – Implementation of Policy at Organisations Overseen by the Accused – Khieu Samphan Responsibility for FUNK, GRUNK, Intellectuals and Commerce**.

²³⁵⁶ **E1/467.1** Phan Him, T. 31 Aug 2016, 14.21.44-14.23.40 [“There were 21 couples and I was the last couple”]; **E3/9318** Phan Him DC-Cam Statement, EN 00679677; **E3/5642** Phan Sarath OCP Interview, EN 00197563, [statement of husband of Phan Him: “I married a woman in a group wedding of 30 couples”]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.56.22-14.02.17 [group wedding of 12 couples]; **E3/10620** Ruos Suy WRI, A83 [marriage of 20 couples].

Commerce Minister Van Rith and his deputy Nget You alias Hong.²³⁵⁷ A former deputy chief at the State Warehouses has stated that, beginning in 1977, the Ministry received a plan of “strict measures” requiring that 100 couples be married each month.²³⁵⁸ The Trial Chamber also heard testimony from Thuch Sithan regarding forced marriages of Ministry of Social Affairs cadres,²³⁵⁹ a ministry that fell under the oversight of **Nuon Chea**.²³⁶⁰

2. Nuon Chea Statements & Instructions Supporting CPK Forced Marriage Policy

579. **Nuon Chea**’s knowledge of and agreement with the CPK practice of forced marriages is summed up in a simple admission he made to Thet Sambath: “The man always wants to choose a beautiful girl, so that’s why we forced them to get married and Angkar chose the wife.”²³⁶¹ **Nuon Chea**’s statements also reflect his agreement with the underlying purpose of the CPK policy, that is: (i) the eradication of traditional families and replacement with revolutionary families loyal to Angkar;²³⁶² and (ii) a dramatic increase in the population. He has repeatedly minimised the importance of individual

²³⁵⁷ **E1/467.1** Phan Him, T. 31 Aug 2016, 14.23.40-14.25.27 [“Ta Hong and Ta Rith were there. Then they called out each pair to hold hands, to announce them husband and wife”], 14.30.47-14.32.50 [“Ta Rith addressed the wedding. He was standing up, explaining us and educating us to love and be loyal to Angkar and the Party”]; **E3/9318** Phan Him DC-Cam Statement, EN 00679677; **E3/5642** Phan Sarath OCP Interview, EN 00197563 [“Ta Rit presided over my wedding”].

²³⁵⁸ **E3/10620** Ruos Suy WRI, A75 [“there was a plan which required the unit (the Warehouse Ministry) to have 100 couples married per month ... The marriage age was over 20 years old”], A77-A78 [“The marriages began in 1976, but strict measures were implemented from 1977. However, I am not sure of the dates. Q: What do you mean by ‘strict measures’? A: I mean that 100 couples per month had to get married”].

²³⁵⁹ **E1/500.1** Thuch Sithan, 21 Nov 2016, 14.46.49-14.51.30 [“The wedding took place at the Ministry of Social Affairs office ... There were 3 couples. Bong Sou was presiding over the ceremony ... People of my age who were in their twenties, either from the hospitals or the Ministry of Social Affairs, they were arranged to get married by Angkar. It was Angkar who was the one deciding who to marry who”], 14.59.07-15.01.19; **E3/5305** Thuch Sithan WRI, EN 00345228 [“Ms. Sou, my supervisor, decided – with the approval of Ieng Thirith – that I was to marry Vasai ... We were not allowed to choose the person we wanted to marry”].

²³⁶⁰ **E3/182** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393 [Nuon Chea assigned responsibility for “Social Action, Culture, Propaganda and Education”]; **E1/500.1** Thuch Sithan, T. 21 Nov 2016, 15.15.48 [describing occasions she saw Nuon Chea: “And my third encounter, I saw him when we were talking about the organization of medicine. I saw him another time while he came to the Ministry of Social Affairs ... I saw him coming to see Bong Sou”], 15.18.10-15.19.50 [“Bong Sou who was in charge of that office”], 15.21.20-15.24.42; **E1/152.1** Kham Phan alias Phan Van, T. 12 Dec 2012, 10.04.00-10.10.40; **E3/447** Kham Phan WRI, EN 00486512, 00486516; **E3/57** Kham Phan WRI, EN 00290509.

²³⁶¹ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496 [Thet Sambath continues on to state: “Young women were forced to marry men who were twice their age and vice versa. The opinions of the prospective groom and bride did not matter. Marriage became a government policy and an institution that served the revolutionary cause”].

²³⁶² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496 [“Nuon Chea thought the purpose of marriage should be to serve the movement, as he too had married with the interest of the Party in mind,” explaining that he did not allow his mother to come to his wedding “because I was worried it would damage the organization”].

freedoms,²³⁶³ and stated that he would choose the revolution over love.²³⁶⁴ **Nuon Chea** has admitted that the CPK planned to increase the population of the country to at least 15 million people in five years,²³⁶⁵ and during the regime he instructed cadres on the need to increase the population to “15 to 20 million people.”²³⁶⁶ The practice of forced marriage and consummation was the criminal means by which the CPK leaders planned to achieve the desired population growth.

3. Khieu Samphan Statements & Instructions Supporting CPK Forced Marriage Policy

580. **Khieu Samphan** agreed with and substantially contributed to the CPK policy of forced marriage and consummation. Civil Party Chea Dieb testified that the Accused instructed a group of female cadres in the Ministry of Commerce that all women above a certain age were required to marry “so that they would produce children.”²³⁶⁷ **Khieu Samphan** also told them they “should not have any feelings” towards their parents, because Angkar was now their parent.²³⁶⁸

581. **Khieu Samphan** also supported the CPK’s forced marriage policy in speeches and training sessions. At a political education session at K-15, he told returning intellectuals

²³⁶³ See e.g. **E3/26** Nuon Chea Interview, Oct 2006, EN 00329517 [“The highest human right, the most important human right is the right to take up arms to fight an enemy. That is the highest right. But the right to write, the rights of speech, those are ordinary”]; **E3/4001R** Video *Enemies of the People*, 01:04:48 [Nuon Chea: “I have feelings for both the nation and the individual, but I clearly distinguish between them. If we must choose one or the other. I choose the nation. The individual I cast aside”], played in Court at **E1/231.1** T. 21 Oct 2013, 09.56.47.

²³⁶⁴ **E3/26** Nuon Chea Interview, Oct 2006, EN 00329526 [“Q: If you had to choose between love and the revolution, which would you choose? A: I’d choose revolution ... Revolution always goes forward. Revolution is the masses, love is the individual”].

²³⁶⁵ **E3/686** Nuon Chea Interview, 27 Oct 1981, EN S 00030349 [“Democratic Kampuchea has pursued a policy of increasing its population ... the four-year plan of 1977-1980 aimed at increasing our population to at least 15,000,000 within 5 to 10 years”]; **E3/663** Nuon Chea Interview, Jan 2007, EN 00087608 [“Vietnam had a population of 70 million, Thailand of 60 million people ... We wanted to push the population to 20 million in five years”]; **E3/558** Nuon Chea OCJ Adversarial Hearing, 19 Sept 2007, EN 00148699 [“The Five Year Plan of the Party was to increase the population to 15 million”].

²³⁶⁶ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435 [Nuon Chea speech at 9th anniversary of RAK: “We need from 15 to 20 million people to meet the needs of our land”].

²³⁶⁷ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [“I met Khieu Samphan at Ounalom Pagoda. He came to open a session for the female combatants to study ... He 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 married for all male and female youths ... Q: Did he explain the reason why they should get married? A: He said that they should be – get married so that they would produce children ... when they produce children, we will have more forces to defend our territory. That’s what he said ... Not long after he said that, my forces were arranged to get married”], 15.02.50-15.06.55; **E1/467.1** Chea Dieb, T. 31 Aug 2016, 09.05.32-09.06.49, 11.07.02-11.09.09.

²³⁶⁸ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 15.13.40-15.16.17 [Khieu Samphan also instructed “that we should not have any feelings towards our parents and that we should detach ourselves from our parents”], 15.17.42 [“that’s what Angkar said, that we were with Angkar and we were under the supervision of Angkar, and that we should not look for the parents because Angkar was the parents”].

to “wash your mind” of all concepts of private property, material and mental, explaining:

spiritual private property is more dangerous, it comprises everything that you think is ‘yours,’ everything that you think exists in relation to yourself - your parents, your family, your wife ... Thinking in terms of ‘me’ and ‘my’ is forbidden. If you say ‘my wife,’ that’s wrong. You should say ‘our family.’ The Cambodian nation is our big family ... All of you are under the protection of Angkar ... We are the child of Angkar, the man of Angkar, the woman of Angkar.²³⁶⁹

In his speeches, he endorsed the Party line to “rapidly” expand the population to between 15 and 20 million in ten years.²³⁷⁰

582. Norodom Sihanouk described vividly **Khieu Samphan**’s support for forced marriages:

Young girls driven from Phnom Penh and other towns in April 1975 were forcibly married to Khmer Rouge heroes, people who were mutilated. Yes, those were injured war handicapped, one-eyed persons, blind persons, people who had only one arm or one leg or who were completely legless. Khieu Samphan may well have asserted that these young ladies possessed heightened patriotic spirit and accepted through their marriages to take care of the well-being of heroes who had sacrificed themselves for national salvation. My wife and I trembled with horror at the idea of such marriages. The Frankenstein of the films of horror could not have imagined such monstrosity ... the idea of sacrificing gently virgins who [had] just left college, secondary schools and universities on the altar of such form of patriotism, there is a gap that our spirit cannot fill.²³⁷¹

²³⁶⁹ **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396524; **E1/190.1** Philip Short, T. 7 May 2013, 09.48.07-09.51.11.

²³⁷⁰ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“Our country has a small population, making it necessary for us rapidly to strengthen and expand our population ... This is the political line dictated by our revolutionary organisation”]; **E3/562** Khieu Samphan Speech, 15 Apr 1978, EN S 00010565 [resolution adopted at end of speech: “To grasp firmly and implement well the plan to increase the size of the population to its maximum, so as to have 15-20,000,000 people in the next 10-15 years; To grasp firmly and implement well the plans to maximize the size of the population within one year, three years, five years, 10 years and 15 years”]. See also **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498284 [confirming that Pol Pot’s aim was “to increase the population by a factor of two or three. Specifically, he wanted the population of Kampuchea to rise to 15 to 20 million within ten years”].

²³⁷¹ **E3/2813** Norodom Sihanouk, *Prisoner of the Khmer Rouge*, EN 00632939. See also **E3/3993** Raoul Marc Jennar, *Khieu Samphan and the Khmer Rouge*, EN 00922107 [“The expression of total contempt for the dignity of persons and marriages imposed by the CPK was known by Khieu Samphan. Not only did the CPK publications refer to that, but he, himself, phrased it to King Norodom Sihanouk in April 1976 ... According to Khieu Samphan, the young women accepted through their marriage to take care of the well-being of heroes who had sacrificed themselves in the interests of the national salvation”].

D. CRIMES

1. FORCED MARRIAGE AND RAPE

*The man always wants to choose a beautiful girl, so that's why we forced them to get married and Angka chose the wife*²³⁷²

– Nuon Chea

*He [Khieu Samphan] said that all female cadres ... with the age above 19 from all ministries needed to be arranged to get married. We should not keep them unmarried ... He said that they should ... get married so that they would produce children ... we will have more forces to defend our territory ... Not long after he said that, my forces were arranged to get married during the DK regime*²³⁷³

– Witness Chea Dieb

583. Before the CPK took control of the country, marriage in Cambodian society had been a rich tradition, largely managed by the couple's families,²³⁷⁴ and involving sacred rituals,²³⁷⁵ and, crucially, consent from the bride and groom.²³⁷⁶ Traditionally, the

²³⁷² **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496.

²³⁷³ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [“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. We should not keep them unmarried ... He did not say about whether the marriage was based on love or not, but he just simply said this should be arranged to get – to get married for the female youth with the age above 19 and the male youth with the age of 25 years old. He asked all ministries to arrange marri[age] for all male and female youths. We should not [keep] them all without marriage ... He said that they should ... get married so that they would produce children to -- and when we -- when they produce children, we will have more forces to defend our territory ... Not long after he said that, my forces were arranged to get married during the DK regime”].

²³⁷⁴ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037039 [quoting from May Ebihara: “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’ ... alliances between whole families”]; **E1/472.1** K Nakagawa, T. 13 Sept 2016, 10.59.18-11.04.37 [“even though the single girls were consulted by her parents about her marriage, they blindly agreed to the marriage ... happy to accept and follow the decision by their parents”]; **E1/473.1** K. Nakagawa, T. 14 Sept 2016, 09.29.52-09.31.12; **E1/462.1** Om Yocurn, T. 23 Aug 2016, 10.34.42-10.37.55; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322864; **E3/9662** Keo Theary WRI, A22; **E3/5510** Khim Pang WRI A19; **E3/9826** [REDACTED] WRI, A140.

²³⁷⁵ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037039 [“Traditional weddings... involving carefully planned rituals and ornate traditional clothing ... up to thirteen ritual acts”]; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992283 [“typically run for two to three days and include extended family and friends ... various religious and cultural rituals”]; **E3/1794** P. Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge* [“A Contextual Study”], EN 00482489 [“The monk is central ... from the beginning to end of the wedding rites of passage. Monks provide counselling for the couples, and make links to deceased ancestors”], 00482490-91; **E1/464.1** Yos Phal, T. 25 Aug 2015, 10.04.10-10.06.45; **E3/9736** Meas Saran WRI, A36 [“music, a wise man and parents would be present, the hair-cutting ceremony, and the bride price ceremony would be conducted”].

²³⁷⁶ **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 13.41.18 [“If the girl agrees, the marriage would happen”]; **E3/9826** [REDACTED] WRI, A140-142 [“When a man loved a woman, he would tell his parents to make a marriage proposal for him. If the woman liked that man, they would get married”]; **E1/473.1** K. Nakagawa, T. 14 Sept 2016, 09.29.52 [“the daughters were expecting the parents to decide on her marriage. So we would say that she ... blindly agreed upon the proposal by the parents for a marriage

process began with a potential groom or his parents expressing interest in a potential bride.²³⁷⁷ The bride's family would investigate the background of the groom, assessing a range of factors, and consult an *achar* (religious layperson) for an auspicious time to marry.²³⁷⁸ Should the bride and her family consent, the groom would give the bride's family gifts or money to seal the marriage.²³⁷⁹ The wedding ceremony proceeded over multiple days,²³⁸⁰ closely involving the parents, invoking the protection of ancestral spirits, and symbolising the union of the couple, as well as the two families, in the eyes of their communities.²³⁸¹

584. Marriage practice in Cambodia changed drastically once the CPK came into power.²³⁸² One of the manifestations of the DK regime's exercise of the power of ownership over

because there was a mutual trust. The daughters trust[ed] that their parents would make the best possible selection or the best possible decision for her and for her family because [marriage] is not an individual matter, whereas in the Khmer Rouge time, [the] Khmer Rouge failed to gain the trust by those married couple[s]"; **E3/9669** Penh Va WRI, A1-2 ["without their son's consent, parents would not propose a marriage"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 ["Traditional marriages in Cambodia were most often arranged, by consent, by parents for their children. For men, who initiated the proposal, choice was provided; both men and women were customarily asked to consent to the match before the wedding took place ... none of these marriages were described in the sample as coercive, even when family pressure exerted great influence"], EN 01037039 ["arranged marriages ... are largely described ... as being between consenting adults. Consent and the right to choose one's spouse is likewise stressed in Khmer Cham marriage"]; **E3/9662** Keo Theary WRI, A24 ["my mother ... would not have forced me to be married to that man if I did not agree"].

²³⁷⁷ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037040 ["a young man makes his own choice as to whom to marry and ... asks his parents to begin negotiations with the girl's family. When the latter receives a marriage proposal, the young woman herself is consulted and ... is free to accept or reject the offer"]; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322854.

²³⁷⁸ **E3/1794** P. Levine, *A Contextual Study*, 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"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037039.

²³⁷⁹ **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322855.

²³⁸⁰ **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278; **E3/1794** P. Levine, *A Contextual Study*, EN 00482484; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037039; **E3/3416** B. Toy-Cronin, *'I Want to Tell You'*, EN 00449488.

²³⁸¹ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.15.48-14.17.12 ["they are surrounded by their relatives, parents and grandparents who all bless them"]; **E3/10639** [REDACTED] WRI, A209 ["The elderly, as well as the parents of the bride and groom, attend ... Traditional weddings include ceremonies such as the tying of wrists, the hair-cutting ritual, the married couple's greeting, and the wedding reception"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 ["Traditional Khmer weddings were a means to validate and legitimize the union in the eyes of the community, the family, and, for the largely Buddhist population, in the ancestral realm ... both a marriage and the wedding event itself held spiritual meaning. For Buddhists, this included karmic consequences related to past and future lives"]; **E3/1794** P. Levine, *A Contextual Study*, EN 00482489-90.

²³⁸² **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.56.22-14.02.17 [Forcibly married to a handicapped soldier in 1975 while at the Ministry of Commerce], 14.15.48 ["If you compare the marriage took place under the Khmer Rouge to the previous practice before and after the Khmer Rouge regime, it is absolutely different. During the Khmer Rouge we were matched up in five or 10 couples each time or sometimes there were 100 couples each time, but at present ... only a couple is celebrated the marriage during one ceremony and they are surrounded by their relatives, parents and grandparents who all bless them. There are traditional procession and blessing ... it's like you compare the earth to the sky ... I felt upset when I thought of the way that I was married ... I am upset with my destiny"].

individuals was the practice of forcing men and women to marry partners chosen by the authorities.²³⁸³ Between late 1975 and the end of the regime, the concept of the revolutionary family and the need to rapidly increase the population in order to meet the goals set by the CPK in terms of national defence and agricultural development led the Party Centre to adopt a policy of choosing spouses and arranging marriages. Those chosen by the authorities were often wed in mass ceremonies devoid of Cambodian traditions.

585. The couples were expected to consummate the union and the authorities monitored their compliance. Most of these DK arranged marriages lacked consent from one or both spouses. CPK leaders intentionally forced, threatened with force, or coerced civilians and military to marry and to consummate the marriage. These forced marriages were very traumatic for the victims at the time and often had lifelong consequences, including both physical and mental injuries.
586. Although there were minor regional variations, the pairing, organisation and notification of marriages, as well as the monitoring of consummation, was carried out across Democratic Kampuchea in a similar, organised fashion. The scale of the number of forced marriages and the similarity in patterns establish that forced marriages and forced consummation were part of a central CPK policy.²³⁸⁴ **Nuon Chea** and **Khieu Samphan** are charged with the crime against humanity of other inhumane acts, in

²³⁸³ **E3/3993** R.M. Jennar, *Khieu Samphan et les Khmers Rouges*, EN 00922106 [“the [CPK] assumed control over the lives of the country's men and women. Individual liberties were abolished. Privacy was outlawed. The CPK was bent on having control over each and every person's life. The Party's resolve to have total control over people's lives was reflected, among other things, in forced marriages”]; **E3/9820** Preap Sokhoeurn WRI, A13 [“I was *Angkar's* asset, so I had to follow *Angkar* and that if *Angkar* ordered me to enter a crab hole, I would do so”], A12 [“In 1977, the Khmer Rouge arranged a marriage. At that time, they forced me to marry a handicapped man whom I did not love”]; **E3/9736** Meas Saran WRI, A31-32 [“A31: In that era, they completely owned us ... A32: No one dared to refuse [to marry] because we were afraid they would not let us stay alive”].

²³⁸⁴ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 15.00.49-15.04.24 [“Q: were forced marriages occurring in Democratic Kampuchea in most provinces during that period of time? A. Yes, that's correct”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449489 [“The consistency of the description of the ceremonies across geographical areas indicates a top level policy of forced marriage ... it is clear the policy existed, the variation was only in the implementation”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 [“Mass forced marriage procedures (involving three to hundreds of couples) were organized, systematic and widespread”]; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278 [“the regime forced many single or widowed people to marry for ‘Angkar’ ... 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 ... exerted widespread and systematic control over the population”].

relation to both forced marriages and rape (the forced consummation of these marriages) nationwide.²³⁸⁵

ESTABLISHMENT OF THE FORCED MARRIAGE POLICY

587. The CPK policy on marriages reflected the Party's ideology that tradition, personal emotion and love should no longer be part of the process of selecting life partners. Only "revolutionary families" could serve *Angkar*. The CPK leaders therefore sought to control and regulate the most intimate personal relationships of all Cambodian citizens through three main strategies: (1) breakdown of traditional family relationships; (2) repression of sexual and marital freedom; and (3) forced marriage and forced consummation, clinically executed throughout the DK.

1. The Revolutionary Family

588. Since family relationships were "private possessions", they had to be sacrificed in exactly the same way as material wealth. As explained in a 1975 *Revolutionary Youth*, to serve the revolution one had to sacrifice "private possessions such as housing, paddy-farm, garden, family, parents, relatives and other properties", including "sentiment".²³⁸⁶ It also meant that the CPK felt entitled to take absolute control over "family building" and sexual life.²³⁸⁷

²³⁸⁵ **D427** Closing Order, para 1442 [forced marriage (nationwide)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981690.

²³⁸⁶ **E3/750** *Revolutionary Youth*, Nov 1975, EN 00522460-61, FR 00525856-58, KH 00063614-17. *See also* **E3/8** Chandler et al., *Pol Pot Plans the Future*, EN 00104082 ["The consciousness of some of our cadres still heavily favours private property in (terms of) ... family-ism"]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533 ["'Mothers should not get too entangled with their offspring,' Pol told the Central Committee. 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"]; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303625; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396524 [Khieu Samphan stated at a political education session at K-15: "spiritual private property is more dangerous, it comprises everything that you think is 'yours,' everything that you think exists in relation to yourself - your parents, your family, your wife ... Thinking in terms of 'me' and 'my' is forbidden. If you say 'my wife,' that's wrong. You should say 'our family.' The Cambodian nation is our big family ... That's why you have been separated: the men with the men, the women with women, the children with children ... We are the child of Angkar, the man of Angkar, the woman of Angkar"]; **E1/190.1** Philip Short, T. 7 May 2013, 09.48.07-09.51.11.

²³⁸⁷ *See e.g.* **E1/451.1** H. Locard, T. 29 July 2016, 11.00.35 ["under DK, one of the major characteristics of the totalitarian state is that the state invaded everything. We no longer have a private domain ... everything belongs to the state ... even sexual life was included"], 11.21.32 ["dehumanization because ... no one was master of anything anymore. One was no longer master of the choice of one's spouse or one's sentimental life, one's family life"]; **E1/51.1** Duch, T. 20 Mar 2012, 11.13.29 ["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"]; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303625; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278. *See also* **Implementation of the Forced Marriage Policy – Organisation.**

589. The CPK first published its policies on family building in the February 1974 issue of *Revolutionary Youth*. The Party reprinted the document for wider circulation six weeks after capturing Phnom Penh and republished it yet again in September 1975 in 1,000 copies, reflecting the importance it placed on full implementation of these policies throughout the country.²³⁸⁸
590. Central to this and subsequent Party pronouncements was the intention that the traditional notion of family would be supplanted by a new form, the “revolutionary family”, in which all recognisable familial ties became insignificant. Building a family was no longer about following “whatever your heart sees,” or “personal interests”.²³⁸⁹ Instead, absolute loyalty to *Angkar* was mandatory and love for the Party replaced love for one’s relatives.²³⁹⁰ The sole purpose of the “revolutionary family” was to produce children and meet the country’s revolutionary goals.²³⁹¹ It was dictated that the Party

²³⁸⁸ **E3/775** CPK Publication, *Revolutionary and Non-Revolutionary World Views Regarding the Matter of Family Building*, reprinted from 2 Feb 1974 on 2 June 1975 and republished on 2 September 1975 (1000 copies) (“Family Building policy document”).

²³⁸⁹ **E3/775** Family Building policy document, EN 00417943; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421891 [“One of the policies of the *Angkar* was to destroy traditional Cambodian family structure ... There was mutual trust between family members, and the community was strongly unified. The KR regime tried to destroy that traditional structure for the rapid achievement of the revolution”]; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284169 [“DK was not interested in helping to nurture relationships between husbands and wives”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449489 [“this policy ... was probably aimed at maintaining control over individuals; ensuring reproduction while also attempting to eliminate love and family relationships, which were considered a distraction to the goals of the revolution”]; **E3/20** E. Becker, *When the War was Over*, EN 00237930-31; **E3/5184** Chea Thy WRI, EN 00225528; **E3/5498** Bun Thien WRI, EN 00384409; **E3/5539** Khem Leng WRI, EN 00380129; **E3/5295** Dul Laom WRI, EN 00351368; **E3/5560** Tes Ding WRI, EN 00377170-71.

²³⁹⁰ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 15.13.40-15.16.17 [Khieu Samphan instructed “that we should not have any feelings towards our parents and that we should detach ourselves from our parents”], 15.17.42 [“Angkar said, that we were with Angkar and we were under the supervision of Angkar, and that we should not look for the parents because Angkar was the parents”]; **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394900-01 [“the very nature of the nuclear family was transformed ... The *Angkar* willed that all family ties be more utilitarian and less emotional ... 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*”]; **E3/4611** Yuos Phal WRI, A6 [“I already fell in love with a woman. I told Ri that I had a fiancée ... Ri told me that I could not marry her. Ri told me that if I were a child of Angkar, Angkar thus will select a woman and marry off. I told Ri that I was the son of Angkar, because if I refused, I would be smashed by Angkar”]; **E3/1757** M. Vickery, *Cambodia 1975-1982*, EN 00397102 [“DK policy ... served to modify, not destroy, the family through transferring parental authority over adults to the state and breaking down the extended family ... probably was an element of deliberate policy”]; **E3/5832** Cheang Sreimom WRI, A8 [“I did not dare to reject the wedding ... we were told that ‘we were children of Angkar’”]; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284169

²³⁹¹ **E3/775** Family Building policy document, EN 00417942-43 [“matters of family [are] being inseparable from matters of the entire nation ... So, building our revolutionary families is not just for our personal

would only prosper by “handing over the family [to] the Organization” and to the “collective, to help educate and build”.²³⁹²

591. Thus, in serving the goal of rebuilding the country, families no longer needed to live together and were typically separated and sent to different worksites.²³⁹³ Very young children were separated from their mothers so the adult females could work, while the children were trained as “children of *Angkar*” and were often tasked with spying on their own parents and denouncing their wrongdoings.²³⁹⁴

interests or happiness or to have children and grandchildren to continue the family line. Importantly, it is so that the revolution may achieve its highest mission”]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [Khieu Samphan required that all ministry female workers above 19 be married in order to produce children]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.11.34 [Mondulkiri: “They said that if we did not produce children for Angkar, then we were against the law”]; **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.25.32-09.30.48 [“we had to commit ... to produce as many children as possible ... so that Angkar would have stock of children”]; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.49.44 [“we had to love each other from the time onward and had to work hard to produce rice ... 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”]; **E1/259.1** E. Becker, T. 9 Feb 2015, 13.35.32 [“family groupings ... discouraged so that they would be working, working, working”]; **E3/2812** H. 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”], EN 00394888; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303624-25 [Angkar changed the family to serve its political and economical goals; it was reduced to its reproductive function]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533, FRE 00639883 [“The family ... primary purpose became 'to beget children for the service of the Party'”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041 [“The main purpose of the marriages was ... to 'produce children to serve the revolution'”]; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284169 [“neither, by allowing couples to meet once a week for sex, did they care to develop nuclear families. DK's only aim was to maintain an efficient workforce ... maximum productivity”]; **E3/9820** Preap Sokhoeurn WRI, A31 [“they needed young men and women to get married to produce more children to add to the revolutionary forces”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449495: [“to ensure reproduction, forced sex was a necessary part of the marriage”]; *See also* **E3/732** Revolutionary Youth, April 1976, EN 00392451.

²³⁹² **E3/775** Family Building policy document, EN 00417945.

²³⁹³ **E1/467.1** Chea Dieb, T. 31 Aug 2016, 09.47.53 [“I asked the permission to go and see my siblings and parents, but the request was rejected because Angkar was my parents”]; **E1/259.1** E. Becker, T. 9 Feb 2015, 13.35.32-13.37.45 [“children were no longer living with their families ... they were sent on ... Children's Brigade”]; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322866 [“After the wedding ceremony, most couples were separated for forced labor in different areas ... they could not have a marriage life *per se*”]; **E3/9111** K. Natale, *I Could Feel My Soul Flying Away From My Body*, EN 00992134 [“Husbands, wives, parents and children were often separated into distinct work”]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396534, FRE 00639883; **E3/5510** Khim Pang WRI A16; **E3/10713** Chuon Thy WRI, A22.

²³⁹⁴ **E1/451.1** H. Locard, T. 29 July 2016, 10.03.37 [About slogan 77 in French and 89 in English, saying: ‘Angkar is the mother and father of all young children as well as all adolescent boys and girls’ ... “the Khmer Rouge leaders followed the Maoist doctrine which said that children were a blank page on which we can write whatever we want. Everyone knows that children were considered from birth as ... being the children ... of the revolution ... even the smallest children, the babies and infants, had to be left by their mothers who -- mothers had to go and work ... the Khmer Rouge regime felt that children were their property”], 10.05.50 [“they have a slogan ... ‘if you really want to know, ask children.’ And this meant that children were meant to spy on their own parents”]; **E1/473.1** K. Nakagawa, T. 14 Sept 2016, 09.43.49 [“When the mothers were breastfeeding a child, a child was allowed to stay with the mother in

2. Repression of Sexual and Marital Freedom

592. The Party implemented policies imposing morality restrictions on all other relationships²³⁹⁵ and fully regulated marriage. Relationships with the opposite sex outside marriage were absolutely prohibited and severely punished. They were considered not only as distractions from the all-important goal of rebuilding the nation, but also as moral offences.²³⁹⁶ Both cadres and the general populace were educated on the meaning of moral offences and any infringements were reported and punished.²³⁹⁷

the night and mostly over the lunch time, but except those time[s], mothers were forced to work ... When the mother stopped breastfeeding, [the] mother was not allowed to see a child”]; **E1/260.1** E. Becker, T. 10 Feb 2015, 10.43.49 [“children were discouraged from seeing their parents as their authority figures”]; **E1/475.1** Mom Yun, T. 16 Sept 2016, 15.11.46 [“my children were not considered as my children anymore ... They were managed by Angkar”]; **E3/9662** Keo Theary WRI, A76; **E3/10755** Sat Pheap WRI, A139; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421891 [“The *Angkar* educated child soldiers to spy [on] what their parents were saying against the *Angkar* to dissolve the tie between children and parents”]; **E3/9111** K. Natale, *‘I Could Feel My Soul Flying Away From My Body’*, EN 00992134; **E3/8** David Chandler *et al.*, *Pol Pot Plans the Future*, EN 00104076.

²³⁹⁵ **E3/20** E. Becker, *When the War was Over*, EN 00237858 [“Gaiety was suspect. Flirting was banned and punished”]; **E3/1757** M. Vickery, *Cambodia 1975-1982*, EN 00397104 [“family relationships were subject to the same suffocating authority as all other aspects of life”]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496 [“The institution of marriage was also twisted under the Khmer Rouge to fit party needs ... The opinions of the prospective groom and bride did not matter. Marriage became a government policy and an institution that served the revolutionary cause”]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421891 [“Another policy was the prohibition of ‘moral offence’. The crime of ‘moral offence’ included the relationship between men and women without the benefit of marriage ... a pregnancy without a marriage was a moral offence ... Even a victim of [rape] was punished for committing a ‘moral offence’”], EN 00421892 [“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”]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533-34, FRE 00639883 [“Marriage ... was a Party, not an individual affair”]; **E3/5585** Kao San WRI, A9; **E3/5305** Thuch Sithan WRI, EN 00345228; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303626 [describes the exacerbated puritanism of the CPK leaders and their control over the sexual and sentimental life of everyone].

²³⁹⁶ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450539 [“there were major contradictions, for instance some people being systematically immoral ... because of serious private ownership”]; **E3/765** *Revolutionary Youth*, Oct 1978, EN 00539994; **E3/9578** Chhuom Savoeun WRI, A18-19 [“A18: two women [and two Khmer Rouge soldiers] were arrested, charged with a moral offense ... A19: ... only husband and wife could have intimacy, and that intimacy outside of wedlock was a crime of immorality ... *Ta Chham* said they could not be pardoned. After that *Ta Chham* said they had to be smashed. Then they had the four wrongdoers kneel in front of all the people, and Khmer Rouge soldiers beat those four wrongdoers to death”]; **E3/9575** Thang Thoeuy WRI, A57-58 [“Q. why those 10 people were taken for execution [under Yeay Chaem’s orders]? A57: Because they were accused of committing moral offences... A58: It refers to talk between men and women even though they are siblings”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449476 [“sexual relationships were a distraction to the aims of the revolution. If the *Angkar* discovered anyone breaking this rule, the *Angkar* could punish or kill both the man and the woman ... the *Angkar* would punish or kill both a victim and a rapist if it discovered the rape”]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396534, FRE 00639883; **E3/2060** Analytical Report by the U.N. Commission on Human Rights, EN 00078662 [“Article 16 ... Specific violations ... relate to the strict prohibition of courting”]; **E3/3993** R.M. Jennar, *Khieu Samphan et les Khmers Rouges*, EN 00922106; **E3/9808** [REDACTED] WRI, A81; **E3/5311** Mour Setha WRI, EN 00373370.

²³⁹⁷ **E1/465.1** Seng Soeun, T. 29 Aug 2016, 15.06.45 [Sector 25: “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”];

593. At the same time, the CPK removed the right of Cambodian people to marry freely to their partner of choice. Seeking spouses out of love, family interest, or happiness was viewed as “private ownership” that contravened the collective interests of the country.²³⁹⁸ Those who thought about family interests were deemed to be deceptive, to be renouncing the revolution,²³⁹⁹ and to constitute easy targets for enemy agents.²⁴⁰⁰

E3/2424 Tram Kak Record, *To Comrade Elder Brother from Meng*, 15 July 1978, EN 00322223; **E3/9367** Report from Roeun (Div 801) to Uncle 89, 24 March 1977, EN 00184015 [About District cadre Bau Khao being sexually immoral with many women]; **E3/9355** Phat Duongchan WRI, EN 00375683 [“the person who had committed a moral offense, meaning that falling in love with each other, secretly loving each other ... would have to be taken to be killed”]; **E3/9823** Nap Somaly WRI, A159-161; **E3/9736** Meas Saran WRI, A118-A119 [“A119: they always reminded us that if men and women had a secret relationship before getting married, they would accuse them of committing moral offences and would punish them. So everyone was frightened and dared not make any transgressions”]; **E3/5498** Bun Thien WRI, EN 00384409 [“‘They’ talked about a one-husband-one-wife policy. Anyone committed moral offence would be smashed”]; **E3/5579** Nhean Poek WRI, EN 00373377; **E3/5571** Chim Sam At WRI, EN 00359919; **E3/5498** Bun Thien WRI, EN 00384409 **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394888; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421891; **E3/20** E. Becker, *When the War was Over*, EN 00237929; **E3/5283** Chhuy Huy WRI, EN 00321202; **E3/9808** [REDACTED] WRI, A81; **E3/9671** [REDACTED] WRI, A39; **E3/9830** [REDACTED] WRI, A92, A94.

²³⁹⁸ **E3/775** Family Building policy document, EN 00417942, KH 00407100, FR 00593929 [“many youths have absorbed the world views of the oppressor class. They search out spouses or build families only out of personal material greed ... they seek out family interests or happiness by completely breaking from the interests and the fate of the entire nation and people”], EN 00417943, KH 00407100-01, FR 00593930 [“If both are inside the ranks, it is imperative to choose someone who has a solid revolutionary stance ... Therefore, we do not just chose someone who is good-looking and who knows how to dress and make themselves up playfully in the modern imperialist style, or who is the child of a wealthy person, or who has high old society cultural abilities ... or who has some high position”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450538 [“Private ownership in organization, 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”]; **E3/750** *Revolutionary Youth*, Nov 1975, EN 00522461; **E3/729** *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”]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533, FRE 00639883; **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394900 [“‘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”]; **E3/5789** Duch WRI, 2 Dec 2009, EN 00414334 [“after 1979 ... I would meet spouses who explained to me that they were forced to marry a person they did not know and that the marriage had been collective ... Ta Mok would gather future spouses by the hundreds and forced them into marriage”].

²³⁹⁹ **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450539 [“No aspect of private ownership is good ... private ownership has always had a negative impact on the revolution ... 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 ... a contradiction with the Party”]; **E3/138** CPK Publication, *Sharpen the Ideology of the Proletarian Class*, EN 00743806-07.

²⁴⁰⁰ **E3/775** Family Building policy document, EN 00417944 [“our revolutionary youth comrades must ... be really vigilant toward this matter of family building. If we do not respect organizational discipline, if we do not respect the collective, if we do not take firm revolutionary stances, and if we are free and all over the place in terms of morality, we will surely build families incorrectly and not be accordance with the Party line, and we will surely encounter bad elements or even clandestine enemy agents”]; **E3/765** *Revolutionary Youth*, Oct 1978, EN 00539994 [“when we impact male-female morality, that is the true corrupt and rotten nature of the enemies ... this enables the enemy to attract us. Therefore, this is dangerous for us and is dangerous for the revolutionary movement”].

During the March 1970–April 1975 civil war, and until late 1975, CPK combatants and cadres were generally not allowed to marry.²⁴⁰¹

594. In short, complete loyalty to *Angkar* left no room for personal relationships. 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.”²⁴⁰²

3. Need for Population Growth

595. Cambodia’s population was quickly dwindling in the months and years following 17 April 1975 as a direct result of CPK policies. Death rates increased due to executions and inhumane living and working conditions,²⁴⁰³ while birthrates were plummeting due to overwork and malnourishment,²⁴⁰⁴ strict prohibitions on sexual relations,²⁴⁰⁵ and separation of married couples, who rarely were allowed to see each other.²⁴⁰⁶

²⁴⁰¹ **E3/2060** Analytical Report by the U.N. Commission on Human Rights, 30 Jan 1979, EN 00078662 [“Article 16: ... the right to marry has been seriously infringed, and several refugees have claimed that prior to 1976 marriages were entirely prohibited in the communities where they lived”]; **E3/9355** Phat Duongchan WRI, EN 00375683 [first to be forcibly married in her area within Sector 505 in December 1975; many marriages took place afterwards]; **E3/5833** Seng Ol WRI, A44-45 [“A44: In 1973 a man proposed to me ... *Angkar* did not agree to the marriage, saying, ‘There is a war on.’ Q45: When did *Angkar* permit marriage? A45: Around 1976 or 1977”]; **E3/9820** Preap Sokhoeum WRI, A30 [“I did not see weddings before 1976”], A32 [“The weddings happened frequently ... in 1976, 1977, and 1978”]; **E3/10620** Ruos Suy WRI, A77-78 [“A77: The marriages began in 1976, but strict measures were implemented from 1977”]; **E3/5271** Chhum Ruom WRI, EN 00289927 [“married in December 1975 in the wedding of 53 couples”]; **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.49.12-11.51.40 [“I married my wife under the Khmer Rouge and that happened in 1976 ... that was the first marriage ceremony that took place in Peam Chi Kang commune and there were 28 couples”]; *Contra*: Exceptionally, Khieu Samphan married in December 1972 (**E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533-34; **E1/204.1**, So Socheat, T. 10 June 2013, 13.59.49-14.14.12; **E1/205.1**, So Socheat, T. 11 June 2013, 14.35.55-14.40; **E3/3244** H. Locard, *Preah Vihear: Sector or Zone 103*, EN 00403276); Maot Voeurn, who had joined the revolutionary movement in 1971, was married by *Angkar* in November 1974: **E3/5299** Maot Voeurn WRI, EN 00285572; Prak Yut, although district secretary, was forcibly married by Ta Chap, Sector secretary, in either 1973 or 1975: **E1/378.1** Prak Yut, T. 19 Jan 2016, 11.07.16-11.22.00 [“in Sector 35... if I did not follow his instructions, it meant that I disrespected him. Loving him or not, I had to follow his [Ta Chap] instruction. So, I had to get married”]; **E3/9310** Prak Yut DC-Cam, EN 01064271-72 [“I said I did not want to marry, but finally, he organized the arranged marriage for us in 1975. At that time, we could not totally deny the marriage proposal. Believe me, if we refused, they would say we were against them”]; **E3/9499** Prak Yut WRI, A95 [“I did not love him ... but after thorough consideration, I agreed to marry him ... if I refused ... *Angkar* would think I went against the intention of *Angkar*”].

²⁴⁰² **E3/20** E. Becker, *When the War was Over*, EN 00237929.

²⁴⁰³ See sections in **Facts – Crimes**.

²⁴⁰⁴ **E1/306.1** Hun Sethany, T. 27 May 2015, 14.40.06 [“We did not have enough food to eat ... From August, September, October, and November, most female workers in my village had no menstrual cycle”]; **E1/464.1** Yos Phal, 25 Aug 2016, T. 10.48.34 [“after the marriage ... militiamen ... kept monitoring us ... someone told them that how could I have intercourse because I was so exhausted and skinny?”]; **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.25.32-09.30.48 [“we had to commit to one another and to produce as many children as possible. And how could I do that because I was so skinny and I only had gruel to eat? I did not have any strength inside me”]; **E3/488.1** Kul Nem, T. 24 Oct 2016, 14.31.18,

596. The CPK leadership sought to drastically stimulate the birthrate and double or triple the workforce.²⁴⁰⁷ The CPK leaders' motivation was twofold. Firstly, they required more manpower to develop their overambitious and labour-intensive economic, i.e. primarily agricultural goals.²⁴⁰⁸ Secondly, the leaders wanted more soldiers to defend the country and, in particular, to fight their war against Vietnam. As hostilities with Vietnam intensified in 1977-1978, the urgency and thus the number of wedding ceremonies across the country increased.²⁴⁰⁹

14.35.12 [her young wife had a miscarriage due to exhaustion and many other couples experienced the same]; **E3/20** E. Becker, *When the War was Over*, EN 00237929 ["Many women stopped menstruating entirely, partly because of malnutrition, partly because of the trauma"]; **E3/5833** Seng Ol WRI, A16; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303625 [the lack of food or starvation caused amenorrhea for women and absence of sexual desire for men]. As for mortality of babies born after forced marriage, as a result of overwork and lack of healthcare, see e.g.: **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.53.07-10.57.24, 11.10.21-11.12.08.

2405 **E3/20** E. Becker, *When the War was Over*, EN 00237929 ["Any sex before marriage was punishable by death ... Young people were segregated by sex and expected to ... forget about the opposite sex. Predictably, the birthrate dropped dramatically"]. See section **Forced Marriage and Rape – Establishment of the Forced Marriage Policy – Repression of Sexual and Marital Freedom**.

2406 See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Separation**.

2407 **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435 [Nuon Chea: "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. For our population to constantly increase the livelihood of the people must rise ... this means quickly increasing production"]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486263 ["We must double our efforts ... so the Kampuchean population can increase in number rapidly enough to effectively defend and build our Kampuchea into a prosperous and developed country"]; **E3/16** Khieu Samphan, *Considerations on the History*, EN 00498284 ["Short was correct when he wrote: 'Pol Pot ... aim was to increase the population by a factor of two or three. Specifically, he wanted the population of Kampuchea to rise to '15 to 20 million within ten years'"]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 14.09.25 ["The reason that I left 920 to go to Sector 105 was to increase the population in Monduliri province, and the plan was for us, the Khmer men, to marry the minority women there"]; **E3/1385** Ieng Sary Statement, Letter to the U.N. Secretary General, EN 00075933 ["Three years after ... the policies designed to increase the population have begun to produce their first successful results"]; **E3/5306** Svay Boramy WRI, EN 00345184 ["In 1976 ... Angkar needed people and young people were told to get married ... 'Angkar' forced us"]; **E3/20** E. Becker, *When the War was Over*, EN 00237929; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449494.

2408 **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495808: ["our country's degraded agriculture has to be rapidly shifted to a modern agriculture between ten to fifteen years. Agriculture shall be shifted to industry between fifteen to twenty years ... [The acceleration of the country's reconstruction] is another prerequisite to accommodate a rapid increase in our population"]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486263; **E3/558** Nuon Chea Written Record of Adversarial Hearing, 19 Sept 2007, EN 00148699 ["Making revolution requires people, and building the nation also requires people"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041 ["assigned husbands and wives [publicly] promised to have a child within one year ... The main purpose of the marriages was ... to 'produce children to serve the revolution'"].

2409 **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.48.56 ["Q: When he [Khieu Samphan] said that older male and female youths should be arranged to get married, did he explain the reason why ...? A: He said that they should ... get married so that they would produce children ... we will have more forces to defend our territory"]; **E3/1385** DK Statement to UN, 13 June 1978, EN 00235727 ["ensure that the population of Kampuchea increases rapidly in order to defend and develop the country and to achieve prosperity by leaps and bounds ... today's population of 8 million is well below the potential of the country, which needs more than 20 million"]; **E3/10713** Chuon Thy WRI, A30 [Division 1, Regiment Commander: "I

597. CPK leaders discussed the policy openly, announcing that the DK required 15 to 20 million people to “meet the needs” of the land within five to 10 years, a utopian goal.²⁴¹⁰ The Defence points to CPK propaganda to support its claim that the Party Centre had the intention to increase the population only by improving its living conditions.²⁴¹¹ However, **Khieu Samphan** and Pol Pot made unequivocal statements during the DK period explaining that this goal had to be achieved mainly through the organisation of

had to report the number of couples to the upper echelons ... Because the situation during that time was in turmoil during 1978-1979, they forced multi-couple weddings”]; **E3/10620** Ruos Suy WRI, A77-78 [“The marriages began in 1976, but strict measures were implemented from 1977 ... I mean that 100 couples per month had to get married”], A84, A90-91”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037079 [“Case studies suggest a spike in forced marriage in the second half of 1978”]; **E3/9507** You Vann WRI, A82.

²⁴¹⁰ **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435 [Nuon Chea: “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”]; **E3/11** *Revolutionary Flag*, Sept 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”]; **E3/1586** Ieng Sary Statement to the UN General Assembly, 11 Oct 1977, EN 00079815, paras 60 and 63 [“60. ...we need a population of 15 to 20 million in 10 years’ time ... 63. ... our population is still far short of our country’s capacity, which has a need of more than 20 million people”]; **E3/558** Nuon Chea Written Record of Adversarial Hearing, 19 Sept 2007, EN 00148699 [“The Five Year Plan of the Party was to increase the population to 15 million”]; **E3/7233R** Video, *Red Wedding*, 2011, 51:28-52:34 [audio footage of Pol Pot stating, “The country has only eight million inhabitants ... In the coming ten years, we will need twenty million Cambodians”]; **E3/290** FBIS, Pol Pot Speech at 27 Sept KCP Anniversary Meeting, Oct 1977, EN 00168651; **E3/562** Khieu Samphan Statement, 16 Apr 1978, EN S 00010565 [Khieu Samphan lists resolutions adopted by the Party, including “(6) increase the size of the population to its maximum, so as to have 15-20,000,000 people in the next 10-15 years;” and “(7) maximize the size of the population within one year, three years, five years, 10 and 15 years”]; **E3/5715** Pol Pot Statement to the Belgium-Cambodian Association Delegation, 5 Aug 1978, EN 00574566; **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488637 [Pol Pot: “Our policy to increase the population is receiving good results ... From mid 1977 through mid 1978, the number of births was 392,000 from a population of 7,800,000 persons ... Presently, the [dea]th rate is less than 13 per thousand since the numbers of infants and children dying has been greatly reduced. Thus, our population has increased beyond what it was before the coup. But this speed is not yet sufficient when compared to the objective of the Party, the aim to increase the population to 15 to 20 million within ten to 15 years”]; **E3/77** FBIS, *Countrywide Medical Conference Issues Resolutions*, EN 00170124; In a propaganda exercise, Nuon Chea claimed in 1981 that the DK population increased in 1976, 1977 and 1978: **E3/686** SWB, *Interviews with DK Leader (Nuon Chea)*..., 27 Oct 1981, EN S 00030349 [“the four-year plan of 1977-1980 aimed at increasing our population to at least 15,000,000 within five to 10 years. As a result of this plan, our population has increased as follows: From March to December 1976, it increased by 160,000 or 2%; in 1977 it increased by 220,000 or 2.8%; and in 1978 it increased by 260,000 or 3.2%”]. On the absurdity of such policy to double / triple the population within 5-10 years, see **E1/451.1** H. Locard, T. 29 July 2016, before 13.42.20 [“first, you need at least a generation, 30 years, in order for the population to double... second, we can’t starve a population and execute a large number of people and at the same time, hope that the population grows exponentially”].

²⁴¹¹ **E1/471.1** A. Guissé, T. 8 Sept 2016, 09.15.45-09.20.07, 09.23.30-09.48.48, quoting extensive passages of **E3/1586** Ieng Sary Statement to the UN General Assembly, 11 Oct 1977, EN 00079815, paras 45 & 60; **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488637; **E3/7233R** Video, *Red Wedding*, 2011, 51:28-52:34; **E3/290** FBIS, Speech at 27 Sept KCP Anniversary Meeting, Oct 1977, EN 00168651; **E3/686** SWB, *Interviews with DK Leader (Nuon Chea)*..., 27 Oct 1981, EN S 00030349; **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435; **E3/562** Khieu Samphan Statement, 16 Apr 1978, EN S 00010565; **E3/16** Khieu Samphan, *Considerations on the History*, EN 00498284.

marriages.²⁴¹² These Party Centre instructions were passed down to all cadres organising such marriages and ensuring their consummation.²⁴¹³ Ruos Suy, who worked as a

²⁴¹² **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [“[During the meeting at Ounalom Pagoda], he [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. We should not keep them unmarried ... He did not say about whether the marriage was based on love or not, but he just simply said this should be arranged to get – to get married for the female youth with the age above 19 and the male youth with the age of 25 years old. He asked all ministries to arrange marriage for all male and female youths. We should not [keep] them all without marriage ... He said that they should ... get married so that they would produce children ... when they produce children, we will have more forces to defend our territory ... 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 not only him who said that. During all meetings that I attended they talked about the same thing, all cadres raised the same point”]; **E3/4593** Chuon Thy WRI, A4 [Division 1 regiment commander referring to a June 1978 meeting; 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.’ In this sense, Pol Pot stated that he required arrangement for marriage to increase number of population by instructing lower echelons to arrange the wedding for people”]; **E3/10713** Chuon Thy WRI, A21, A28, A32, A35 [“A21: I remember Pol Pot saying that we were in need of additional forces ... over the next 10 to 20 years the plan was to increase the population to between 20 and 30 million. Therefore, from then on we had to increase the number of marriages between young men and young women to improve the population to promote progress ... A28: Pol Pot ... just said there was a need for marriage to increase the population ... A32: They only told us to arrange marriages for young people ... A35: The policy to increase the population was widely circulated, because they wrote and posted slogans and banners everywhere. They also announced the policy at meetings about building forces and increasing the population to between 20 and 30 million”. See also **E3/4202** Gina Chon & 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 ... The opinions of the prospective groom and bride did not matter. Marriage became a government policy and an institution that served the revolutionary cause”].

²⁴¹³ **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.05.50 [“They made an announcement that, “The population of Cambodia is not that great and for us, male and female youths we strive to work best. And for that reason Angkar required us to get married to increase the population.” That’s why we knew that that was the day that we were forced to get married”]; 15.11.15 [“We had gratitude for Angkar who organized the marriage for us and that we would become husband and wife and produce children as required by Angkar. That’s the resolution that I made. Then they clapped their hands”]; 15.17.35 [“They spoke about producing children for Angkar, having respect for Angkar, and anybody who betrayed would be smashed”]; **E1/387.1** Meas Voeun, T. 3 Feb 2016, 10.40.55-10.45.23 [“Q: was this drive to have the [Division 1] troops get married have anything to do with this will to increase Cambodia’s population? A. Yes, That is correct”]; Ao An, Sector 41 Secretary and Central Zone Deputy Secretary spoke about marriage planning and the impetus behind it: **E1/376.1** You Vann, T. 14 Jan 2016, 15.40.03 [“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”]; **E3/10755** Sat Pheap WRI, A27-28, 138-139 [“A27-28: Ta An ... spoke about marriage planning. They planned to raise new forces, to increase the population to 15 or 20 million in the next 15 or 20 years ... referring to Pol Pot’s plan ... A138: Ta An intended to achieve this plan by] marrying off workers from ministerial offices and cooperatives ... A139: [Ta An] said that after their marriage, people should love each other as married couples and had to produce children”]; **E3/9507** You Vann WRI, A82 [“Prior to the conversation between Ta An and Prak Yut about organizing marriage, there had been no weddings. Weddings started taking place after Ta An had announced this”]; **E3/9826** [REDACTED] WRI, A97 [Sangke District, Oct 1978: “The unit chief and the group chief matched couples to get married ... they said. “May the men and women holding hands create children to build the country”]; **E3/9820** Preap Sokhoeum WRI, A31 [“Before starting the wedding, Sau announced ... “Angkar needs more forces,” so they needed young men and women to get married to produce more children to add to the revolutionary forces”]; **E3/10620** Ruos Suy WRI, A85 [Ministry of Commerce: “they wanted population growth”], A86-87 [“they had the idea to increase the population. Even women after giving birth, they did not allow them to drop all the blood from their wombs because they wanted

Ministry of Commerce cadre, explained that his ministry unit was assigned monthly minimum quotas for marriages in 1977 and 1978.²⁴¹⁴ Seng Soeun, the Office Chief of S'ang District, stated that "the policy of the Khmer Rouge Regime [was] that when people reached certain age, *they had to marry*"²⁴¹⁵ (20 years for women and 25 years for men), although there were several cases of much younger girls being forcibly married.²⁴¹⁶

598. To obtain the required rapid population growth, the Party needed to ensure that their "newlyweds" consummated the union. Close monitoring of the new couples was, therefore, typically organised immediately after the weddings.²⁴¹⁷ However, in keeping with the notion of the "revolutionary family", couples were shortly after assigned to separate worksites and only allowed periodic visits.²⁴¹⁸ The contradictions inherent in CPK policies on marriage and sexual relations were aptly summarised by Expert Elizabeth Becker:

The Khmer Rouge were schizophrenic about sex and procreation. 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

-
- them to have more babies soon ... women who had many children did not have good health. But...they wanted women to have more children."]. See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Role of CPK Leaders in Forced Marriages**.
- 2414 **E3/10620** Ruos Suy WRI, A75-78, A84-85, A90 ["A75: there was a plan which required the unit (the State Warehouse unit) to have 100 couples married per month ... A77: The marriages began in 1976, but strict measures were implemented from 1977 ... A78: 100 couples per month had to get married ... A84: I think that it [the order] was issued by the ministry chairman ... A85: they wanted population growth ... A90: I just know that Rith alias Roeung ordered my chief, and my chief ordered me to prepare vehicles ... Marrying 100 couples a month did not mean those 100 couples had to get married at once. The wedding ceremonies could be held three times a month"].
- 2415 **E3/409** Seng Soeun WRI, A65, A67 (emphasis added) ["A65: I was asked to match men and women and the men had to be two or three years older than the women ... A67: That was the policy of the Khmer Rouge Regime that when people reached certain age, they had to marry. For women, the age was from 20 and above while for men they had to be aged from 25 and above"]; See also **E3/10620** Ruos Suy WRI, A75.
- 2416 **E3/9575** Thang Thoeuy WRI, A76 [forcibly married at around 15]; **E3/9830** [REDACTED] WRI, A67, A70, A72 [Forcibly married at 17 to a 36 years-old widower who was one-eye blind]; **E3/10639** [REDACTED] WRI, A189-191, A199 [Forced to marry a 15-16 years old when he was 29 or 30]; **E1/483.1** Pen Sochan, T. 13 Oct 2016, 11.47.48-11.49.53 [Forcibly married at 15 or 16 and raped by her new husband]; **E3/5194** Math Sor alias Ahmad Sofiyah WRI, EN 00274708 ["I got married when I was 17. The Khmer Rouge told me whom I had to marry"]; **E3/5589** Kim Dav WRI, A4 [Married at nearly 17 on 30 Sept 1976; born on 5 October 1959]; **E3/9338** Yi Laisaov WRI, EN 00288642 [married in Nov / Dec 1978 at about 18 years of age]; **E3/5585** Kao San WRI, A15 [likely married in 1976; she was 18 and her husband 19]; **E3/436** Heng Lai Heang WRI, A30 ["I was only 18 years old, and I did not want to get married"]; **E3/5559** Khiev Horn WRI, EN 00377369 [18 years old]; **E3/9830** [REDACTED] WRI, A62-63, A70, A73 [17 years-old girl forcibly married].
- 2417 See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Rape within Forced Marriage (Forced Consummation)**.
- 2418 See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Separation**.

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.²⁴¹⁹

IMPLEMENTATION OF THE FORCED MARRIAGE POLICY

1. Organisation

599. In DK, any form of tradition was gone, and generally, families no longer played any role in marriages.²⁴²⁰ Instead, *Angkar* determined *whether*, *when*, and *whom* couples would marry. Whilst the specifics of the process varied, the common denominator was the complete control wielded by *Angkar*.²⁴²¹
600. Forced marriages were imposed for ordinary citizens, and at every level of the Party, including within the military. Depending upon the status of the intended spouses, marriages were ordered by the appropriate authorities of the CPK: at the commune, district, sector, or zone level; as well as by the CPK ministries, and by RAK divisions.²⁴²² Whenever authorities had to pair couples, they were instructed to do so, on

²⁴¹⁹ **E3/20** E. Becker, *When the War was Over*, EN 00237929, FR 00638486, KH 00232298.

²⁴²⁰ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.54.56-13.56.22 ["I never consulted with my parents or siblings ... although I wanted to ask for permission to visit them but they did not allow me to do so"]; **E3/9756** Va Limhun WRI, A20 ["I wanted to be married legally following Khmer tradition. I would leave this matter to be arranged by my parents. I would have been happier if my parents had arranged the marriage for me no matter if the groom were rich or poor"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041; **E3/9820** Preap Sokhoeun WRI, A22.

²⁴²¹ **E3/9833** Muol Eng WRI, A222 ["the biographies of the people [who] would get married would have to be cleared first. The Khmer Rouge did that to control the people. They were afraid that the people could be their enemies. Even I could not choose some[one] I loved to get married"]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, 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 ... it was strictly controlled by the *Angkar* at the village level"]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.31.15 ["during the Khmer Rouge time ... they had to ask permission and approval"]; **E3/9820** Preap Sokhoeun WRI, A34 ["when the chairperson of a men's unit wanted any women to marry men. They ordered the chairperson of a women's unit to select women to match with the men ... The men and women who were assigned to get married were not aware of it until the wedding day. Sometimes, when they could not find the people whose names they had selected to get married, and they selected new people instead"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041 ["*Angkar*, which claimed to be everyone's parent, assigned spouses"]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533-34, FR 00639883 ["Free choice of spouses' was explicitly condemned"].

²⁴²² **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.55.14 [Chief of S'ang District Office: "I simply followed the order from the district chief ... who wanted me to ... collect the biographies from the male mobile units and female mobile units and then decided whom should be arranged to get married"]; **E3/409** Seng Soeun WRI, A65-66, A75; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.35.56 [the committee of Sector 505]; **E3/436** Heng Lai Heang WRI, A26, A28 ["A26: For those who worked in public offices and ministries, the arrangements were made at their places ... A28: For those who worked in the commune and in the district level, the weddings were arranged by the sector level while, for the other civilians, the weddings were arranged by the commune level"]; **E3/5499** Uk Phorn WRI, EN 00372932 ["*Angkar* called me to a meeting, when I arrived, they arranged for me to make the marriage vows. Then the

the basis of identical political class, ethnicity, and background,²⁴²³ and the recommendations were then approved or rejected by the higher level CPK authorities.²⁴²⁴ Sector and zone cadres were kept apprised of the number of couples

district com. said, comrades, you must respect what has been organized by *Angkar*”]; **E3/408** Duk Suo WRI, A88 [“The district committee organized the weddings”]; **E3/3255** H. Locard, *Northeast*, Witness Bun Chan, 12 Jan 1994, EN 00403209 [The zone leader]; **E3/10620** Ruos Suy WRI, A75-78, A84-85, A90; **E3/5590** Kong Vach WRI, A49; **E3/5294** Sou Soeun WRI, EN 00360115-16; **E3/9833** Muol Eng WRI, A223-225 [SWZ military forced to marry by his regiment commander]; **E3/9736** Meas Saran WRI, A2-A6, A16 [Division 164]; **E3/10639** [REDACTED] WRI, A160, A203, A206 [“A160: the Division [2] Commander arranged marriages for soldiers ... A203: the same for soldiers in all Companies, Platoons and Battalions”]; **E3/10733** Tuon Sim WRI, A21-26 [Forced marriages presided by Oeun and Voeng, Division 310 leaders]; **E1/387.1** Meas Voeng, T. 3 Feb 2016, 10.40.55-10.45.23 [Marriages were organised within Division 1, and some women were brought in from elsewhere to marry Division 1 male soldiers].

²⁴²³ **E3/775** Family Building policy document, EN 00417943, KH 00407101, FRE 00593930 [For Party or Youth League members: “It is imperative to look at their background very clearly first. That is to say, they must be clean in living morals and clean politically, without involvements with any enemy strings or bad elements. If both are inside the ranks, it is imperative to choose someone who has a solid revolutionary stance”]; **E1/449.1** Moeng Vet, T. 27 Jul 2016, 09.59.58 [Sector 13: “if a woman was a progressive person or member of the Youth League ... on the men's side, the person was a member of the Party could propose to that woman ... everything was based on the background”], 10.03.54 [“we were told firmly that Youth League people or progressive people should only propose to their own peers. And likewise, Party members should propose to other Party members only ... if I were to love a 17 April woman, I would not be allowed. I would be directed to propose to another woman who was my peer”]; **E3/9480** Khoem Boeun WRI, A120 [“the new people were no-good. They were the enemy and were not as valuable as the old people. Thus they were not allowed to marr[y] the old people”], A112; **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.46.30-09.53.32; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.31.46-09.36.40 [“if the man was rich, we would not be paired up because we were of different background ... If they were of different backgrounds, they could not get married ... Cham married their own people”]; **E1/326.1** Om Chy T., 30 July 2015, 14.13.33 [“They reviewed the biographies and if they matched, then they would organise for the couple to get married. For example, if they both belonged to the same peasant class”], 14.15.28 [“if they were both evacuees from Phnom Penh then they could be matched ... so the Cham people could be matched with the Cham people”]; **E3/5255** Or Ho WRI, EN 00250047 [new people married new people, old people married old people, Cham married Cham and Chinese married Chinese]; **E1/322.1** Kong Uth T., 25 June 2015, 11.17.35; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.59.46-10.01.08, 11.03.15 [“When I was asked to get biographies from both men and women from the mobile units, I matched them according to ... their status, whether they were New People or Base People”]; **E1/466.1** Seng Soeun, T. 30 Aug 2016, 11.17.43; **E1/376.1** You Vann, T. 14 Jan 2016, 15.36.18; **E1/377.1** You Vann, T. 18 Jan 2016, 10.53.47 [“[For] people of different ethnicity, the marriage were forbidden”]; **E1/452.1** H. Locard, T. 1 Aug 2016, 13.48.04 [“You could only marry within your own caste”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 10.45.36; **E3/1757** M. Vickery, *Cambodia 1975-1982*, EN 00397102 [“the couple should be of the same political class ... full rights people should not marry deposites”]; **E3/10640**, H. Locard, *Pourquoi les Khmers Rouges*, FR 01303625 [Angkar was pursuing some kind of ideological eugenics as the goal was to ensure the reproduction of individuals who possessed the best revolutionary genes]; **E1/462.1** Sou Sotheavy, T. 24 Aug 2016, 09.43.55; **E1/372.1** Sos Romly, 8 Jan 2016, 11.14.19; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/5295** Dul Laom WRI, EN 00351368; **E3/9662** Keo Theary WRI, A78, A80, A85; **E3/9667** Nhim Kol WRI, A39; **E3/5562** Seng Chon WRI, EN 00400458; **E3/409** Seng Soeun WRI, A65-66, A69; **E3/9328** Kheu Hun WRI, EN 00272626; **E3/9361** Koa Cheng OCP Statement, EN 00219263; **E3/9471** [REDACTED] WRI, A69; **E3/9756** Va Limhun WRI, A24; **E3/9667** Nhim Kol WRI, A39; **E3/10744** Sum Chanthol WRI, A120.

²⁴²⁴ **E1/376.1** You Vann, T. 14 Jan 2016, 15.32.34 [“The village chief raised the proposal to the commune and then it was raised to the district level and later on the wedding ceremony would be held at the district's office. Q: the authority to approve marriages rested at the district level? A: ... this is my understanding as well”]; **E3/9507** You Vann WRI, A2, A26 [“Prak Yut wrote a request to Ta An that 10 couples be married in Kampong Siem District. Ta An always approved and allowed the marriages. Prak Yut made requests once a month or once every two or three months”]; **E1/296.1** Khoem Boeun, T. 4 May

married in their areas through reports sent up the chain to their attention; reports on marriages were also made by the zones to the Party Centre.²⁴²⁵

2. Marriages Were Forced

601. The evidence shows that while the total number of victims will likely never be accurately estimated, tens of thousands of men and women throughout DK were coerced into marriages.²⁴²⁶ In numerous cases, mass weddings of cadres, military, and ordinary civilians were organised solely by *Angkar* with little or no prior consultation with the intended spouses. Typically on the day of the ceremony or shortly before, work unit chiefs or other local authorities, informed individuals that they would be getting married and asked them to report for the ceremony.²⁴²⁷ Often, this occurred after

2015, 09.46.30-09.50.28 [“When there was a proposal or request submitted to the upper level, after that time there was a marriage arranged by the Party ... I received the policy from the district. Q. ... the district gave you the instructions? A. Yes. ... I disseminated the policy through village chiefs”]; **E274.1** Neang Ouch, T. 10 Mar 2015, 10.51.22-10.56.54 [Tram Kak District: “the request would be made by the commune head to the district”], 10.59.14-11.03.14; **E3/9576** Keo Voeun WRI, A10; **E3/409** Seng Soeun WRI, A69; [S’ang District: “I would write the names of those to be coupled and then I would pass the names on to the district committee to announce who goes with whom”]. About rejected recommendations, *see* section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Marriages Were Forced**.

²⁴²⁵ **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315383, FR 00593538, KH 00143617; **E3/1092** Report from M-401 to Angkar, 16 Jul 1978, EN 00289924, FR 00611450, KH 00143579; **E3/9576** Keo Voeun WRI, A3 [Krala Commune: “After wedding ceremonies, Commune Chief Nan had me write reports about numbers of couples from my commune married at the District Office”], A8, A11 [“Yes, I did [have to report the weddings to Prak Yut after they were finished]”]; **E3/10713** Chuon Thy WRI, A30 [Division 1 Regiment Commander: “in my unit, I had to report the number of couples to the upper echelons. Other units did the same. Because the situation during that time was in turmoil during 1978-1979, they forced multi-couple weddings”]; **E3/9507** You Vann WRI, A26-27 [confirms Prak Yut sent reports to Ao An that requested approval for couples to be married in Kampong Siem District. No names or details were included, “only numbers of couples to be married. The more couples the better, to save time for work”].

²⁴²⁶ **E3/9614** Theresa De Langis *et al.*, *Like Ghost Changes Body* EN 01037042; **E3/7233R** Video, *Red Wedding*, 2011, 59:52 [“It is estimated that at least 250 000 women were forced to marry during the Khmer Rouge regime”]; *See also e.g.*: **E3/9833** Muol Eng WRI, A208-A211, A218, A222, A226-228; **E3/10620** Ruos Suy WRI, A77, A79, A83 [witness was forcibly married himself and facilitated hundreds of forced marriages as deputy chairman of the State Warehouses, Ministry of Commerce]; **E3/9326** Mao Phat WRI, EN 00272581 [Banlung District: “As for marriages, they were coerced, not voluntary on the part of both parties”]; **E3/4637** Sum Alat WRI, EN 00242124; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09-10.06.45 [“we did not have a right to choose”].

²⁴²⁷ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.01.21 [“most commonly ... they were informed that they were going to marry early in the morning or one day before... the marriage ceremony was conducted by the evening ... within 24 hours”]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.40.52-09.42.13 [“I did not know about the marriage ceremony for me. I was informed only in the evening, and then the next day, the marriage ceremony took place”]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.53.11 [“After the supervisor asked me, I was informed that three days later I would be married”]; **E1/459.1** 2-TCCP-1040, T. 17 Aug 2016, 10.09.47 [East Zone soldier: “I learnt that information one day before the ceremony took place”], 14.15.36 [“Only a day before ... the mobile unit's chief told me about the proposed marriage and [her] name was mentioned”]; **E1/326.1** Khin Vat, T. 30 Jul 2015, 09.36.43 [“I was told that at 5 a.m. the next morning, I had to be ready to depart for Kampong Chhnang. I did not know ... my future husband at that time”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09; **E3/9818** [REDACTED] WRI, A51 [“We did not actually know about the wedding ceremony in advance. We just heard about it

those chosen to marry were told they must obey *Angkar*'s orders.²⁴²⁸ Some chosen to marry had no advance notice at all, arriving for what they thought would be a meeting and leaving with a spouse.²⁴²⁹ Many had never met their spouse before the ceremony and some were unable to recognise him or her afterwards.²⁴³⁰ Among the victims were

from Ta Mok in the morning"; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322863; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992279, 81-82; **E3/9756** Va Limhun WRI, A27; **E3/5306** Svay Boramy WRI, EN 00345184; **E3/9829** Suon Yim WRI, A8; **E3/9820** Preap Sokhoeun WRI, A13, A23.

²⁴²⁸ **E3/9820** Preap Sokhoeun WRI, A13 ["As soon as I arrived, [Ni Li, mobile chief] asked me whether I would obey *Angkar*'s order. I told her that I was *Angkar*'s asset, so I had to follow *Angkar* and that if *Angkar* ordered me to enter a crab hole, I would do so"], A28; **E3/9578** Chhuom Savoeun WRI, A26 ["*Ta Chham* called all the single women at the worksite to ... resolve to obey *Angkar*, but *Ta Chham* did not tell them [the] purpose of the resolution to obey *Angkar* ... *Ta Chham* said that the women who declared their determination to obey *Angkar* would marry men"]; **E3/5311** Mour Setha WRI, EN 00373370 ["In 1978 ... my unit chief named Reun asked me if I followed *Angkar*. I replied that I followed *Angkar*. Next day, the Khmer Rouge held a big meeting to arrange weddings for approximately 30 couples including myself"]; **E3/5560** Tes Ding WRI, EN 00377170 ["sent to a meeting at the District 106 office ... we were told about respecting *Angkar*'s rules and respecting *Angkar*'s orders, and ... Ran announced the names of the men and women who had to marry"].

²⁴²⁹ **E1/469.1** Nop Ngim, T. 5 Sept 2016, 11.19.05 [Samlaut District: "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"]; **E1/488.1** Nget Chat, T. 24 Oct 2016, 15.58.07 [Bakan District, Aug 1978: "I had no idea which man I would be matched up with"]; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.37.06-10.44.30 ["I asked the unit chief, 'Comrade, why are there many people here?' And she answer[ed], 'You will know soon because people from the upper level come to preside over the assembly' ... I saw men sitting in one row and women sitting in one row. I was suspicious ... Later on, people from the upper level ... asked us to stand up and make the commitments ... I started to know that perhaps it was a marriage ceremony, so I started to feel fearful ... I felt painful because like cattle, we were paired up without knowing each other"]; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.56.58 ["they were not aware ... in advance about their marriage ... I can confirm that those couples were not informed beforehand"]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.47.50 ["To put it [simply], it was just like a meeting. People were mobilized to have a meeting and ... it was a wedding"]; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.09.25; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.03.54; **E3/10621** Chhouk Rin WRI, A71 [Division 230: "I was assigned to get married without any prior information. I did not know my bride"]; **E3/5832** Cheang Sreimom WRI, A8 ["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 believed that I did not have other choice. I cried in my mind, and I was very sad ... Tri Touch ... did not know about the wedding either"]; **E3/5499** Uk Phorn WRI, EN 00372932 ["*Angkar* called me to a meeting, when I arrived, they arranged for me to make the marriage vows. Then the district com. said, comrades, you must respect what has been organized by *Angkar*"]; **E3/5560** Tes Ding WRI, EN 00377171; **E3/9833** Muol Eng WRI, A20, A208, A211; **E3/9736** Meas Saran WRI, A2, A6, A10, A13 ["A10: When I arrived at the cinema, I was surprised ... I asked ... what was going on, and they told me that they were arranging a marriage ceremony. I wanted to escape, but I could not because there were [Division 3/164] soldiers"]; **E3/9743** [REDACTED] WRI, A3, A6; **E3/9662** Keo Theary WRI, A26, A28.

²⁴³⁰ **E1/340.1** Mean Loey, T. 2 Sept 2015, 14.14.51 ["In the marriage, some couples did not know each other in advance, and after the marriage they could not even find their spouses"]; **E1/325.1** Mam Soeurn alias Heng Samuoth, T. 29 July 2015, 10.01.32 [Trapeang Thma Dam, 1977: "the marriage was held at the worksite ... because it was dark and the brides and grooms did not know each other well, they went off with a different spouse"], 10.06.15 ["after the event ... a man ... found that the bride in room was not his ... there were so many couples that it was hard for him to know which bride was his"]; **E1/326.1** Khin Vat, T. 30 Jul 2015, 09.36.43-09.39.39 [Division 502 soldier: "I did not know the proposed man, my future husband at that time, and I only learned of his name when I met him at the wedding"]; **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.39.30-09.44.45 ["I never saw [my wife] before. When they required us to match with each other and to commit to each other, I was the 42nd couple. I did not even see her at that time, although she was standing nearby me"]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.06.25-14.08.09; **E1/427.1** Him Huy, T. 4 May 2016, 15.23.15-15.25.45; **E1/466.1** Chea Dieb, T. 30

reluctant young women and sometimes aging former monks who were forcibly paired by *Angkar*.²⁴³¹ Such victims were deeply upset and/or traumatized by marrying under such conditions.²⁴³²

Aug 2016, 13.54.56-13.56.22; **E3/9341** Chhoeung Uo WRI, EN 00316786 [Trapeang Thma Dam: “There were about one hundred couples getting married in one ceremony. Some couples lost their partners at the end of the ceremony because there were too many pairs at the same time”]; **E3/10733** Tuon Sim WRI, A22, A24 [Division 310, 1977: “A22: Some people confused their partners”]; **E3/9662** Keo Theary WRI, A27, A29 [“A27: I did not know [him before] ... A29: My husband went back to his unit and his friends asked him if he knew his wife’s face. He said that he did not look at my face, so he did not know”]; **E3/9825** [REDACTED] WRI, A81-88; **E3/10621** Chhouk Rin WRI, A71; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041 [“Often couples were complete strangers”]; **E3/7233R** Video, *Red Wedding*, 2011, 7:49-8:13; **E3/3993** R.M. Jennar, *Khieu Samphan et les Khmers Rouges*, EN 00922106, FR 00751347, KH 00923051; **E1/324.1** Mam Soeurn alias Heng Samuoth, T. 28 July 2015, 15.49.12-15.50.47; **E3/9828** [REDACTED] WRI, A13; **E1/461.1** Om Yoeurn, T. 22 Aug 2016, 15.42.39-15.44.38; **E3/9833** Muol Eng WRI, A211, A218; **E3/9831** [REDACTED] WRI, A109-110; **E3/9338** Yi Laisauv WRI, EN 00288642; **E3/9575** Thang Thoeuy WRI, A65; **E3/9515** Peou Sinuon WRI, A76; **E3/9827** [REDACTED] WRI, A25; **E3/9786** Mech Nhanh WRI, A123; **E3/9822** [REDACTED] WRI, A374; **E3/10744** Sum Chanthol WRI, A111; **E3/10761** Sat Pheap WRI, A67; **E3/9669** Penh Va WRI, A4; **E3/5559** Khiev Horn WRI, EN 00377369; **E3/5127** Tieng Rany WRI, EN 00163433; **E3/10620** Ruos Suy WRI, A75; **E3/10626** [REDACTED] WRI, A32; **E3/9743** [REDACTED] WRI, A7 [Division 164: “some new couples even mistook their respective partners”].

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E3/9820 Preap Sokhoeurn WRI, A27 [“Angkar selected young women to marry former aging monks. For some couples, for example, an 18-year-old girl was paired up with a 50-year-old man”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.37.55-13.51.17 [Former monk: “Did the chief of the village tell you why you should get married? ... they said that you are rather old so you should get married ... there were some other monks who were forced to get married”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 13.47.29 [“He was a monk and then he was ordered to disrobe, then to make a commitment”]; **E3/5560** Tes Ding WRI, 00377169, 71 [Monk disrobed in 1975 and forcibly married in 1978]; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703990-91, FR 00836378-79, KH 00791304-05 [“The other more likely reasons underlying the policy [of forcing monks to marry] were, on the one hand, a desire to humiliate, control and smash and, on the other, an overriding concern for social conformity ... Reports that monks, either individually or sometimes *en masse*, were coerced into taking partners are extraordinarily frequent and the practice may have been more widespread than evidence suggests ... many monks who rejoined the monastic order in the PRK period were reluctant to admit to any diminution of celibacy during the DK period on the grounds that such a revelation would simultaneously impact on their spiritual prestige and future career prospects within the *sangha* ... The proportion of monks who were forced to marry could be quite high. Of the 68 monks residing at Wat Chum Nik before April 1975, for example, 40 (i.e. 58.8%) ended up in forced marriages”]; **E3/20** E. Becker, *When the War was Over*, EN 00237959, FR 00638514, KH 00232336 [“Many monks were ordered to marry, which prevented them from returning to the clergy”]; **E3/7906** Tep Vong Statement (CDC), EN 00711584-86, FR 00857626-28, KH 00850689-92 [Former monk explains: “A month later they asked me to get married; I refused ... Around August-September 1976, I was arrested ... They punished me ... First, for refusing to get married”]; **E3/5539** Khem Leng WRI, EN 00380129 [“in Svay Rieng Province ... an abbot who was defrocked and forced to marry an old woman”]; **E3/5130** Khut Unn WRI, EN 00223181 [Former monk, Khsach Kandal District: “They forced me to find a wife of my own age. The elders said not to argue with them, to do what they said, not to make trouble ... Because they would ... take you out, meaning you would go into a grave pit”]; **E3/9789** [REDACTED] WRI, EN 00986703; **E3/3976** D. Affonco WRI, EN 00346935; **E3/5499** Uk Phorn WRI, EN 00372932 [Monk forcibly married at age 30 in Sector 13]; **E3/9358** Khleang Rei WRI, EN 00163453 [Monk forcibly married early Jan 1979].

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E1/475.1 Mom Vun, T. 16 Sept 2016, 15.49.18 [“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”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.14.21 [“There was none of the 107 couples who refused, however, we could see that some people shed their tears quietly, especially the women”]; **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394888 [“No one doubts that these occasions were hardly joyful”]; **E3/9820** Preap Sokhoeurn WRI,

602. In many instances, male RAK soldiers with disabilities were told to choose or were given a wife they did not choose as a “reward from *Angkar*” for their sacrifice.²⁴³³ Many of these young women were civilian workers from nearby mobile units and

²⁴³³ A13 [“Comrade Ni Li, she asked me why I was crying if they were taking me to get married, and I told her that it was because the marriage was not being arranged according to Khmer tradition”]; **E3/5832** Cheang Sreimom WRI, A8 [“I cried in my mind, and I was very sad”]; **E3/5560** Tes Ding WRI, EN 00377170 [“The men did not cry during the marriages, but the females cried hard inside their hearts, since they did not dare cry out loud”]; **E3/9830** [REDACTED] WRI, A83-85, A89; **E3/1678** Tuoloas Sma El WRI, EN 00353497. See also section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Physical and Mental Trauma Suffered by the Victims**.
E1/466.1 Chea Dieb, T. 30 Aug 2016, 13.58.20 [“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 again[st] the enemy any longer, they were brought in to get married”], 14.02.17 [“We were not allowed to choose”]; **E1/478.1** Sem Om alias Prum Iet, T. 21 Sept 2016, 10.07.22-10.11.23 [Chamkar Leu District: “I only knew that disabled soldiers had the rights to get married since they already became disabled”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 13.43.22 [“were those handicapped soldiers sent to Samlout from all over the country with the sole objective of having them married, or there were other reasons ... ? A. They were sent for marriages”]; Preak Kap, disabled Division 2 cadre (blind) was forced by Ta Mok and Ta Tith to marry Nop Ngim: **E3/9818** [REDACTED] WRI, A51, A75 [“A51: thirty-eight disabled soldiers who were wed ... We did not actually know about the wedding ceremony in advance. We just heard about it from Ta Mok in the morning ... The names of the couples were written on paper and placed on the table opposite each other ... I had to sit facing my would-be wife's name, [REDACTED] ... A75: No-one asked me whether or not I wanted to get married”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.47.07 [Bati District: “When the soldiers with disabilities sent back from the battlefields, they got married to those women, and those women even ... the 18 People, they did not dare to refuse”]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.34.45-09.37.28 [A group of handicapped soldiers meant to marry young women refused as they “were too young” and the disabled were afraid they would “not have a good future”]; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 11.02.54-11.06.54; **E3/10755** Sat Pheap WRI, A147-148 [“Q: Were [the injured veterans] able to get married? A: Yes. They had the right to marry beautiful girls of their choice ... Because they had fought in the past, they had these privileges”]; **E3/10754** [REDACTED] WRI, A8, A12-17, A24 [“A13: If a woman was assigned to marry a leg-amputated man, she did not dare to object ... A15: The amputated soldiers were wed according to a set quota ... A24: It was prescribed that the handicapped or amputated soldiers were permitted by their leaders to get married”]; **E3/9833** Muol Eng WRI, A219-220, A226-228 [Bavel District Secretary: “A220: Ta Chay instructed me to arrange the marriage of the disabled soldiers as well as people from Srae Ambil ... A226: Two women objected it... A227: 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 ... A228: They had reluctantly agreed to marry them”]; **E3/9820** Preap Sokhoeum WRI, A12, A22, A24 [“A12: In 1977... they forced me to marry a handicapped man ... A24: 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”]; **E3/2634** Khamboly Dy, *A History of Democratic Kampuchea*, EN 00284191 [“Women were sometimes forced to marry soldiers who had been injured during the war and lost a hand or leg. Those who refused to accept the disabled men might be imprisoned, severely tortured or forced to do hard labor far from their homes. Some women facing forced marriages committed suicide”]; **E3/9667** Nhim Kol WRI, A36 [“Prak Yuth had already selected the women before informing the commune to arrange the wedding for the disabled[d]. Those disabled soldiers were sent from the Sector to the district to be taken care of”]; **E3/9326** Mao Phat WRI, EN 00272581 [Banlung District: “Sometimes I saw beautiful young girls marry old or handicapped men”]; **E3/9823** Nap Somaly WRI, A141 [“There was a beautiful girl ... ordered to marry to a disabled militiaman”]; **E3/10639** [REDACTED] WRI, A1, A6, A9, A150, A159-163, A197 [REDACTED] (amputee) forcibly married in August 1978 by Ren to a 15-16 years-old girl: “A197: [Division Commander Ren] twice selected women for me but I resisted. By the third time he did not inform me again when he selected a woman for me. Upon my arrival there, I was forced to marry her”]; **E3/7884** Bun Sat WRI, A26; **E3/9562** [REDACTED] WRI, A183; **E3/3976** Denise Affonco WRI, EN 00346935; **E3/9576** Keo Vooun WRI, A15; **E3/10622** Moeng Veth WRI, A161; **E3/9667** Nhim Kol WRI, A35; **E3/3993** R.M. Jennar, *Khieu Samphan et les Khmers Rouges*, EN 00922106.

cooperatives.²⁴³⁴ Sometimes, requests were sent from the RAK divisions to district or communes of distant areas for females to satisfy this demand.²⁴³⁵ As a result, the large majority of these women met the disabled soldiers selected to be their spouses for the first time at the ceremony.²⁴³⁶ Norodom Sihanouk described hearing **Khieu Samphan** explain how young women forced to marry handicapped soldiers were “fervently patriotic” and “accepted, by way of their marriage, to care for the well-being of the heroes who had sacrificed themselves for the nation”.²⁴³⁷ Sihanouk, however, rightly viewed the practice as sacrificing the happiness of these innocent young women “in the name of patriotism”, as none of them truly consented to such marriages.²⁴³⁸

²⁴³⁴ **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.38.38-09.45.24 [Ta Khmau District: “the chief of the area told me that those handicapped soldiers had been married to the women who were brought in from the pepper plantation”]; **E3/5564** Snguon Tai Ren WRI, EN 00414579 [“If they wanted to marry soldiers, the Khmer Rouge would pick women in the villages to marry those soldiers”]; **E3/9820** Preap Sokhoeurn WRI, A8-10 [Worked in a cotton plantation, Thma Pun Commune, Prey Chhor District, when she was forced to marry a handicapped soldier working in Chrey Vien commune]; **E3/10754** [REDACTED] WRI, A16-18 [Banan District marriages to handicapped soldiers: “They brought women from elsewhere and they used Kampong Kul Sugar Factory Site to hold the wedding ceremony ... A17: I saw them bringing the women in ... A18: ... by trucks”]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394899-900 [“The two announcements that follow ... foreshadow forced marriages to physically disabled, so feared by young women educated in the towns. Some preferred suicide to what they considered a shameful plight. 348- ‘Handicapped soldiers from squad 05 are expecting the young women from the commune’; 349- ‘Handicapped soldiers from squad 05 are expecting the young women who are resolved [to serve the revolution]”]; **E3/9326** Mao Phat WRI, EN 00272581.

²⁴³⁵ **E3/5833** Seng Oi WRI, A20, 27 [Female cadre in Tram Kak District: “A20: In 1977 or 1978, the army came to request women from my unit to be married in Kampong Saom. Proposal letters were sent from the army to my commune, and the Commune Com told me to select women to go to Kampong Saom, saying that the army had requested them ... neither I nor the women selected to go knew that they were being taken away to marry handicapped soldiers ... I selected about three to five women from my unit ... various other communes did the same thing”]; **E3/9833** Muol Eng WRI, A219-220, A226-228 [Bavel District Secretary recalls arranging the marriage of disabled soldiers to (salt fields female) Srae Ambil workers who reluctantly agreed to marry]; **E3/9818** Preap Kap WRI, A59 [Disabled (blind) Division 2 cadre forcibly married by Ta Mok in NWZ with 37 other disabled: “Q. Did you know where the women who were arranged to marry the disabled persons came from? A59: Ta Mok sent them from Srae Ambel [salt fields] in Kampot Province”]. See also **E1/489.1** Say Naroeun, T. 25 Oct 2016, 11.02.54-11.06.54 [“during the Khmer liberation day he was a soldier ... he was not aware of the arrangement ... the chairman Khorn ... said that ‘Comrade Say Naroeun, you are here to marry to a handicapped soldier who was wounded in the front battlefield’. Then there were two handicapped soldiers who lost their legs up to the knees, were sitting on wheelchair. I was so shocked to see them that I shouted in that office”].

²⁴³⁶ See above, fn. 2433.

²⁴³⁷ **E3/2813** Norodom Sihanouk, *Prisoner of the Khmer Rouge*, EN 00632939.

²⁴³⁸ **E3/2813** Norodom Sihanouk, *Prisoner of the Khmer Rouge*, EN 00632939 [“No doubt, these genuine, severely disabled heroes deserve all our respect and compassion. However, there is [a] big difference between that and us eagerly accepting the idea of sacrificing innocent young virgins, who have only recently graduated from our secondary schools and universities, in the name of patriotism”]; As for the lack of consent, see: **E3/9820** Preap Sokhoeurn WRI, A12, A24; **E3/9833** Muol Eng WRI, A227-A228; **E3/9823** Nap Somaly WRI, A141; **E3/9562** [REDACTED] WRI, A183; **E3/3976** Denise Affonco WRI, EN 00346935; **E3/9576** Keo Voeun WRI, A15; **E3/10761** Sat Pheap WRI, A111; **E3/10754** Khay Chhauy WRI, A11-13; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394899-900; **E3/9669** Penh Va WRI, A7; Interestingly Em Sarin, a Division 2 battalion deputy commander who was injured at war and became an amputee claims that he did not know whether her 15-16 years old wife “was willing to marry”

603. The regime's frequent use of violence and demand for blind obedience from individuals deprived of all rights intentionally created a general atmosphere of terror and coercion, where refusal of any order or suggestion by *Angkar* was seen as gravely dangerous or even suicidal; in that context, *genuine* individual consent to marriage was generally not possible.²⁴³⁹ In fact, decisions from *Angkar* regarding marriages had to be "absolutely respected,"²⁴⁴⁰ and objections were normally not permitted.²⁴⁴¹

him although none of them knew in advance that a marriage was organised: **E3/10639** [REDACTED] WRI, A163, A189-190, A241-242.

²⁴³⁹ **E3/775** Family Building policy document, EN 00417944 ["our revolutionary youth comrades must pay attention and be really vigilant toward this matter of family building. If we do not respect organizational discipline, if we do not respect the collective, if we do not take firm revolutionary stances, and if we are free and all over the place in terms of morality, we will surely build families incorrectly and not be accordance with the Party line"]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.25.10 ["the female chief said that, "No matter what you said, you have to agree with Angkar, and Angkar would organize the marriage for you. You have to respect Angkar and adhere to the principles or direction set by Angkar"]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.35.56-09.40.32 [Sector 505, 1976: "I felt concerned about my own safety, and that's why I agreed to accept whatever they arranged"]; **E3/436** Heng Lai Heang WRI, A26, A30 ["A30: I was only 18 years old, and I did not want to get married, but since it was the arrangement, I was scared to lose my own life. If I had not followed the arrangement my life and my family lives would be in trouble"]; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 10.14.35 ["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"]; **E3/409** Seng Soeun WRI, A72-73; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.08.09 ["particularly in 1977-1978 when people were already terrorized by the Khmer Rouge, by saying no, by refusing, it might mean their death, that they would be killed. So many people could not even say no"], 14.12.51 ["There [were] two patterns. One was that the Khmer Rouge or the village chief explicitly said ... that they would be killed or a family member [would be] killed if they refused ... the second pattern is that people are already terrified. They were living under the extreme fear if they were against the Khmer Rouge they would be killed"], 14.20.09 ["it was reported from all divisions that I visited, women were living under the terror, continuous terror"]; **E1/451.1** H. Locard, T. 29 July 2016, 09.50.34 ["There are two ways of terrorizing the people, obviously by using words, and also using the Kalashnikov, that is, weapons. So those were the two means used by the Khmer Rouge leadership to control the people"], 10.56.48 [Commenting the DK slogan 'Whoever protests is an enemy and whoever opposes is a corpse': "That was abominable and it obviously sums up the entire policy of repression of the country"]; **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.25.19; **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.55.07; **E3/5513** Ieng Chham WRI, A34 [Chief of 1st Jan Dam construction: "nobody dared to protest in that regime"]; **E3/9820** Preap Sokhoeurn WRI, A12-13, A20; **E3/9325** Dy Mach WRI, EN 00239495; **E3/9831** [REDACTED] WRI, A115; **E3/5283** Chhuy Huy WRI, EN 00321201-02; **E3/9790** Nget Chat WRI, A97.

²⁴⁴⁰ **E3/775** Family Building policy document, EN 00417943; **E3/5560** Tes Ding WRI, EN 00377170 ["at the District 106 office ... we were told about respecting *Angkar's* rules ... in particular that we had to respect orders to marry"]; **E3/9820** Preap Sokhoeurn WRI, A20 ["Back then, we did not have rights to refuse their orders ... although I did not know my husband, I had to marry him"]; **E3/9825** [REDACTED] WRI, A90-92 [Sangke District, 1978: "They announced, 'It is imperative to follow the Party line. No one can refuse' ... They said that by megaphone during the wedding ceremony"]; **E3/5499** Uk Phorn WRI, EN 00372932; Even prominent CPK members had to respect Angkar's decision to marry them against their own will, such as Prak Yut, district secretary in 1975 (although she claims it might have been in 1973): **E1/378.1** Prak Yut, T. 19 Jan 2016, 11.07.16-11.22.00 ["in Sector 35, he [Ta Chap] was overall in charge, and if I did not follow his instructions, it meant that I disrespected him. Loving him or not, I had to follow his instruction. So, I had to get married"]; **E3/9310** Prak Yut DC-Cam, EN 01064271-72 ["he organized the arranged marriage for us in 1975 ... Believe me, if we refused, they would say we were against them"]; **E3/9499** Prak Yut WRI, A95 ["I did not love him ... but ... I agreed to marry him because I thought that if I refused I was afraid that Angkar would think I went against the intention of Angkar"].

604. Often the threats were implicit. Those who were instructed to marry legitimately feared that any refusal would brand them an enemy and could result in severe punishment for “disrespecting *Angkar*”, such as being sent for refashioning, reeducation or execution.²⁴⁴² Some had also heard or seen people punished for refusing to marry.²⁴⁴³ The large majority of those chosen by *Angkar* to marry did not take the risk of voicing their objection and were therefore forced into conjugal relationships.²⁴⁴⁴ Those who

²⁴⁴¹ **E1/419.1** Nhem En, T. 20 April 2016, 14.26.44-14.33.20 [In Division 703, S-21: “I met Khoeun ... She was not happy ... It was a forced marriage and of course you are aware of that nobody could make any objection to the arrangement by Angkar”]; **E3/5832** Cheang Sreimom WRI, A8 [“I did not dare to reject the wedding because in the meetings I had attended, we were told that ‘we were children of Angkar,’ and we had to follow Angkar’s arrangements; I believed that I did not have other choices ... I was asked if I agreed to love that man voluntarily or compulsorily; I said that no one forced me; then they clapped hands”]; **E3/5231** Chea Leng WRI EN 00279253-54 [“Q: During the Khmer Rouge regime did women have the right to refuse marriages which had been ordered by Angkar? A: They could not. It was an order from upper level Angkar”]; **E3/9328** Kheu Hun WRI, EN 00272626; **E3/9331** Chhut Daung WRI, EN 00274086; **E3/9361** Koa Cheng OCP Statement, EN 00219263; **E3/408** Duk Suo WRI, EN 00404732; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/9833** Muol Eng WRI, A209-210.

²⁴⁴² **E1/322.1** Kong Uth, T., 25 June 2015, 10.59.10 [1st Jan Dam: “I felt that I did not want to get married but they came to call me a few times and I had to go ... I did not dare to refuse the marriage and if I dare to do so I would be accused of opposing them”]; **E3/9667** Nhim Kol WRI, A40, [“Everyone at that time knew that when anyone refused an order would be taken to be re-educated or disappear”]; **E3/9824** Sum Pet WRI, A30 [“They taught me to follow or respect the arrangements of Angkar. Refusing was equal to opposing to the orders of Angkar, so they would surely have taken me to be tortured”]; **E3/10749** Samrith An WRI, A44 [“They were afraid of being killed”]; **E3/9350** Van Sorn WRI, EN 00244170 [“If we objected and did not agree with them, they would take us for refashioning”]; **E3/9755** Hin Long WRI, A53 [“They told me, ‘I am being forced me to marry a young woman. I have to get married, or they would accuse me of being an enemy’”]; **E3/7775** Kang Ut WRI, EN 00233533; **E3/9808** [REDACTED] WRI, A78; **E3/436** Heng Lai Heang WRI, A26, A30; **E3/9361** Koa Cheng OCP Statement, EN 00219263; **E3/9809** [REDACTED] WRI, A91 [“they would have killed me”]; **E3/9759** [REDACTED] WRI, A124; **E3/9785** Yim Sovann WRI, A76; **E3/9823** Nap Somaly WRI, A154; **E3/9743** [REDACTED] WRI, A6; **E3/9826** [REDACTED] WRI, A110.

²⁴⁴³ **E3/5561** Mao Kroeurn WRI, EN 00384789 [District 106, 1977-1978: “I agreed to marry because I did not have other choice. I had been already sent to the reeducation centre, and I was afraid that this would happen again”]; **E3/9820** Preap Sokhoeurn WRI, A21 [“if someone refused to get married as requested by Angkar and fled, they chased down that person to be killed. I saw it happen to a woman in my unit named Proeung ... Later the union arrested her from the cooperative saying that she had disobeyed Angkar’s rules ... they tied her up and loaded her on an ox-cart. She disappeared after that ... Because of this experience, I was very frightened”]; **E3/9321** Saom Mon WRI, EN 00163771 [“they were coerced into marriage ... Specifically, a girl named Run objected and refused to marry and was removed from the unit”].

²⁴⁴⁴ **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 [“I looked at the face of my spouse and he’s very old. I was only 20 years-old and he was over 40 ... I did not dare to protest ... they said that if I opposed I would be sent to the upper level ... My [first] husband was just taken away to be smashed. I was still weeping. I felt afraid that I would die and leaving my children behind”]; **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.10.37; **E1/326.1** Khin Vat, T. 30 Jul 2015, 09.36.43 [Division 502 soldier forcibly married at Kampong Chhnang airport]; **E3/10620** Ruos Suy WRI, A77, A79, A83 [“A83: Some people who were assigned to be married did not dare to refuse the assignment because of fear from being mistreated ... they just answered in agreement because of fear. Although from outside it seemed that it was not a forced marriage, in fact they forced people to accept, including myself. Among the 20 couples married at the same I was, only my couple still presently lives together”]; **E3/9355** Phat Duongchan WRI, EN 00375683; **E3/9823** Nap Somaly WRI, A154; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992279; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488 [“interviewees emphasized that unlike arranged marriages where, though arranged by the parents, the spouses consent to the union, in DK people had no choice but to marry the person chosen for them.

hesitated or refused the order to marry were often expressly threatened or punished. Punishment included reeducation, hard labour and imprisonment,²⁴⁴⁵ physical violence,²⁴⁴⁶ rape,²⁴⁴⁷ and execution.²⁴⁴⁸

Those who refused to marry were considered an enemy of *Angkar*”]; **E3/408** Duk Suo WRI, A90-91 [“we did not dare to refuse because the power was in the hands of Angkar”]; **E3/5521** Nut Nouv WRI, A103 [Tram Kak District, commune chief: “some couples just said they agreed for marriage as they were afraid”]; **E3/10622** Moeng Veth WRI, A154, A161, A164-165, A168 [Successively in Division 2, SWZ, and Division 117, Sector 505: “A154: The chiefs said, ‘... Women who are 25 years old have the right to get husbands. Men who are 30 years old have the right to get wives’. It was officially announced. However, in reality ... at the cadre level, youths were forced to get married even if they did not love each other ... A161: In some places, older women were told to marry bad-looking or disabled men. The unit chairpersons forced them to get married ... A164: The women could not refuse. 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 ... A165: Everyone was afraid ... A168: [In Division 1 and 2] even if there was no proposal, they also randomly selected some names for marriage”]; **E3/5294** Sou Soeun WRI, EN 00360115-16 [Ke Pauk’s wife: “Q: Did any of the girls in your group refuse the marriage? A: No, they did not. They rarely refused, although they did not like the men; and these people got divorced after the fall of the Khmer Rouge”]; **E3/9669** Penh Va WRI, A4; **E3/9763** [REDACTED] WRI, A63-64 [Mongkol Borei District: “Q: Why could not they refuse? A64: Because we, at that time, were Angkar’s children, not our mother’s children”]; **E3/10621** Chhouk Rin WRI, A76, A82 [Division 230, 1976: “A82: My head would have been cut off if I had refused it”]; **E3/5590** Kong Vach WRI, A48; **E3/10652** Nop Ngim WRI, A11; **E3/5562** Seng Chon WRI, EN 00400458; **E3/5832** Cheang Sreimom WRI, A8; **E3/9826** [REDACTED] WRI, A109; **E3/9796** [REDACTED] WRI, A4; **E3/9562** [REDACTED] WRI, A182; **E3/9778** [REDACTED] WRI, A162-164; **E3/9515** [REDACTED] WRI, A76; **E3/9469** [REDACTED] WRI, A67; **E3/9786** Mech Nanh WRI, A128; **E3/9782** [REDACTED] WRI, A93; **E3/9672** [REDACTED] WRI, A55; **E3/9800** [REDACTED] WRI, A186-87; **E3/5231** Chea Leng WRI EN 00279253; **E3/9765** [REDACTED] WRI, A97-98; **E3/9471** [REDACTED] WRI, A73-74; **E3/9822** [REDACTED] WRI, A340; **E3/9761** [REDACTED] WRI, A112; **E3/9785** Yim Sovann WRI, A87; **E3/9756** Va Limhun WRI, A23; **E3/9829** Suon Yim WRI, A6; **E3/10744** Sum Chanthol WRI, A111; **E3/5513** Ieng Chham WRI, A33; **E3/9831** [REDACTED] WRI, A104, A115; **E3/9790** Nget Chat WRI, A97; **E3/9761** [REDACTED] WRI, A110; **E3/9785** Yim Sovann WRI, A75; **E3/9820** Preap Sokhoeurn WRI, A20; **E3/9747** [REDACTED] WRI, A99-100; **E3/9760** [REDACTED] WRI, A72; **E3/9830** [REDACTED] WRI, A62-63, A70, A73; **E3/5130** Khut Unn WRI, EN 00223181; **E3/7884** Bun Sat WRI, A26; **E3/5254** Sok Thul WRI, EN 00242363; **E3/9326** Mao Phat WRI, EN 00272581; **E3/5306** Svay Boramy WRI, EN 00345184; **E3/10733** Tuon Sim WRI, A22; **E3/9777** [REDACTED] WRI, A15; **E3/9833** Muol Eng WRI, A210; **E3/9667** Nhim Kol WRI, A40-41; **E3/9736** Meas Saran WRI, A31-A32; **E3/3964** Pechuy Chipse WRI, EN 00225211; **E3/5585** Kao San WRI, A14.

²⁴⁴⁵ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.16.57-14.18.16 [“I heard many stories of the punishment of refusal to the marriage ... She was only 15 years old and she refused to marry and she was sent to the reeducation camp for three months ... one woman in Siem Reap ... told me she was sent to the reeducation camp”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.27.39-11.29.29; **E3/9667** Nhim Kol WRI, A40-41 [“A40: when anyone refused an order would be taken to be re-educated or disappear ... A41: they re-educated people by torturing them until they agreed to get married. One widow refused to get married, so she was ordered to do hard labor”]; **E3/9823** Nap Somaly WRI, A141 [“a beautiful girl ... 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”], A157 [“They took her to a re-education place ... for the people who committed moral offences”]; **E3/10682** [REDACTED] WRI, A101 [“
[REDACTED]”]; **E3/5561** Mao Kroeurn WRI, EN 00384789 [“I refused [to marry], so the Khmer Rouge took me to the re-education place at a pagoda ... I was kept there three or four months because I refused to marry ... I was punished; I was sent to search for firewood and carry water ... I ate only gruel ... When I returned to the co-operative, the Khmer Rouge arranged my wedding”]; **E3/9472** [REDACTED] WRI, A456-459 [“A

- person from Kampong Speu Province was taken to be detained in a prison because of this [refusal to marry] ... there were many of them”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037038 [“in all cases, the system was coercively enforced through real or threatened punishment—‘re-education’; imprisonment, sexual violence and torture, or death”]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421892; **E1/449.1** Moeng Vet, T. 27 Jul 2016, 10.08.23-10.12.15; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488 [“threats of violence or actual violence, including beatings, hard labour and even death”]; **E3/5519** Sok Sim WRI, A52; **E3/5521** Nut Nouv WRI, A106; **E3/5271** Chhum Ruom WRI, EN 00289927.
- 2446 **E3/9510** [REDACTED] WRI, A34-35 [Bakan District, 1977: “A34: I refused to get married. They handcuffed me once I arrived at Boeng Kul; however, they did not yet shackle me when they took me back to Trach Kraol. Q: Did they torture you when you were imprisoned at Trach Kraol? A35: There was some torture”]; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992281 [“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”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 [“Penalties for refusing to marry ... included verbal threats and actual physical punishment, such as beatings, rape, sexual slavery, and death”]; **E3/9823** Nap Somaly WRI, A141; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421892, EN 00421919 [“one interviewee stated: ... ‘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’”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488.
- 2447 **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.12.51 [women were raped for refusing to marry: “I heard that story. And I also heard a woman who had to witness another woman’s rape because she refused to marry”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.18.38-11.24.42 [Siem Reap, late 1975, two to three months after her first husband was sent for re-education (executed): “When I arrived there, I was told that in two days time, I would remarry ... they planned to mistreat me before the -the wedding day. There were five of them and they planned to rape me, one by one. And I was raped and the last one told me to leave after they committed the act”]; **E3/9790** Nget Chat WRI, A92-93 [“A92: Because I did not agree to get married, they sent me to the upper echelon. At that time they wanted to rape me ... A93: One soldier led me and comrade Rin ... When we reached a forest ... Comrade Rin went with the soldier, and he raped her ... I begged him by making an excuse that I was a menstruating and I knelt down to beg him. So he did not rape me”]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421893 [“My husband was a French soldier. They hanged my husband. Five months later 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”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488-89 [“Some of the interviewees however reported the use of rape to coerce or punish women who refused to marry. Chanthy explained how she was taken to a *monty santesok* (security prison) when she refused to marry the husband the Angkar selected for her. Inside ... a soldier ... took her to see women who had been raped: ‘All the ladies were naked. They had no clothes on, and the three soldiers were also naked. Those ladies cried, and the soldiers stuffed *kramas* (traditional scarves) into their mouths. They laid those women on beds, and they tied their arms and shackled their legs to the beds ... They asked me, ‘do you want to imitate these women? ... I was so shocked that I decided to marry my husband’”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033, 38.
- 2448 **E1/462.1** Om Yoeum, T. 23 Aug 2016, 09.14.42-09.18.26 [forcibly married in early 1978 in Chamkar Leu District; she did not refuse because people who protested or refused disappeared. Her own cousin was killed for refusing to marry a handicapped person]; **E3/9472** [REDACTED] WRI, A461 [Tram Kak District, 1975-76: “Were persons sent to Kraing Ta Chan because of their refusal to get married? A461: Yes. A man from Kirivong was sent there, and he was killed later on”]; **E3/5591** Hong Savat WRI, A23-24, A26, A29-30 [“A23: the Khmer Rouge forced my sisters to marry ... Khmer Rouge cadres ... When it was time for them to hold hands with their future husbands, they tried to run away. At that time, the Khmer Rouge arrested both of my sisters ... together with other women who refused to marry. They killed all of them ... Q: Did you eye witness the execution? A24: I saw with my own eyes the killing of both of my elder sisters. They were hit with wooden stick”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/9667** Nhim Kol WRI, A41 [“During the weddings when Soeun and Thin were in charge, when anyone did something wrong, they were taken to be re-educated and freed, but starting with Yeay Yuth, the killing began”]; **E3/9825** [REDACTED] WRI, A90-92; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033, 38; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421892; **E3/3993** R.M. Jennar, *Khieu Samphan et les Khmers Rouges*, EN 00922106; **E3/9823** Nap Somaly WRI, A155 [“She preferred to die rather than marry a disabled man”], A157 [“They took her to a re-education

605. This is not to say that *every* marriage during the DK regime was forced. Some fortunate cadres or favoured couples wanted to marry and received permission to wed the spouse of both partners' choosing.²⁴⁴⁹
606. However, in the majority of cases where there might appear to be some superficial indicia of consent, a closer inspection makes clear that one or both of the couple did not *genuinely* consent to the union. In some cases, young male cadres or combatants, mostly Base People or soldiers, petitioned or were forced to petition their local officials for permission to marry specific women, usually among a small group of females.²⁴⁵⁰ The fact that some civilian and military cadres or combatants were requested or allowed to choose their own mates does not change the forced nature of the marriage to which ample evidence indicates that their selected spouses did not consent.²⁴⁵¹ Contrary to

place about eight kilometres from the village. It was a re-education place for the people who committed moral offences"]; **E3/9787** ████████ WRI, A46 ["those who were not happy with it would be taken to be killed. Many people died because of such complaints"].

²⁴⁴⁹ **E3/10713** Chuon Thy WRI, A26; **E3/9736** Meas Saran WRI, A29; **E3/10768** ████████ WRI, A233; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 14.04.50-14.09.10; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 13.42.02-13.43.26; **E1/305.1** Meas Layhuor, T. 26 May 2015, 15.19.32-15.21.25; **E1/461.1** 2-TCW-850, T. 22 Aug 2016, 15.06.55-15.12.05 [Baray District Secretary, reluctant witness]; **E3/5515** Phneu Yav WRI, A32.

²⁴⁵⁰ **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.20.57-15.26.14 [Northeast Zone Army soldier who was forced to choose a wife among five Phnong girls in a village but ultimately asked Angkar to choose one for him – he had a fiancée in his village]; **E1/449.1** Moeng Veth, T. 27 Jul 2016, 09.51.08 [Division 2, SWZ, and Division 117, Sector 505: "the soldiers, the men, had the right to choose which particular women they wanted to get married to"]; **E3/10622** Moeng Veth WRI, A162-A164 ["A162: They allowed those who loved each [other] to make a request to marry. Such couples were called 'the proposed couples'. In some cases, names were randomly selected for marriage. Q: For the proposed couples, did only one side propose or both sides propose? A163: The proposal was from the man ... A164: The women could not refuse"]; **E3/9578** Chhuom Savoeun WRI, A26 ["*Angkar* told me that it was time for me to get married. So I proposed the name of a woman I liked for *Angkar* to arrange the marriage. After 1979 that woman requested a divorce"]; **E3/5558** Horng Orn WRI, EN 00381009 ["My future husband proposed to the female unit chief, named Aun, to marry me. Q. Did you oppose the marriage? A. I did not dare to oppose. Q. Why? A. I had no idea where to escape to. Q. Did you like your future husband? A. I had to agree because the Khmer Rouge said that I had to accept him"]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 ["many men had opportunity to request a spouse during the regime, this being reported by half of all responses"]; **E3/2060** Analytical Report by the U.N. Commission on Human Rights, 30 Jan 1979, EN 00078662 ["Article 16 ... Specific violations of this article ... relate to ... the need to apply for permission to marry, the arbitrary handling of such applications"]; **E3/10639** ████████ WRI, A228-229 [Division 2, handicapped unit: "A228: The grooms chose their spouses freely ... Q: ... did you ask the brides if they agreed to marry these men? A229: I did not ask the women"]; Some women were brought to islands where Division 164 soldiers were deployed so that they could pick the women of their choice after seeing them only once, then ████████ claims that the women *freely agreed* to be married: **E3/10768** ████████ WRI, A237-238; Although Chuon Thy, Division 1 regiment Commander, explains that brides and grooms could mutually agree to request the upper echelon to organise their marriage, he fails to explain how this could happen, as contacts between men and women were strictly prohibited: **E3/10713** Chuon Thy WRI, A33, A43-44.

²⁴⁵¹ See e.g. **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421895 [a "new person" forced to get married to a soldier: "If I knew in advance about the marriage I would have run away ... The top leaders forced me to marry him since he loved me and asked the top leaders to make me marry him"]; **E3/9111** K. Natale, *I Could Feel My Soul Flying Away From My Body*, EN 00992156 ["one female respondent in Battambang commented that '... if the man suggested someone to marry, they could accomplish this,

Khieu Samphan's claims to the late King Father that such marriages were not forced,²⁴⁵² some women chose to commit suicide rather than accept being married to someone who they deemed undesirable because he was disabled, or whom they did not know at all and/or did not love.²⁴⁵³

607. Moreover, whilst some cadres and combatants may have enjoyed an element of choice on whom to marry, it appears that they usually had no choice *whether* to marry. Being “gifted” a spouse or *required* to choose a partner at a moment dictated by *Angkar*, sometimes from only a handful of women, does not constitute a genuine exercise of free will, particularly in view of the pervasive climate of fear that existed inside and outside the CPK ranks. For those women chosen as the “gift from Angkar” or reward, the marriage was not only forced and its coerced consummation resulting in rape, but this was a further manifestation of their enslavement — with the authorities exercising the ownership over them by dictating their spouse and sexual partner.

608. While some individuals may have agreed to marriage to alleviate their dire circumstances,²⁴⁵⁴ it is clear that in an environment of coercion, any relative benefits

even if the woman did not want to. She had to agree because of *Angkar*”]; **E3/10622** Moeng Veth WRI, A163-164; **E3/9823** Nap Somaly WRI, A141, A155, A157; **E3/10620** Ruos Suy WRI, A77, A79, A83; **E3/2060** Analytical Report by the U.N. Commission on Human Rights, 30 Jan 1979, EN 00078662, FR 00292906, KH 00294968; **E3/9575** Thang Thoeuy WRI, A65, A68 [“A65: I was forced to get married to my husband ... A68: 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”]; **E3/10756** [REDACTED] WRI, A4 [“A man could propose to a specific woman for marriage through a unit chief. A woman was instructed to follow *Angkar's* policy”].

²⁴⁵² **E3/2813** Norodom Sihanouk, *Prisoner of the Khmer Rouge*, EN 00632939.

²⁴⁵³ **E3/10761** Sat Pheap WRI, A111 [Prey Chhor District: “a woman who worked at the sector commerce was forced to get married with a disabled soldier. Two or three days after the marriage she committed suicide by taking an overdose of medicine”]; **E3/10754** [REDACTED] WRI, A8, A11-13 [“A11: After the wedding, some hanged themselves ... A12: So, some of them committed suicide because they did not love their leg-amputated husbands”]; **E3/9669** Penh Va WRI, A7 [“Say, alias Ly ... took some pills to commit suicide after she had been forced to get married to a disabled soldier”]; **E3/1094** Report from M-401 to Angkar, 4 Aug 1978, EN 00315373, FR 00593529, KH 00143609 [“2-The activity of the Hidden Enemy Burrowing from Within: The activities of hanging ones selves to commit suicide: In Taing Krauch Cooperative, District 27, a man named Ol, who was in the Sector Mobile Unit previously, committed suicide on 26-7-78 by hanging himself. This happened after he was arranged by Angkar to get married”]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394899-900 [“Some preferred suicide to what they considered a shameful plight”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.56.18 [“The reasons that they committed suicide were because they were forced to get married ... they were threatened so, together, it forced them to commit suicide”]; **E3/436** Heng Lai Heang WRI, A26, A32 [“A26: they matched people to marry ... Some people committed suicide either by drowning into the water or poisoning themselves”]; **E3/9468** Thann Thim WRI, A92 [“a particular couple had not loved one another, so the bride took Slaeng Thum seeds to commit suicide”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.49.56 [“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”].

²⁴⁵⁴ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.44.35 [“young women, single women, who [were] up to the reproductive age, [were] in the youth group or the mobile unit ... and their lives were very difficult because they had to wake up at 3 o'clock in the morning ... they were sent very far away from their

that victims of forced marriage may receive from perpetrators neither signifies consent, nor vitiates the criminal nature of the perpetrators' conduct.²⁴⁵⁵

609. In every case, the final decision on marriage solely belonged to *Angkar*.²⁴⁵⁶ The central policy document on family building pronounced:

When marrying, it is imperative to honestly make proposals to the Organization, to the collective, to have them help sort things out. Organizational discipline must be absolutely respected. 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.²⁴⁵⁷

The *Revolutionary Youth* magazine dated October 1978, which was extensively used by the Defence during the hearings, refers to the same power of the collective to take the final decision, whether the couple formally agreed or not.²⁴⁵⁸ Denials of marriage

family... Their lives were miserable, but they believed if they married ... they could escape from a really tough labour ... and ... could stay close to their parents ... [because of harsh living conditions] they would prefer to get married and they would propose to marry"; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322862 ["this consent was not a genuine choice, and such a request or motivation to marry was driven by the need to survive ... Both men and women who were interviewed made similar statements. The KR allowed married couples to enjoy some privileges, which drew single women to apply for marriages"]; **E3/9667** Nhim Kol WRI, A38 ["Sometimes people agreed to get married in order to avoid being sent to work in the front battle lines"], A42 ["they agreed to get married at that time because they wanted to avoid doing hard labor"]; **E3/9000** Duong Savorn, *The Mystery of Sexual Violence*, EN 00992194 ["A 21 year-old widow requested to marry him ... He did not love this woman ... this woman did not really love him, either ... she had three reasons. The first was to avoid further observation and suspicion against her because her first husband was accused of betraying *Angkar*. Secondly, once married she could come back to stay in the village with her parents. The third reason was that family of the woman was aristocratic during the previous period ... which stood in contrast to him and his whole family"]; **E1/387.1** In Yoeung, T. 3 Feb 2016, 15.41.02 ["I volunteered and I decided to get married so that I would be sent to be working in the cooperative since the situation there was better"].

²⁴⁵⁵ See section **Law – Crimes Against Humanity – Other Inhumane Acts – Forced Marriage**.

²⁴⁵⁶ **E3/2060** Analytical Report by the U.N. Commission on Human Rights, 30 Jan 1979, EN 00078662 ["Article 16 ... Specific violations ... relate to ... the need to apply for permission to marry, the arbitrary handling of such applications, and the infringement of the right of free choice on the part of females"]; **E3/20** E. Becker, *When the War was Over*, EN 00237962 ["In [DK] a couple could marry only with the approval of cooperative elders"]; **E1/326.1** Om Chy T., 30 July 2015, 15.49.07; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 11.28.10; **E3/5283** Chhuy Huy WRI, EN 00321201-02.

²⁴⁵⁷ **E3/775** Family Building policy document, EN 00417943, KH 00407101, FRE 00593930; See also **E1/466.1** Chea Dieb, T. 30 Aug 2016, 15.19.38-15.21.38 [referring to a passage from the Family Building policy document: "The content ... is consistent with what I experienced ... We had to respect the opinion of the collective"]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394897.

²⁴⁵⁸ **E3/765** *Revolutionary Youth*, Oct 1978, EN 00539994 [The comment on Moral Rule no. 6 states that for building a family, whenever the parties agree, the collective still needs to agree]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394897 [Locard commented the slogan 346 which is similar to Moral Rule no. 6: "346 '1-You can choose your spouse yourself. 2-*Angkar* endorses [your partner]. 3-If you do not obey *Angkar*'s discipline, you will be sent to a study session for a time': 'Again, another example of Orwellian 'doublethink'. Young people had to accept a partner chosen by the Party and at the same time convince themselves that it was their own personal choice. Likewise, for the authorities, the spouse they chose was by definition the best, and therefore desired by both parties, since the Party was infallible in

proposals made by one or both partners²⁴⁵⁹ were often followed by forced marriages to other individuals selected by the Party.²⁴⁶⁰ Some people who were disappointed by such decision by *Angkar* committed suicide or disappeared after refusing the partner *Angkar* imposed them.²⁴⁶¹

610. At odds with the evidence above, Expert Peg Le Vine testified that she “worked very hard to not even ask” couples whether they felt their marriages were forced or not, but that she came to the conclusion that they were not.²⁴⁶² In spite of the rather inexplicable logic behind her opinion, information volunteered by those interviewed in Le Vine’s study only confirmed that people were coerced into marrying against their will. Two of the men interviewed stated that they refused the first time they were instructed to marry and were punished by hard labour.²⁴⁶³ Other witnesses stated that they married the

matters of the heart ... *Angkar* proclaimed *urbi et orbi* that everyone was his own master ... yet ... *Angkar* threatened him or her with a dire penalty-reeducation or even death-if he did not accept the Party's choice”].

²⁴⁵⁹ **E1/197.1** Yos Phal, T. 27 May 2013, 15.34.58-15.39.19 [“My fiancée was a woman whom I understood well ... we were ready to get married. A unit chief asked me whether any of my fiancée's relatives [were] ever smashed by Angkar. And I replied that her older brother was smashed by Angkar. Then the unit chief said ... that Angkar would prohibit me from marrying her because I was the son of Angkar and it was up to Angkar to organize the marriage”]; **E3/10622** Moeng Veth WRI, A164 [Division 117: “A164: Sometimes when a man proposed marriage to Woman ‘A’, at the actual ceremony, he had to marry Woman ‘D’ ... Then they could not reject that person”]; **E3/9111** K. Natale, *I Could Feel My Soul Flying Away From My Body*, EN 00992156; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322862; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394888 [“Numerous were the cases of arrest, imprisonment, and execution for simple ‘adultery’ between consenting adults, including partners who were very much in love with each other but from whom the *Angkar* withheld permission to marry”]; **E3/9833** Muol Eng WRI, A223-225 [SWZ military forced to marry a woman he did not know after his regiment commander refused him to marry the woman he loved because she was related to a Lon Nol soldier].

²⁴⁶⁰ **E1/462.1** Om Yoeurn, T. 23 Aug 2016, 09.05.27-09.07.54 [“Om Phon... 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”]; **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.42.32, *confirming* **E3/4611** Yuos Phal WRI, A6 [Because his fiancée had a brother who was a Khmer Republic soldier and had been ‘smashed’, he could not marry her and his chief told him “that if I were a child of Angkar, Angkar thus would select a woman for me to marry”]; **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.24.53-09.28.08 [“there were cases where people worked together and loved each other and proposed to Angkar, but the Angkar turned the proposals down ... men were forced to marry women that they did not love and the women did not like the men”]; **E3/9662** Keo Theary WRI, A22, A25, A85 [“A22: Before I got married, a man proposed to my parents and *Angkar* to be married to me. That man cried on the wedding day because they arranged for him to marry another person. His name was Tri ... A85: some base people wished to be married to the new ones because the new people were attractive, but Angkar rejected that”]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394888.

²⁴⁶¹ **E1/416.1** Phan Van, T. 7 Apr 2016, 11.27.39 [“One individual ... shot himself to death. That was the soldier who loved a lady, but he could not marry that lady. Later on, he killed -- he shot himself to death”]; **E3/9820** Preap Sokhoeurn WRI, A34 [“In some cases, a man loved a woman he knew and asked the unit chairperson to get married. When the unit chairperson did not permit them to get married, they protested, and they arrested both of them”]; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394888.

²⁴⁶² **E1/480.1** Peg Levine, T. 10 Oct 2016, 14.27.16.

²⁴⁶³ **E3/1794** P. Levine, *A Contextual Study*, EN 00482653 [#9] and EN 00482659 [#30].

spouse chosen by the authorities because: they “could not protest”;²⁴⁶⁴ “she did not agree but afraid of being killed, so agreed”;²⁴⁶⁵ “I had to follow Angkar or I would be killed”;²⁴⁶⁶ “She did not agree (Angkar killed people)”;²⁴⁶⁷ and “an older woman told her she must marry or she would be killed”.²⁴⁶⁸ One woman, “Moni”, who was highly educated and was tasked by the Khmer Rouge with preparing lists of those to be killed, told Le Vine that the authorities ordered her to marry an uneducated Base Person. She said she did not want to marry him or anyone for that matter, but went through with the wedding because her father told her he would be killed if she refused.²⁴⁶⁹

3. The Ceremony

611. Cambodian sacred traditions and rituals of the wedding ceremony intended to forge, celebrate, and bless the coming together of two families were not part of Khmer Rouge weddings.²⁴⁷⁰ Family members were generally excluded from the ceremony.²⁴⁷¹ CPK

²⁴⁶⁴ **E3/1794** P. Levine, *A Contextual Study*, EN 00482664 [#47].

²⁴⁶⁵ **E3/1794** P. Levine, *A Contextual Study*, EN 0048672 [#70].

²⁴⁶⁶ **E3/1794** P. Levine, *A Contextual Study*, EN 00482677 [#84].

²⁴⁶⁷ **E3/1794** P. Levine, *A Contextual Study*, EN 00482673 [#72].

²⁴⁶⁸ **E3/1794** P. Levine, *A Contextual Study*, EN 00482702 [#157].

²⁴⁶⁹ **E3/1794** P. Levine, *A Contextual Study*, EN 00482434-35.

²⁴⁷⁰ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.14.05 [“there were no traditional procession of prayer or blessing ... 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 ... It lasted for less than an hour”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 14.23.08-14.27.47; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.21.09; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.49.55; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.16.23; **E1/461.1** Om Yoeurn, T. 22 Aug 2016, 15.50.40; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 14.09.25; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.35.56-09.50.55; **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.55.07; **E3/9584** [REDACTED] WRI, A34 [“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”]; **E3/9830** [REDACTED] WRI, A83; **E3/9826** [REDACTED] WRI, A168; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322865; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037033 [“Parental participation and ancestral rites were excluded, resulting in karmic consequences”], EN 01037041; **E3/9831** [REDACTED] WRI, A112; **E3/1794** P. Levine, *A Contextual Study*, EN 00482478, 91-92; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992282-83; **E3/436** Heng Lai Heang WRI, A26; **E3/9578** Chhuom Savoeun WRI, A27; **E3/9562** [REDACTED] WRI, A177, A188; **E3/10783** [REDACTED] WRI, A81; **E3/9785** Yim Sovann WRI, A82; **E3/9756** Va Limhun WRI, A34; **E3/9829** Suon Yim WRI, A12; **E3/10639** [REDACTED] WRI, A209; **E3/9468** Thann Thim WRI, A86; **E3/9329** Yuok Iem WRI, EN 00272702.

²⁴⁷¹ **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.12.35; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.47.50; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.54.56, 13.59.18; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 11.22.20-11.24.12; **E1/475.1** Mom Vun, T. 16 Sept 2016, 13.38.11; **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.38.02; **E3/9826** [REDACTED] WRI, A156 [Sangke District, Oct 1978: “My parents did not find my marriage legitimate because they were not present during the marriage ceremony”]; **E3/10754** [REDACTED] WRI, A7; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992282 [“In every case except one, family did not attend. Many respondents found this very upsetting”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041, 78; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322864-65; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/5184** Chea Thy WRI, EN 00225528; **E1/265.1** Sao Hean, T. 18 Feb 2015, 10.07.26-10.10.05; **E1/464.1** Yos Phal, T. 25 Aug 2016, 10.06.45-10.07.46; **E1/461.1** Om Yoeurn, T. 22 Aug 2016, 15.50.40-15.52.38; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.31.59-09.33.54; **E3/9820** Preap Sokhoeurn WRI, A22; **E3/9829** Suon Yim

officials from all echelons presided over the ceremonies: unit chairpersons,²⁴⁷² village or cooperative chiefs,²⁴⁷³ commune chiefs,²⁴⁷⁴ district officials,²⁴⁷⁵ sector officials,²⁴⁷⁶ and zone officials,²⁴⁷⁷ as well as military officials.²⁴⁷⁸

612. The couples took part *en masse* in austere hand-holding ceremonies that more closely resembled a meeting than a significant life event.²⁴⁷⁹ In fact, these ceremonies were no

WRI, A12; **E3/9472** [REDACTED] WRI, A443; **E3/5589** Kim Dav WRI, A5; **E3/5248** Tem Kimseng WRI, EN 00235147; **E3/9321** Saom Mon WRI, EN 00163771; **E3/10626** [REDACTED] WRI, A43.

²⁴⁷² **E1/360.1** 2-TCW-918 T. 1 Dec 2015, 11.08.32; **E3/1113** Telegram from Ny Kan to Beloved Brother, 15 Mar 1978 [official answer to Yugoslav journalists: “The mobile unit commanding committee for the cooperative decides to arrange the marriage”]; **E3/9756** Va Limhun WRI, A18, A26; **E3/9651** Mom Sroeurng WRI, A1, A9 [“A1: Initially I objected, but the unit chairman threatened that if I did not accept, I would be sent back to the previous place, meaning the prison”]; **E3/9820** Preap Sokhoeurn WRI, A23, A34; **E3/5184** Chea Thy WRI, EN 00225528; **E3/4657** Suong Sim WRI, EN 00353706; **E3/9515** Peou Sinuon WRI, A80; **E3/9829** Suon Yim WRI, A11; **E3/9484** [REDACTED] WRI A70; **E3/5561** Mao Kroeur WRI, EN 00384789; **E3/5589** Kim Dav WRI, A5; **E3/5510** Khim Pang WRI; A17. **E3/9331** Chhut Daung WRI, EN 00274086; **E3/5558** Horng Om WRI, EN 00381009; **E3/5677** Saom Mon DC-Cam Statement, EN 00597370.

²⁴⁷³ **E1/326.1** Om Chy, T. 30 July 2015, 14.13.33-14.15.28; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09-10.06.45; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.50.00-13.51.17; **E3/9755** Hin Long WRI, A54; **E3/5255** Or Ho WRI, EN 00250047 [“I arranged marriages for them. Sometimes 30 to 40 couples at the same time”]; **E3/9350** Van Sorn WRI, EN 00244170; **E3/9826** [REDACTED] WRI, A95; **E3/9778** [REDACTED] WRI, A166; **E3/9765** [REDACTED] WRI, A99; **E3/9471** [REDACTED] WRI, A68; **E3/9761** [REDACTED] WRI, A108; **E3/9472** [REDACTED] WRI, A443; **E3/5589** Kim Dav WRI, A5; **E3/5591** Hong Savat WRI, A28.

²⁴⁷⁴ **E1/264.1** Phneou Yav, T. 17 Feb 2015, 10.48.20; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.17.07; **E3/5832** Cheang Sreimom WRI, A8; **E3/9655** Khoem Neary WRI, A16; **E3/9667** Nhim Kol WRI, A35; **E3/9507** You Vann WRI, A2; **E3/9562** [REDACTED] WRI, A181; **E3/9656** Sbond Yann WRI, A18; **E3/9829** Suon Yim WRI, A6; **E3/9760** Ly Chhuon WRI, A74; **E3/5521** Nut Nouv WRI, A102; **E3/9830** [REDACTED] WRI, A60; **E3/5132** Preab Proeun WRI, EN 00223190; **E3/5590** Kong Vach WRI, A49; **E3/5833** Seng Ol WRI, EN 00413906-07.

²⁴⁷⁵ **E1/376.1** You Vann, T. 14 Jan 2016, 15.34.53 [“It was Prak Yut [who presided over the ceremony once the marriage was approved] with the respective village chiefs”]; **E3/5560** Tes Ding WRI, EN 00377170 [“The District 106 Com, at the time was Ran ... announced the names of the men and women who had to marry ... I had never met or known my wife before”]; **E3/10783** [REDACTED] WRI, A88; **E3/5590** Kong Vach WRI, A49; **E3/10682** [REDACTED] WRI, A99; **E3/9655** [REDACTED] WRI, A16; **E3/9662** Keo Theary WRI, A28; **E3/9575** Thang Theuey WRI, A70 [in a marriage ceremony for 85 couples: “[Preah Net Preah District Secretary] Yeay Chaem supervised the whole wedding”]; **E3/9667** Nhim Kol WRI, A36; **E3/9576** Keo Vooun WRI, A8, A10; **E3/5212** Dy Piech WRI, EN 00275426; **E3/9545** [REDACTED] WRI, A53; **E3/9518** [REDACTED] WRI, A2; **E3/9778** [REDACTED] WRI, A166; **E3/408** Duk Suo WRI, A88.

²⁴⁷⁶ See e.g. **E1/376.1** You Vann, T. 14 Jan 2016, 15.34.53 [“For many couples, between five to 10 couples, Ta An was present. However, for a ... fewer number of couples ... Prak Yut be presiding over the ceremony”]; **E3/9822** [REDACTED] WRI, A360; **E3/10755** Sat Pheap WRI, A159.

²⁴⁷⁷ See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Role of CPK Leaders in Forced Marriages**, para 619 (Ta Mok and Ke Pauk).

²⁴⁷⁸ **E3/9833** Muol Eng WRI, A207 [“my collective wedding ceremony] was presided over by the Regiment Commander by the name of Phea”]; **E3/10639** [REDACTED] WRI, A160, A203, A206 [“the Division Commander arranged marriages for soldiers. At that time, Ren was the Division [2] Commander”]; **E1/387.1** Meas Vooun, T. 3 Feb 2016, 10.40.55-10.45.23 [marriages were organised by Ta Soeung within Division 1, West Zone, and some women were brought in to marry Division 1 male soldiers]; **E3/5564** Snguon Tai Ren WRI, EN 00414579; **E3/5833** Seng Ol WRI, EN 00413906-07; **E3/436** Heng Lai Heang WRI, A26. See also section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Role of CPK Leaders in Forced Marriages**, para 619 (Meas Muth, Oeun and Sou Met, Commanders of Divisions 164, 310 & 502).

longer called “weddings” but ceremonies of “commitment”, “resolution”, or “exchange of vows”.²⁴⁸⁰ The evidence shows that the number of couples varied from one to hundreds, but very often the number was above 15 couples,²⁴⁸¹ and sometimes over 50 couples.²⁴⁸² Most frequently, the pairs were announced by name or were aligned in facing rows and instructed to hold hands with the person across from them.²⁴⁸³

²⁴⁷⁹ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.47.50 [“it was just like a meeting”]; **E3/5498** Bun Thien WRI, EN 00384409; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284170 [“Weddings were fast and efficient ... A DK wedding was simply one activity compressed into the daily work schedule ... For DK, marriages were practical arrangements that served to unite individuals under the authority and scrutiny of the regime, making it simpler for DK to control their activities”]; **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394888 [“Marriage was replaced by austere, collective, civil ceremonies, conducted under the auspices of the local *Angkar*”]; **E3/9341** Chhoeung Uo WRI, EN 00316786; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992282; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.21.09; **E3/9786** Mech Nanh WRI, A123 [“During a meeting, they announced that this comrade had to hold that comrade’s hand. No big ceremony was held”]; **E3/4637** Sum Alat WRI, EN 00242124; **E3/9760** Ly Chhuon WRI, A70; **E3/9830** [REDACTED] WRI, A59; **E3/9329** Yuok Iem WRI, EN 00272702; **E3/369** Koy Mon WRI, EN 00272719; **E3/5589** Kim Dav WRI, A5; **E3/10713** Chuon Thy WRI, A21, A37 [Division 1: A37: They just called the couples to hold hands, and then the wedding was finished”]; **E3/10622** Moeng Veth WRI, A75.

²⁴⁸⁰ **E3/9736** Meas Saran WRI, A10 [the “regime used the word ‘to make resolutions’ instead of ‘marry’”]; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 11.08.32; **E3/5515** Phneou Yav WRI, A32; **E3/9328** Kheu Hun WRI, EN 00272626; **E3/9578** Chhuom Savoeun WRI, A27.

²⁴⁸¹ See e.g. **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.55.13 [“They called 50 males to stand in lines according to numbers from 1 to 50, and they educated the men that, ‘Today, all of you would be married by Angkar’”]; **E3/384** Sao Sarun WRI, EN 00348373 [“I went to a meeting with Pol Pot ... and he said to marry them in couples, two or three couples could be married, to not make it too difficult”]; **E1/326.1** Om Chy T., 30 July 2015, 14.13.33 [10 to 15 couples for each marriage ceremony]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 13.51.41 [“between 30 to 32 couples”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.37.55-13.47.10 [Tram Kak District: “group of 10 or 20”], 13.47.10-13.50.00 [about 30 couples]; **E1/264.1** Phneou Yav, T. 17 Feb 2015, 10.48.20 [Tram Kak District: 20 and 10 couples]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.46.50 [10 or 20 couples forcibly married]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.51.38 [around 20 couples]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.31.59 [21 couples]; **E1/457.1** Yun Bin T. 15 Aug 2016, 11.07.55-11.10.04 [20 couples]; **E3/5255** Or Ho WRI, EN 00250047 [“I arranged marriages for them. Sometimes 30 to 40 couples at the same time”]; **E3/5832** Cheang Streimom WRI, A8 [“only my couple”]; **E3/9775** Pen Thol WRI, A23 [2 and 60 couples]; **E3/9651** Mom Sroeurng WRI, A1, A9 [21 couples]; **E3/9664** Aok Chanty WRI, A12 [5, 20 or up to 37 couples]; **E3/9351** Meas Laihuo WRI, EN 00244165 [25 couples]; **E3/9350** Van Sorn WRI, EN 00244170 [40 couples]; **E3/9755** Hin Long WRI, A53 [Baray District: 3 to 5 couples]; **E3/9823** Nap Somaly WRI, A148 [20 couples]; **E3/9820** Preap Sokhoeun WRI, A32 [50, 40, 20 & 15 couples]; **E3/10749** Samrith An WRI, A40 [32 and 15 couples]; **E3/1678** Tuoloas Sma El WRI, EN 00353497 [20-30 couples]; **E3/408** Duk Suo WRI, A88 [33 couples]; **E3/409** Seng Soeun WRI, A70 [“I matched 35 couples in mid 1978”]; **E3/5558** Horng Orn WRI, EN 00381009 [24 couples]; **E3/5311** Mour Setha WRI, EN 00373370 [30 couples]; **E3/5590** Kong Vach WRI, A48 [32 couples]; **E3/9818** [REDACTED] WRI, A51 [38 women married to disabled Division 2 soldiers]; **E3/9545** [REDACTED] WRI, A53 [30 couples]; **E3/7803** Kan Thol WRI, EN 00277823 [30 to 40 couples at a time]; **E3/10733** Tuon Sim WRI, A21 [15 or 20 couples];

²⁴⁸² See e.g. **E1/299.1** Ul Hoeun, T. 8 May 2015, 15.15.50 [Tram Kak District: “I saw a marriage celebration of 400 couples and that happened in September 1978”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.18.06 [“For example, if there were 12 communes and in each commune there were 100 people getting married at the same time and same place, therefore, there would be more than one thousand people getting married. Or there were 12 communes and in each commune there were 10 people getting married, then there would be more than one hundred people getting married. That’s why> the wedding ceremonies were held on a large scale”]; **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 13.56.02 [117 couples]; **E1/459.1** 2-TCCP-1040, T. 17 Aug 2016, 10.09.47 [60 couples]; **E1/360.1** 2-TCW-918 T. 1 Dec 2015, 11.08.32 [Trapeang Thma Dam: about 50 couples]; **E3/9341** Chhoeung Uo WRI, EN 00316786 [Trapeang Thma

613. The matched couples were then required to make a “resolution” or “commitment” to 1) serve *Angkar* — which encompassed a wide variety of promises such as to work hard, to produce a certain amount of rice, or to obey *Angkar* — and 2) to accept their mate forever.²⁴⁸⁴ In the larger mass ceremonies, representatives were sometimes selected to make vows on behalf of the newlyweds in order to save time.²⁴⁸⁵ In addition to commanding them to work hard and respect *Angkar*, cadres routinely instructed the couples to “love each other”, to “get along”, “take care of each other”, or to “have children for *Angkar*”.²⁴⁸⁶ Despite the different words used, the meaning was the same:

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- Dam: “about one hundred couples getting married in one ceremony. Some couples lost their partners at the end”; **E3/9329** Yuok Iem WRI, EN 00272702 [50, 100, or 200 couples]; **E3/9662** Keo Theary WRI, A2 [57 couples]; **E3/9655** Khoem Neary WRI, A16 [72 couples]; **E3/9831** [REDACTED] WRI, A99 [83 couples]; **E3/7818** Saing Nham WRI, EN 00290386 [51 couples]; **E3/9575** Thang Thoeuy WRI, A65 [85 couples]; **E3/9562** [REDACTED] WRI, A177 [about 100 couples]; **E3/9810** Nat Hoeun WRI, EN 00797024 [groups of 50 or 60 couples]; **E3/9775** Pen Thol WRI, A23 [60 couples]; **E3/9671** Sor Chheang WRI, A37 [50 couples or 70 couples].
- ²⁴⁸³ **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.09.26 [“We were in a line and the women were in a separate line, then they played a game similar to hide-and-seek. They actually switched off the light and that we had to feel a woman ... on another line”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 10.45.36 [“we were made to sit separately, male and female, and then we were called to hold each other’s hands and voice our commitment or resolution”]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.59.18; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.46.50; **E3/9831** [REDACTED] WRI, A98-100; **E3/9825** [REDACTED] WRI, A81-83; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/9667** Nhim Kol WRI, A35; **E3/9820** Preap Sokhoeurn WRI, A28; **E3/10761** Sat Pheap WRI, A44; **E3/2812** H. Locard, *Pol Pot’s Little Red Book*, EN 00394898; **E3/409** Seng Soeun WRI, A74; **E3/10682** [REDACTED] WRI, A99; **E3/9785** Yim Sovann WRI, A74; **E3/9833** Muol Eng WRI, A208.
- ²⁴⁸⁴ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.59.18 [“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, to love one another and to strive to work hard to build the country”]; **E1/264.1** Phneou Yav, T. 17 Feb 2015, 10.48.20 [“people were instructed to make the resolution saying that ‘I commit to love my wife or my husband for the rest of my life’”]; **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.58.02-10.02.27 [“I came out and made a commitment that, ‘I thank Angkar, Angkar is my parent. I will follow whatever Angkar order me to do’”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 10.45.36; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.09.40-14.14.51; **E1/415.1** Soh Kamrei, T. 6 Apr 2016, 11.21.04-11.22.55; **E3/9819** Nop Ngim WRI, A68; **E3/10621** Chhouk Rin WRI, A84; **E3/5498** Bun Thien WRI, EN 00384409; **E3/9338** Yi Laisauv WRI, EN 00288642 [“They told us to stick to monogamy rule and make determination to serve Angkar”]; **E3/5833** Seng Ol WRI, A34; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992282; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449488; **E3/9824** Sum Pet WRI, A25; **E3/9662** Keo Theary WRI, A28; **E1/265.1** Sao Hean, T. 18 Feb 2015, 10.07.26-10.10.05; **E3/5832** Cheang Sreimom WRI, A8; **E3/10626** [REDACTED] WRI, A44; **E3/5177** Ouk Savuth WRI, EN 00272135; **E3/5212** Dy Piech WRI, EN 00275426; **E3/10682** [REDACTED] WRI, A98; **E3/9761** [REDACTED] WRI, A109; **E3/9824** Sum Pet WRI, A40; **E3/9833** Muol Eng WRI, A208.
- ²⁴⁸⁵ **E1/322.1** Kong Uth, T. 25 June 2015, 11.04.25; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 14.27.27; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.49.55; **E3/5589** Kim Dav WRI, A5; **E3/9651** Mom Sroeurng WRI, A9; **E3/9736** Meas Saran WRI, A21.
- ²⁴⁸⁶ See e.g. **E1/475.1** Mom Vun, T. 16 Sept 2016, 13.38.11 [“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 to strive to engage in production to increase the produce, so that our economics could develop and that we could smash the enemies and we had to produce more children for Angkar”]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.11.34 [“They said that if we did not produce children for Angkar, then we were against the law”]; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.49.44 [“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”]; **E3/9826**

they were expected to consummate their marriage to increase the population.²⁴⁸⁷ Some explicitly mentioned that divorce was prohibited; this derives from the principle that *Angkar* was infallible in matching couples.²⁴⁸⁸ Nget Chat remembers internally questioning the vows she was forced to make mere days after her first husband, a Khmer Krom, had been taken to be killed:

I was told to consummate the marriage and that we had to commit to one another and to produce as many children as possible. And how could I do that because I was so skinny and I only had gruel to eat? I did not have any strength inside me. However, I did not dare to say anything. I just kept making commitment saying the words that I [was] told to say or to clap my hands.²⁴⁸⁹

²⁴⁸⁷ [REDACTED] WRI, A97 [“they said ... ‘May the men and women holding hands create children to build the country’”]; **E3/9744** Muok Sengly WRI, A34-35 [“the people who presided over the wedding gave advice to each couple to love each other and have babies for *Angkar*”], A37; **E3/9820** Preap Sokhoeurn WRI, A31 [“Before starting the wedding, Sau announced to the meeting participants in general, ‘*Angkar* needs more forces,’ so they needed young men and women to get married to produce more children to add to the revolutionary forces”]; **E1/376.1** You Vann, T. 14 Jan 2016, 15.40.03-15.43.25 [“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”]; **E3/10755** Sat Pheap WRI, A139-140 [“A139: [Ta An] said that after their marriage, people should love each other as married couples and had to produce children ... A140: He [Ke Pauk] told us to love each other and live in unity”]; **E3/9507** You Vann WRI, A31; **E3/10639** [REDACTED] WRI, A205-206.

²⁴⁸⁸ **E3/9667** Nhim Kol WRI, A44-45 [“they told us what to do as a husband and wife. If any couple did not get along with each other, they would be accused of being against *Angkar* or betraying *Angkar*. They did not say directly we had to have sex, but we all understood that they meant by that”]; **E3/9662** Keo Theary WRI, A32 [“after the wedding ceremony they instructed us to go to our house in the village and live together as husband and wife there”], A36 [“living together as husband and wife means having intercourse”]; **E3/9756** Va Limhun WRI, A42 [“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”]; **E3/9820** Preap Sokhoeurn WRI, A36.

²⁴⁸⁹ **E1/488.1** Kul Nem, T. 24 Oct 2016, 14.27.44 [“the chief ... advised that ... if we were to divorce or to separate from one another, it means that we would be in trouble that could lead to death”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.31.58; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.44.53 [“After the marriage was arranged by *Angkar*, the newlywed did not dare to get divorced ... If they dare to get divorced, they would be killed by *Angkar*”]; **E3/9756** Va Limhun WRI, A26 [“make their vows to live together forever without divorce”]; **E3/9744** Muok Sengly WRI, A38; **E3/409** Seng Soeun WRI, A74 [“the couples were told that if they wanted to split, they could do so. But in reality if a man or a woman broke the marriage, then this person ... would be sent to work at a worksite”]; **E3/9321** Saom Mon WRI, EN 00163771; *Contra*: In a propaganda exercise, Pol Pot mentioned to Belgian visitors that divorce was theoretically possible without judgment but was not a real issue for the revolutionary family: **E3/5712** Pol Pot Statement at Meeting with Belgium-Cambodian Association Delegation, EN 00829765 (also **E3/76** FBIS, EN 00170424) [“The young men and women build up families on a voluntary basis. After marriage, should problems arise within the family, the masses give advice to the partners ... they have the choice of divorce. Neither of the parties concerned needs to go to the court. Normally the question of separation is very rare as both the husband and wife have a high political consciousness ... no contradiction is permanent and cannot be settled within the family”].

²⁴⁸⁹ **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.25.32-09.28.26, *see also* 09.56.48-09.58.09.

4. Rape within Forced Marriage (Forced Consummation)

614. DK authorities throughout the country were unequivocal in their message that the primary purpose of the couples' marriage was to procreate.²⁴⁹⁰ After the ceremony, officials typically required the "newlyweds" to spend a few nights together and consummate their marriage before sending them back to their respective worksites.²⁴⁹¹ Frequently, huts were arranged for them for those nights, where they were expected to have sex.²⁴⁹² To enforce consummation, Khmer Rouge militiamen were often stationed around or under the huts to monitor the couples' night-time activities and conversations.²⁴⁹³

²⁴⁹⁰ See section **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – The Ceremony**. **E1/378.1** Prak Yut, T. 19 Jan 2016, 13.41.08 ["After the marriage, it is common sense that they had to consummate their marriage. Then, if not, what was the purpose marriage?"]; **E3/9472** [REDACTED] WRI, A476; **E3/9786** Mech Nanh WRI, A149; **E3/9824** Sum Pet WRI, A45; **E3/5885** Kao San WRI, A17.

²⁴⁹¹ **E1/339.1** Nuon Narom, T. 1 Sept 2015, 14.38.13 ["After three nights, we were separated ... we were not allowed to see each other"]; **E1/325.1** Khin Vat, T. 29 July 2015, 15.31.16 [Kampong Chhnang airport: "After I got married with my husband and after I spent a week there, I returned. And I had to return because that was the instruction"]; **E1/449.1** Moeng Vet, T. 27 Jul 2016, 10.08.23 ["they were not allowed to live together. They had to return to their respective units"]; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 15.29.08; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.51.55; **E3/5560** Tes Ding WRI, EN 00377171 ["one or two days before they would permit us to return to our units"]; **E3/9662** Keo Theary WRI, A29; **E3/9820** Preap Sokhoeurn WRI, A36; **E3/9562** [REDACTED] WRI, A190; **E3/9769** Ly Lonn WRI, A113, A118, A120 ["A113: Three days after we got married, she was forced to work at her place, and we were apart from that time ... A120: Yes, I did [have sexual intercourse with my second wife]"]; **E3/5231** Chea Leng WRI EN 00279255; **E3/5177** Ouk Savuth WRI, EN 00272135; **E3/9471** [REDACTED] WRI, A59; **E3/9822** [REDACTED] WRI, A352; **E3/9669** Penh Va WRI, A4; **E3/9349** Chuop Non WRI, EN 00244159; **E3/9833** Muol Eng WRI, A212; **E3/9823** Nap Somaly WRI, A142; **E3/9321** Saom Mon WRI, EN 00163771.

²⁴⁹² **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 13.53.00, 14.21.43 ["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"]; **E1/411.1** Sun Vuth, T. 31 Mar 2016, 09.11.42; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.03.42; **E1/480.1** P. Levine, T. 10 Oct 2016, 15.56.43; **E3/5561** Mao Kroeurn WRI, EN 00384790 ["The first night we were put in one long shelter with palm leaves roof but in different small rooms divided by pieces of cloth and mats. Q: Did the Khmer Rouge order the couples to have sexual intercourse on that night? A: They did not order that, but they told us that we committed ourselves by getting married and that if we did not make love to our husbands, we would have problems"]; **E3/5560** Tes Ding WRI, EN 00377171; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041.

²⁴⁹³ **E1/262.1** Ry Pov, T. 12 Feb 2015, 13.52.54 [Tram Kak District: "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"]; **E3/9821** Kol Set WRI, A114 [Militiaman, Bakan District: "They ordered me to go around and listen and investigate the new-married couples, and then I had to report to them. They wanted to know who talked about *Angkar* and who refused to sleep together after their marriage. I had to report to them"]; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284169 ["On the night of the wedding, informants would sneak underneath the stilted houses to listen to conversations that might ensue on the wedding night or the nights thereafter ... to make certain that couples were happy with the spouse DK had arranged for them, and second to make sure that individuals were not complaining about their work and the regime ... If couples were not happy with the spouse arranged for them by *Angkar*, they were defying DK orders and could possibly prove to be an undermining force"]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.21.20; **E1/464.1** Yos Phal, 25 Aug 2016, T. 10.48.34; **E1/467.1** Chea Dieb, T. 31 Aug 2016, 10.02.40-10.07.42; **E1/395.1** Uch Sunlay,

615. “Wedding nights” played out in different ways. Some couples engaged in sexual intercourse because they knew they were being monitored by militia.²⁴⁹⁴ Living under a constant cloud of terror and fearing retribution and punishment for disrespecting *Angkar* — being “smashed”, beaten, or sent for reeducation if they refused to consummate — others felt compelled to have intercourse with the person with whom they had just been paired.²⁴⁹⁵ While many of the men were themselves victims and only

T. 2 Mar 2016, 09.53.53 [“my father-in-law was forced to marry another woman ... he was monitored by the militia whether he consummated with his wife or whether they said anything else while they were together. And as a result ... my father-in-law was taken away and killed”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.35.56-09.40.32; **E1/339.1** Chao Lang T. 1 Sept 2015, 14.38.13; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.46.36; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.26.47; **E1/264.1** Phneou Yav, T. 17 Feb 2015, 10.55.51-10.59.11; **E3/9769** Ly Lonn WRI, A118, A120 [Bakan District, 1978: “They ordered a militiaman to hide and listen to me and my wife ... Q: Did you have sexual intercourse with your second wife? A120: Yes, I did. That was why the boy knew, and he ran to tell the unit chief about this. And then the unit chief said it was all right”]; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992246, EN 00992283 [“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”]; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449490; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041; **E3/9828** [REDACTED] WRI, A3, A11; **E3/436** Heng Lai Heang WRI, A31-32; **E3/5561** Mao Kroeurn WRI, EN 00384790; **E3/9833** Muol Eng WRI, A212; **E3/9578** Chhuom Savoeun WRI, A28; **E3/9562** [REDACTED] WRI, A192; **E3/9471** [REDACTED] WRI, A86; **E3/9822** [REDACTED] WRI, A353-55; **E3/9785** Yim Sovann WRI, A84; **E3/9829** Suon Yim WRI, A19-22; **E3/10744** Sum Chanthol WRI, A106; **E3/9484** [REDACTED] WRI A68; **E3/9472** [REDACTED] WRI, A477; **E3/9830** [REDACTED] WRI, A79-80; **E3/9575** Thang Thoeuy WRI, A77, A80.

²⁴⁹⁴ **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.46.03 [After observing that two new couples were taken away by militiamen, because perhaps they “did not get along with each other... Then I thought to myself that I must live longer although my body was trembling, I agreed to give my body to my husband because I saw the militia men walking back and forth”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.40.49-10.44.13 [“Because there was a militiaman eavesdropping, I submitted myself to be a wife. I could not avoid”]; **E3/5832** Cheang Sreimom WRI, A8 [“there were militiamen eavesdropping below the house. I did not want to make love with my husband, but I forced myself to do so. I knew that my husband did not love me because he loved another woman”]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.08.17 [“We were afraid ... I decided to consummate the marriage because we had been monitored ... we had to respect them otherwise we would risk being killed or tortured”]; **E3/5561** Mao Kroeurn WRI, EN 00384789-90 [“I was forced to make love with my husband, and it was the first time ... The Khmer Rouge threatened that people who refused to have sexual intercourse after being married would be taken to the prison ... The Khmer Rouge militia stayed outside the shelter listening and spying on us”]; **E3/9240** R. Braaf, *Sexual Violence Against Ethnic Minorities*, EN 00992283 [“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”]; **E3/9824** Sum Pet WRI, A33-34 [“they called these children ‘Angkar with pineapple eyes’ ... All these children were militiamen who monitored under peoples’ houses at night”], A41 [“in order to stop them from tracking us and so to avoid trouble, we had slept together other as spouses that night”], A45; **E3/5558** Horng Orn WRI, EN 00381009 [“At night, the unit chief would come outside the house and check”]; **E3/9830** [REDACTED] WRI, A79-80, A82; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449490.

²⁴⁹⁵ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.23.15 [“Not all but some explicitly said that they didn't want to and they had to for their survival”], 14.36.55 [“Q. were they able to exercise full and free consent in terms of having sexual intercourse with their partners ...? A. No, I don't think so ... 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”]; **E1/324.1** Mam Soeurn alias Heng Samuoth, T. 28 July 2015, 15.53.32 [Trapeang Thma Dam: “if they refuse to consummate the marriage, they would risk their lives because it was against the decision of Angkar”]; **E3/5515** Phneou Yav WRI, A32 [Tram Kak District: “no couple dared to not get on well

engaged in sexual relations because of the coercion, some “grooms” threatened to denounce the “brides” to authorities if they persisted in refusing to consummate the marriage; a number of men also forced themselves upon their “wives”, either through fear of repercussions or simply because they felt entitled.²⁴⁹⁶ In every one of these scenarios, sexual intercourse took place without the consent of either one or both participants in the sexual act and constituted rape.²⁴⁹⁷

because they were afraid of death. 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”]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421895-96; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037054 [“Why did you feel forced to have sex after the wedding? ... 32.6% Surveillance / spying; 16.3% Fear of punishment”]; **E3/9756** Va Limhun WRI, A34-35, A48; **E3/9744** Muok Sengly WRI, A33 [“if a woman ... did not agree to live together as a couple, Angkar would take her to be killed”], A38; **E3/9667** Nhim Kol WRI, A44-45; **E3/9651** Mom Sroeurng WRI, A10-11 [“All: My husband's unit chairperson told me that I had to get married, and if I did not do so, I had to be sent back to prison. Thus, I understood that sleeping together was necessary”]; **E3/5560** Tes Ding WRI, EN 00377170 [“If we did not get along with our mates, Angkar would tell us that they would take us for re-education”]; **E3/9829** Suon Yim WRI, A17; **E3/5585** Kao San WRI, A16-17.

²⁴⁹⁶ **E3/5561** Mao Kroeurn WRI, EN 00384790 [“We were both forced, and we did not dare to resist”]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 14.24.57-14.28.40 [“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”]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421892 [one female respondent stated: “... he beat me because I did not love him and refused to have sex... he hit me on the thighs with his hands so I couldn't struggle and it made it easier for him to have sex with me”], EN 00421896 [another respondent stated: “When I refused to have sex with him after the marriage, he reported it to the cadres, then they came to catch me and then in the house they forced me to take off my clothes in order that the man (the husband) can rape me. They said if I do not agree they will kill me ... So I had to agree because I had no choice”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041 [“Forced marriages included sexual violence in that sexual relations to consummate the marriage was also forced. Researchers have documented this practice”], EN 01037041 [“Ye discusses how the order to consummate marriages led to rape and sexual violence for many women by their assigned husbands”]; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992246 [“Some husbands also forced their new wives to have sex. Forced sex in forced marriages was very distressing for male and female victims alike”]; **E3/7233R** Video, *Red Wedding*, 2011, 09:42-10:12 [“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...”]; **E1/483.1** Pen Sochan, T. 13 Oct 2016, 11.47.48; **E3/9820** Preap Sokhoeurn WRI, A43-45, A48 [A43: “One night, he tore my clothes apart and told me that if I was not willing to have sexual intercourse with him, he had to use force ... After the rape, he apologised me by telling me that he followed Angkar's direction ... A44: [describing the rape in details], A48; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449495: [“As one of the primary purposes of these marriages was to ensure reproduction, forced sex was a necessary part of the marriage ... In some cases the policy of forced marriage was used to legitimate rape”]; **E3/9578** Chhuom Savoeun WRI, A28 [“if the male party said the female party refused to get along, the Khmer Rouge would order the couple to have intercourse and the militia would eavesdrop on their activity. If the woman still refused, they would take the woman to be killed”]; **E3/9515** Peou Sinuon WRI, A79; **E3/9736** Meas Saran WRI, A48-49, A54-56 [“Q: How did they know that you avoided having sexual intercourse with your husband? A49: My husband told them ... A54: I stopped refusing because someone told me that we had already made our resolutions, and we must fulfil our vows ... A56: If I refused to sleep with him, he would have forced me”].

²⁴⁹⁷ See section **Law - Other Inhumane Acts – Rape** regarding the legal elements constituting rape within forced marriage (other inhumane acts).

616. Some couples managed to successfully hide the fact that they had not consummated their marriages,²⁴⁹⁸ but those who were discovered and those who continued to refuse were reeducated, threatened with execution,²⁴⁹⁹ or harshly punished for their disobedience and sometimes disappeared,²⁵⁰⁰ were tortured, and/or were executed.²⁵⁰¹

²⁴⁹⁸ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.56.47 [“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”]; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.03.42 [“We consulted among each other that we should not oppose and we should ke[ep] quiet because there were young militiamen walking nearby listening to us ... We kept quiet because we saw cases where people were taken away to be killed”]; **E3/9820** Preap Sokhoeurn WRI, A26-27 [“A26: I knew a couple: the woman Ret was Chinese and the man San was Cham. After the marriage, they did not sleep together because Ret minded that San was circumcised. Ret and San agreed to live with each other, but they did not expose that fact to other people ... A27: Back then, if any side showed that he or she did not want to live with their partner, *Angkar* would kill both people”], A36, A38-39 [before being raped, Preap Sokhoeurn managed to conceal the non-consummation for months: “A36: When I was reluctant, Sau warned me, ‘Look at those who were reluctant and disappeared’ ... A38: I did not have sexual intercourse with him for the first four months ... The militiamen did not know about it”].

²⁴⁹⁹ **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.25.07 [“they warned if I did not consummate and if they find out, then we would be smashed”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037054 [“48.8% of respondents said they felt forced to have sex after the wedding because they were verbally threatened”]; **E1/387.1** In Yoeung, T. 3 Feb 2016, 15.18.05 [“they told us that we needed to consummate the marriage. If we refuse to consummate the marriage, we would be taken to the commune office to make sure that we would consummate there ... if we refused to follow the instruction we would be killed”]; **E1/378.1** Prak Yut, T. 19 Jan 2016, 13.47.30 [“For couples who did not consummate their marriage ... they would be brought to the district to be educated so that they could understand each other and because they were already married”]; **E1/376.1** You Vann, T. 14 Jan 2016, 15.38.30 [“people who refused to sleep together ... would be refashioned for one and for two times and then they would agree to do so. So they did not get divorced”]; **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.26.45 [“Oeun, who was arranged to marry Mean. Mean had a large build, fat and was not fit ... Oeun was handsome. Mean loved the man she was paired with, but the man did not love her and from what Mean said, when she was asked to sleep together, he would sleep in a hammock while she slept in the hall so they did not actually consummate their marriage. And the news reach *Angkar*, and *Angkar* called them for education”]; **E3/5515** Phneou Yav WRI, A32 [“threatened that they would be taken to ... Krang Ta Chan”]; **E3/5560** Tes Ding WRI, EN 00377170 [re-education]; **E3/9651** Mom Sroeurng WRI, A10-11 [“A11: if I did not do so, I had to be sent back to prison. Thus, I understood that sleeping together was necessary”]; **E3/9820** Preap Sokhoeurn WRI, A36; **E3/9744** Muok Sengly WRI, A33, A38; **E3/9507** You Vann WRI, A78 [“If the first reeducation by village chiefs failed, they would be sent to see the commune chiefs to be re-educated in the same way. In the end, some couples agreed to sleep together and have children together”]; **E3/9756** Va Limhun WRI, A35-37 [“among the ‘base people’ ... Yeay Yim and Ta Nan ... they both were called to be re-educated”], A38-41 [“They took them to be refashioned ... If they still had not gotten along [after being refashioned], they would [have] been killed”]; **E3/9662** Keo Theary WRI, A69-70 [“Such cases ... happened a lot ... called them for re-education ... In some cases they reduced their food rations until they agreed”]; **E3/5833** Seng Ol WRI, A40; **E3/9578** Chhuom Savoeun WRI, A28; **E3/9824** Sum Pet WRI, A31, A35; **E3/9831** [REDACTED] WRI, A125; **E3/9821** Kol Set WRI, A116; **E3/9669** Penh Va WRI, A4; **E3/9562** [REDACTED] WRI, A193.

²⁵⁰⁰ **E1/376.1** You Vann, T. 14 Jan 2016, 15.41.44-15.45.38 [“When they agreed to sleep with one another then they did not disappear. However, for those who were related to the elements ... former soldiers, Cham ethnicities and Vietnamese ethnicities. Khmer people did not disappear because after being re-educated they followed the instructions”]; **E1/298.1** Ul Hoeun, T. 7 May 2015, 16.01.24-16.05.48 [Tram Kak District: “the woman was detained at the graveyard in order to scare her off so that she would return to consummate the marriage. And this kind of practice happened elsewhere”]; **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.21.13-09.26.08 [“Comrade Proeung got married already and the husband was Oeun, who was short and had a slim build. And she said she did not want to have him as a husband because he looked like a kid. She refused and kept refusing and, later on, both of them, Proeung and the husband, disappeared”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.09.25-11.14.10 [“she was deprived

Preap Sokhoeurn testified that, after refusing to consummate her wedding with her disabled husband, she was taken by ox-cart to another house where she was repeatedly told that she would be killed if she did not have sex.²⁵⁰² Later that night, she noticed that she was being monitored and her husband raped her, telling her he had to “follow *Angkar*’s orders”.²⁵⁰³

5. Separation

617. Newly married couples were expected to focus on the revolutionary goal of rebuilding the country and were usually sent back to their respective cooperatives or units, sometimes far from their new spouse, soon after spending their first nights together.²⁵⁰⁴

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- of food ... because she initially didn't consummate the marriage”]; **E3/9808** [REDACTED] WRI, A73, A78-79 [“A73: I was ordered by the Khmer Rouge to call six couples to get married. After the wedding, some couples did not get along with each other, so they were taken to study and disappeared ... A78: anyone, either man or woman, who did not get along with each other would be sent to study”]; **E3/9820** Preap Sokhoeurn WRI, A27, A34 [“A27: *Neary* Rin disappeared from the unit. When I asked Ni Li, ‘Where has Comrade Rin gone? Why?’ Comrade Li told me that they had taken her because she had not agreed to have sexual intercourse”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041; **E3/9507** You Vann WRI, A81; **E3/408** Duk Suo WRI, A93; **E3/9831** [REDACTED] WRI, A125 [“They punished them by sending the men for re-education, but those men never returned”]; **E3/9821** Kol Set WRI, A114, A116 [Militiaman, Bakan District: “A116: Those people were called for re-education, and they disappeared later”]; **E3/9786** Mech Nhanh WRI, A135-36 [“A136: She was taken to be re-educated two times or three times, and she still disagreed. Then she was taken to a prison”].
- 2501 **E1/324.1** Mam Soeurn, T. 28 July 2015, 15.53.32 [Trapeang Thma Dam: “After the wedding or marriage, if the newlyweds were not satisfied with each other and if they refused to consummate the marriage, they would risk their lives”]; **E3/9575** Thang Thoeuy WRI, A77-82 [“A77: If the couples did not consummate, they would be taken for execution... A78: in my unit, there were two or three women taken by the militia to be killed because they did not agree to consummate... A80: To my understanding, Yeay Chaem was the one who ordered the unit chief ... [to take] those who did not agree to consummate, for execution... A82: They were taken for execution in the forest”]; **E3/9484** [REDACTED] WRI A67; **E3/9472** [REDACTED] WRI, A480-86, A509-17 [two different individuals were sent for re-education because they refused to consummate the marriage with the persons assigned to them]; **E3/9672** [REDACTED] WRI, A71-73 [Pursat: a couple forced to get married in Trach Kraol prison, were spied upon for three nights and killed because they did not consummate the marriage]; **E3/9744** Muok Sengly WRI, A33.
- 2502 **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 14.35.06 [“there was an oxcart coming to collect me ... if someone was taken by the oxcart, they would disappear ... we reached Prey Totueng ... there were Ta Hom and Yeay Kim and they said that comrade, after the marriage, you have to have sexual intercourse; otherwhye, you would be killed”]; **E3/9820** Preap Sokhoeurn WRI, A43.
- 2503 **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 14.37.33 [“my husband convinced me to sleep and I slept very tiredly on that night and when I woke up, I saw his hands on my body. And on that ... day, he tore my clothes, my shirt, my trousers, and took off my bra and then he raped me. I shouted. I was shouting at the time and he asked me not to shout because he said that he and I became husband and wife already. That was the first day that he raped me”]; **E3/9820** Preap Sokhoeurn WRI, A43 [“After the rape, he apologized me by telling me that he followed *Angkar*’s direction”], A48.
- 2504 **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.58.02-10.04.10 [“And since we were introduced to one another when it was night time, we could hardly recognize each other, and only next morning that we could see one another clearly. But by that time, we had to return to our respective workplaces”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.58.35 [“After my marriage, during that regime, couples who got along with each other or not, they lived together briefly and then they were separated to work in their respective worksites”]; **E1/473.1** K. Nakagawa, T. 14 Sept 2016, 09.35.18-09.38.43 [“The overall goal of the Khmer Rouge, to my understanding, was to achieve the revolution ... engage in the hard labour ... Because of this strategy ... the husband and wife were separated”]; **E1/321.1** Chum Samoeurn, T. 24

However, in order to produce babies for *Angkar*, couples were ordered, allowed, or encouraged to see each other, usually once or twice a month, but with the express authorisation of their superiors.²⁵⁰⁵

6. Role of CPK Leaders in Forced Marriages

618. The Centre's forced marriage policy was implemented in the highest echelons of the Party and a number of forced marriages were directly initiated or conducted by CPK leaders themselves, belying any claim that the DK Centre policy was merely to arrange and celebrate voluntary marriages. Indeed, since 1979, **Nuon Chea** and Ieng Sary have admitted that, under the CPK, marriage was not free and that couples were forced to marry.²⁵⁰⁶
619. **Khieu Samphan** announced in a meeting in 1975 that all single female and male youth workers from every ministry had to be married in order to produce children and

June 2015, 15.29.08; **E1/325.1** Khin Vat, T. 29 July 2015, 15.31.16; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 14.38.13; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 13.51.41; **E1/264.1** Phneou Yav, T. 17 Feb 2015, 10.52.08; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.51.27; **E1/449.1** Moeng Vet, T. 27 Jul 2016, 10.08.23; **E3/3474** Kalyanee Mam, *Democratic Kampuchea (1975-1979)*, EN 00284168 [“To further regulate sexual activity within the regime and achieve absolute control over women's physical labor, DK also enforced strict limits on how often husbands and wives could meet”]; **E3/9** P. Short, *Pol Pot: The History of a Nightmare*, EN 00396533-34, FR 00639883; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992283; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041; **E3/20** E. Becker, *When the War was Over*, EN 00237962; **E3/9736** Meas Saran WRI, A43; **E3/9562** [REDACTED] WRI, A190; **E3/9769** Ly Lonn WRI, A113-117; **E3/5231** Chea Leng WRI EN 00279255; **E3/5177** Ouk Savuth WRI, EN 00272135; **E3/9471** [REDACTED] WRI, A59; **E3/9822** [REDACTED] WRI, A352; **E3/9669** Penh Va WRI, A4; **E3/9349** Chuop Non WRI, EN 00244159; **E3/9823** Nap Somaly WRI, A142; **E3/9321** Saom Mon WRI, EN 00163771.

²⁵⁰⁵ **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 15.06.30 [“he came to visit me every month. I almost forgot his face when he returns for his next visit”], 15.10.15 [“we could meet three nights per month and if we did more than that we would be disciplined”]; **E3/9820** Preap Sokhoeurn WRI, A34; **E1/377.1** You Vann, T. 18 Jan 2016, 13.38.33; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.51.27 [“like once in every one week, we were allowed to meet each other again”]; **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.28.06 [“every 10 days”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037041; **E3/9662** Keo Theary WRI, A50-51; **E3/9507** You Vann WRI, A77; **E3/5560** Tes Ding WRI, EN 00377171 [“One month or two after we had lived together, Angkar told us to meet one another again”]; Even Central Zone Secretary Ke Pauk and his wife Sou Soeun lived separately as work was the absolute priority: **E3/5294** Sou Soeun WRI, EN 00360119 [“We lived separately. He lived in Kampong Cham and I lived in Chamkar Leu. We were not allowed to live together. However, I could visit him and stayed with him for one or two weeks per month. Sometimes I visited him once every two or three months when he was very busy”]; **E3/436** Heng Lai Heang WRI, A33; **E3/9328** Kheu Hun WRI, EN 00272626; **E3/7688** Yim Saroeun WRI, EN 00275420; **E3/5231** Chea Leng WRI EN 00279254; **E3/2812** H. Locard, *Pol Pot's Little Red Book*, EN 00394888; **E3/3416** B. Toy-Cronin, *I Want to Tell You*, EN 00449489.

²⁵⁰⁶ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757496, FR 00849377-78, KH 00858253-54 [“the man always wants to choose a beautiful girl, so that's why we forced them to get married and Angka chose the wife”]; **E3/681** Ieng Sary Statement, *Pol Pot Aide Calls for World Support*, 1 Dec 1980 [“Mr. Ieng Sary said that all political parties would now be allowed ... : ‘We will allow freedom for all religions and education. Marriages will be free and families live together’ ... He added: ‘there will be voluntary, not enforced cooperatives, not like before’].

demanded that this be arranged.²⁵⁰⁷ Similarly, forced marriages were personally arranged and celebrated by other CPK leaders who were members of the JCE, including Southwest Zone secretary and Standing Committee member Ta Mok,²⁵⁰⁸ Central Zone secretary Ke Pauk and his deputy Ao An (Sector 41 secretary),²⁵⁰⁹ Minister of Social Affairs Ieng Thirith and deputy Sin Phalkun alias Sou,²⁵¹⁰ Minister of Commerce Van Rith,²⁵¹¹ Division 164 leaders (commander Meas Muth, as well as deputies Hang Doeun

²⁵⁰⁷ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [“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 ... He said that they should ... get married so that they would produce children ... Not long after he said that, my forces were arranged to get married during the DK regime ... I was married in 1975”].

²⁵⁰⁸ **E1/469.1** Nop Ngim, T. 5 Sept 2016, 11.06.50 [38 disabled soldiers married Samlaut District: “It was Ta Mok who actually organized the wedding for us”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, before 13.49.58-13.54.00 [Tram Kak District: “at the K-1 cooperative ... many couples ... were instructed to make a resolution during the ceremony, and Ta Mok was the one who presided the marriage”]; **E1/90.1** Khiev Neou, T. 21 June 2012, 14.02.29 [Ta Mok’s nephew married in Takeo, 1977: “Ta Mok organized this marriage for me – for my couple”]; **E3/9818** [REDACTED] WRI, A15, A29, A32, A44, A46, A51 [disabled (blind) Division 2 cadre, Southwest Zone, transferred and forcibly married by Ta Mok and Ta Tith to [REDACTED] together with 37 other disabled soldiers in Samlaut district, Northwest Zone, on 20 August 1978: “A44: 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’ ... A46: First, Ta Mok convened the would-be couples by calling each spouse at a time. At the end of the ceremony, Ta Mok said: ‘Comrade Tith, Sector 1 Chairman, is invited to make a speech to the newly-wed couples’ ... A51: We did not actually know about the wedding ceremony in advance”]; **E3/9833** Moul Eng WRI, A20 [“I recall travelling by train to Battambang. Before this departure, Ta Mok had arranged my wedding in Takeo Province. During this wedding, they called us by name, and we walked around, looking for our partner, whose name was announced earlier”], A216; **E3/9804** [REDACTED] WRI, A69-70 [“A72: 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”].

²⁵⁰⁹ **Regarding Ke Pauk:** **E3/10761** Sat Pheap WRI, A62 [head of disabled people in Prey Chhor District: “The wedding ceremony was held after the sector conference. I saw Ke Pauk as the presiding officer”]; **E3/10755** Sat Pheap WRI, A33, A140 [“A140: He [Ke Pauk] told us to love each other and live in unity”]; **Regarding Ao An,** Sector 41 Secretary and Deputy Secretary of the Central Zone: **E3/10755** Sat Pheap WRI, A27-28, 138-139; **E3/9507** You Vann WRI, A82; **E1/376.1** You Vann, T. 14 Jan 2016, 15.40.03 [“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”]; **E1/378.1** Prak Yut, T. 19 Jan 2016, 13.38.44 [“Ta An participated in the wedding ceremony”].

²⁵¹⁰ **E1/500.1** Thuch Sithan, 21 Nov 2016, 14.46.49-14.51.30 [“The wedding took place at the Ministry of Social Affairs office ... There were 3 couples. Bong Sou was presiding over the ceremony ... Angkar acted as our parents during the wedding ceremony. People of my age who were in their twenties, either from the hospitals or the Ministry of Social Affairs, they were arranged to get married by Angkar. It was Angkar who was the one deciding who to marry who ... We reached the age for marriage but there was no policy allowing us to get married to the one whom we love.”], 14.59.07-15.01.19; **E3/5305** Thuch Sithan WRI, EN 00345228, FR 00342208, KH 00349554-55 [“Ms. Sou, my supervisor, decided – with the approval of Ieng Thirith – that I was to marry Vasai ... it was the leaders, the authority figures, who decided this type of thing. We were not allowed to choose the person we wanted to marry”].

²⁵¹¹ **E1/467.1** Phan Him, T. 31 Aug 2016, 14.23.40 [“Ta Hong and Ta Rith were there. Then they called out each pair to hold hands, to announce them husband and wife”], 14.30.47 [“Ta Rith addressed the wedding. He was standing up, explaining us and educating us to love and be loyal to Angkar and the Party”]; **E3/5642** Phan Sarath OCP Interview, EN 00197563 [“Ta Rit presided over my wedding”].

alias Dim and Nhan),²⁵¹² Division 310 commander Sbauv Him alias Oeun,²⁵¹³ and Division 502 commander Sou Met.²⁵¹⁴

7. Physical and Mental Trauma Suffered by the Victims

620. Nationwide, men and women forced to marry during the DK regime often suffered physical and mental trauma at the time of the events. For many, the trauma has had long-lasting effects that continue to impact their lives today. Several witnesses reported experiencing physical distress when they realised they were being forced to marry someone they did not know or love.²⁵¹⁵ Many recalled weeping and experiencing an entire gamut of negative emotions at the time,²⁵¹⁶ while others are still haunted by the

²⁵¹² **E3/9743** [REDACTED] WRI, A3, A6, A8 [“A3: a radio operator contacted me telling me Meas Mut wanted to see me at his home ... When I arrived at his home ... I had no idea what was going on there. Soon, Ta Nhan called a bride to come out, and then he declared a wedding ceremony ... A6: I had no choice at all ... A8: I think Ta Mut was the initiator of my marriage... I thought he wanted me to be one of relatives because my wife was a blood relative of his”]; **E3/9736** Meas Saran WRI, A21, A28 [forcibly married together with 70 couples to a Division 3 (renamed Division 164) military soldier: “A21: After Ta Dim finished his speech, the two or three couples at the front stood, held each other’s hands, and made their resolutions ... A28: Ta Dim was the one who told all the couples to repeat “resolve” after him”]; **E3/9069** 2-TCW-823DC-Cam Statement, EN 00969949 [“Q: Who gave instruction for you to get married? A: Ta Mut”]; **E3/10768** [REDACTED] WRI, A226 [REDACTED] “She served as a medical staff in Kampong Som, and the upper level arranged the marriage for us. I did not know her before the wedding. Ta Nhan who replaced Ta Chhan arranged the marriage for us. However we divorced”]. As for the position of Hang Doeun alias Dim, see e.g. **E3/10768** [REDACTED] WRI, A31.

²⁵¹³ **E3/10733** Tuon Sim WRI, A21-26 [“A21: I saw 15 or 20 couples married simultaneously in a place near Wat Phnom ... A22: No. Some people confused their partners. Q: Did you see that yourself? A23: Yes, because I played music there ... A24: they did not want to marry, because the only thing they knew was that they were going to be married. However, they did not know to whom they were being married ... A25: Ta Oeun and Ta Voeung themselves organized that wedding. Q: Did those two organize all the weddings you attended? A26: Yes, they organized all of them”].

²⁵¹⁴ **E1/321.1** Chum Samoeum, T. 24 Jun 2015, 14.25.08 [“I was forced to marry a man in a five couple wedding ceremony”], 14.32.40 [“It was my unit chief, Met, who arranged the marriage for me”].

²⁵¹⁵ **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.14.46 [“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”]; **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.39.00 [“I started to know that perhaps it was a marriage ceremony, so I started to feel fearful. My body was trembling. My body was cold because I was so fearful”]; **E3/5832** Cheang Sreimom WRI, A8 [“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 Tuocho ... I hated him very much. I did not dare to reject the wedding because in the meetings I had attended, we were told that ‘we were children of Angkar,’ and we had to follow Angkar’s arrangements ... I did not have other choices. I cried in my mind, and I was very sad”].

²⁵¹⁶ **E1/469.1** Nop Ngim, T. 5 Sept 2016, 10.41.32 [forcibly married to a blind military in Samlaut District: “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 ... if I had refused, I would have been killed”], 10.50.31 [“Everyone got angry because we were asked to get married”], 11.00.52 [“And I was very upset, and we all were very upset and we didn’t eat meals for three or few days after”]; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 [“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 ... when I saw [him], I felt intimidated and frightened”]; **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.56.48 [“I was still weeping at the loss of my husband, and I was sent to get married”]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.14.05 [“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”]; **E1/482.1** Pen Sochan, T. 12 Oct 2016, 13.42.57-13.45.49 [“I was very young and I was also

painful memories some 40 years later.²⁵¹⁷ Some witnesses and civil parties described the emotional difficulty of being forced to live in a conjugal relationship with a person they did not love.²⁵¹⁸

621. Victims were forced to marry despite being in love with another person.²⁵¹⁹ Witnesses recalled the inner conflict they felt between staying true to their partners versus staying alive. Kul Nem testified about the regret he still carries for dishonouring his former fiancée by marrying another woman in order to survive.²⁵²⁰ Other victims were grieving widows.²⁵²¹ Mom Vun recalled the fear she felt shortly after her husband was called for

scared”], 15.39.05-15.40.30 [“Both the male and the female side wept. Every one of the 12 couples”]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 14.27.44 [“I, myself, felt the sorrow and pain inside me”]; **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.55.36 [“My wife did not love me either, so, whenever we stayed together at night, we [cried] to each other”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 15.49.18 [“When we were standing together, we all wept ... Anyone would weep, regardless whether you were a single virgin or ... a widow ... All 60 of us stood together and wept”]; **E3/9820** Preap Sokhoeurn WRI, A53 [“I dared not even look at my husband's face. I was very upset, and I looked down at the ground. When I saw his leg was curved, I was even more disappointed”]; **E3/9824** Sum Pet WRI, A31 [“it felt troubled ... My wife also felt frightened”]; **E3/9829** Suon Yim WRI, A40 [“I felt angry and sad”]; **E3/9830** [REDACTED] WRI, A72, A74, A84-85, A89 [“A72: He is 19 years older than me ... a widower ... A74: he was a lot older than me and was blind in one eye ... A84: I felt very upset inside my heart, and I also secretly cried, but I did not let anyone know that I was crying. Q: Was it dangerous to show your upset feelings and to let people see you crying? A85: Yes, it definitely was”].

- ²⁵¹⁷ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.17.12 [“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”]; **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.57.58 [“if I recall my past, I sometime cannot hold my tears”]; **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.18.45 [Forced to remarry: “I endured the pain the most. I told my children that it was a great misery, and it stays inside me”]; **E3/7233R** Video, *Red Wedding*, 2011, 26:15-26:38 [Pen Sochan: “If I talk about it, I cry. The tears flow like the words”].

- ²⁵¹⁸ **E1/325.1** Khin Vat, T. 29 July 2015, 15.38.30 [“My husband advised me after the marriage that if I did not love him, just say nothing. If I told other people that I did not love him, I would risk my life ... I felt very sorry for my husband as well”]; **E1/255.1** Cheang Sreimom, T. 2 Feb 2015, 09.27.16 [“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”]; **E3/9800** [REDACTED] WRI A188; **E3/9829** Suon Yim WRI, A9.

- ²⁵¹⁹ **E1/464.1** Yos Phal, 25 Aug 2016, T. 09.33.25 [“Before the Khmer Rouge required me to get married, I had been already engaged. I had a fiancée. We loved each other so much. We were prepared to get married, but ... the Khmer Rouge did not allow me to get married to my fiancée”]; **E3/4611** Yuos Phal WRI, A6; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.27.39; **E3/5832** Cheang Sreimom WRI, A8 [“I did not want to make love with my husband, but I forced myself to do so. I knew that my husband did not love me because he loved another woman”]; **E3/9833** Muol Eng WRI, A223-225 [SWZ Military forcibly married to a woman he did not know after his regiment commander refused him to marry the one he loved].

- ²⁵²⁰ **E1/488.1** Kul Nem, T. 24 Oct 2016, 14.24.56 [“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 ... I did that in order to survive ... my fiancée remained unmarried and I apologized to her ... it's a dishonour on my side to her... this unsettling feeling remains with me until the present day”].

- ²⁵²¹ **E1/199.1** Po Dina, T. 30 May 2013, 15.27.13 [“I lost my beloved husband, son and parents. I was then forced to marry another husband, but I refused. That was the time I was beaten and imprisoned”]; **E1/379.1** Lach Kry, T. 20 January 2016, 14.17.55-14.21.15 [testified his brother was forced to remarry after his ethnic-Vietnamese wife was executed]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.13.35-11.16.02; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 15.43.36; **E1.461.1** Om Yoeurn, T. 22 Aug 2016, 15.36.47-15.41.00, 15.42.39; **E3/5251** Lang Hel WRI, EN 00235496 [“Several months after they arrested my [pregnant] wife and [4] children, they had me marry my later wife”]; **E3/9769** Ly Lonn WRI, A111-

reeducation: “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.”²⁵²² Nget Chat testified, “It was four or five days after my husband had been taken away. All the Khmer Krom were collected and taken away. I was still weeping at the loss of my husband, and I was sent to get married.”²⁵²³

622. The abandonment of all tradition in the ceremonies impacted numerous victims who regretted that they were not married in accordance with Khmer traditions, and some believed that the absence of rituals and religious blessings meant their marriages could not be happy or were unprotected spiritually.²⁵²⁴ Women in one study described their forced marriages as “inferior marriages” because they excluded the permission of parents as well as the customary validation and legitimacy conferred by traditional ceremonies.²⁵²⁵ Indeed, the absence of family in the marriage process was a source of pain or psychological anguish for many.²⁵²⁶

113 [Civil Party whose wife died in 1976 or 1977 and was forced to remarry in April 1978]; **E3/10655 K.** Nakagawa, *Motherhood at War*, EN 01322864 [provides examples of widows forced to remarry, such as Leng Vuth and Moy Rom]; **E3/2959 K.** Nakagawa, *Gender-Based Violence*, EN 00421893, 919; **E3/9240 R.** Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278; **E3/6229a** Prum Chy SIF, EN 01184708.

²⁵²² **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.16.56-11.18.38.

²⁵²³ **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.56.48-10.01.22; **E3/9790** Nget Chat WRI, A98; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 [“I was still weeping. I felt afraid that I would die and leaving my children behind, so I did not dare to oppose”].

²⁵²⁴ **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.15.48 [“Of course I felt upset when I thought of the way that I was married ... I am upset with my destiny”]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 11.27.22 [“in my heart, I wanted my marriage to be held according to the tradition, but how could I do? I had no choice”]; **E3/9830** [REDACTED] WRI, A83-84 [“I felt regret because I was not able to have a proper ceremony in accordance with our tradition ... I felt very upset inside my heart, and I also secretly cried, but I did not let anyone know that I was crying”]; **E1/482.1** P. Levine, T. 12 Oct 2016, 09.06.41 [“anxiety people experienced by not having a particular kind of protection that is embedded for centuries in Cambodia”]; **E3/9756** Va Limhun WRI, A44; **E3/9240 R.** Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992296 [“respondents continue to live with regret and sorrow that they were not able to marry traditionally or someone that they loved”]; **E3/1794** P. Levine, *A Contextual Study*, EN 00482424, EN 00482475; **E3/9614 T.** De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059.

²⁵²⁵ **E3/9614 T.** De Langis *et al.*, *Like Ghost Changes Body*, EN 01037073.

²⁵²⁶ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.14.31 [“I was really disappointed because my parents were not allowed to attend the occasion at the time”]; **E1/325.1** Khin Vat, T. 29 July 2015, 15.38.30 [“It was unfortunate enough that my parents were not aware of my marriage”]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 15.49.18 [“there was no permission at all from our parents, they just mixed and matched us, and that’s how we all wept”]; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 15.41.55 [“I still feel regret today. I should not have lost my virginity without the presence of my parents in the wedding day”]; **E1/482.1** Pen Sochan, T. 12 Oct 2016, 13.55.20 [“That’s the point that made me [suffer]. That wedding took place without the participation of my siblings and relatives”]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 15.50.21 [“a loss of parental consent to the husband was a big traumatic experience and now ... breaking her virginity without her parents’ consent ... put her into another traumatic experience”]; **E3/7474** Chum Neou, T. 24 Aug 2009, 10.31.10 [“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”]; **E3/9614 T.** De Langis *et al.*, *Like Ghost Changes Body*, EN 01037042 [“Forced marriages were considered by many victims as disobedient acts against parents and ancestors”], EN

623. Numerous couples who were forcibly married during the DK regime divorced after 1979²⁵²⁷ but many others decided to stay together afterwards for a variety of reasons: some grew to love the chosen spouse, others felt obligated or wanted to avoid stigma, others stayed for the sake of their children, or for economic reasons following the fall of the DK regime.²⁵²⁸ A number of victims remained in such relationships despite continued spousal abuse.²⁵²⁹
624. Many victims have also internalised a deep sense of shame and self-blame, and they harbour fears that they or their children will be discriminated against because of their own forced marriages.²⁵³⁰ These feelings are intrinsically linked to the fact that the

01037043, 75 [“Disappointment is the prevailing emotional response ... 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”]; **E3/9736** Meas Saran WRI, A114; **E3/9756** Va Limhun WRI, A20.

²⁵²⁷ See e.g. **E3/9472** Yin Teng WRI, A430-434 [Tram Kak District: “They separated after the Khmer Rouge regime because they did not love each other. ... They separated from each other informally”]; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.30.21; **E3/9351** Meas Laihuo WRI, EN 00244165; **E3/9350** Van Sorn WRI, EN 00244170; **E3/5294** Sou Soeun WRI, EN 00360115-16; **E3/9668** Penh Va WRI, A30; **E3/5558** Horng Orn WRI, EN 00381010; **E3/9747** [REDACTED] WRI, A100; **E3/9743** [REDACTED] WRI, A9; **E3/9326** Mao Phat WRI, EN 00272581.

²⁵²⁸ **E1/489.1** Say Naroeun, T. 25 Oct 2016, 11.15.50 [forcibly married to a disabled soldier, Central Zone: “After the liberation year, I decided to remain in the relationship because I had pity for my child ... I do not want to see my child having a second father or for me to have a second husband ... although my feeling hurt. Everything was done for the sake of my child”]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 14.39.41 [“I wanted to separate from her, but I could not because we got married already. I did not dare, I was afraid”]; **E1/464.1** Yos Phal, 25 Aug 2016, T. 10.53.00-10.55.47 [“So we were still together at that time because of the pressure from parents and siblings”]; **E3/7231** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 [Heng Kuylang: “The biggest reason she feels unable to break up with her husband is the children ... she did not want others to look down on her children as the children of a single mother”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037043, 79 [“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”]; **E3/1794** P. Levine, *A Contextual Study*, EN 00482550; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322857, 85; **E3/9828** [REDACTED] WRI, A26; **E3/9830** [REDACTED] WRI, A86-88 [“A87: Because he was also a resident in this village, and on top of that I did not have any parents on whom I could rely ... A88: Because I did not want to have two or three husbands. In short, I did not want to remarry in my life”]; **E3/9829** Suon Yim WRI, A14 [“if I wanted a divorce I had to leave this village. ... I did not want my children to have a difficult life, so I decided to continue living with him”].

²⁵²⁹ **E1/394.1** Sieng Chanthay, T. 1 Mar 2016, 10.46.05 [her sister and husband are still together although he is often drunk and she suffers a lot]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, 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 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”]; **E3/7231** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 [“Ms. Kuylang endures suffering from abuse of a mental, physical and sexual nature”].

²⁵³⁰ **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.13.35 [“I did not dare to speak about the second marriage because I was ashamed of it”]; **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037035 [“case studies illuminate the internalized disappointment and shame many victims carry as a result of the assigned match. Parents ... reported ... difficulty in sharing the truth about the forced marriage with

victims were unable to experience a traditional wedding, and that their marriage union was not approved by family and ancestors.²⁵³¹ Some victims report that others blame them for their circumstances and look down on them, often excluding them and their children, particularly from taking part in other wedding ceremonies.²⁵³²

625. The findings of a Transcultural Psychosocial Organisation (“TPO”) study focused solely on determining the impact of forced marriage during the DK regime further corroborate the long-lasting toll the practice had on its victims:

More than two-thirds of all respondents (70.2%) reported ongoing mental health problems, describing these ... 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 ceremony.²⁵³³

626. In addition to the suffering caused by being forcibly married, men and women were also deeply traumatised by being forced to have sexual intercourse. Victims recalled the fear and pressure they felt to consummate the marriage, or to hide the fact that they had not had sex.²⁵³⁴ Transgender and homosexual persons forced into marriage and sexual

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”, EN 01037076 [“Self-blame and isolation; 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”]; **E3/7231** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003572 [“Ms. Pheap ... feels she had shamed her children by failing to marry a good man”], EN 01003539 [Lay Kimchhean “felt like she was not a valuable or strong person ... she felt lonely, weak, as she was forced to marry ... She used to regularly experience suicidal thoughts”]; **E3/7752R** Video, *Women and Transitional Justice*, 2012, 04:00 [“Often survivors have not spoken of their experiences due to feelings of shame ... and fear of discrimination”]; **E3/7233R** Video, *Red Wedding*, 2011, 25:45-26:11 [Pen Sochan: “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”].

²⁵³¹ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059 [“(25.7%) reported experiencing social problems as a result of the forced marriage, including feeling shamed because the traditional wedding ceremony had not been followed, or being excluded from wedding events”].

²⁵³² **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059 [“Respondents reported forced married couples being looked down upon and ostracized by the community”], EN 01037076 [“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” ... ‘Some people in the village do not want their children to marry my children’”]; **E3/7752R** Video, *Women and Transitional Justice*, 04:08-04:41 [Hang Orn: “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”].

²⁵³³ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059.

²⁵³⁴ **E1/489.1** Say Naroeun, T. 25 Oct 2016, 10.48.09 [“I felt difficult in to breathe in my heart ... as a Khmer woman, nothing is more important than our body. Although I was fearful and trembling ... I had to give my body to my husband in order to fulfil the requirement of Angkar. It was so painful for me”]; **E1/487.1** Preap Sokhoeun, T. 20 Oct 2016, 15.06.30 [“I was scared. I was thinking every moment, I could not

intercourse were particularly affected physically and psychologically from the denial of their sexual orientations, as Sou Sotheavy testified.²⁵³⁵ In situations where physical and sexual assault occurred, the relationship was deeply affected and either one or both experienced physical and/or mental trauma.²⁵³⁶

sleep well ... And 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”]; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.03.42 [“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”]; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.25.08 [“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 enough for that. Then I heard footsteps outside the room, I began to tremble again”], 14.31.35 [“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”]; **E3/9756** Va Limhun WRI, A36 and A42-43; **E3/5561** Mao Kroeurn WRI, EN 00384790 [“I felt disappointed because they forced me to do that, and I was innocent at that time”].

²⁵³⁵ **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.49.56 [“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”]; **E1/197.1**, Sou Sotheavy T. 27 May 2013, 09.51.41 [“I had to [hide my identity or gender], because I was very worried that I would be killed. I had to force myself to have my hair cut so that I looked like a man and I had to mingle with men and I was forced to get married. It was great pain”], 09.56.43 [“I am mentally challenged now. It is difficult for me to control my feeling so every time I recall the Khmer Rouge regime, then the flood of memory triggers me and I cannot do anything”]; **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 11.17.08 [“to my estimation there were quite a number of transgender people that I had met”], 11.06.21 [“I said that I did not like women and I did that because of the Pol Pot regime. Like now, I am by myself but I don’t have any feeling for any women. And that’s why I said that I did not have any feelings to have sexual intercourse with a woman. And that was the only time that I had sexual intercourse with a woman because I was afraid of death, and it’s also because I was under the effects of alcohol”], 13.36.08 [“If I had disclosed my identity or gender that I was a transgender man, loving the same sex, I would have been killed”], 14.01.54 [“I lost everything ... I was forced to get married. I was sexually abused due to my transgender nature”].

²⁵³⁶ **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 15.45.55 [“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 ... 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 [“this is a huge terror imposed on a woman who may not have been most probably exposed to any sexuality issues and, of course, after the rape it happens, I think, in many ways. 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”]; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 15.11.22-15.15.38 [“he [my husband] says that that was Angkar’s instructions ... I kept weeping that night, throughout the whole night ... I hurt physically and morally ... I could not sleep and I could not eat and I became pale”]; **E1/482.1** Pen Sochan, T. 12 Oct 2016, 14.22.27 [“he beat me during the very first night ... that night, he slapped me; he beat me up”], 14.39.32 [“On the third night ... 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”]; **E3/7233R** Video, *Red Wedding*, 2011, 11:00-11:34 [Pen Sochan: “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”], 20:36-21:16 [“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”], 26:15-26:38; **E1/475.1** Mom Vun, T. 16 Sept 2016, 14.39.23; **E1/477.1** Mom Vun, T. 20 Sept 2016, 09.49.26.

627. Victims of spousal abuse, beatings and rapes associated with forced marriage often experienced reproductive and other physical injuries. The TPO study found that these included negative sexual functioning, gynaecological problems, lost sexual interest and lack of sex drive, and fear of having sex with a second spouse.²⁵³⁷
628. Thousands suffered from the DK policy of forcing couples to wed and consummate the marriage. These deeply inhumane crimes severely impacted its victims and took place within the context of the DK authorities widespread and systematic attack on the civilian population of Cambodia.

8. Nationwide Practice

629. The forced marriage policy, including forced consummation, was enforced nationwide.²⁵³⁸ It was implemented in every zone and autonomous sector of the country, as well as in the RAK Centre divisions. The evidence clearly shows forced marriages organised between late 1975 or early 1976 and 6 January 1979 in the Central Zone,²⁵³⁹ Northwest Zone,²⁵⁴⁰ North Zone,²⁵⁴¹ Northeast Zone,²⁵⁴² East Zone,²⁵⁴³ West Zone,²⁵⁴⁴

²⁵³⁷ **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059; *see also* EN 01037073; **E3/7231** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003572.

²⁵³⁸ *See Annexes II-14* contain two annotated maps and two charts which indicate the locations where forced marriages occurred in DK based on evidence of victims and witnesses (non-victims) from trial testimony and statements given to OCIJ during the investigation. This analysis was done on a conservative basis, only recording that forced marriages or forced consummation occurred based on explicit testimony or statement of a witness. Where testimony of a witness has been analysed, the underlying written record of interview of a witness was not also analysed to avoid taking into account evidence of one victim or witness twice. In total, 54 trial witnesses and 131 witnesses who gave statements to OCIJ in Case 002/02 have been identified as providing evidence of forced marriage and rape within the context of forced marriage. This sampling is reflective of several constraints, such as limitations on the scope of the investigation and the fact that witnesses were not always questioned thoroughly on each aspect of the crimes during the investigation particularly on the sensitive issues of consent and consummation. Nonetheless, this limited sampling provides concrete evidence of the implementation of Party policy of forced marriage in each zone across Cambodia, as can be seen in **Annex II-14**, and supports the conclusion that forced marriage occurred on a systematic and widespread basis.

²⁵³⁹ *See e.g.* **E1/461.1** Om Yoeurn, T. 22 Aug 2016, 15.42.39, 15.47.01-15.50.40 [Chamkar Leu District]; **E1/478.1** Sem Om alias Prum iet, T. 21 Sept 2016, 10.07.22-10.11.23 [Chamkar Leu District]; **E3/9756** Va Limhun WRI, A23 [Kampong Siem District]; **E3/9829** Suon Yim WRI, A6 [Kampong Siem District]; **E3/10744** Sum Chanthol WRI, A111 [Kampong Siem District]; **E3/9820** Preap Sokhoeurn WRI, A20 [Prey Chhor District]; **E3/9669** Penh Va WRI, A4 [Prey Chhor District].

²⁵⁴⁰ *See e.g.* **E1/323.1** Sen Sophon, T. 27 July 2015, 15.46.50 [Phnom Srok District]; **E3/9778** [REDACTED] WRI, A162-A164 [Bakan District]; **E3/9823** Nap Somaly WRI, A139-A141, A148, A155 [Kampong Tralach District]; **E3/9562** [REDACTED] WRI, A177 [Phnom Srok District]; **E3/9831** [REDACTED] WRI, A115 [Sangke District]; **E3/9790** Nget Chat WRI, A96-A97 [Bakan District]; **E3/9785** Yim Sovann WRI, A76 [Kandieng District]; **E3/9826** [REDACTED] WRI, A110 [Sangke District]; **E3/9515** Peou Sinuon WRI, A76 [Bakan District]; **E3/9469** [REDACTED] WRI, A67 [Bakan District]; **E3/9782** [REDACTED] WRI, A93 [Bakan District]; **E3/9800** [REDACTED] WRI, A186-A87 [Bakan District]; **E3/9471** [REDACTED] WRI, A73 [Phnum Kravanh District]; **E3/9822** [REDACTED] WRI, A340-A345 [Sampov Meas District]; **E3/9761** [REDACTED] WRI, A112 [Kandieng District]; **E3/9785** Yim Sovann WRI, A87 [Kandieng District]; **E3/9777** [REDACTED] WRI, A15 [Koas Krala District]; **E3/9818** [REDACTED] WRI, A15, A29, A32, A44, A46, A51.

Southwest Zone,²⁵⁴⁵ autonomous Sector 505,²⁵⁴⁶ in the ministries in Phnom Penh,²⁵⁴⁷ and in Centre divisions.²⁵⁴⁸ With specific reference to Case 002/02 crime sites, many workers at the 1st January Dam construction site were forced to marry in mass ceremonies organised in their villages or communes.²⁵⁴⁹ Forced marriages also occurred at the Trapeang Thma Dam worksite,²⁵⁵⁰ and in Tram Kak District.²⁵⁵¹

- ²⁵⁴¹ See e.g. **E3/5184** Chea Thy WRI, EN 00225528 [Sector 44]; **E3/5589** Kim Dav WRI, A4-A5 [Kralanh District]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.18.38-11.24.42 [Chikreang District]; **E3/5248** Tem Kimseng WRI, EN 00235146 [Soutn Nikom District]; **E3/3964** Pechuy Chipse WRI, EN 00225211 [Angkor Chum District].
- ²⁵⁴² See e.g. **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 14.09.25 [Kaoh Nheak District]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.27.39 [Kaoh Nheak District]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.20.57-15.26.14 [Northeast Zone Army]; **E3/9326** Mao Phat WRI, EN 00272581 [Banlung District].
- ²⁵⁴³ See e.g. **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.55.36 [Prey Veng District]; **E3/5130** Khut Unn WRI, EN 00223181 [Khsach Kandal District]; **E3/5254** Sok Thul WRI, EN 00242363 [Svay Chrom District]; **E1/459.1** 2-TCCP-1040, T. 17 Aug 2016, 10.09.47 [Kampong Trabek District]; **E3/5508** Bun Buon WRI, A32 [Me Sang District]; **E3/9329** Yuok Iem WRI, EN 00272702 [Ponhea Kraek District]; **E3/5564** Sngunon Tai Ren WRI, EN 00414579 [Kaoh Soutin District]; **E3/5562** Seng Chon WRI, EN 00400458 [Pea Reang District].
- ²⁵⁴⁴ See e.g. **E3/9823** Nap Somaly WRI, A141, A154 [Kampong Tralach District]; **E3/5127** Tieng Rany WRI, EN 00163433 [Sameakki Mean Chey District]. See also **E3/10713** Chuon Thy WRI, A30 [Division 1]; **E1/387.1** Meas Voeun, T. 3 Feb 2016, 10.40.55-10.45.23 [Division 1].
- ²⁵⁴⁵ See e.g. **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.25.19-09.26.08 [Treang District, 107]; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.55.14-09.56.58 [Chief of S'ang District Office]; **E3/409** Seng Soeun WRI, A65, 67; **E3/5561** Mao Kroeum WRI, EN 00384789 [District 106]; **E3/5560** Tes Ding WRI, EN 00377170-71 [District 106]; **E3/5499** Uk Phorn WRI, EN 00372932 [Angkor Chey District, 106]; **E3/9747** [REDACTED] WRI, A99-100 [Krivong District, 109]; **E3/9760** Ly Chhuon WRI, A72 [Krivong District]; **E3/9830** [REDACTED] WRI, A62-63 [Kampong Trach District]; **E3/5559** Khiev Horn WRI, EN 00377369 [Kien Svay District]; **E3/10639** [REDACTED] WRI, A9-11, A159, A162, A197, A203 [Disabled Division 2 Deputy Battalion].
- ²⁵⁴⁶ See e.g. **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.53.53-09.57.05 [Prey Nob District]; **E3/9355** Phat Duongchan WRI, EN 00375683 [Sambour District]; **E3/9325** Dy Mach WRI, EN 00239495 [Sambour District]; **E3/408** Duk Suo WRI, A88 [Sambour District]; **E3/436** Heng Lai Heang WRI, A26, A30 [Sector 505]; **E3/1678** Tuoloas Sma El WRI, EN 00353497 [Sambour District]; **E3/10626** [REDACTED] WRI, A10 [Sambour District].
- ²⁵⁴⁷ See e.g. **E3/10620** Ruos Suy WRI, A77, A79, A83 [Ministry of Commerce]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.56.22-14.02.17 [Ministry of Commerce], 14.15.48; **E1/467.1** Phan Him, T. 31 Aug 2016, 14.23.40, 14.30.47 [Ministry of Commerce]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.25.10-09.30.50, 09.40.52; **E1/500.1** Thuch Sithan, 21 Nov 2016, 14.46.49-14.51.30 [Ministry of Social Affairs]; **E3/5305** Thuch Sithan WRI, EN 00345228; **E3/5306** Svay Boramy WRI, EN 00345184; **E3/5677** Saom Mon DC-Cam Statement, EN 00597370 [Ministry of Commerce]; **E3/5642** Phan Sarath OCP Interview, EN 00197563 [Ministry of Commerce].
- ²⁵⁴⁸ See e.g. **E1/449.1** Moeng Veth, T. 27 Jul 2016, 09.56.24 [Southwest Zone army Division 2 then Central Zone Division 117]; **E1/325.1** Khin Vat, T. 29 July 2015, 15.38.30 [Division 502 female soldier forcibly married at Kampong Chhnang airport]; **E1/326.1** Khin Vat, T. 30 Jul 2015, 09.36.43; **E1/321.1** Chum Samoeun, T. 24 Jun 2015, 14.25.08 [Division 502 female soldier forcibly married, Kampong Chhnang Airport]; **E1/412.1** Sun Vuth, T. 31 Mar 2016, 09.16.01 [Division 920]; **E1/419.1** Nhem En, T. 20 April 2016, 14.03.16-14.07.22, 14.26.44-14.33.20 [Division 703]; **E1/427.1** Him Huy, T. 4 May 2016, 15.23.15 [Division 170, S-21]; **E3/10622** Moeng Veth WRI, A80-A81, A163-165, A168; **E3/10731** [REDACTED] WRI, A96-99, A101 [Division 310]; **E3/10621** Chhouk Rin WRI, A71-84 [Division 230, Southwest Zone]; **E3/9736** Meas Saran WRI, A2-A6, A16 [Division 164 aka Division 3]; **E3/9743** [REDACTED] WRI, A3-A4, A6-A8 [Division 164]; **E3/10733** Tuon Sim WRI, A21-26 [Division 310].
- ²⁵⁴⁹ **E1/326.1** Om Chy, T. 30 July 2015, 14.13.33 ["Q. Were there marriages organised at the [1 January Dam] worksite? A. Yes, there were marriages ... ceremonies did not occur at the worksite. Usually they organised such ceremonies at the commune office ... for each marriage ceremony 10 to 15 couples were

2. S-21 SECURITY CENTRE

630. S-21 was the most important prison in the DK security apparatus and a central tool in the implementation of the CPK leaders' criminal plan to systematically eliminate its perceived enemies and opponents.²⁵⁵² As described by Expert David Chandler:

S-21 was an extreme example of a total institution. Its mission was to protect the Party Center. It accomplished this task in part by killing all the prisoners and in part by altering their autobiographies to align them with the requirements and suspicions of the Party.²⁵⁵³

631. S-21 was the largest DK security office in terms of staff.²⁵⁵⁴ It worked directly under the supervision of, and reported to, the senior leaders of the CPK.²⁵⁵⁵ It was the one DK

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- matched], 14.29.08 ["in August [1978], I was required to get married"]; **E1/339.1** Chao Lan T., 1 Sept 2015, 14.35.37; **E1/322.1** Kong Uth T., 25 June 2015, 09.24.02 ["While I worked at the 1st January Dam worksite, I was then arranged to marry my husband. And after the wedding, I was reassigned to work elsewhere"], 10.54.00-11.01.51 ["There were 25 couples in that marriage ... I did not dare to refuse the marriage"], 13.30.14; **E1/302.1** Or Ho T., 20 May 2015, 10.58.27; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.30.21, 09.35.03 ["Angkar chose the bride or groom for him or herself, but Cham people could not choose Khmer people to be their husband or wife"]; **E3/7775** Kang Ut WRI, EN 00233533; **E3/9349** Chuop Non WRI, EN 00244159; **E3/9350** Van Sorn WRI, EN 00244170; **E3/403** Pech Sokha WRI, EN 00403010; **E3/9351** Meas Laihuo WRI, EN 00244165; **E3/5255** Or Ho WRI, EN 00250047 ["starting in September 1977 they did permit marriages. The village chief arranged the men in the village to marry the women in the same village for fear that there would be [single] women remaining in the village. I arranged marriages for them"]; **E3/5294** Sou Soeun WRI, EN 00360115-16 [Chamkar Leu District Secretary: "As to marriage, people ... were paired up ... Q. Did any of the girls in your group refuse the marriage? A: No, they did not. They rarely refused, although they did not like the men"].
- 2550 See e.g. **E1/324.1** Mam Soeum alias Heng Samuoth, T. 28 July 2015, 15.50.47 ["Marriage was mostly forced for the couples"], 15.53.32-15.55.08; **E1/325.1** Mam Soeum, T. 29 July 2015, 10.01.32; **E1/360.1** 2-TCW-918 T. 1 Dec 2015, 11.08.32 ["At the Trapeang Thma Dam worksite I attended such event once and there were many couples ... There could be about 50 couples"]; **E3/9354** Dan Sa WRI, EN 00289933; **E3/9341** Chhoeung Uo WRI, EN 00316786.
- 2551 See e.g. **E1/252.1** Chou Koemlan, T. 26 Jan 2015, before 13.49.58-13.54.00; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09-10.06.45, 13.47.29-13.49.18; **E1/291.1** Pech Chim, 23 Apr 2015, 09.08.10-09.33.11; **E3/5521** Nut Nouv WRI, A103, A106; **E3/9472** [REDACTED] WRI, A454, A456-459, A461; **E3/5832** Cheang Sreimom WRI, A8 (referring to Ol (Seng Ol) as forcing her to marry a man she hated); **E3/5833** Seng Ol WRI, A17, A20, 27; **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.46.30-10.01.00; **E3/9480** Khoem Boeun WRI, A112, A120; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.37.55-13.51.17; **E3/9468** Thann Thim WRI, A86, A92; **E3/9584** [REDACTED] WRI, A34.
- 2552 **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.12.52-16.19.35 ["S-21 itself had a unique nature because ... it was regarded as the exclusive tool to be used by the Standing Committee of the Central Committee"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 14.09.57-14.12.35 ["S-21 was only an absolute instrument of the Party"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.45.53-10.48.12 ["Duch and Son Sen said that S-21 was key to the country, so we had to work hard to search for all the network or strings that the prisoners gave us in the answers"].
- 2553 **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94.
- 2554 **E3/2984** Craig Etcheson, T. 28 May 2009, 11.46.06-11.48.21 ["If one measures size in terms of the number of staff employed at a security office, I think, unquestionably, S-21 was the largest"]; **E3/849** Joint Statistics of Armed Forces, Mar 1977 [Office S-21 listed as having total force of 2,327]; **E3/1136** Rice Consumption Plan in 1976, 4 Jan 1976, EN 00543743 [2,048 people for Office 21 as of January 1976]; **E3/8386** S-21 Circular, EN 00521634 [127 "Inside Guards," 46 persons in "Economic (Logistics) Unit" and 62 persons in "Messenger Unit"].
- 2555 **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 ["the specificity of S-21 was stemming from the fact that the standing committee was the top organ that supervised the whole country. So the ...

security office that operated on a nationwide basis, with prisoners sent from throughout the country and from each and every zone, RAK division and ministry.²⁵⁵⁶

632. The Accused are on trial for the following crimes in relation to the S-21 security office: the crimes against humanity²⁵⁵⁷ of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds, persecution on racial grounds, and other inhumane acts through attacks against human dignity;²⁵⁵⁸ and grave breaches of the Geneva Conventions, including wilful killing, torture, inhumane treatment, wilfully causing great suffering or serious injury, wilfully depriving a prisoner of war or civilian the rights of fair and regular trial, unlawful deportation of a civilian, and unlawful confinement of a civilian.²⁵⁵⁹

LOCATION AND OPERATION

633. S-21 was established following a meeting on 15 August 1975, at which Son Sen instructed RAK Division 703 Secretary In Lon alias Nath and Kaing Guek Eav alias Duch to set up the security office.²⁵⁶⁰ It commenced operations in the fall of 1975,²⁵⁶¹

assignments to be carried out by S-21 were rather unique from the other because it had been ordered directly from the top”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.24.03-11.29.44; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 11.33.37-11.39.02; **E3/2984** Craig Etcheson, T. 28 May 2009, 12.03.59-12.07.26.

- ²⁵⁵⁶ **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 [“S-21 had received prisoners from other zones ... because the power of the standing committee was so wide that it covered the whole country ... the committee itself could have the power to bring in all kinds of prisoners from across the country to S-21”]; **E3/2981** Craig Etcheson, T. 19 May 2009, 15.16.10-15.09.57 [“Leading cadre from the zone, sector and district echelons, along with ranking military leaders and ranking leaders of government ministries almost invariably ended up at S-21 when they were purged”]; **E1/430.1** Suos Thy, T. 2 June 2016, 14.32.18-14.33.31; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.55.41-15.57.03; **E3/1691** David Chandler, T. 6 Aug 2009, 09.34.13-09.37.48.

- ²⁵⁵⁷ For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

- ²⁵⁵⁸ **D427** Closing Order, para 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1402 [imprisonment]; 1408 [torture]; 1416 [persecution on political grounds]; 1422 [persecution on racial grounds]; 1434 [other inhumane acts through ‘attacks against human dignity’].

- ²⁵⁵⁹ **D427** Closing Order, paras 1491-1493 [wilful killing]; 1498-1500 [torture]; 1501-1503 [inhumane treatment]; 1504-1506 [wilfully causing great suffering or serious injury to body or health]; 1507-1510 [wilfully depriving a prisoner of war or a civilian the rights of fair and regular trial]; 1515-1517 [unlawful deportation of a civilian]; 1518-1520 [unlawful confinement of a civilian].

- ²⁵⁶⁰ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.16.58-09.19.20; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.51.46-09.54.03; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.19.52-15.21.46; **E3/65** Kaing Guek Eav WRI, EN 00147518.

and remained fully functional until 7 January 1979, when Vietnamese forces reached Phnom Penh.²⁵⁶²

634. In the early months of its existence, S-21 used temporary facilities: initially, interrogations were carried out in a house on the corner of Streets 163 and 360, while the surrounding houses were used to detain prisoners.²⁵⁶³ In November 1975, S-21 was moved to the *Police Judiciaire* compound on Street 51.²⁵⁶⁴ Two months later, in January 1976, due to concerns that Chinese visitors could see the prison's operations at that location, S-21 returned to its original premises on Streets 163 and 360.²⁵⁶⁵
635. During the initial phase of S-21, prisoners were also detained at the Takhmau prison, formerly part of Division 703,²⁵⁶⁶ and were sent to Phnom Penh for interrogation at the *Police Judiciaire* compound and other sites.²⁵⁶⁷ Takhmau, then referred to as "S-21C,"²⁵⁶⁸ was used by S-21 for detention and execution until mid-1976,²⁵⁶⁹ and was supervised by Khim Vat alias Hor (the future S-21 deputy chief).²⁵⁷⁰

²⁵⁶¹ **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.32.34; **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["S-21 Centre started to operate effectively only in October 1975"]; **E3/65** Kaing Guek Eav WRI, EN 00147520. Surviving documents from late August and September 1975 show that some operations had already begun by that time. *See e.g.* **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223146 [30 August 1975 annotation of Duch]; **E3/3652** S-21 Report on Confession of Lang Pring, 13 Sept 1975, EN 00780840-55 [contains annotation from Son Sen to *Angkar* dated 21 Sept 1975].

²⁵⁶² **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.22.46-10.29.18; **E3/65** Kaing Guek Eav WRI, EN 00147520 ["killings continued from the beginning of operations at S 21 until twelve noon on 7 January 1979"].

²⁵⁶³ **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["At first the detention and interrogation premises were located at the corner of Streets 163 and 360 ("A" on Map no. 1) ... the prisoners were spread out in the houses in Zone A"], 00153575 [Map No. 1]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.15.31-10.22.46; **E3/7615** Chet Sokha WRI, EN 00186507 [statement of first person to live at House 2EO on Street 360 after DK regime: "When I came, I saw many handcuffs and leg shackles"].

²⁵⁶⁴ **E1/430.1** Suos Thy, T. 2 June 2016, 09.29.35-09.33.42 [he worked at the "PJ location," which was an "S-21 office," in late 1975], 10.06.05-10.08.52 [identifying S-21A as the "PJ"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.10.10-14.12.52; **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In late November 1975, the Centre was transferred to the premises of the General Directorate of the National Police on Pasteur Street"]; **E3/524** Kaing Guek Eav, T. 22 Apr 2009 15.28.37-15.32.34.

²⁵⁶⁵ **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In January 1976, the detained persons were sent back to 'A' for a period of 3 or 4 months"]; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.28.37-15.32.34.

²⁵⁶⁶ **E1/422.1** Lach Mean, T. 26 Apr 2016, 11.26.14-11.29.08; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.28.37; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.32.07-15.34.30; **E3/5759** Kaing Guek Eav Statement, EN 00197748 ["Office S.21 was the continuation of the Police Office of Division 703 of In Lorn alias Nath ... The Psychiatric Hospital in Takhmau was used as an ordinary prison"].

²⁵⁶⁷ **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.32.34 ["I was asked to bring the prisoners from Ta Kmao to that house for the cadres to interrogate them ... Ta Kmao prison was a big prison"], 15.45.38-15.49.36; **E3/7653** Kok Sros WRI, EN 00705428 [Takhmau prisoners were interrogated at P.J. then returned to Takhmau].

²⁵⁶⁸ **E1/430.1** Suos Thy, T. 2 June 2016, 09.58.38-10.00.25 [identifying "S-21 Kor or C" as part of S-21 that was previously under Division 703], 10.02.26-10.06.05 [authenticating **E3/8493** as a master list that belonged to Nat]; **E3/10568** Suos Thy Military Court WRI, EN 00326773 ["21(C) was also a guard section, but it guarded the prisoners in Ta Khmao"]; **E3/8493** S-21 Daily Prisoner Control List, 11 Apr 1976 [as of that date, 262 prisoners detained at "Office 21-A" and 396 prisoners at "Office 21-C"].

636. In April 1976, following his appointment as Head of S-21, Duch moved the security office to its permanent location at the *Lycee Ponhea Yat*, known today as Tuol Sleng.²⁵⁷¹ Later in 1976, concerned about the proliferation of mass graves in the area and the risk of disease, Duch decided to establish a new site for the execution and burial of prisoners, and chose a Chinese cemetery called Choeung Ek located in Kandal Province, 15 kilometres southwest of Phnom Penh.²⁵⁷² S-21 began to use Choeung Ek as its main execution site in early 1977.²⁵⁷³

AUTHORITY STRUCTURE AND COMMUNICATION

Within the Security Office

637. *S-21 Committee*: As with other DK organisations, S-21 was managed by a three person committee.²⁵⁷⁴ During Nath's period as Secretary of S-21,²⁵⁷⁵ Duch held the position of Deputy Secretary overseeing interrogations.²⁵⁷⁶ In March 1976, when Nath was transferred to the General Staff, Duch was appointed Secretary of S-21, a position he retained until the end of the regime.²⁵⁷⁷ Hor became Deputy Secretary,²⁵⁷⁸ and Nun Huy

²⁵⁶⁹ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.11.25-14.16.29; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.48.10-09.57.23; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.20.21, 09.28.41; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36 ["the Khmao prison existed until May or July [1976]"], 15.50.48-15.52.00; **E3/7653** Kok Sros WRI, EN 00705428; **E3/352** Pes Math WRI, EN 00195708 [prisoners at Takhmau psychiatric hospital "disappeared" in 1976]; **E3/7662** Bou Thon WRI, EN 00163762.

²⁵⁷⁰ **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.54.14-09.57.23; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 10.26.10-10.30.34; **E3/7653** Kok Sros WRI, EN 00705428.

²⁵⁷¹ **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In April 1976, I decided to transfer the Centre to the premises of the Pohnea Yat high school ('B' on Map no. 1). I asked for Son Sen's authorization"], 00153575 [Map no. 1]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009 11.11.57-11.18.50; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36; **E1/430.1** Suos Thy, T. 2 June 2016, 10.06.05-10.08.52, 10.32.54-10.34.50; **E3/7643** Suos Thy WRI, EN 00162611-12; **E3/7653** Kok Sros WRI, EN 00705428.

²⁵⁷² **E1/427.1** Him Huy, T. 4 May 2016, 10.38.10-10.39.43 ["I heard them say that it smelled bad at Tuol Sleng, there were so many corpses buried there, so the killing site would be moved from Tuol Sleng to Choeung Ek"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.24.14-10.26.13; **E3/455** Kaing Guek Eav WRI, EN 00149911; **E3/5766** Written Record of Confrontation, EN 00165437 [Duch: "there was a risk of epidemics around S-21 because of the far too great number of corpses"]; **E3/5764** OCIJ Report on Crime Scene Reconstruction, EN 00197994, 00197996-97; **E3/7991** Annex 1: Report of Crime Scene Reenactment at Cheung Ek, EN 00198021.

²⁵⁷³ See section **S-21 Security Centre – Executions at Choeung Ek** for discussion of site.

²⁵⁷⁴ **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.58.57-10.03.45; **E3/7643** Suos Thy WRI, EN 00162612.

²⁵⁷⁵ **E3/65** Kaing Guek Eav WRI, EN 00147519 [prior to March 1976, Nath was "overall Chairman who decided all work"]; **E3/351** Mam Nai WRI, EN 00162912; **E3/7671** Pen Heng WRI, EN 00163695.

²⁵⁷⁶ **E3/5801** Kaing Guek Eav, T. 17 June 2009, 13.55.51-14.00.43 ["during the time that I was the Deputy Chairman, my tasks [were] teaching the interrogators the interrogation method and preparing the documents to report to the upper echelon"]; **E3/65** Kaing Guek Eav WRI, EN 00147519 ["While Nath was Chairman, the structure was: I was the Deputy Chairman responsible for leading interrogation"].

²⁵⁷⁷ **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.22.24 ["I became the Deputy and later became the Chairman of S-21"], 09.56.21 ["we left S-21 ... on the 7 of January 1979"]; **E3/65** Kaing Guek Eav WRI, EN 00147519 ["I cannot remember the date I was officially appointed as Chairman of S 21, but it was during March 1976"]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.06.05 ["When S-21 was moved to

alias Huy Sre was the third member of the Committee,²⁵⁷⁹ responsible for Prey Sar (also known as S-24 or S-21D).²⁵⁸⁰

638. *S-21 Units*: The S-21 office was comprised of a number of units subordinate to Duch and the S-21 Committee, including: (i) a Defence Unit headed by Hor,²⁵⁸¹ with an inside guard team, outside guard team, and a “special unit” responsible for transporting and executing prisoners;²⁵⁸² (ii) an Interrogation Unit that had about 30 interrogators, prior to purges in 1978;²⁵⁸³ (iii) the Documentation Unit, led by Suos Thy,²⁵⁸⁴ (iv) a Photography Unit, led by Nim Kimsreang,²⁵⁸⁵ and (v) a Medical Unit, headed by Try.²⁵⁸⁶ Organisation charts prepared by Duch show the structure of the various S-21 units.²⁵⁸⁷

Tuol Sleng, Ta Nat was replaced by Duch”]; **E1/423.1** Prak Khan, T. 3 May 2016, 11.23.23-11.25.38; **E3/7671** Pen Heng WRI, EN 00163695; **E3/351** Mam Nai WRI, EN 00162908; **E3/503** Iem Horn WRI, EN 00401860; **E3/1684** David Chandler, *Voices from S-21*, EN 00192683 [“[Duch] remained in command until the day the Vietnamese arrived”].

²⁵⁷⁸ **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.23.23-11.25.38 [“Hor was the deputy”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.13.34-15.15.11; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.58.57-10.01.49; **E3/5154** Him Huy WRI, EN 00161598; **E3/7638** Nhep Hau WRI, EN 00401791; **E3/503** Iem Horn WRI, EN 00401860.

²⁵⁷⁹ **E1/426.1** Him Huy, T. 3 May 2016, 15.43.54-15.45.08 [“Huy was the member of S-21”]; **E3/7638** Nhep Hau WRI, EN 00401791 [“When I was at S-21 ... Huy, from Prey Sa, was Member”].

²⁵⁸⁰ **E1/426.1** Him Huy, T. 3 May 2016, 15.40.25-15.42.43 [“Big Huy” was in charge of Prey Sar]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.21.17-11.21.50 [“Huy was in charge of this S-21D”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.03.45-10.06.07; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.52.16-11.57.40 [“Nun Huy, he had his exclusive duty at Prey Sar”]; **E3/7672** Meas Peng Kri WRI, EN 00163708.

²⁵⁸¹ **E1/428.1** Him Huy, T. 5 May 2016, 10.59.23-11.01.40 [“Ta Hor ... was in charge [of all the] security guards”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192702 [“Duch’s deputy at S-21 was Khim Vat [alias Hor] ... who served concurrently as the head of the prison’s defense unit”].

²⁵⁸² **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.05.33; **E3/5154** Him Huy WRI, EN 00161597 [“The defense section was set up to guard outside, inside, and to receive prisoners”]; **E1/431.1** Suos Thy, T. 3 June 2016, 13.56.39-13.59.43; **E3/1570** Kaing Guek Eav WRI, EN 00154198-99 [S-21 organisational chart identifying Peng as first chief of Special Unit, followed later on by Him Huy]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.44.10-09.47.10 [identifying Peng as “chief of the special unit”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.16.48; **E3/7640** Chiem Soeur WRI, EN 00225107 [“there were three levels of guards”].

²⁵⁸³ **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.15.25-11.25.38 [“Interrogators from my group -- my group consisted of 12 members and 30 people in total in the three groups. And from time to time, the interrogators, one or two of them at a time, were arrested and killed”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.57.38-15.59.10 [“at the beginning of the interrogation unit, there were 33 interrogators who were categorized into different teams”]; **E1/430.1** Suos Thy, T. 2 June 2016, 09.50.14-09.52.51; **E3/1170** S-21 Notebook, EN 00602543 [listing approximately 30 interrogators in the interrogation unit].

²⁵⁸⁴ **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 09.58.16-10.00.26 [“Comrade Thy was in charge of list of incoming and outgoing prisoners, so the lists were under his control”]; **E1/430.1** Suos Thy, T. 2 June 2016, 13.33.02-13.34.32 [“Registering ... the names of incoming and outgoing prisoners at S-21, there was only me doing the job”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.34.54-09.36.48 [“Suos Thy registered the names of people who were brought in”].

²⁵⁸⁵ **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 11.15.30-11.17.00 [“The photography unit was headed by ... Nim Kimsreang”]; **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.35.46-13.38.26, 15.39.46-15.43.17 [“I took only some of the photos and the rest were taken by my subordinates. I assigned them to take those photos”]; **E3/7639** Nim Kimsreang WRI, EN 00162733 [“Q: At that time who was chairman of the photography team? A: I was group leader”].

²⁵⁸⁶ **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.49.57-13.52.11 [“I know medic Try; he was the chief of the medical unit”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.15.45-09.17.58 [“I would report to my chief,

Above the Security Office — Reporting to and Instructions from CPK Centre Leaders

639. Throughout its existence, S-21 reported to and operated directly under the supervision of members of the CPK Standing Committee.²⁵⁸⁸ For the first two years of operations, the S-21 Chairman reported directly to Son Sen,²⁵⁸⁹ who in turn reported to and received instructions from his superiors on the Standing Committee, in particular CPK Deputy Secretary **Nuon Chea** and Secretary Pol Pot.²⁵⁹⁰ During the second half of 1977, when

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- that is, the chief of the medics, Try”]; **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.24.40-09.26.54. ²⁵⁸⁷ **E3/1570** Kaing Guek Eav WRI, EN 00154198-99.
- ²⁵⁸⁸ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32 [“As for the reporting regime, everyone reported to Hor and Hor reported to me, then I reported to my superior ... And usually I met my superior in the afternoon through a phone conversation, that is, with Son Sen. As with Brother Nuon, I went to see him in person”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42 [“In my capacity as the chairperson, I had regular contacts with my superior, including Son Sen and Nuon Chea. With Son Sen I had a daily contact, but with Nuon Chea I would contact him every other day”]; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 [“it was a security office under the supervision of the central committee ... The location of S-21 compared to the location of the standing committee office is no further than five kilometres. The telephone communication was hooked at all times ... in order that we were easily advised, managed, ordered”]; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 11.33.37-11.39.02 [“S-21 produced documents for the Standing Committee”]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00 [“the Standing Committee of the Party, in which there was Son Sen and Nuon Chea, was to decide what to do with the confessions”]; **E3/453** Kaing Guek Eav WRI, EN 00147583 [“S21 was managed by the Standing Committee of the Party Center”]; **E3/5763** Kaing Guek Eav WRI, EN 00164366 [Duch “report[ed] on Special Branch documents to the Centre Standing Committee,” at which “only Son Sen and bigger above him Nuon Chea were routinely tasked with the duty of supervising S21”]; **E1/95.1** David Chandler, T. 24 July 2012, 11.31.45-11.32.45; **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94.
- ²⁵⁸⁹ **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.47.37-09.49.11 [“I would say I went to do important work for Son Sen until the 15 of August 1977. So until - up until the directive was issued, I was still under the supervision of Son Sen”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.06.59-11.10.33, 11.20.10-11.23.30; **E3/5763** Kaing Guek Eav WRI, EN 00164361 [“Before 15 August 1977, I reported only to Son Sen”]; **E3/65** Kaing Guek Eav WRI, EN 00147521-22; **E1/425.1** Prak Khan, T. 2 May 2016, 11.08.37-11.10.42 [confirming that Son Sen was Duch’s superior]; **E1/427.1** Him Huy, T. 4 May 2016, 11.25.27-11.26.46 [“it was Son Sen who was Duch’s superior”]; **E3/426** Lonh Dos WRI, EN 00346071 [“S-21 was also under the control of the General Staff from 1975 until 1977. I saw Duch coming to attend meetings with Son Sen”].
- ²⁵⁹⁰ **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49 [“Since I went to see Son Sen when I was under his control, he said what was told to be done by Brother Nuon ... It showed that above Son Sen was Brother Nuon and then Brother Pol, and that was commonly known”]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.05.39-14.07.14 [Son Sen delivered letters to Duch that he described as from “Angkar”]; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.21.52-11.24.10 [“The general staff was under the supervision of the Central Committee, so the report had to be filed or made to the Secretary of the Party and deputy secretary of the Party, who were Pol Pot and Nuon Chea”]; **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.24.03-11.29.44 [identifying members of “Party Centre” or “870 Committee” as Pol Pot, Nuon Chea, Ieng Sary, Son Sen, Vorn Vet and Khieu Samphan, and testifying that during the time he reported to Son Sen, he “repeatedly mentioned” Nuon Chea, Pol Pot and the other “members of the Standing Committee and the 870 Committee”]; 11.29.44-11.32.31 [describing how Son Sen conveyed to Duch an order from Nuon Chea to interrogate certain prisoners, and adding: “Son Sen had to seek permission from either Bong Nuon or Pol Pot”]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [describing how a prisoner was exhumed and photographed, to verify he had actually been killed, “pursuant to the orders of Nuon Chea to Son Sen, and Son Sen in turn gave the orders to me”]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [describing Nuon Chea communications to Duch: “Originally when Nuon Chea went through Son Sen, they did not have much contact ... once a month”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.56.52-11.00.06 [“[Duch] simply referred to those superior as Brother Number One, Brother Number Two ... he talked about the reports that he sent to the two brothers, whether the two brothers

Son Sen left Phnom Penh to oversee the armed conflict against Vietnam, **Nuon Chea** took over the direct supervision of S-21, and Duch reported directly to him until the end of the DK regime.²⁵⁹¹

640. Duch had a dedicated telephone line that he used to communicate with his superiors.²⁵⁹² He called Son Sen every day in the late afternoon to report on prison matters and receive instructions,²⁵⁹³ and would also meet Son Sen at his General Staff office.²⁵⁹⁴ On a few occasions, Son Sen went to meet Duch at S-21.²⁵⁹⁵ While **Nuon Chea** was directly supervising S-21, Duch would meet him in person every three to five days,

accepted it or rejected it”]; **E1/427.1** Him Huy, T. 4 May 2016, 13.40.05-13.43.38 [Duch referenced Office 870 “in every training session,” and “identified Brothers Number One and Two as Pol Pot and Nuon Chea respectively”]; **E3/426** Lonh Dos WRI, EN 00364072 [stating that Son Sen reported to the Party Centre, which approved decisions “to arrest the implicated cadres”].

²⁵⁹¹ **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.32.31, 13.51.08-13.56.39 [describing 15 August 1977 meeting with Nuon Chea: “Brother Nuon told me that Comrade Khieu went to the battlefield, so I was to work with him from that time onward”]; **E1/59.1** Kaing Guek Eav, T. 4 Apr 2012, 15.17.07-15.19.58 [“From the 15 August 1975, rather 1977, Son Sen no longer called upon me to work with him personally. I started to work with Brother Nuon instead ... after Brother Son Sen went out, I communicated with him through air communication once a month”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.41.56-11.43.42 [confirming Nuon Chea became his immediate superior on 15 August 1977]; **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.15.49; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49; **E3/65** Kaing Guek Eav WRI, EN 00147522; **E3/5763** Kaing Guek Eav WRI, EN 00164361; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [confirming that Son Sen moved to the East “In late 1977 or early 1978,” after which Duch “went directly up to Nuon Chea”]; **E3/1688** S-21 Confession of Chap Mit, 25 Feb 1978 [annotation recording instruction received by Duch from “brother number II”].

²⁵⁹² **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.47.50-09.49.42; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.21.14; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 11.43.25-11.48.24; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.12.52; **E3/65** Kaing Guek Eav WRI, EN 00147520.

²⁵⁹³ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.47.50-09.49.42 [testifying that he and Son Sen “contacted each other ... nearly every day” by telephone, during which calls Son Sen would “ask about everything regarding the confessions” and give Duch “many instructions”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.56.12 [“Son Sen and I talked to each other almost every evening on the phone”], 15.56.44-15.58.32; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.48.13-09.51.48; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.16.43 [“at S-21, we had to follow this report line as well with Son Sen ... Every day, he called me on the phone ... at around 4 or 5 in the afternoon. He asked me particularly on individual prisoners ... he was interested in. So I reported to him regularly”]; **E3/65** Kaing Guek Eav WRI, EN 00147520 [“he was the person who instructed me before sending something to upper level ... Each of my annotations on confessions was made as instructed over the telephone”]; **E3/452** Kaing Guek Eav WRI, EN 00147569 [“When Son Sen was my direct supervisor, my notations on the confessions were made according to his telephone instructions”]. See also **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [“Duch and Son Sen had contact almost every single day”].

²⁵⁹⁴ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.56.12-09.58.35 [“we met once every three or four days. And the location that I met Son Sen, was ... to the north of Borei Keila”]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.37.34-10.42.33 [identifying location where he “worked with Professor Son Sen”]; **E3/5748** Kaing Guek Eav WRI, EN 00153570 [“‘B’ was Son Sen’s second office ... I would go to this office every three or four days, and at least once a week, in order to receive Son Sen’s instructions”], 00153576 [map with location of Son Sen’s office marked “B”]; **E3/2766** OCIJ Map of DK Zones, EN 00429179 [Phnom Penh map showing location of General Staff]; **E3/426** Lonh Dos WRI, EN 00346071 [testimony of General Staff communications officer: “I saw Duch coming to attend meetings with Son Sen”].

²⁵⁹⁵ **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.01.40 [“Nuon Chea never came down to S-21, while Son Sen went there four times”]; **E3/65** Kaing Guek Eav WRI, EN 00147521 [“only one came to inspect S-21, Son Sen. The first time he came to the front gate. The second and third times, he came only as far as my house”].

usually at **Nuon Chea**'s office at the Suramarith Buddhist School on Street 240, to "report and receive instructions."²⁵⁹⁶

641. Duch regularly sent written reports and annotated confessions to Son Sen and **Nuon Chea**,²⁵⁹⁷ and received back letters containing instructions from his superiors.²⁵⁹⁸ Son Sen and **Nuon Chea** often forwarded confessions to the organisation heads whose cadres were implicated,²⁵⁹⁹ including RAK division secretaries,²⁶⁰⁰ DK ministers,²⁶⁰¹ and

²⁵⁹⁶ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.28.19-14.34.51 ["I would go to see and work with Nuon Chea at Suramarit Buddhist School once every three or four days"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.49.58 ["for Nuon Chea, he did not prefer phone conversations"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.16.43-15.18.21, 15.48.36-15.51.28; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.37.34-11.07.10 [identifying locations where he met Nuon Chea, including "the Buddhist Institute where Uncle Nuon frequently asked me to go and work"]; **E3/65** Kaing Guek Eav WRI, EN 00147520 ["With Nuon Chea, it was different. He did not talk on the telephone"], 00147522 ["I met Nuon Chea at two sites. First at Borei Keila. Second at Puthika Soramarith ... The reason for the meetings was that I was called to report and receive instructions. In general, we met only once every three days ... [I made] general reports regarding S 21 and summaries of interrogations. On instructions, calling them orders would be better"]; **E3/452** Kaing Guek Eav WRI, EN 00147569; **E3/5748** Kaing Guek Eav WRI, EN 00153570-71, 00153576 [map with location of Nuon Chea's Suramarith office marked "G"]; **E3/83** Kaing Guek Eav WRI, EN 00398164.

²⁵⁹⁷ **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 09.31.13-09.36.24 ["When Son Sen did not go to the battlefield yet, I sent the [confessions] to Son Sen ... However, after Son Sen went to battlefield, Toeung came to collect the documents, Chiv also came to get the documents ... They were Nuon Chea's messengers"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.42.41-09.44.52, 09.54.25-09.56.12; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 14.18.18 ["Documents that were to be sent to the upper level or superiors, they had to be sent to the Standing Committee through Son Sen, and after the 15th of August 1977, I started sending the documents to Nuon Chea instead"]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 15.29.22-15.32.07; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 11.08.48-11.10.43 [S-21 confessions were initially delivered to Son Sen "through his messenger," and "after 1977, Comrade Toeung ... Brother Number Two's messenger, came to take the documents"], 15.16.43, 15.18.21 ["certain urgent confession, I had to report directly on the phone to Son Sen; I ask his messenger to pick the confession up from S-21"]; **E3/5763** Kaing Guek Eav WRI, EN 00164361; **E3/60** Kaing Guek Eav WRI, EN 00195603; **E3/357** Kaing Guek Eav WRI, EN 00242932; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 09.31.11-09.46.20 [testimony of Nuon Chea messenger regarding delivery of documents from Duch to Nuon Chea]; **E3/423** Saut Toeung WRI, A105 ["I used to fetch mails from Duch to deliver back to Ta Nuon Chea directly"], A117; **E3/7616** Mam Nai WRI, EN 00164393 ["I knew that Duch sent the confessions to upper echelon ... I knew that the lists of all the prisoners were sent to the Center, who were the people who made the decisions"]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537. See e.g. **E3/1565** S-21 Confession of Kung Kien alias Eung Vet, 23 May 1977, EN 00822048 [cover page contains 21 May 1977 annotation from Duch to "Respected Brother," and 23 May 1977 annotation "Send directly to Brother Nuon"]; **E3/1581** S-21 Confession of Heng Pich alias Chhan, 15 Jan 1977, EN 00822295 [annotation from Duch to "Respected Brother" stating that Heng Pich had embedded within the CPK and referencing an individual implicated as a "KGB member" by the confession].

²⁵⁹⁸ **E1/63.1** Saut Toeung, T. 18 Apr 2012, 13.42.47-13.44.50 ["I used to take his letters to Ta Duch at Tuol Sleng"]; **E3/423** Saut Toeung WRI, A104 ["I was a messenger delivering mails for Ta Nuon Chea. I received mails from Ta Nuon Chea and delivered them to Ta Duch"], A106-113; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 09.39.38-09.43.55; **E3/359** Kaing Guek Eav Written Statement, EN 00434349 ["When I was chairman of S-21, I received letters from Son Sen and Nuon Chea. As I recall, they were short letters, just several words, brief, urgent orders"]; **E3/61** Kaing Guek Eav WRI, EN 00195573. See also **E3/1688** S-21 Confession of Chap Mit, 25 Feb 1978 [annotation recording instruction received by Duch from "brother number II" to remove certain names from confession].

²⁵⁹⁹ See **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.34.51-14.36.39 ["When enemies implicated certain individuals at the zone level, the upper echelon sent those confessions to the particular zone for review"];

zone secretaries,²⁶⁰² after which decisions were made on further individuals to be arrested.²⁶⁰³ In some cases, Duch attended meetings with Son Sen, S-71 Chairman Pang,

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- E3/357** Kaing Guek Eav WRI, EN 00242932 [“The confession was sent to the unit head for two reasons: on the one hand, to inform the unit head of enemy activities within that unit, and on the other hand, to allow him to contemplate the arrest of implicated persons”]; **E3/60** Kaing Guek Eav WRI, EN 00195602 [“one day, I complained about his sending entire, non-annotated confessions to the base, which made me fear massive, disorganised arrests. Nuon Chea replied to me that ‘The base also knows how to work’”].
- 2600 **RAK Divisions: E3/3691** S-21 Confession of Chea Soeun, 25 Aug 1977, EN 00835617 [annotation on confession of Regiment Secretary in Division 703: “Copy for Comrade Pin”]; **E3/3171** S-21 Confession of Srei Sareuan, 19 Oct 1977, EN 00824789 [annotation on confession of former Battalion Secretary in Division 502: “One copy sent to Comrade Met”]; **E3/3655** S-21 Confession of Sour Tuon alias Mao, 15 May 1977 [handwritten note from Son Sen to Division 801 Secretary Saroeun: “Please read this report of Mao and pick out the relevant names ± Unit 801”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.31.55-15.38.48 [testimony of chief of Division 801 security office that Division Secretary Saroeun forwarded him confessions from Phnom Penh containing the “names of people who had been implicated”]; **E3/407** Chhaom Se WRI, EN 00406223-24.
- 2601 **DK Ministries: E3/1547** S-21 Confession of Meak Touch alias Keam, 9 Feb 1978, EN 00771346 [annotation “Comrade Van” on confession of DK Ambassador to Laos]; **E3/1546** S-21 Confession of Mok Sam Ol alias Hong, 9 Jan 1978, EN 00224630 [annotations on confession implicating MSA and East Zone cadres: “[He is from] the Ministry of Social Affairs – It has already been resolved” and “submitted to Comrade Chan (East Zone Deputy Secretary)”]; **E1/67.1** Saloth Ban alias So Hong, T. 24 Apr 2012, 14.20.52-14.24.56 [confirming that S-21 confessions were sent to the Ministry of Foreign Affairs and read by Ieng Sary at meetings]; **E3/413** Saloth Ban WRI, EN 00361013-14; **E1/98.1** Rochoem Ton alias Phy Phoun, T. 30 July 2012, 11.36.45-11.44.44 [testimony of MFA Security Chairman that Ieng Sary received annotated confessions from Office 870 implicating people as “KGB or CIA”]; **E3/63** Rochoem Ton alias Phy Phoun WRI, EN 00231411 [“the names of those implicated were sent to Uncle Ieng Sary for him to clarify and tell them who those persons were”]; **E1/103.1** Suong Sikoeun, T. 7 Aug 2012, 09.26.23-09.29.27 [confirming Ieng Sary read from confessions]; **E1/110.1** Suong Sikoeun, T. 20 Aug 2012, 11.34.17-11.36.35 [testifying that he was called to Ieng Sary’s office and told he had been implicated in a confession].
- 2602 **Zones: E3/3648** S-21 Confession of Sieng Phon alias Pha, 28 Oct 1977 [annotation: “One copy for Brother Nuon to deliver to the Central Zone”]; **E3/1565** S-21 Confession of Kung Kien alias Eung Vet, 23 May 1977, EN 00822048 [annotation: “Extract sent to Comrade Mok”]; **E3/35** Ke Pich Vannak WRI, EN 00346161-62 [statement of son of Zone Secretary Ke Pauk: Central Zone office received “lists” of names from S-21, with the names of persons to be sent to Phnom Penh marked in red ink]; **E3/366** Ham Ansi WRI, EN 00250750 [Sector 105 military chief received from the Party Centre copies of S-21 confessions of Division 920 soldiers that “implicated persons they knew”].
- 2603 **E3/3697** S-21 Confession of Kun Dim, 21 July 1977, EN 00822359 [Son Sen annotations: “Division 164 of Comrade Mut are mentioned ... Contact Comrade Mut so that he can take measures. We have already basically removed all those on Comrade Mut’s side ... One copy sent to Brother Nuon”]; **E3/150** S-21 Confession of Hang Doeun alias Dim, 4 May 1977, EN 00224085 [annotation on confession of Division 164 Deputy Secretary: “Though some are the right people, some others, whom I have known, are not. I will invite comrade Mut to check this together”]; **E3/970** Letter from Division 502 Secretary Sou Met to Duch, 30 May 1977 [refers to “27 traitors from the traitorous string of Divisions 310 and 450” who were sent to S-21 on the evening of 29 May 1977, and requests that the “responses of Mao” be provided so that Met can “continue to search out enemies”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00-15.38.48 [testimony of Division 801 security chief that after the Division Secretary received confessions implicating cadres in the division, decisions were made on “whether the person should be arrested or disciplinary actions shall be taken”]; **E3/407** Chhaom Se WRI, EN 00406223-24 [confessions of Division 801 soldiers interrogated in Phnom Penh were sent to the Division Secretary, with annotations in red ink identifying cadres to be arrested]; **E3/1164** Report from Division 801 Secretary Roeun to Uncle 89 (Son Sen), 25 Nov 1976, EN 00516711 [proposed Organisational Measure No. 2: “To examine the document regarding a person implicated by the enemy and request for a temporary arrest”]; **E3/1060** Report from Division 801 Secretary Roeun to Uncle 89, 25 Mar 1977, EN 00574315 [“targets included those going against the revolutionary line and those newly and previously implicated by the enemy”]; **E3/3686** S-21 Confession of Yung Peou, 6 Apr 1977 [annotations: “request the grassroots to examine this case” and “A copy has been submitted to Comrade Pok”]; **E3/429** Kaing Guek Eav WRI, EN

and division leaders, at which decisions were made on arrests of RAK cadres implicated or suspected of being enemies.²⁶⁰⁴

642. Duch attended major speeches given by the top CPK leaders at annual events such as the Party anniversary and 17 April ceremony.²⁶⁰⁵ He participated in political study sessions conducted by Son Sen,²⁶⁰⁶ and in 1978 attended a five-day political training session presided over by Pol Pot and Nuon Chea.²⁶⁰⁷ He read every issue of the CPK

00403918-19 [discussing annotations on **E3/3686**: “When Son Sen says that it is necessary to ‘Ask the base,’ he is referring to the zones ... In practice, when a person was implicated in a confession, the superiors informed the head of the unit”]; **E3/355** Kaing Guek Eav WRI, EN 00242880 [“Before someone was arrested, it was compulsory to consult the head of his unit. Once the confession was collected, it was sent by Son Sen (then Nuon Chea) to the unit head”]; **E3/45** Kaing Guek Eav WRI, EN 00205162; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 15.07.32-15.09.55 [testifying that East Zone Secretary Phim was “called for a meeting with the Standing Committee” before decision made on arrest of Sector 24 Secretary Chhouk]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30 [confirming that as Sector 105 Secretary, he received a telegram from Pol Pot informing him that the confession of a Sector 105 official had identified “Comrade Sot” as a traitor]; **E3/938** Telegram from Sarun to Respected Brother, 23 April 1978 [telegram discussing the arrest of Sot, who was “implicated in the confession of the traitor A Chuon”]; **E1/399.1** Chan Toi, T. 10 Mar 2016, 11.25.44-11.28.27 [stating that he has “not heard” about Sot since 1978]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 13.42.19-13.48.20 [noting that he has not seen or heard about Sot since April 1978, the time of Sot’s arrest]. See also **E3/175** Letter from Se to Committee 870, 17 Apr 1978 [letter from North Zone Secretary forwarding confessions to Committee 870 to “[serve] as a document for searching for the string of traitors who burrow from within”].

²⁶⁰⁴ **E1/51.1** Kaing Guek Eav, T. 28 Mar 2012, 13.44.28-13.53.09; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.06.02-09.11.58 [referencing the meeting in **E3/822**, which was attended by Son Sen, Division 170 Secretary Sokh, and S-21 Chairman Duch: “The meeting was convened to discuss the people in Division 170 who were associates of Chan Chakrey ... in the conclusion, they started to prepare to round up people at Division 170 ... Finally, people in Division 170 were arrested”]; **E3/811** CPK Office 870 Minutes, 9 Sept 1976, EN 00178149-50 [meeting attended by Son Sen, Division 703 Secretary Pin, S-21 Chairman Duch, and S-71 Chairman Pang, discussing “strings” in Division 170 and concluding: “Those from Unit 170 should be rounded up”]; **E3/822** Meeting between Divisions 170 and 290 Minutes, 16 Sept 1976 [meeting attended by Son Sen, Duch, Division 170 Secretary Sokh, and Division 290 Secretary Tal, noting *Angkar*’s plan that “Chakrei’s links must be taken,” and agreeing upon arrests of additional 29 cadres from Division 170 and “Chakrey’s wife and niece”]; **E3/45** Kaing Guek Eav WRI, EN 00205162 [stating that he attended “two or three discussions” where the superior and unit head disagreed on whether to arrest an implicated person, including the meeting between Son Sen and Division 170 Secretary Sokh regarding persons implicated in Chan Chakrei’s confession].

²⁶⁰⁵ See e.g. **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 09.35.14-09.39.41 [describing 17 April rallies he attended in 1976 and 1977 that were presided over by Pol Pot and Nuon Chea].

²⁶⁰⁶ **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 10.11.34-10.35.00, 10.58.02-10.59.48; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 13.37.26-13.39.23 [“The political sessions lectured by Son Sen were conducted annually”]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 13.55.17-13.56.58; **E3/453** Kaing Guek Eav WRI, EN 00147583 [“Every year, I was called by Son Sen to attend a study session where the Party lines were illustrated. There were 100 or 200 participants in that study session ... It was for a one week period at the Olympic Stadium in Phnom Penh”]; **E3/1585** List of Participants – 1st General Staff Training, 20 Oct 1976, EN 00897665 [No. 284 – Comrade Duch, No. 286 – Comrade Hor, No. 287 – Comrade Huy].

²⁶⁰⁷ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.06.37-11.08.42 [“I went for a study session along with two other cadres, that is, Hor and Huy, and it was at the Suramarit Buddhist Institute on the upper floor ... the first part was about the 12 principles of morality and the second part of the training was about the progressive cooperative”], 11.10.07-11.18.34; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 09.25.21-09.27.48 [“Brother Pol and Brother Nuon led a meeting and I participated in that meeting”]; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.21.32-09.23.24 [describing study session held after 30 Sept 1978: “Nuon Chea were there and Pol Pot was presenting documents in the training sessions for senior cadres ... That political session was for five days”]; **E3/429** Kaing Guek Eav WRI, EN 00403923 [“There were

publication *Revolutionary Flag*, which was distributed to all Party members who worked at S-21.²⁶⁰⁸

643. S-21 cadres attended political education and training sessions conducted by Son Sen and Duch.²⁶⁰⁹ Cadres were instructed on the categories of persons considered enemies²⁶¹⁰ and the policy that all persons sent to S-21 were enemies to be “smashed.”²⁶¹¹ They were told they had to take an “absolute” stance in implementing Party policies,²⁶¹² and

more than 100 participants, especially Yun Yat and Ieng Thirith ... There were only 2 speakers: Pol Pot and Nuon Chea”]; **E3/5748** Kaing Guek Eav WRI, EN 00153571 [“All of the military personnel was at the front and Pol Pot personally came and gave the annual political lessons to the chairpersons of small units (S-21, State ‘stores’, tailoring group) and large units (Social Action, Health Ministry, etc.)”].

²⁶⁰⁸ **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.40.02-09.43.07 [there was a Party “requirement” that “members read this *Revolutionary Flag*”], 11.54.13-11.58.20 [“I read every single issue of the magazine so I could broaden my understanding of the Party back then”], 13.46.04; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 10.05.15-10.09.20; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 09.35.59-09.41.42 [“I encouraged my subordinates to study the magazines personally ... once we received, I ordered them to be distributed to the cadres at S-21”]; **E3/453** Kaing Guek Eav WRI, EN 00147583.

²⁶⁰⁹ **E1/427.1** Him Huy, T. 4 May 2016, 09.07.56-09.09.06, 09.23.50-09.25.50, 13.32.22-13.34.00 [“Son Sen alias Khieu came to teach us in 1977”], 15.27.50-15.35.15; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [instructions regarding Vietnamese “were relayed by Son Sen and Duch ... at S21 during a political study session”], 13.35.24-13.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.45.53-10.48.12, 11.00.06-11.02.11 [“I met Son Sen when he came to train us during the political study session near Duch’s house”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.24.49-14.26.24; **E3/7468** Lach Mean, T. 4 Aug 2009, 15.38.28-15.40.22 [describing Son Sen meeting teaching S-21 cadres “the Angkar political line”]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.42.26-10.48.56 [“political session ... presided over by Duch”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.17.31, 11.19.45-11.26.07 [“Regarding the annual meetings or education sessions annually in 1975 during the congress, I conducted the training. In 1976, I also conducted such sessions. In 1977, my superior, Son Sen ... led the congress himself ... maybe on the 24th of April 1977. And in 1978, I also chaired the meeting”], 11.31.27-11.32.49, 11.50.50-11.58.51 [annual meetings attended by “many people” from S-21, including “cadres, the members and the youth league members and the ordinary people who were in charge of a certain section”].

²⁶¹⁰ **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we were required to attend political study sessions to distinguish between the enemy and friends”], 09.11.17-09.13.02, 15.32.50-15.35.15; **E3/834** Pon-Tuy S-21 Notebook, EN 00184490 [“We attack the Yuon according to party principles: 1 against 30 on Yuon territory”], 00184504 [16 July 1978 notes: “The Party has decided to attack the Yuon enemy. At the same time ... contemptible ones inside open fire”], 00184509 [“The old tactical line designated that the enemy of socialist revolution was the capitalist. The new strategic line designates the enemies of the revolution are the CIA, KGB, the Yuon and their running dogs. In this, the Yuon and their running dogs, characteristically vicious, and personally dangerous to our revolution”], 00184517 [“we do not distinguish whether the enemies are active or not”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182964 [statement attributed to Duch: “Special Branch work is a task of class struggle. That is, it is aimed at smashing the oppressor class, digging out their trunks and roots to defend the Party”].

²⁶¹¹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.58.17 [“We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon ... it was their policy that enemy needed to be smashed. Every enemy needed to be smashed”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.30.33-14.31.57; **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we had to acknowledge that people who were arrested by Angkar were enemies”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.17.31 [Duch was responsible for “political training regarding the enemy”]; **E3/834** Pon-Tuy S-21 Notebook, EN 00184493 [“For those the Party arrests, we must designate the clear view that they are kinh [spies]”].

²⁶¹² **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.37.41-15.00.26 [“We had to be absolute. We had to have a firm position. We had to be loyal to the Party”], 15.02.57-15.05.05 [“It was Duch who taught us who gave us such instructions that we had to be cruel. We had to be arrogant and that we should not think of or have any pity towards prisoners and that we had to be absolute in striking the enemy”]; **E1/427.1** Him Huy, T.

do whatever “the Party requires” in order to “defend the leadership apparatus of the Communist Party of Kampuchea.”²⁶¹³ As described by S-21 guard Him Huy:

During the study sessions, there were many participants ... we were [told we were] the children of Angkar and not the children of our parents, although our mothers ... bear us, but it was Angkar who were our real parents and that we had to implement any instruction or activity imposed by Angkar.²⁶¹⁴

IMPRISONMENT, UNLAWFUL CONFINEMENT, AND WILFUL DEPRIVATION OF A FAIR TRIAL

644. In its 3¼ years of existence, over 18,000 victims²⁶¹⁵ were imprisoned at the S-21 security office. The Party Centre leaders bore direct responsibility for this crime, as they determined the categories of persons considered enemies, made decisions on arrests of high-ranking cadres, and approved the transfer to S-21 of lower-ranking cadres arrested in the zones or military units. CPK leaders did not provide those imprisoned at S-21 with due process rights such as the right to counsel, the right to be informed of the charges against them, and the right to challenge evidence. Rather, the thousands of victims of S-21 were arrested, detained, and executed without any legal protection whatsoever.

4 May 2016, 09.04.44-09.06.13; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.41.05-15.05.43; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46 [“we educated them (S-21 cadres) to have an absolute class stance because when people who were sent to S-21 were regarded as enemies; this is how I taught them. If you did not regard them as enemies, you could never extract confession from them. So I talked to every cadre to regard people who were sent as enemies”], 11.43.15 [Duch taught Party policy to the “entire S-21 unit,” including “the policy of being absolute or the strategy to defeat the enemy from one stage to the next”: “When I taught annually, I taught it repeatedly and the language of Pol Pot is that when you walk, the sharp sword is the one that is used, not the one which is in its case”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182954-56 [“we did not carry out the duty absolutely, therefore it means we have breached the circulars and lines of the Party’s organizational discipline”].

²⁶¹³ **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182961 [“whatever the Party instructs us to do, we must do it ... we must respect the Party’s instructions without conditions on all matters”], 00182963 [“In summary, our task is what the Party requires, and at whatever time, we go on the offensive at that very moment”], 00182959 [“We only ask the points that the Party instructs us to ask because the Party grasps the situation”], 00182969 [“If the Party orders us to beat, then we beat with mastery”]; **E3/834** Pon-Tuy S-21 Notebook, EN 00184504 [on Yuon and internal enemies: “the general direction is to find their connections in Phnom Penh, that’s important in order to be able to defend the leadership apparatus of the Communist Party of Kampuchea”].

²⁶¹⁴ **E1/427.1** Him Huy, T. 4 May 2016, 09.23.50. *See also* **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.41.05-15.01.43 [“I received instructions from Him Huy to be vigilant and to have an absolute stance ... An absolute stance means that we should not have any emotional attachment to any of our relatives”].

²⁶¹⁵ **Annex F.1 Revised OCIJ S-21 Prisoner List.**

1. Deprivation of Liberty of Persons Sent to S-21

645. Prisoners entered S-21 handcuffed and blindfolded,²⁶¹⁶ remained so while registered,²⁶¹⁷ and were then taken by guards to cells and placed in shackles.²⁶¹⁸ As detailed in the *Other Inhumane Acts* section, prisoners remained permanently shackled in cells the entire time they were at the S-21 compound, except when taken out for interrogation or execution.
646. Prisoners were detained in the three-storey school buildings located within the S-21 compound. Buildings B, C, and D were used for the detention of ordinary prisoners²⁶¹⁹ and contained both large detention rooms and small cells only two by one and a half metres in size.²⁶²⁰ Senior CPK cadres, foreigners, and Vietnamese prisoners were

²⁶¹⁶ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.14.32-14.16.43; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.39.10-09.41.12; **E3/7463** Prak Khan, T. 21 July 2009, 09.56.58-10.03.45; **E1/426.1** Him Huy, T. 3 May 2016, 15.52.39-15.53.57; **E3/7461** Him Huy, T. 16 July 2009, 10.02.19-10.04.38, 10.13.34-10.16.04, 10.19.54-10.21.58; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.56.18-09.58.48; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.14.20-10.18.40, 10.24.05-10.26.35 [“the people who went out to receive prisoners ... brought with them some shackles or handcuffs and pieces of cloth to blindfold the prisoners”]; **E3/454** Kaing Guek Eav WRI, EN 00147602; **E3/7450** Vann Nath, T. 29 June 2009, 09.51.49-09.59.13; **E3/7674** Vann Nath WRI, EN 00163737-38 [“They handcuffed us together in pairs, released the shackles ... Then they blindfolded us and put a rope around our necks and led us inside (Drawing 6)”], 00163746 [Drawing 6]; **E3/7653** Kok Sros WRI, EN 00705429; **E3/7672** Meas Peng Kri WRI, EN 00163706 [describing transport of prisoners from Battambang to S-21: “Their arms were tied behind their backs, and they were blindfolded ... I drove them to the entrance, and the guards took the prisoners inside”]; **E3/5765** OCIJ Report on Reconstruction, EN 00198000-01. **Photographs of S-21 prisoners in handcuffs or chains: E3/8639.2097, E3/8639.2102, E3/8639.2105, E3/8639.2950, E3/8639.3319, E3/8639.3321, E3/8639.3813, E3/8063.125, E3/8063.114, E3/8063.23, E3/8063.7.**

²⁶¹⁷ **E1/431.1** Suos Thy, T. 3 June 2016, 14.10.17-14.12.50 [“they were still blindfolded and cuffed ... when they arrived at my location”]; **E3/7465** Suos Thy, T. 27 July 2009, 14.27.44-14.31.30 [“during the recording of their names they were still in blindfolds and they were still tied or cuffed”].

²⁶¹⁸ **E1/431.1** Suos Thy, T. 3 June 2016, 14.10.17-14.12.50; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.00.05-10.03.23 [stating that after registration he was “pushed inside” a cell and his “ankle was shackled”]; **E3/7461** Him Huy, T. 16 July 2009, 10.13.34-10.16.04; **E3/7625** Kok Sros Statement, EN 00164564; **E3/7674** Vann Nath WRI, EN 00163737 [“After being photographed, they blindfolded me again and led me upstairs in what is Building D today, and they put me in a long common shackle”]; **E3/503** Iem Horn WRI, EN 00401856 [“I was the one who took the prisoners to the room, untied their blindfold, shackled them and then took off the handcuffs”]; **E3/8386** S-21 Circular, EN 00521632 [“When locking up the enemies, it is necessary to carefully examine the locks, the bracelets and the chains and only then can one remove the handcuffs and take off the blindfolds”].

²⁶¹⁹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.06.20-14.07.32, 14.24.42-14.26.19 [“There were three main buildings to detain prisoners”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.44.06-10.48.08 [detained in Building C]; **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.08.04; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16 [“Building C, D, and B were the ... detention buildings”]; **E3/5765** OCIJ Report on Reconstruction, EN 00198000-02, 00198005-06; **E3/9431** OCIJ S-21 Reconstruction Photographs, EN 00198029 [photo showing Buildings A, B, C, D, and E]; **E3/8116** OCIJ S-21 Reconstruction Photographs, EN 00360047-48, 00360058, 00360061 [photographs of detention buildings].

²⁶²⁰ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19 [detention buildings contained both small cells for individual prisoners and large common rooms]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.00.05-10.03.23 [cell in which he was initially detained was approximately one and a half by two metres], 10.44.06-10.48.08 [after detention in the small cell, he was placed in a “big room” in Building C that

processed and detained at the Special Prison,²⁶²¹ which was initially located in houses to the south of the compound, but later in Building A (which was also used for interrogation).²⁶²² At its busiest period, S-21 held over 1,700 prisoners,²⁶²³ though the number of prisoners more typically ranged between 1,000 and 1,500 persons.²⁶²⁴

647. The prison compound was surrounded by a corrugated zinc outer fence²⁶²⁵ and a wrought iron inner fence “covered with barbed wire.”²⁶²⁶ One of the prison fences was

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- held around 40 other detainees], 11.16.50-11.18.25; **E1/418.1** Chum Mey, T. 19 Apr 2016, 09.51.17-10.00.15; **E3/7451** Chum Mey, T. 30 June 2009, 14.19.52-14.22.54; **E1/427.1** Him Huy, T. 4 May 2016, 09.29.33-09.32.45; **E3/5765** OCIJ Report on Reconstruction, EN 00198005 [Vann Nath detained in a large cell on “top floor in building D” in which “the number of prisoners varied between 40 and 60”]; **E3/7641** Lach Mean WRI, EN 00363554 [“The north building in the middle level had large cells where they placed prisoners in long iron leg shackles. The middle building had small cells, both on the middle floor and the lower”]; **E3/8116** OCIJ S-21 Reconstruction Photographs, EN 00360055, 00360064 [large cells], 00360063 [small cells], 00360062 [photo of Chum Mey in S-21 cell]; **E3/9431** OCIJ S-21 Reconstruction Photographs, EN 00198074-75 [photograph of Cell 22 in Building A, in which Chum Mey was detained during 12 days of interrogation], 00198076; **E3/8063.53** Photograph, S-21 Building B Rear; **E3/8063.54** Photograph, S-21 Building C Rear; **E3/8063.85** Photograph, S-21 Building C Front.
- ²⁶²¹ **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/428.1** Him Huy, T. 5 May 2016, 10.08.03-10.32.25 [important prisoners “usually” detained at the special prison]; **E1/430.1** Suos Thy, T. 2 June 2016, 15.34.42-15.37.33; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11 [“important detainees would be segregated and ... put into their special prisons”], 14.42.48-14.45.09 [“Western detainees were ... sent to be detained straight at the special prison”]; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.26.19-14.28.30 [“For important prisoners, they did not want staff or guards at S-21 to see them being detained at S-21”]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.53.05 [“when it comes to important prisoners, the prisoners would be kept at the special prisons”]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.37.06-15.39.11 [foreigners and Vietnamese prisoners of war detained and interrogated at the special prison]; **E1/54.1** Kaing Guek Eav, T. 26 Mar 2012, 09.17.20.
- ²⁶²² **E1/428.1** Him Huy, T. 5 May 2016, 10.34.00-10.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/430.1** Suos Thy, T. 2 June 2016, 11.06.08-11.10.20; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.37.06-15.39.11 [special prison moved to Building A “toward the second semester of ’78”]; **E3/7450** Vann Nath, T. 29 June 2009, 11.45.45-11.48.38; **E1/418.1** Chum Mey, T. 19 Apr 2016, 09.58.37-10.00.15 [he was interrogated in Building A]; **E3/7616** Mam Nai WRI, EN 00164391 [“The south building between Streets 360, 143, and 350 was the interrogation site for special prisoners like [Vorn] Vet”]; **E3/8063.66** Photograph of S-21 Building A.
- ²⁶²³ **E3/10008** S-21 Daily Counting List, 15 Oct 1977 [total of 1,729 prisoners at end of day]; **E3/10770** Logbook of S-21 Daily Counting Lists, KH 01355964 [10 June 1977 – 1,698 prisoners], 01355970-74 [total prisoners in excess of 1,600 from 17-21 June 1977], 01356085-91 [total prisoners in excess of 1,600 from 10-16 Oct 1977, and over 1,700 on 15 and 16 Oct 1977]. *See also Annex F.48 List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977.*
- ²⁶²⁴ **Annex F.48 List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977**; **E3/10770** Logbook of S-21 Daily Counting Lists [showing daily totals of prisoners for the period from 23 March to 3 December 1977]. *See also E3/1684* David Chandler, *Voices from S-21*, EN 00192714-15 [“The number of prisoners at S-21 varied, reflecting the waxing and waning of the purges that swept through DK from mid-1976 onward ... The prison’s maximum capacity, reached in 1977, was around 1,500 prisoners”].
- ²⁶²⁵ **E1/430.1** Suos Thy, T. 2 June 2016, 10.55.22-10.57.44 [“At Pohnea Yat high school, there were two levels of fences ... as for the outer fence, it consisted of only zinc fence”]; **E1/428.1** Him Huy, T. 5 May 2016, 15.15.48-15.17.38, 15.22.55-15.26.03 [referencing “zinc fence”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 13.48.12-13.51.13 [“corrugated tin fence” along the road outside S-21 was “about 50 metres away from the prison compound”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 13.50.36-13.53.25 [describing “corrugated” fence at “outer perimeter”].
- ²⁶²⁶ **E1/422.1** Lach Mean, T. 26 Apr 2016, 13.48.12-13.51.13 [describing inner fence “covered with barbed wire to hold the prisoners in the building”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.00.50 [“It was a

electrified.²⁶²⁷ Detainees were also prevented from escaping by the three levels of guards²⁶²⁸ who were assigned to patrol inside the prison,²⁶²⁹ outside the walls of the compound,²⁶³⁰ and in the surrounding neighbourhood.²⁶³¹ As a result of these security measures, almost no one was ever able to escape from S-21.²⁶³²

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- barbed wire fence with corrugated iron surrounding S-21”]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.55.22-10.57.44 [describing inner fence “surrounding the prison compound” as “a wall mounted by barbed wire together with zinc”]; **E1/428.1** Him Huy, T. 5 May 2016, 15.15.48-15.17.38; **E3/7450** Vann Nath, T. 29 June 2009, 14.39.24-14.43.11 [“Behind Building B and C there were a barbed wire fence”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192681 [“The silent, malodorous site was surrounded by a corrugated tin fence topped with coils of barbed wire”]; **E3/8063.95** [photograph showing coils of barbed wire between wrought iron fence and corrugated zinc fence]; **E3/3095R** Video *Die Angkar*, 1981, 30:31-30:36 [film footage showing coils of barbed wire around fences]; **E3/3139R**, Video *Vietnamese Disc 2*, 01:42:25-01:50:02 [footage of S-21 compound after its discovery by Vietnamese troops, including barbed wire fence]; **E3/8063.10** and **E3/8063.101** [photographs showing exterior of corrugated zinc fence with barbed wire on top].
- ²⁶²⁷ **E3/7450** Vann Nath, T. 29 June 2009, 14.39.24-14.43.11 [“electricity was used on the fence to defend the building”]; **E3/7625** Kok Sros WRI, EN 00164563 [“If this had happened at night, he would have been shocked by the electric fence, which was turned on after 6 pm until 6 am”]; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396875 [describing his return to Tuol Sleng in August 1979: “Everything looked exactly the same as before ... The electric fence made of corrugated iron sheets and barbed wire was still in place”]; **E3/8063.96** [S-21 photograph showing barbed wire on wrought iron fence and apparatus used for electrifying the barrier].
- ²⁶²⁸ **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.05.33 [“units or groups ... were tasked to guard both inside and outside the compound”]; **E3/5154** Him Huy WRI, EN 00161597; **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.23.23-11.25.38; **E3/7640** Chiem Soeur WRI, EN 00225107 [“[Q:] Were any prisoners able to run away? [A:] I did not come across any prisoner who could do so since there were three levels of guards”]; **E3/503** Iem Horn WRI, EN 00401856; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.13.47 [“Peng’s forces guarded inside; the special forces of Comrade Huy guarded outside”]; **E3/8386** S-21 Circular [describing duties of guards].
- ²⁶²⁹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.02.14-15.04.26; **E3/7641** Lach Mean WRI, EN 00363553 [“I was in the defense unit there too, guarding the prisoners in the cells”]; **E3/7668** Ches Khiev alias Peou WRI, EN 00401849; **E3/7638** Nhep Hau WRI, EN 00401788 [“Guarding inside the compound ... Five teams guarded from 6 to 11, and another five teams continued in the afternoon”]; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7470** Chhun Phal, T. 10 Aug 2009, 09.57.01-10.05.43; **E3/7665** Chhun Phal WRI, EN 00163813-14 [“I guarded ... in the buildings ... There were four guard shifts; each guard stood two alternating shifts during one day and one night”].
- ²⁶³⁰ **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.30.10-09.32.42 [“We had to stand guard at the gates, and we were required to open and close the door to make sure that no one could enter into S-21 freely”]; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.10.52-09.13.41 [witness was 200-300 metres from the centre of the prison, “guarding the main gate leading to the main building”]; **E3/7663** Tay Teng WRI, EN 00401836; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.13.47 [“The special force had the following six tasks. First to guard outside the premises”]; **E3/5154** Him Huy WRI, EN 00161597; **E3/7625** Kok Sros Statement, EN 00164563 [“There were 100 in my group ... they assigned each of us to guard a 5 square meter area, and we were not allowed to sit down”]; **E3/7665** Chhun Phal WRI, EN 00163813.
- ²⁶³¹ **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13 [describing an occasion that he was “guarding outside the compound near the fire station”]; **E3/7671** Pen Heng WRI, EN 00163694 [“I was stationed on guard in the houses southwest of Tuol Sleng where ... they were holding prisoners”]; **E3/7640** Chiem Soeur WRI, EN 00225105, 00225107.
- ²⁶³² **E1/427.1** Him Huy, T. 4 May 2016, 15.25.45-15.27.50 [witness knew of only one case in which a prisoner escaped from S-21]; **E1/431.1** Suos Thy, T. 3 June 2016, 11.04.01-11.06.12 [witness knew of one incident in which a prisoner successfully fled]; **E3/7640** Chiem Soeur WRI, EN 00225107; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 09.23.38 [the first purpose of fence surrounding S-21 compound was “to prevent prisoners from escaping”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.47.30-11.51.46 [“there was only one case of escape and the person went back to the unit and the unit sent back to S-21;

2. Lack of Due Process

648. Decisions to arrest and imprison people at S-21 were made without the involvement or oversight of any judicial body. Individuals were often arrested solely on the basis of torture-induced confessions that named long lists of purported traitors or enemies of the regime.²⁶³³ Regardless of how prisoners wound up at S-21, they were not informed of their rights or the charges against them, or even of the reason for the arrest.²⁶³⁴ Nor were they entitled to challenge their arrest and imprisonment through any judicial mechanism as DK authorities did not establish courts, criminal codes, or legal processes.²⁶³⁵

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- that was from the 170th Unit”].
- ²⁶³³ **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.20.50-10.24.05 [“people were arrested based on the implication in the confessions”], 11.06.08-11.11.45; **E3/453** Kaing Guek Eav WRI, EN 00147584; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185023 [“the purpose of confessions was so upper echelon could analyse them and find traitors ... so they could track traitorous networks”]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343 [“The core work of Special Branch in that era was sending confessions to upper echelon: it was the confessions that upper echelon wanted in order to increase their suspicions and to stupidly continue arresting and killing people, their own flesh and blood”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.50.50-15.52.39 [“We were assigned to interrogate because they want to find out the strings or network of traitors”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.21.40-11.23.23 [“prisoners usually implicated others in their confessions, so we had to search for all those related people”], 15.44.45-15.46.32; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.40.25-10.44.06 [surviving detainee was repeatedly interrogated and tortured about which network he belonged to, until he “fabricated” a list of names of supposed traitors], 13.44.05-13.47.18 [“[interrogators] forced me to confess and to implicate others”].
- ²⁶³⁴ **E1/427.1** Him Huy, T. 4 May 2016, 14.01.12-14.02.48 [when individuals were apprehended for transport to S-21, they were not informed of their rights]; **E3/7452** Bou Meng, T. 1 July 2009, 10.02.24-10.05.02 [“I was shocked and confused because I did not know why I was arrested and I did not know how I responded to them”], 14.11.30-14.14.18 [“I did not know what kind of bad deeds I committed ... But then Angkar would say that Angkar had multiple eyes like the pineapple so they never made any wrong arrests”]; **E3/7456** Chin Met, T. 8 July 2009, 14.25.19-14.28.10 [“Q: Were you told of any charges upon being arrested? A: I was not asked, I was not told anything about the charges”]; **E3/7457** Nam Mon, T. 9 July 2009, 15.30.23-15.32.27; **E3/503** Iem Horn WRI, EN 00401858 [“I did not know the reason of my arrest”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.53.58-09.58.48 [when transported to Tuol Sleng, he was told he was going to Vietnam to repair vehicles]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.12.49-11.13.56; **E3/7450** Vann Nath, T. 29 June 2009, 10.12.27-10.14.15 [“They [those who arrested him] did not tell me anything”], 11.48.38-11.56.55 [“those who came along with me to S-21, the majority of them did not know anything or any offence that would lead to their arrest. They were perplexed as to what happened, why they were arrested”].
- ²⁶³⁵ **E1/430.1** Suos Thy, T. 2 June 2016, 13.45.28-13.46.51 [“In the period, the new prisoners, when they came in, were not represented by any lawyers or were not adjudicated by any judges; they were imprisoned right away without contest”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.23.04-14.24.42 [“All prisoners who were detained there, they did not have any lawyer or anyone who came to defend them”]; **E1/427.1** Him Huy, T. 4 May 2016, 14.08.30-14.10.11 [“prisoners who were brought in did not have any rights since they were accused of being enemies. So their rights were forfeited”]; **E3/7461** Him Huy, T. 16 July 2009, 15.14.11-15.16.47 [“During the Khmer Rouge regime the court was non-existent. They were taken and killed. It was simply like that”]; **E3/1691** David Chandler, T. 6 Aug 2009, 10.20.45-10.22.38 [“there were no laws, no judges, no lawyers, no courts in Democratic Kampuchea. There’s a Court was mentioned in its Constitution and a Judge was named head of that Court who was later purged at S-21. But no trials took place”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192813; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185022-23 [“under the DK, there were no courts, no prisons, no minister of justice ... anyone who entered S-21 whether there was a confession or not, could be killed with no problem at all. So, the purpose of a confession was not a legal one, like it was everywhere else ... anyone arrested would certainly die”]; **E3/451** Kaing Guek Eav Statement, EN

649. Duch has acknowledged the innocence of people imprisoned at S-21, admitting that many of the prisoners he personally knew were “wrongly” arrested.²⁶³⁶ As affirmed by Duch and other S-21 cadres,²⁶³⁷ once these victims were branded enemies by the Party leaders and sent to S-21, their fate was sealed:

the prison for S-21 was not the prison in other countries with the rule of law ... this location was reserved for keeping people to be executed, so there would not be any rules to safeguard – legal safeguard to protect their rights ... So we already treated them as dead people. We only waited for the time when they would be smashed.²⁶³⁸

650. Nuon Chea’s Defence spent much of the trial unsuccessfully trying to prove that a handful of S-21’s 18,000 prisoners had engaged in some form of treason against the Khmer Rouge regime. The effort was futile from the start. Even if such an allegation was proven, it would not have absolved **Nuon Chea** of a single crime perpetrated at S-21. International law does not permit authorities to imprison and execute people without any judicial process.

3. Total Number of S-21 Prisoners

651. *Documentation of Prisoner Entries*: S-21 used a meticulously detailed record system to keep track of prisoners, including daily entry lists,²⁶³⁹ photographs,²⁶⁴⁰ prisoner

00204356 [admitting “illegal arrests” and “inhumane killings of people without trials”]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 [“Q: Do you confirm that there were never any procedural safeguards aimed at assessing the necessity of arrest and detention and granting detainees a trial before they were executed? A: 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”].

²⁶³⁶ **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185040 [“Emphasizing those I knew personally who were arrested, the possibilities they were arrested wrongly were very great, it was wrong to arrest them”].

²⁶³⁷ See **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.29.44-14.31.45 [“I never heard the words, ‘making mistake’ in arresting the prisoners. They never used that. Everyone who was arrested and brought in was considered as the enemy”]; **E1/430.1** Suos Thy, T. 2 June 2016, 13.52.10-13.56.20 [“I know that the prisoners who came into S-21 were already considered dead ... When they were brought in, they were supposed to be killed”]; **E1/427.1** Him Huy, T. 4 May 2016, 09.11.17-09.13.02; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.56.09 [“We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon”]; **E3/7495** Nhem En Interview, Mar 1997, EN 00078259 [“I saw what they did was dictatorial, cruel, summary justice (*kmein ka samreik jet*). They were not do[ing] investigations before killing people”].

²⁶³⁸ **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.22.00-11.25.54.

²⁶³⁹ See e.g. **E3/2285** Names of Prisoners Entered on 2 July 1977, EN 00873556.

²⁶⁴⁰ **E3/9837** DC-Cam Collection of S-21 Prisoner Photographs; **E1/431.1** Suos Thy, T. 3 June 2016, 14.22.33-14.25.13 [“For prisoners who were brought in, they would be registered. Their photographs were taken”]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“photos taken just after the prisoners arrived”]; **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 14.36.20-15.00.45, 15.25.47-15.29.50; **E3/7639** Nim Kimsreang WRI, EN 00162737-38; **E3/5765** OCIJ Report on Reconstruction, EN 00198000 [“After the registration Suos Thy would send them to the photographer in the next room”].

biographies,²⁶⁴¹ interrogation logs,²⁶⁴² and execution lists.²⁶⁴³ Most of these records were prepared by Suos Thy and the Documentation Unit,²⁶⁴⁴ which was based in Building E and registered the names, positions, and places of origin of prisoners upon their arrival at S-21;²⁶⁴⁵ recorded the building and cell numbers in which each person was imprisoned;²⁶⁴⁶ and prepared individual files for each prisoner that included their biographical information and photograph.²⁶⁴⁷ These contemporaneous records establish both the number and identity of the victims imprisoned at S-21.

652. *OCP and OCIJ S-21 Prisoner Lists*: During the investigative phase of these proceedings, OCP compiled an S-21 Prisoner List that identified a total of 12,273 prisoners,²⁶⁴⁸ which was created by merging two composite DC-Cam lists of entering and executed S-21 prisoners, but did not entail a document-by-document review of all available individual S-21 records. Even while on trial for the murder of the people imprisoned at S-21, Duch acknowledged that the OCP number was lower than the actual number of people imprisoned and killed at S-21.²⁶⁴⁹ Expert David Chandler,

²⁶⁴¹ See e.g. **E3/1532** Biography of Ing Sok, 29 Dec 1978.

²⁶⁴² See e.g. **E3/1951** S-21 Interrogation List, 10 May 1978; **E3/8671** S-21 Interrogation List, 2 Feb 1978.

²⁶⁴³ See e.g. **E3/10455** List of Prisoners Smashed on 31 December 1978.

²⁶⁴⁴ **E1/430.1** Suos Thy, T. 2 June 2016, 11.02.34-11.04.25 [witness was tasked with recording the entry of prisoners to S-21], 13.33.02-13.34.32; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.34.54-09.36.48, 09.49.40-09.51.36 [“When prisoners arrived, based on what I saw, at Suos Thy’s office, the prisoners were photographed, measured and their biographies were drawn up”].

²⁶⁴⁵ **E1/430.1** Suos Thy, T. 2 June 2016, 15.19.21-15.21.08 [“Usually they would be brought in in a batch of about 30 and then I would take a brief biography of each prisoner, including their names, parents’ names, occupations and units”]; **E1/431.1** Suos Thy, T. 3 June 2016, 10.34.22-10.36.26; **E3/7465** Suos Thy, T. 27 July 2009, 13.54.14-13.57.37, 14.24.17-14.31.30; **E3/7466** Suos Thy, T. 28 July 2009, 09.29.13-09.40.50 [identifying lists of incoming prisoners prepared by his unit], 09.59.53-10.02.17 [confirming practice for registering new prisoners]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.17.07-11.20.07; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16 [“Building E was for taking photograph for recording, making lists of documents”]; **E3/5748** Kaing Guek Eav WRI, EN 00153567, 00153575; **E3/5765** OCIJ Report on Reconstruction, EN 00198000; **E3/7450** Vann Nath, T. 29 June 2009, 09.51.49-09.56.24 [“we were asked about biography, where we came from, what is our name, so I told them my name, that I came from the fifth cooperative from the Northwest Zone”]; **E3/10604** OCIJ S-21 Prisoner List, No. 7992 [Heng Nat, 34 year old former painter from Cooperative 5, Sector 4 of Northwest Zone] referencing **E3/10432** List of Prisoners Entering on 7 January 1978, EN 01366919, **E3/10260** List of Prisoners from Northwest Zone, KH 01016815.

²⁶⁴⁶ **E1/431.1** Suos Thy, T. 3 June 2016, 14.22.33-14.26.49 [“later on, I would go to those cells, to note down the particular cells that the prisoners were held in”]; **E3/7465** Suos Thy, T. 27 July 2009, 14.27.44-14.31.30; **E3/5765** OCIJ Report on Reconstruction, EN 00198000.

²⁶⁴⁷ **E1/431.1** Suos Thy, T. 3 June 2016, 14.18.20-14.20.53; **E1/432.1** Suos Thy, T. 6 June 2016, 15.30.40-15.32.20, 15.34.32-15.36.47; **E3/3466** Biography of Pak Khna alias Koem, 3 Feb 1978.

²⁶⁴⁸ **E3/342** OCP Revised S-21 Prisoner List.

²⁶⁴⁹ **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.15.48-09.20.21 [“Q: Were there 12,380 prisoners killed at S-21? A: ... I think the number could even exceed that number”]; **E3/5811** Kaing Guek Eav, T. 27 Nov 2009, 11.55.07-11.59.00 [“Yesterday the national prosecutor indicated the new number of 12,300. I never challenged such number anyway because I admit that even more -- there were more than the number already indicated who died at S-21”]; **E3/5771** Kaing Guek Eav WRI, EN 00185503.

based on a review of entry records which were admittedly incomplete, had estimated a total of 14,000 S-21 prisoners.²⁶⁵⁰

653. From 2014 to 2016, an OCIJ analyst conducted a comprehensive review of all available S-21 prisoner entry lists, supplemented in some cases by execution lists, biographies, and the Tuol Sleng list of S-21 confessions, and identified a total of 15,101 prisoners.²⁶⁵¹ The OCIJ S-21 Prisoner List was admitted on 5 April 2016.²⁶⁵² The underlying S-21 documents referenced for each individual in the OCIJ List, establishing their imprisonment at S-21, were admitted on 11 May 2016,²⁶⁵³ with the agreement of all parties.²⁶⁵⁴
654. In reviewing the new OCIJ S-21 List, OCP noted that over 2,200 individuals who appeared on the OCP Revised S-21 Prisoner List had been omitted. Excluding those left off because they were duplicate entries, OCP was able to identify contemporaneous S-21 records for 1,606 of the omitted individuals, information which was filed on 8 August 2016.²⁶⁵⁵ Moreover, after confirming that the OCIJ S-21 List was based primarily on a review of prisoner entry records and excluded many S-21 execution lists

²⁶⁵⁰ **E3/1684** David Chandler, *Voices from S-21*, EN 00192714-15 [“Although the totals listed here come to only 13,206, given the lacunae in the data it seems prudent to estimate the prison population between 1975 and 1979 as approximately 14,000”].

²⁶⁵¹ **E3/10604** OCIJ S-21 Prisoner List; **E393.1** OCIJ Memorandum “OCIJ S-21 Prisoner List and explanation of the applied methodology”, 30 Mar 2016; **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 09.56.39-09.58.26 [“I worked on the S-21 lists, particularly lists of incoming prisoners”], 10.36.23-10.41.07, 10.45.15-10.47.27 [review included “list of confessions” from the Tuol Sleng archives], 11.06.05-11.08.46, 13.35.27-13.36.56 [“Regarding the methodology, first I mainly focused on the list of incoming prisoners from 1975 up to 1979 ... Normally there are a list of incoming prisoners on a daily basis, a weekly basis, monthly basis and yearly basis. And then I will review other documents as indicated in the various columns, for instance the biographies”].

²⁶⁵² **E393** Trial Chamber Memorandum “Decision admitting new OCIJ Prisoner List”, 5 Apr 2016 [noting in para. 3 that the admission of the OCIJ List was also in response to a “Nuon Chea Defence request to obtain pertinent new evidence created by the ICIJ in Cases 003 and 004”]. See also **E1/418.1** T. 19 Apr 2016, 09.29.35 [statement of Nuon Chea Defence counsel that he had “more confidence” in the OCIJ S-21 List than the previous list of OCP]; **E1/425.1** T. 2 May 2016, 14.03.21 [Nuon Chea Defence: “we now have a list which at least *prima facie* seems to be more reliable than the list which was used by the parties in Case 001”].

²⁶⁵³ **E393/1** Trial Chamber Memorandum “Admission of documents underlying S21 prisoners list produced by the OCIJ”, 11 May 2016.

²⁶⁵⁴ **E1/425.1**, T. 2 May 2016, 13.44.58 [OCP: “we have no objection to the underlying records being admitted”], 13.47.04 [Civil Parties: “we do not object to the admission of those documents but, on the contrary, would wish that those documents be admitted”], 13.51.30 [Khieu Samphan Defence: “it goes without saying that if the Chamber admitted that list, all documents that have helped in laying the foundation for the establishment of that list are relevant”], 14.10.12 [Nuon Chea Defence – regarding the 871 underlying documents cited in the OCIJ List: “We actually support the idea that all documents should be admitted”].

²⁶⁵⁵ **E393/2** Co-Prosecutors’ Submission Regarding OCIJ Combined S-21 Prisoner List with Annexes A and B, 8 Aug 2016. This list was subsequently corrected to a total number of 1,592 when the OCP identified and removed a number of duplicates. See **E393/2** Co-Prosecutors’ Submission Regarding OCIJ Combined S-21 Prisoner List with Annexes A and B, 13 April 2017.

and all photographs,²⁶⁵⁶ OCP conducted a thorough review of the execution lists and prisoner photographs in evidence, and identified an additional 1,440 individuals who were imprisoned at S-21. Both additions to the OCIJ List have been incorporated into the OCIJ S-21 spreadsheet, and the updated list now identifying a total of 18,133 S-21 prisoners is filed herewith as **Annex F.1** Revised OCIJ S-21 Prisoner List. Of the 18,133 prisoner records, data pertaining to 17,961 prisoners was analysed prior to the filing of this brief in **Annex F.2** Revised OCIJ S-21 Prisoner List Charts & Graphs. These figures highlight arrest and execution/death patterns and demonstrate the arrest and execution of different targeted groups over time and place.

4. Types/Categories of Prisoners Detained at S-21

655. The 18,133 victims imprisoned at S-21²⁶⁵⁷ consisted of people from various backgrounds, including former Khmer Republic soldiers and officials (471 prisoners),²⁶⁵⁸ Cambodians returned from overseas, Vietnamese nationals (728 prisoners),²⁶⁵⁹ other foreigners, and, most numerous, soldiers, cadres, and ordinary workers from the zones, RAK divisions, ministries, and other DK organisations purged by the CPK leadership. The immediate relationship between S-21 and the CPK's countrywide criminal policies can be seen when the composition of S-21's prisoners is juxtaposed against the internal or external enemies targeted by Party Centre leaders. Victims at S-21 predominantly hailed from the organisations and areas selected for purges by the CPK leaders, such as the East Zone (2,272 prisoners),²⁶⁶⁰ the Northwest Zone (1,423 prisoners)²⁶⁶¹ and RAK Division 310 (1,302 prisoners).²⁶⁶² Additionally, more than 1,100 people²⁶⁶³ were imprisoned at S-21 because they were related to another prisoner, a clear demonstration of the CPK's policy to "dig up the roots" of an enemy's network.²⁶⁶⁴

²⁶⁵⁶ **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 10.56.58-11.04.10 ["I only worked on the incoming prisoner's list ... I did not have time to examine those photos"], 11.06.05-11.08.46 ["I did not focus fully on the list of prisoners who were executed"], 11.35.27-11.36.57, 13.54.48-13.56.10 ["Q: Do I understand correctly that you did not have sufficient time to go through all the execution lists and put all those dates into the spreadsheet; is that correct? A: That is correct"], 14.08.51-14.18.27.

²⁶⁵⁷ **Annex F.1** Revised OCIJ S-21 Prisoner List.

²⁶⁵⁸ **Annex F.32** List of Khmer Republic Officials S-21 Prisoners.

²⁶⁵⁹ **Annex F.33** List of Vietnamese S-21 Prisoners.

²⁶⁶⁰ **Annex F.41** List of East Zone S-21 Prisoners.

²⁶⁶¹ **Annex F.36** List of Northwest Zone S-21 Prisoners.

²⁶⁶² **Annex F.6** List of RAK Division 310 S-21 Prisoners.

²⁶⁶³ **Annex F.47** List of S-21 Prisoner Population Recorded as Relatives.

²⁶⁶⁴ **E1/349.1** Him Man, T. 17 Sept 2015, 11.22.37-11.25.17; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.51.08-09.53.38.

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

656. From the moment they passed through the gate at S-21, prisoners were subjected to conditions so inhumane that they felt they were no longer human beings.²⁶⁶⁵ Duch has admitted that “inhumane detention and living conditions” were among the crimes committed at S-21.²⁶⁶⁶
657. *Use of Shackles*: Most prisoners were held in large common cells with between 20 and 40 prisoners who were shackled by the ankle to long iron bars in rows of ten prisoners each.²⁶⁶⁷ They remained permanently shackled in their cells, 24 hours a day,²⁶⁶⁸ even

²⁶⁶⁵ **E3/7450** Vann Nath, T. 29 June 2009, 09.56.24-09.59.13 [“The conditions were so inhumane and the food was so little ... I lost my dignity because the condition of the prisoners and the guards were so distant. It’s like humans compared to animals. Even with animals they would give enough food”]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 [“I thought that I was being treated worse than a human being, I was treated like an animal, like a dog”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.52.00-11.01.02 [“I saw the ammunition box they gave us to relieve ourselves, on the bare floor, and I could smell the excrement and urine”], 14.03.28-14.07.12 [“Even if you raise a pig, you have to give food to the pig but for me I only got a spoonful of very thin gruel”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43 [“I felt very pity for them and for myself because we were treated like animals”].

²⁶⁶⁶ **E3/5772** Kaing Guek Eav WRI, EN 00209175; **E3/2978** Kaing Guek Eav, T. 8 Apr 2009, 10.24.18-10.28.45 [“as a chief of S-21 all crimes including detention, inhumane detention against other inmates, women and children, and further to the execution of women and children, I admit it all”].

²⁶⁶⁷ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.45.28-10.48.08 [“In that room, I saw about 40 detainees. All of them were shackled. Their legs were shackled”]; **E3/7451** Chum Mey, T. 30 June 2009, 11.24.09-11.26.11, 11.33.07-11.36.04; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19, 14.28.30-14.31.00 [“their ankles would be placed into a ring and then they would use a long metal bar to go through those rings in a row and then they would lock the end part of that metal”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.22.43-14.25.16; **E3/7641** Lach Mean WRI, EN 00363554; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.42.12-13.43.45; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02 [“There were a lot of detainees attached to the shackles by our ankles, maybe 5 to 10 people for each long shackle and we were put to sleep head to head”], 10.22.03-10.25.06; **E3/7454** Ly Hor, T. 6 July 2009, 10.11.37-10.14.07; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner: “I was shackled on one ankle”]; **E3/7674** Vann Nath WRI, EN 00163737-38 [“they put me in a long common shackle. There were twenty prisoners in one shackle (Drawing 8)”], 00163748 [Drawing 8]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.06.13; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.06.37-15.08.50; **E3/7462** Him Huy, T. 20 July 2009, 10.34.40-11.02.17; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.39.28-11.41.55; **E3/454** Kaing Guek Eav WRI, EN 00147602; **E3/503** Iem Horn WRI, EN 00401856; **E3/7668** Ches Khiev WRI, EN 00401849 [“Those prisoners were always shackled and the shackles were changed from one leg to another when the leg was bruised”]; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7667** Prum Sokh WRI, EN 00163830; **E3/7669** Saom Met WRI, EN 00163663; **E3/5765** OCIJ Report on Reconstruction, EN 00198004-06 [confirmation from Prak Khan, Suos Thy, Vann Nath, and Bou Meng that prisoners were restrained by shackles in large common cells]; **E3/8063.143** Painting of Mass Detention Cell at S-21, P 00000027; **E3/8063.65** Photograph of Shackles in S-21 Building C Brick Cell; **E3/10647** Photographs of Foot Shackles, EN 01240475; **E3/8063.89** Photograph of Shackle in S-21 Brick Cell [close-up of a shackle].

²⁶⁶⁸ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.28.30-14.31.00 [“Prisoners who were shackled ... would remain in the shackles until the time that they had to be transported out”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.46.07-13.49.12 [“The prisoners were always shackled and the shackles were changed from one leg to another when the leg got injured”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.34.15-11.36.34 [“they were shackled to their legs 24 hours ... except when they were taken or walked to be interrogated”], 11.45.15-11.47.30; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner permanently shackled for 3 months]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.06.13 [“We were allowed to do exercise in the morning but while we were still shackled. In our room, we slept there and ate there and relieved ourselves inside the same room, and we were not allowed to move even

while eating,²⁶⁶⁹ sleeping,²⁶⁷⁰ relieving themselves,²⁶⁷¹ being washed by hoses,²⁶⁷² or receiving medical treatment.²⁶⁷³ Prisoners' ankle shackles remained on when they were taken for interrogation, so they could be restrained in the interrogation room.²⁶⁷⁴ Some prisoners still bear scars from their shackles decades later.²⁶⁷⁵ Duch testified that shackles or chains were also used at M-13, Takhmau, PJ, and other DK prisons "across the country."²⁶⁷⁶

658. Other S-21 prisoner regulations were also strictly imposed.²⁶⁷⁷ Prisoners were not allowed to talk to each other or make any noise.²⁶⁷⁸ Even while sleeping at night, if

-
- an inch from where we belonged"]].
- ²⁶⁶⁹ **E3/5154** Him Huy WRI, EN 00161602 ["When they ate they were not unshackled. The guards walked up and unlocked the cells and scooped out a dish for each person"]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13.
- ²⁶⁷⁰ **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32 ["Prisoners who were brought to the prison ... had to sleep with their ankles shackled"]; **E3/7451** Chum Mey, T. 30 June 2009, 11.24.09-11.26.11 ["And when they put the chains on my legs I was ordered to ask for permission if I changed my position when I slept"]].
- ²⁶⁷¹ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 ["I saw an ammunition box in the room where I was ordered to relieve myself in, but because of the shackle on my ankles, the watery faeces could not all go into the container"]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042; **E3/7669** Saom Met WRI, EN 00163661.
- ²⁶⁷² **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.20.12-11.23.27; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24; **E3/503** Iem Horn WRI, EN 00401860; **E3/7668** Ches Khiev WRI, EN 00401849 ["They sprayed water to bathe the prisoners when it stunk of urine"]; **E3/7669** Saom Met WRI, EN 00163664; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.
- ²⁶⁷³ **E1/425.1** Makk Sithim, T. 2 May 2016, 15.06.37-15.08.50 ["Prisoners were not brought outside for treatment ... they had to be treated while they were still in shackles in the room"]].
- ²⁶⁷⁴ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/5156** Prak Khan WRI, EN 00161582 ["When they arrived at the room where I interrogated them, I locked the leg shackle ring to the table"]; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 ["During my interrogation ... they tightened the shackle on my ankle"]; **E3/8368** S-21 Notebook "Statistics List of Special Branch", EN 00182961 ["Our comrade interrogators must determine the view that guarding the enemies is our primary duty ... put the cuffs, the rings and the shackle bars and chains"]; **E3/8386** S-21 Circular, EN 00521632 ["Thorough checks must be made of the enemies, including their bracelets and chains, when they are being brought back from the interrogation site"]].
- ²⁶⁷⁵ **E3/7455** Lay Chan, T. 7 July 2009, 10.57.01-11.00.28 ["At present, I can show the scars on my ankles, on my left ankle and a slight mark on my right ankle as a result from the shackles 30 years ago"]. See also **E1/512.1** Vooun Vuthy, T. 13 Dec 2016, 14.25.05-14.26.43 ["Our findings based on the scars on the bones ... Bones with iron shackles have different colour from those without iron shackles"]].
- ²⁶⁷⁶ **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.59.12-10.04.31 ["the shackles or chains were not for torturing; they were for detention, and they were employed across the country ... That is the long metal bar and the rings. While we were at M13, yes, we also used that type of tool. However, the shackles at S-21 existed since the Ta Khmao Prison ... And also at the PJ Prison there were similar types of shackles ... This is the duty determined by the superior that we had to detain and do not allow them to escape"]].
- ²⁶⁷⁷ **E3/8375** S-21 Directive "On the Security of Regulation"; **E3/8116** Photograph of Blackboard Listing S-21 Security Regulations, EN 00360060; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13 ["On the whiteboard there was regulations, internal regulations ... So we could not do anything without permission"]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.23.39-14.24.49; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.05.05-15.06.40 [security regulations were "displayed in the building prison"]].
- ²⁶⁷⁸ **E3/8386** S-21 Circular, EN 00521632 ["The enemies who are in our place absolutely must not be permitted to talk to one another"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.05.58-10.08.26 ["I was told not to chitchat to other people adjacent to my cell. I was required to be quiet and silent"], 14.32.57-14.34.22 ["I was afraid to talk to [Ung Pech] because if we talk to one another ... then we would be

prisoners “moved and then the chain made sound,” they would be beaten.²⁶⁷⁹ Prisoners were not allowed to go outside their cells for fresh air, sunlight, or exercise.²⁶⁸⁰ They were not allowed to stand, sit up, or move without permission from the guards.²⁶⁸¹

659. Food Rations: Prisoners at S-21 were subjected to starvation while surplus food produced at Prey Sar was being delivered to the Standing Committee.²⁶⁸² They received two small meals a day, usually consisting of a few spoonfuls of thin gruel.²⁶⁸³ As a result of the meagre food rations, the detainees experienced severe hunger,²⁶⁸⁴ and became skinny, ill, and weak.²⁶⁸⁵ As described by Vann Nath:

beaten”]; **E3/7451** Chum Mey, T. 30 June 2009, 14.43.11; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.08.25-15.10.55 [“measure from Duch that prisoners should not talk to one another”]; **E3/454** Kaing Guek Eav WRI, EN 00147602 [“Talking between detainees was absolutely prohibited”]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/503** Iem Horn WRI, EN 00401858; **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43 [“if people made noise then they would be beaten with the stick”]; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19 [“when people talked loudly then they would also be beaten”].

²⁶⁷⁹ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.08.

²⁶⁸⁰ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.31.00-14.32.38 [“For the prisoners, mostly they remained in one place”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.45.15-11.47.30; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06 [“And when we were allowed to do exercise, our legs were still shackled to the metal bars and we could like hop to do exercise”].

²⁶⁸¹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.28.30-14.32.38; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.45.15-11.47.30 [“Without their permission the prisoner could not stand up”]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06 [“we would not be allowed to sit up unless we sought permission from the guards. Otherwise we would be beaten up”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22 [“one of the guards came and told me ... that I had to ask permission if I would like to change to a side when I was sleeping”], 14.43.11-14.46.10.

²⁶⁸² **E3/5804** Kaing Guek Eav, T. 24 June 2009, 11.31.03-11.34.16 [“the third year we have some surplus of rice ... And I send the surplus of rice to the Standing Committee through Uncle Nuon”]; **E1/427.1** Him Huy, T. 4 May 2016, 15.36.52-15.39.40 [“there was a lot of leftover steamed rice and food”].

²⁶⁸³ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.48.08-10.50.33; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 [while detained for interrogation, he was “given only two spoonfuls of watery gruel per day”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 14.03.28-14.07.12; **E1/427.1** Him Huy, T. 4 May 2016, 15.36.52-15.39.40 [“they had only watery gruel to eat”]; **E3/7461** Him Huy, T. 16 July 2009, 11.35.24-11.39.13; **E3/5154** Him Huy WRI, EN 00161602; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7450** Vann Nath, T. 29 June 2009, 09.56.24-09.59.13 [“There was a big pot of gruel to be distributed among 50 or 60 of us, so we only had three spoons of gruel for each meal and the spoon, was like a coffee spoon -- so little. It’s not like a normal rice spoon”], 10.15.51-10.19.13; **E3/7674** Vann Nath WRI, EN 00163738; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19; **E3/7455** Phaok Khan, T. 7 July 2009, 14.21.48-14.25.53, 15.28.26-15.36.25 [“just one ladle of thin gruel per each prisoner”]; **E3/7456** Chin Met, T. 8 July 2009, 14.35.10-14.40.13; **E3/7463** Prak Khan, T. 21 July 2009, 13.43.43-13.47.21; **E3/7465** Kok Sros, T. 27 July 2009, 09.14.57-09.17.50; **E3/1578** Kaing Guek Eav WRI, EN 00194551 [“I feel remorse regarding what happened there, and in particular, not to have given sufficient rations to the detainees”].

²⁶⁸⁴ **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“we were so hungry that we could eat insects, even the insects that dropped from the ceiling”]; **E3/7452** Bou Meng, T. 1 July 2009, 14.11.30-14.14.18 [“I was so hungry. When I saw the lizard crawling on the ceiling I would wish that it dropped down so that I could grab it and eat to fulfil my hunger”].

²⁶⁸⁵ **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25-11.20.12; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.43.45-13.46.13 [“They became thinner and thinner because they did not receive enough food to eat”]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.24.32 [“They were very skinny since they did not have any proper place to sleep or proper food to eat. And for that reason, they became emaciated. And I refer to all of them”]; **E3/7466** Suos Thy, T. 28 July 2009,

I did not think of any other thing other than being thirsty and hungry.
I was so hungry that I had never experienced that hunger before and I
thought that even eating a human flesh would be a good meal.²⁶⁸⁶

660. *Lack of Hygiene*: Hygiene conditions at S-21 were appalling. Prisoners were forced to relieve themselves in ammunition boxes and plastic containers inside their cells²⁶⁸⁷ while remaining shackled.²⁶⁸⁸ The cells were only cleaned when the stench became intolerable.²⁶⁸⁹ If urine or faeces leaked onto the floor from the containers, prisoners were beaten or forced to lick up the overspill.²⁶⁹⁰ Prisoners were not permitted to clean

09.47.47-09.54.23 [describing removal of prisoners for execution: “Before they boarded the trucks the detainees were malnourished ... they were very weak by then”]; **E3/7643** Suos Thy WRI, EN 00162620; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25 [“They were detained there for days, for months or for years ... they did not have rice to eat, and they did not have water to drink. They would not be healthy ... They became emaciated”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 10.40.39; **E3/7470** Chhun Phal, T. 10 Aug 2009, 10.05.43-10.07.26; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“I was so skinny and weak”]; **E3/2098** Report on Illness Situation, 5 Aug 1977 [majority of listed prisoners described as “very thin”].
²⁶⁸⁶ **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.
²⁶⁸⁷ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.05.58-10.08.26, 10.48.08-10.50.33; **E3/7451** Chum Mey, T. 30 June 2009, 10.27.30-10.57.37, 14.19.52-14.22.54; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02; **E3/7450** Vann Nath, T. 29 June 2009, 10.14.15-10.15.51; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19, 11.10.29-11.16.36; **E3/7455** Phaok Khan, T. 7 July 2009, 14.21.48-14.25.53; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.34.58-14.38.08; **E3/7468** Lach Mean, T. 4 Aug 2009, 10.25.30-10.27.49 [discussing prisoners who died from dysentery: “I’m saying it was infected from one prisoner through another and I think because they relieved themselves in the same ammunition box”]; **E3/7641** Lach Mean WRI, EN 00363554; **E3/7638** Nhep Hau WRI, EN 00401789; **E3/503** Iem Horn WRI, EN 00401860; **E3/7609** Vann Sophea WRI, EN 00186464; **E3/7668** Ches Khiev WRI, EN 00401849; **E3/9431** OCJ S-21 Reconstruction Photographs, EN 00198078; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.41.55 [“for the defecation it was done on the spot where the prisoners lied down, stay or slept. For defecation I think an M-16 box was used, the case was used, and for the urine a plastic container was used”]; **E3/8386** S-21 Circular, EN 00521633 [“It is only when the guard is changed that it is permitted to bring out the faeces and urine buckets”].
²⁶⁸⁸ **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.07-11.20.28; **E3/7669** Saom Met WRI, EN 00163661 [“Ordinarily we did not walk prisoners out to relieve themselves outside their rooms”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.46.07-13.49.12 [“The prisoners were always shackled”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02 [a guard would “collect the waste because the detainees ... could not be moved”]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042 [“I was never released from the shackles ... If I needed to defecate I asked the guards to bring the bucket over”].
²⁶⁸⁹ **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32 [“When I walked past, of course, I felt the stench”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.10.30-16.16.09 [“the smells, the stink, yes, it existed ... of course there was a bad smell”]; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24 [“there was some kind of bad smell from each room because it was not properly cleaned”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.44.21-13.46.07 [“They sprayed water to wash the prisoners when they stunk of urine”]; **E3/7668** Ches Khiev WRI, EN 00401849.
²⁶⁹⁰ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.52.32-10.56.22; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 [“because of the shackle on my ankles, the watery faeces could not all go into the container, so it spilled out and then I was ordered to lick it until it became clean, and they scolded me that if I did not lick it, I would be beaten up”]; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19 [“some detainee would spill the urine inside the box and they would be beaten”].

themselves, and instead were hosed down in groups by guards when the cells were washed.²⁶⁹¹

661. *Disease-Ridden Prisoners*: Many prisoners fell ill as a result of these conditions, suffering from diarrhoea, dysentery, beriberi, malaria, and other diseases.²⁶⁹² They developed skin rashes and were infested with lice.²⁶⁹³ S-21 prisoners died regularly from illness.²⁶⁹⁴ Many of those who died were under the age of 30.²⁶⁹⁵ Their corpses remained in the cells shackled next to the other prisoners for hours:

²⁶⁹¹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.31.00-14.32.38 [“They used a water hose to bathe the prisoners collectively at the same time ... the rooms were cleaned at the same time”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.46.07-13.49.12; **E3/7641** Lach Mean WRI, EN 00363556 [“in the big cells they hosed them down with a water hose. They washed right where they laid”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25; **E3/7451** Chum Mey, T. 30 June 2009, 10.52.00-10.57.37, 14.03.28-14.07.12; **E3/7452** Bou Meng, T. 1 July 2009, 10.15.15-10.19.12 [“we had to be naked and then the water would be sprayed from outside through a water hose ... like the cattle”]; **E3/7455** Phaok Khan, T. 7 July 2009, 15.28.26; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24; **E3/7470** Chhun Phal, T. 10 Aug 2009, 10.17.31-10.21.07; **E3/7668** Ches Khiev WRI, EN 00401849; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“a young guard would use a hose, a water hose, and pour the water on approximately 50 prisoners all at once”]; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042; **E3/5765** OCIJ Report on Reconstruction, EN 00198005. *See also* **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.32.38-14.35.25 [“For individual prisoners who were detained in small cells, they had no chance to have a bath. They [were] never allowed to have bath”].

²⁶⁹² **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.48.08-10.50.33 [“Our whole bodies were swollen”]; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.32.39-09.34.29 [“Most of the prisoners had diarrhoea or fever or headaches”]; **E3/8461** Report from Pao (S-21 Medics) to Office 21 Committee “Disease situations and total prisoner patients,” 6 May 1976 [chart listing 172 prisoners who were ill that day, 46 of whom were “seriously ill,” and specifying types of diseases]; **E3/8438** Report on Illness Situation, 15 May 1977; **E3/2098** Report on Illness Situation, 5 Aug 1977.

²⁶⁹³ **E3/7452** Bou Meng, T. 1 July 2009, 14.39.33-14.42.28 [“And we all of us had skin rashes and a lot of skin lice. It was so itchy everywhere”]; **E3/7454** Ly Hor, T. 6 July 2009, 11.10.29-11.16.36 [“the lice were all over our bodies. We developed some skin rashes until the full body covered with rashes”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“we had never been washed or had a bath for quite some time, so we had developed some kind of skin rashes and we felt so itchy”]; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042 [“My hair ... had become a nest for lice. I had scabies all over my body”].

²⁶⁹⁴ **Annex F.48** *List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977* [235 prisoners died of disease over the 258 days documented]; **E3/10770** Logbook of S-21 Daily Counting Lists [regular deaths from disease recorded]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.52.11-13.54.05 [“one prisoner died after the other, and the medic was running back and forth every day”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.32.38-14.35.25 [“I witnessed prisoners dying probably because of diarrhoea or other illnesses”]; **E3/7641** Lach Mean WRI, EN 00363555; **E3/1693** David Chandler, *Voices from S21*, EN 00192710 [“a cadre notebook from 1977 recorded ... a total of 234 deaths over four months. Many of those who died had already been worn down by wounds, malnutrition, and torture”]; **E3/833** S-21 Notebook of Mam Nai alias Chan, KH 00077700 [“Comrade Try is afraid when enemies die massively. He’s afraid of being arrested by Angkar. Right now, spirits are low because too many people are dying”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13; **E3/7674** Vann Nath WRI, EN 00163738 [“Many dead prisoners were taken out at night. In my cell eight or nine prisoners died during one month”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.12.20-09.14.11 [medic personally saw prisoners die “every 3 or 4 days, or every week”]; **E3/7673** Makk Sithim WRI, EN 00401871 [“During treatment sometimes I saw prisoners die, one per day, sometimes one every two or three days”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48 [S-21 medic: “There were prisoners who were sick and died and, yes, I did see them ... there were many of them, probably up to hundreds”]; **E3/7666** Sek Dan WRI, EN 00163823; **E3/5154** Him Huy WRI, EN 00161602; **E3/7946** Chhem Chhin WRI, EN 00163794; **E1/431.1** Suos Thy, T. 3

people died one after another, and at about 10 to 11 p.m. the corpse would be removed, and we ate our meal next to the dead body and we did not care anyway because we were like animals.²⁶⁹⁶

The deceased prisoners were eventually taken away and buried by S-21 cadres in the vicinity of the compound.²⁶⁹⁷

662. Lack of Medical Care: S-21 detainees did not receive proper medical care for their illnesses and injuries. Medical care was usually only administered to keep prisoners alive long enough to complete their interrogations.²⁶⁹⁸ The medics who worked at S-21 were inadequately trained and equipped.²⁶⁹⁹ Medicines were in short supply and often

June 2016, 09.24.32-09.29.20 [“when there was severe illness or a death of an inmate, then that medic would make such a report to Hor, and Hor would bring that report to me for my daily registration of the situation”]; 09.34.52-09.37.28 [approximately one to two people died every day from illness or beatings]; **E3/7465** Suos Thy, T. 27 July 2009, 15.27.59; **E3/7643** Suos Thy WRI, EN 00162620. *See e.g.* **E3/8461** Report from Pao (S-21 Medics) to Office 21 Committee “Disease situations and total prisoner patients,” 6 May 1976 [two prisoners died of dysentery and beriberi that day]; **E3/8460** S-21 Lists of Prisoners Who Died of Disease, EN 00843437-39 [24 prisoners on various dates from 2-15 Sept 1977], 00843436 [3 prisoners on 17 Sept 1977].

²⁶⁹⁵ *See e.g.* **E3/3181** Names of Prisoners Died of Disease on 3 October 1977, EN 00784611-12 [total of five prisoners, two aged 24 and 25]; **E3/8460** Names of Prisoners Died of Disease on 5 October 1977, EN 00843443-44 [four prisoners aged 17, 27, 28, and 54]; **E3/3181** Names of Prisoners Died of Disease on 12 October 1977, EN 00784614-15 [list of 10 prisoners, five of whom were under 30 years old].

²⁶⁹⁶ **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.

²⁶⁹⁷ **E1/426.1** Makk Sithim, T. 3 May 2016, 09.14.11-09.15.45 [“After a prisoner died, a medical staff member would be asked to ... bury that prisoner outside the compound ... I was ordered to bury prisoners outside the compound”]; **E3/7673** Makk Sithim WRI, EN 00401871; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48 [“We, the child medics and the medics were asked to carry those bodies and buried them in the vicinity of the compound”]; **E3/7666** Sek Dan WRI, EN 00163823; **E3/5154** Him Huy WRI, EN 00161602; **E3/7674** Vann Nath WRI, EN 00163738.

²⁶⁹⁸ **E1/425.1** Prak Khan, T. 2 May 2016, 09.18.18-09.20.44 [“medics only would treat the prisoners if there were open wounds from the beating”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53; **E3/7458** Nam Mon, T. 13 July 2009, 11.07.22-11.09.37 [“I was instructed to work my best, to treat the patients so that they can be strong to be able to give the confession”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.22.17 [“Regarding the medical services, they existed but only ... for the purpose to keep people alive long enough to be interrogated”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25; **E3/7467** Sek Dan, T. 3 Aug 2009, 10.03.40 [S-21 medic: “The medicine would be given to them to make them alive for the period until they would have been interrogated. That’s all”]; **E3/7666** Sek Dan WRI, EN 00163823; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.16.35-15.18.10 [medic “warned” to be careful when treating wounds of important prisoners because “their interrogations were not yet concluded”]; **E3/7673** Makk Sithim WRI, EN 00401871.

²⁶⁹⁹ **E1/425.1** Makk Sithim, T. 2 May 2016, 14.55.54-14.57.10 [“I did not know much about medication. I had only the basic training from the chief of medics and when I was sent to S-21, I was required to go and administer or deliver medicines”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.24.56-09.27.48 [“I was not trained”]; **E3/7666** Sek Dan WRI, EN 00163822 [“in early 1978, I came to work as a child medic ... I had never studied medicine ... I could not read, but I could recognize the can when my leader told me to take the medicine and distribute it”]; **E3/7458** Nam Mon, T. 13 July 2009, 09.37.08-09.39.39 [witness was 15 years old when she started working as a medic at S-21], 09.49.34-09.55.08 [because witness was illiterate, she could not read the names of the different medicines and could only recognize certain labels]; **E3/7665** Chhun Phal WRI, EN 00163814 [“There were different medics for the prisoners and for the workers. The medics at that time were ordinary medics, not medical doctors; they cleaned wounds and treated fevers”]; **E3/7669** Saom Met WRI, EN 00163663 [“They had medics to come and treat them, but they just put on some iodine, they had no other medicine; they just swiped some iodine on the wounds”].

consisted of ineffective locally produced products.²⁷⁰⁰ Many S-21 medics were arrested and imprisoned, including the unit chief and 20 other medics arrested in mid-1978.²⁷⁰¹ By the end of the regime, only child medics remained.²⁷⁰²

663. *Medical Experiments*: As admitted by Duch,²⁷⁰³ S-21 prisoners were subjected to medical experimentation. Live prisoners were used for surgical training and studies,²⁷⁰⁴ including the wife of Khmer Republic Education Under-Secretary Thach Chea.²⁷⁰⁵ Pursuant to orders from **Nuon Chea**, drugs were tested on S-21 prisoners.²⁷⁰⁶ On one occasion, **Nuon Chea** ordered Duch to use S-21 prisoners to test whether pills found at

²⁷⁰⁰ **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25 [“The medicines were not effective”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41 [“most medicines had expired”], 10.33.39 [“we did not have enough medicines ... we had B12 and B1, and those medicines were produced in Cambodia. There were no French or foreign medicines”], 10.48.11, 13.47.50; **E3/7673** Makk Sithim WRI, EN 00401872-73; **E3/7452** Bou Meng, T. 1 July 2009, 10.32.59-10.36.36 [“there was no medicine at all. There was a bowl of saltwater and they just poured that saltwater on my back and it was so, so painful because of my open wounds”], 14.14.18-14.16.43; **E3/7463** Prak Khan, T. 21 July 2009, 13.47.21-13.49.18; **E3/7458** Nam Mon, T. 13 July 2009, 09.39.39-09.42.21 [after running out of medicine, medics gave “traditional herb medicines” to prisoners]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.24.56-09.27.48, 09.49.48-09.56.31; **E3/7674** Vann Nath WRI, EN 00163738.

²⁷⁰¹ **E3/10604** OCIJ S-21 Prisoner List, No. 6965 [Pheng Try, Chairman of S-21 Medical Office, entered S-21 on 10 May 1978], No. 9251 [Chhim Sam-Oeur alias Set, Deputy Chairman, entered S-21 on 6 April 1978], No. 10143 [Chheng Pao, Chief of Medical Staff Team, entered S-21 on 8 May 1978], Nos 4826, 6698, 8805-8808, 8849-8850, 9081, 9244-9249, 9744, 11664, 12028, 12052. *See also* **E1/426.1** Makk Sithim, T. 3 May 2016, 09.21.29-09.23.16 [“I know for sure about Try and Huor ... later on, they were arrested ... while I distributed medicine to prisoners, I saw them being detained in a room”]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.18.29-11.21.17 [“As for medics working in S-21, they were former members of Division 703. To my understanding, all of those medics were later arrested”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.30.22-09.32.32 [Try, the chief of the medical unit, was arrested and executed]; **E3/7666** Sek Dan WRI, EN 00163822 [“My team leader Pao ... had given an injection which killed a cadre in the unit and was arrested and charged with being a traitor”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25.

²⁷⁰² **E3/7666** Sek Dan WRI, EN 00163822 [“In the end, I saw that only the child medics remained; all the adult medics had been arrested and killed”]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.18.29-11.21.17 [“Duch brought in the children from Amleang to replace those [arrested] medics”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 10.03.58-10.09.22 [witness, who was part of the “last batch of medics,” stated that her fellow medics were mostly “about 17 years old”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.22.17 [“Later on even the medics themselves were arrested gradually and then the medical service became loose ... So the medical services was not adequately provided”].

²⁷⁰³ **E3/5769** OCIJ Written Record of Confrontation, EN 00166567 [Duch: “I know now that regarding medical matters, there were three forms of Crimes against Humanity in S-21. Autopsies practiced on living persons, blood taking and medicine testing”].

²⁷⁰⁴ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.28.52, 15.59.42-16.06.41 [“I understood the intention that it was the instruction from the superiors to use live prisoners for the training of surgery”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.35.56-09.38.59 [in one case “a couple of prisoners were taken for medical experiments for anatomy purposes”].

²⁷⁰⁵ **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.47.33-15.54.45 [describing how Son Sen criticized Nat for using Thach Chea’s wife, because she was well-known, but otherwise agreed to the use of live S-21 prisoners for surgical training].

²⁷⁰⁶ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.34.56 [“they used the newly composed medicine to trial on the prisoners. [In one] case, Uncle Nuon gave me some medicine to use and test on the prisoners ... only two people were aware of this. That was I, myself, and Uncle Nuon. I did it personally. Each day I gave them two pills and next day I gave them two more pills for 3 days in a row”].

the house of a cadre accused of plotting to kill Pol Pot were poisonous.²⁷⁰⁷ The practice of conducting medical experiments on prisoners is confirmed by an annotation of Duch in a surviving S-21 prisoner list,²⁷⁰⁸ as well as by the notebook of an S-21 medic describing experiments conducted on 17 year-old girls.²⁷⁰⁹ In addition, many S-21 prisoners had their blood extracted, a practice that is discussed below in the *Executions at S-21 Compound and Takhmau* section.

664. *Treatment of Female Prisoners*: Prisoners at S-21 included a number of pregnant women,²⁷¹⁰ who were abused²⁷¹¹ and forced to deliver their babies inside the prison compound.²⁷¹² Female prisoners were subject to sexual assault by S-21 cadres.²⁷¹³ One

²⁷⁰⁷ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.07.19-09.11.39 [“that was based on the instruction from Bong Nuon ... Bong Nuon gave me the pills in order to test whether the pills were poisonous or not”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 16.01.56-16.03.47 [“prisoners were taken to test the poison under the instruction of Uncle Nuon”]; **E3/448** Kaing Guek Eav WRI, EN 00154912; **E3/5769** OCIJ Written Record of Confrontation, EN 00166567 [Duch: “When Nuon Chea asked me to conduct the test, I asked Hor to provide three prisoners”].

²⁷⁰⁸ **E3/1671** S-21 List of Female Prisoners, EN 00181789 [annotation for prisoner Ten Sakhoeun from Prasot District states “Medical experiment”]; **E3/1569** Kaing Guek Eav WRI, EN 00185476 [identifying annotation as his handwriting], 00185477 [“it concerned new medicines prepared within the unit ... I acknowledge having given my authorisation for these experiments”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 16.01.56. The referenced prisoner is No. 10104 on the OCIJ S-21 List (**E3/10604**), which identifies her as a 23-year old female from Sector 23 of the East Zone, who entered S-21 on 5 May 1978.

²⁷⁰⁹ **E3/3095R** Video *Die Angkar*, 1981, 29:04-29:46 [showing annotations in notebook of S-21 medic]; **E3/719** Excerpts from *Die Angkar*, EN 01248192 [“Human experiment: A 17 year-old girl had her throat slit and her abdomen pierced. She was put in the water from 7:55 p.m. to 9:20 p.m. The following day, her body began to emerge and kept floating ... A 17 year-old girl was beaten and put in the water from 7:55 p.m. to 12:25 a.m. ... Note: the girl placed in the water with her hands tied had her body emerge on her back ... The adult girl placed in the water with her hands untied had her body emerge on her stomach”]. See also **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.06.56-09.24.40 [describing tests conducted to determine how long it took dead bodies to float, as part of an investigation ordered by Nuon Chea and Son Sen into the origin of a body that was discovered floating in the Mekong River].

²⁷¹⁰ **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.18.32-14.20.56 [“there were some pregnant prisoners”]; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 9.31.30; **E3/503** Iem Horn WRI, EN 00401859-60; **E3/10166a** List of People to be Removed [majority of 40 listed prisoners are pregnant prisoners or prisoners who had recently delivered babies].

²⁷¹¹ **E3/7452** Bou Meng, T. 1 July 2009, 11.53.31-11.56.45, 15.01.12-15.03.39 [“through the door, I could see a pregnant woman being walked and kicked ... There was only one pregnant woman and there were two or three female guards walking behind”]; **E3/503** Iem Horn WRI, EN 00401859-60 [“The female prisoners were detained separately in a big room. Those who were pregnant were shackled. The guard handcuffed female prisoners who caused trouble”].

²⁷¹² **E3/5804** Kaing Guek Eav, T. 24 June 2009, 10.04.10-10.07.30; **E3/503** Iem Horn WRI, EN 00401859 [“When a detainee was about to give birth, she told the inside guard, who informed the outside guard, who then called the medic to get her for delivery”].

²⁷¹³ **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.13.55-10.18.11 [recounting incident in which interrogator Touch drugged and raped a female prisoner], 10.18.11-10.48.02 [recounting incident in which a messenger raped a female prisoner being returned to her cell after interrogation]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.32.32-09.34.36 [describing same incident as Lach Mean, in which cadre named Touch raped a female prisoner]; **E1/427.1** Him Huy, T. 4 May 2016, 14.34.05-14.36.10 [recounting incident in which a young guard raped a female prisoner]; **E1/428.1** Him Huy, T. 5 May 2016, 13.56.50-14.00.49 [young guard who raped female prisoner was 13 or 14]; **E3/5602** Nam Mon WRI, A1-19, 29, 84-94.

detainee was drugged and raped by her interrogator.²⁷¹⁴ Nam Mon, a teenager, was electrocuted, forcibly undressed, and raped in her cell by an S-21 guard:

He used his leg to move my leg shackle tightly against the wall. Thus, I was not able to struggle against him. He raped me for about half an hour and then walked outside. Then, I put my clothes back on. I bled heavily for three to four consecutive days. At that time, I was young and innocent.²⁷¹⁵

665. *Environment of Fear/Suicides*: The inhumane conditions and other mistreatment stripped S-21 prisoners of all dignity and hope.²⁷¹⁶ Prisoners regularly heard other prisoners being tortured,²⁷¹⁷ and saw them return to their cells with visible injuries.²⁷¹⁸ Prisoners' state of complete despair led many to attempt suicide, sometimes

²⁷¹⁴ **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.13.55-10.18.11; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.32.32-09.34.36.

²⁷¹⁵ **E3/5602** Nam Mon WRI, A15.

²⁷¹⁶ **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.20.12-11.23.27, 14.07.10-14.08.38 ["I had no hope that I would survive the regime"]; **E3/7451** Chum Mey, T. 30 June 2009, 10.27.30-11.01.02, 14.03.28-14.07.12; **E3/7450** Vann Nath, T. 29 June 2009, 09.56.24-09.59.13, 10.02.06-10.06.13 ["I told myself that I didn't care any longer because I could be killed any time if they would wish to do so and I better died rather than living in such condition"], 15.06.18-15.08.05 ["even animals, domestic animals, would be fed or would be given food and would never been kicked days and nights like that"]; **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.52.15-15.54.12 ["Those prisoners told me that they were hopeless, they knew that they would be dead after the interrogation was concluded"].

²⁷¹⁷ **E1/424.1** Prak Khan, T. 28 Apr 2016, 13.53.25-13.54.42; **E3/7454** Ly Hor, T. 6 July 2009, 14.11.27-14.13.43 ["I would hear screaming almost every evening"]; **E3/7451** Chum Mey, T. 30 June 2009, 10.19.54-10.23.05, 14.39.19-14.43.11; **E3/7663** Tay Teng WRI, EN 00401837-38; **E3/7450** Vann Nath, T. 29 June 2009, 14.33.25-14.35.26, 15.08.05-15.11.18; **E3/7674** Vann Nath WRI, EN 00163740; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396828, 00396840 ["we could hear the interrogators' shout and threats and the prisoners' screams of pain. There were sounds I heard all the time"]; **E3/7452** Bou Meng, T. 1 July 2009, 11.42.45-11.46.55, 15.08.56-15.12.35 ["the screaming was echoing and coming from everywhere"]; **E3/7638** Nhep Hau WRI, EN 00401791; **E3/7669** Saom Met WRI, EN 00163663 ["I heard the sounds when they tortured prisoners. The prisoners screamed and begged not to be mistreated, saying they agreed to answer, agreed to talk"]; **E3/7661** Kung Phai WRI, EN 00163635; **E3/5765** OCIJ Report on Reconstruction, EN 00197804; **E3/834** Pon-Tuy S-21 Notebook, EN 00184508 ["the problem of beatings being heard outside"]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192822 [recounting a contemporaneous conversation between S-21 interrogators, in which one noted: "In Interrogation Group I, all you hear everywhere is the sound of beatings, and people asking prisoners if they are 'C' [i.e CIA] or not"].

²⁷¹⁸ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53 ["I saw bleeding, scars, and wounds on the backs, hands, and feet of prisoners"]; **E3/7641** Lach Mean WRI, EN 00363555 ["There were people who had been tortured, who were swollen up, who had back sores"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.18.33-15.20.00 [after beatings during interrogations, prisoners had "wounds and scars" on their bodies]; **E3/7664** Sokh Sophat WRI, EN 00163803 ["I saw that the prisoners had injuries, were bleeding, had burns like those from electrical shocks, had sores, and their clothing was blood-stained"]; **E3/7946** Chhem Chhin WRI, EN 00163793 ["When they brought the prisoners back ... I saw wounds on their backs, lash marks where they had been beaten"]; **E3/7668** Ches Khiev WRI, EN 00401852 ["Upon their return they had bruises on their faces and cuts on their backs"]; **E3/7638** Nhep Hau WRI, EN 00401795 ["when prisoners returned they had whip marks"]; **E3/7674** Vann Nath WRI, EN 00163740 ["while I was painting a portrait of Pol Pot, an interrogator came and asked for a package of cement, and later on I saw a prisoner being walked with cement all over his face"].

successfully.²⁷¹⁹ The situation was so severe that guards were instructed to be vigilant and warned of punishment if prisoners succeeded in committing suicide.²⁷²⁰

ENSLAVEMENT

666. A small number of detainees at S-21 with special skills had their lives spared when selected to perform labour for the benefit of the prison and CPK leaders.²⁷²¹ They

²⁷¹⁹ **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.12.19-10.13.55 [recalling an incident in which a female detainee attempted to disembowel herself with a razor]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.35.25-14.38.49 [some prisoners refused to eat], 15.04.26-15.06.58 [“Prisoners might attempt to commit suicide because they felt hopeless or they were scared ... a prisoner grabbed a gun from a guard and shot himself to death”]; **E3/7641** Lach Mean WRI, EN 00363555; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.54.09-11.57.43, 15.59.40-16.06.36; **E3/5771** Kaing Guek Eav WRI, EN 00185502 [“a detainee ... had swallowed a screw and we had to have him operated upon by a doctor in order to continue the interrogation”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.37.31-09.40.07; **E3/7463** Prak Khan, T. 21 July 2009, 13.57.08-13.59.53 [“We were told some of them jumped from the building and some burned themselves with the lamp and some used a pen to prick themselves to die”]; **E3/7450** Vann Nath, T. 29 June 2009, 15.34.52-15.36.43 [“Q: Did you ever see female prisoners jump from the upper floor to commit suicide? A: ... I saw one incident of such case. It was before me, about two metres”]; **E3/7457** Chin Met, T. 9 July 2009, 10.23.24-10.26.23 [“When we were in the same room, the three of us talked. If they only tied our feet and if our hands were not tied, then if there was any tool nearby then we would all agree to commit suicide ... We thought of committing suicide, but we had no opportunity”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.46.48-15.49.46 [“At that time, I saw one detainee committed suicide when he was being walked out”]; **E3/7669** Saom Met WRI, EN 00163664 [“prisoner grabbed that scarf to hang himself”]; **E3/7638** Nhep Hau WRI, EN 00401791 [“prisoner jumped from the building and died. I saw that with my own eyes”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41-09.34.20; **E3/8063.19** Photograph of Male Hanging by the Neck; **E3/8063.25** Photograph of Female Hanging by the Neck; **E3/8166** Montage of Photographs of S-21 Prisoners Who Committed Suicide; **E3/3181** Names of Prisoners Died of Disease or Committed Suicide by Hanging, 3 Oct 1977, EN 00784613 [list of three prisoners]; **E3/3187** S-21 Execution List, EN 00874194 – No. 65 [Eng Makea Vin “committed suicide by hanging” on 25 December 1976].

²⁷²⁰ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.02.14-15.06.58; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.03.59-14.06.19; **E3/7468** Lach Mean, T. 4 Aug 2009, 10.03.05-10.05.44; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.37.31-09.40.07 [warning from Duch and Hor at study session about prisoners trying to commit suicide]; **E3/7465** Kok Sros, T. 27 July 2009, 10.18.01-10.21.12, 11.20.47-11.23.45; **E3/7470** Chhun Phal, T. 10 Aug 2009, 09.57.01-09.59.29; **E3/7665** Chhun Phal WRI, EN 00163813-14 [“[Guards] arrested and imprisoned had been accused of treason, for example, because a prisoner had torn up a blanket and hung himself to death ... The rule in guarding was the fear of prisoners hanging themselves ... because the prisoners were to be kept for interrogation and getting documents”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.46.48-15.49.46; **E3/7471** Saom Met, T. 11 Aug 2009, 15.34.21-15.36.19; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 15.59.40-16.06.36; **E3/1570** Kaing Guek Eav WRI, EN 00154195; **E3/8386** S-21 Circular, EN 00521631 [“If any enemy engages in activities such as ... hanging themselves, cutting their wrists, or attempt to swallow screws, shackle their hands behind them”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182962 [“Therefore we must be vigilant ... They commit suicide in order to conceal their networks”]. See also **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43 [“after we finished the meal then the plates and spoon would be collected because they were afraid that those items could be used for the detainee to commit suicide”]; **E3/7450** Vann Nath, T. 29 June 2009, 14.14.42-14.17.46.

²⁷²¹ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.50.33-10.52.32 [“Suos Thy asked the prisoners whether any one of us knew how to repair the sewing machines”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.55.42-09.58.08 [“Brother Nuon ... demanded that Dy Phon was to be spared ... He said that my teeth were not good, so we all needed to spare the life of Dy Phon as the dentist”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.06.13-10.09.21 [“I told [Duch] about my background of my painting experience ... And he said that the Angkar needed a big portrait of the leaders”]; **E3/7452** Bou Meng, T. 1 July 2009, 09.56.24-09.59.40.

worked “non-stop,”²⁷²² monitored by armed guards, and were unable to move freely.²⁷²³ Their very survival depended on them avoiding any mistake and labouring to the satisfaction of the Party leaders they served.²⁷²⁴ Bou Meng, for example, was warned by Duch that if his work did “not resemble the portrait of Pol Pot,” he “would be used as the human fertilizer,”²⁷²⁵ and a sculptor who failed to complete his tasks was beaten by the guards.²⁷²⁶

INTERROGATIONS AND USE OF TORTURE

667. The use of torture at S-21 is proven by (i) accounts of surviving detainees; (ii) admissions of the prison chairman and S-21 interrogators of the systematic use of torture to force detainees to provide confessions; (iii) notebooks of interrogators recording instructions on the use of torture; and (iv) surviving S-21 records documenting the use of torture against detainees. Torture was used with the knowledge and approval of the senior CPK leaders.

1. Systematic Use of Torture During S-21 Interrogations

668. Interrogations at S-21 were conducted in a highly coercive environment. Prisoners were handcuffed and blindfolded when they were removed from their cells and walked by guards to the interrogation rooms.²⁷²⁷ On arrival, they were shackled to an interrogation

²⁷²² **E3/7450** Vann Nath, T. 29 June 2009, 15.45.16-15.46.56 [painters worked morning, afternoon, and night shifts, usually until 11 pm and on occasion until midnight]; **E3/7451** Chum Mey, T. 30 June 2009, 10.19.54-10.23.05 [“the working hours were non-stop. There was no rest”].

²⁷²³ **E1/417.1** Chum Mey, T. 18 Apr 2016, 14.09.50-14.11.34 [“I was told not to flee. Otherwise, I would have been shot dead”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 10.23.05-10.26.02, 11.36.04-11.41.08; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E3/7450** Vann Nath, T. 29 June 2009, 13.45.54-13.48.19, 13.48.19-13.50.00 [“they locked us from the outside”]; **E3/7452** Bou Meng, T. 1 July 2009, 15.20.23-15.23.43 [“Usually there were two or three prison guards who were there constantly and the door was locked both inside and outside”].

²⁷²⁴ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.54.12-10.56.22 [“I was the only one who knew how to repair the typewriters. That’s why they spared my life”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.09.21-10.14.15 [“I felt so trembling holding the paintbrush and I knew that if I did not paint well I would be in big trouble ... I realized that it was the life and death situation ... If I made the portrait attractive, then the Angkar would be pleased with the painting; then I would be spared from being executed”]; **E3/7452** Bou Meng, T. 1 July 2009, 11.05.16-11.09.59 [“I survived because I could paint the exact portrait of Pol Pot”].

²⁷²⁵ **E3/7452** Bou Meng, T. 1 July 2009, 14.07.35-14.10.20. *See also* **E3/7450** Vann Nath, T. 29 June 2009, 12.03.10 [“[Duch] said that whether the contemptible Meng could be used any longer or could he be used to make fertilizer”].

²⁷²⁶ **E3/7452** Bou Meng, T. 1 July 2009, 11.15.25-11.22.45 [describing how a Vietnamese prisoner who claimed he could “make a wax mould” was kicked and beaten when he failed]; **E3/7450** Vann Nath, T. 29 June 2009, 10.31.14-10.34.16 [witnessed guards torturing a prisoner who was unable to complete a sculpture].

²⁷²⁷ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36, 11.15.09-11.16.49; **E3/5156** Prak Khan WRI, EN 00161582; **E3/7452** Bou Meng, T. 1 July 2009, 10.19.12-10.25.06; **E3/5800** Kaing

table, and had their handcuffs and blindfolds removed while they were being questioned.²⁷²⁸ Prisoners were interrogated, sometimes for months, in sessions that began at 7 am and ended at 10 or 11 pm,²⁷²⁹ in a weakened condition due to lack of food and sleep.²⁷³⁰ Depending on the status of their interrogation, prisoners were assigned either to: (i) the hot group, which beat and tortured prisoners to obtain answers; (ii) the chewing group, otherwise known as the documentation group, which conducted long interrogations in which the prisoner was asked the same question over and over and subjected to physical torture to get the desired response; or (iii) the cool group, which used verbal cajoling, harassment and threats, but no physical mistreatment.²⁷³¹

Guek Eav, T. 16 June 2009, 09.59.20.

²⁷²⁸ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“I was shackled again, then they took off the handcuffs and they -- and they took off the blindfold and I could see everything in the room. I saw a pool of blood to the right and a bunch of clubs near a table where a typewriter was sitting. They interrogated me”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/5156** Prak Khan WRI, EN 00161582 [“When they arrived at the room where I interrogated them, I locked the leg shackle ring to the table”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.22.03-10.25.06 [“After I was shackled and they removed the handcuffs and removed the blindfold, and then they started to beat me to answer when I entered CIA and KGB”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.59.20, 10.02.56-10.05.52; **E3/1039** Daily Reports from Interrogation Group No. 5, 14 Dec 1976, EN 00178167 [Ngan Kim Sun: “Put in one shackle ... Shackles are connected to 2 tables”], 00178168 [Sao Peng: “Lock, shackle and chain have been checked thoroughly. Shackle at the ankle is tight enough”], 00178171 [Kuy Chheng Lay: “Locked in with 2 shackles which are tight enough, with a Chain of 20 centimeters long, connecting to a table”].

²⁷²⁹ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.43.10-09.44.37 [“Usually, it took several months or a few months to interrogate prisoners ... Under the rule or regulation at that compound, I had to interrogate the prisoners from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., and from 7 p.m. to 11 p.m.”]; **E3/7463** Prak Khan, T. 21 July 2009, 11.32.14-11.36.42; **E3/5156** Prak Khan WRI, EN 00161584; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.48.02-09.51.04 [“Talking about the shortest interrogation, if the prisoner agreed to cooperate and give the answers ... the duration of the interrogation would last about 10 to 15 days”], 09.51.04-09.52.09; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.08.26-10.10.05 [“I was beaten from 7 a.m. up to 11.00 and from 1.00 up to 5.00 p.m., and also from 6 p.m. up to 10 p.m.”]; **E3/7616** Mam Nai WRI, EN 00164392 [“Some prisoners were interrogated for up to two months”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.15.14-10.18.13 [describing “three shifts” that were the “daily routine of the interrogation cadres”].

²⁷³⁰ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 [“I became so fatigued as the food was not sufficient. I was thinking to myself that I was given this watery gruel so that I could not gain my strength to resist their interrogation”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25-11.20.12; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19 [“There was no rice grain in [the gruel] ... and I was so skinny I had no strength. Even if I had a stick, I would not be able to use it to attack them”], 15.05.27-15.08.56 [“once we became weak they would start to peel our skin. That expression means they would start to interrogate and torture us”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.43.45-13.46.13 [“The prisoners whom I interrogated ... became thinner and thinner because they did not receive enough food to eat while they were detained in the prison”]; **E3/503** Iem Horn WRI, EN 00401858 [“They chained me ... I received no food or water for one week”].

²⁷³¹ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46 [“The interrogation team divided into three groups ... For the cold group, tortures were not applied. For the hot group, their hands were hot, so they would beat the prisoners immediately if the confession was not extracted as they wanted. For the chewing team, they needed more time to interrogate the prisoners and it took long term”], 09.53.05, 09.56.44-09.59.20 [“interrogation at S-21 took place by what I can call the preliminary interrogation team. This team would only ask questions to grasp the core essence of the confession, and then Hor would make a decision with consultation with me or make a decision alone whether those people would be sent to a respective group, for example, the cold group or the hot or the chewing. And, again, if any

669. S-21 interrogators were instructed to take an “absolute stance” that all prisoners were enemies from whom confessions must be extracted.²⁷³² Duch testified that one of his duties as S-21 Chairman was to train interrogators to “dare to torture.”²⁷³³ He conducted regular training sessions at which S-21 interrogators were instructed on how to interrogate and torture prisoners.²⁷³⁴ As recorded in one interrogator’s notebook:

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- prisoner was sent to the cold group and then the cold group could not handle the task, then the group would refer to another two groups”]; **E3/1570** Kaing Guek Eav WRI, EN 00154194-95 [“*Cold method*: no torture, no insults, but use of propaganda ... *Hot method*: insults, beatings and other torture authorised by the regulations. *Chewing method*: gentle explanations in order to establish trust/confidence, followed by prayers to the interrogated person, continually inviting her or him to write. Torture was sometimes used”]; **E3/448** Kaing Guek Eav WRI, EN 00154908 [“With [Ya] we used the Chewing method – that is the Cold method combined with torture”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.40.35-10.41.55, 10.41.55-10.43.47 [“The prisoners I interrogated at that time were mostly those who were already tortured exhaustively, and they were sent to my unit so that we would chew for more information. There were only few cases where new prisoners were sent to my unit”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.05.37-14.10.16 [“Regarding the interrogation conducted by members of the chewing group, they employed all methods, that is, cold method, hot method, and sometimes, they resorted to violence”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.39.53-10.42.50, 15.30.43-15.34.25; **E3/5156** Prak Khan WRI, EN 00161575-76 [“Normally, when prisoners came in, important prisoners, they went to the hot team”]; **E3/351** Mam Nai WRI, EN 00162915-16; **E3/2491** Report from S-21 Interrogator, 28 Mar 78, EN 00822153 [“Based on his responses there are still more names, but this enemy was confused and having weak memory ... Because of this problem, this enemy was sent to the Chewing Group”]; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00184607 [“Since April 77, we have the following groups: Cold; Hot; Making Documents; Group A”]; **E3/1937** S-21 Interrogation Log, 9 Apr 78; **E3/1951** S-21 Interrogation Log, 9-10 May 1978 [separate lists for prisoners interrogated by Cold, Hot and Documentation Groups]; **E3/1170** S-21 Notebook, EN 00602543 [chart identifying four groups of S-21 interrogators].
- ²⁷³² **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.02.57-15.05.05; **E3/7464** Prak Khan, T. 22 July 2009, 09.59.50 [S-21 cadres were indoctrinated to take “absolute stance against the enemy ... to consider the enemy as animals so then we would be in the position to extract the confessions from the enemy”]; **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we had to acknowledge that people who were arrested by Angkar were enemies”]; **E3/7461** Him Huy, T. 16 July 2009, 14.35.47-14.39.17 [“we were trained to be absolute to elicit enemies’ confessions”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.09.51-10.12.13 [“in instructing the interrogators to interrogate, it was a key factor that the interrogators had to have an absolute stance. The people who were arrested had to be regarded as the enemy, otherwise their confessions could not be extracted”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225380 [“Resolve to absolutely go on the offensive to interrogate and get confessions for the Party”]; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00184602.
- ²⁷³³ **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.57.40-12.01.50 [“My second duty was the training and education in order to make them to interrogate, so that they dare to interrogate, they dare to torture ... and all this was the result of the arrest of the new people because for these new people we had to have their confessions. That was my constant duty with my superior”].
- ²⁷³⁴ **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.43.47-10.45.53 [“Every half month or one month, we were invited for a political training session near Duch’s house about the various techniques that should be used for interrogation, documenting, and torturing”], 14.08.30-14.09.43 [“Duch, himself, also provided us the training in the political study sessions on the techniques to mistreat prisoners and not to make it so severe that they died and the confession was cut off”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.22.29-10.30.38; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.45.15-15.46.44 [Duch instructed “how to extract the confession quickly from the prisoners”]; **E3/7641** Lach Mean WRI, EN 00363554, 00363557-58; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 11.32.16-11.35.10 [“I conducted a training on how to interrogate ... Those presentations were based on my frequent meetings with the senior. The superior gave me advice and recommendation and I followed that”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.53.11-12.03.28, 16.00.46-16.03.22; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.32.20 [“we taught

If the Party orders us to beat, then we beat with mastery, beat them to make them talk, not to die, to escape, not to become so weak and feeble that they will fall ill and we will lose them.²⁷³⁵

670. Duch admitted that the use of physical torture was “inevitable,” and that there were only one or two cases in which S-21 detainees were not tortured when interrogated.²⁷³⁶ Other S-21 cadres also confirm that torture was regularly used during interrogations of detainees.²⁷³⁷ As instructed in one of the S-21 interrogators’ study sessions:

The enemy does not confess to us easily. When they confess when we do politics, they confess at the very lowest level. Torture cannot be avoided. It only differs as to whether it is a little or a lot, that’s all.²⁷³⁸

2. Methods and Forms of Torture Used at S-21

671. Duch testified that there were four types of torture primarily used at S-21, with the approval of his superiors: “One, beating the detainees ... Number 2, electroshocks. Number 3, covering the head with a plastic bag to suffocate. And number 4, covering the mouth and nose with a towel and pouring cold water from a kettle.”²⁷³⁹

in details the importance of torture to the interrogators”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225395.

²⁷³⁵ **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225407. *See also* **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46 [“we had to be able to beat the enemies because it was allowed by the Party”].

²⁷³⁶ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.36.55-09.39.23 [“The physical torture was inevitable. There was only one case in which I did not use physical torture. For Comrade Hor, there was only one case in which he did not use torture ... In most of the cases during the interrogation, it involved the use of physical torture”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.35.06-09.36.30 [“As to your second part of the question, whether or not all confessions were extracted by ways of torture, I can say that, well, all of them except Koy Thuon’s were torture”], 09.39.30 [“in general, torture was not avoidable there”]; **E3/442** Kaing Guek Eav Written Statement, EN 00412114 [“torture was not avoidable there”]; **E3/65** Kaing Guek Eav WRI, EN 00147524 [“Anyone taken for interrogation mostly could not avoid torture, except for special cases like the case of Koy Thuon, whom I had orders not to torture”].

²⁷³⁷ **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.43.14-09.46.50 [“There were only few cases where prisoners were not tortured during the course of their interrogation”]; **E3/7471** Saom Met, T. 11 Aug 2009, 09.38.36-09.44.00 [confirming prior statement that “everyone was tortured,” and noting: “in such interrogation violence could not be avoided”]; **E3/7463** Prak Khan, T. 21 July 2009, 11.36.42 [“Normally detainees were subjected to being tortured regardless of female or male detainees”]; **E3/7638** Nhep Hau WRI, EN 00401790, 00401795 [“I noticed that one hundred percent of the prisoners had been tortured ... when I guarded in the prison, when prisoners returned they had whip marks”].

²⁷³⁸ **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225392.

²⁷³⁹ **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.29.29 [confirming his statement in **E3/454** and stating that methods of torture were initially “instructed by Vorn [Vet]” at M-13 and later “agreed to” by Son Sen at S-21]; **E3/454** Kaing Guek Eav WRI, EN 00147604; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“when I started to oversee the task at S-21, we discussed with Nat about torture modes”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 [“I did allow people to torture people in four ways”], 11.32.20 [“how tortures would be carried out, they had been agreed between I and Nat that the 4 methods were used”]. *See also* **E3/7463** Prak Khan, T. 21 July 2009, 10.22.29-10.27.42 [“Regarding the techniques of torture ... we were trained on how to whip the prisoners with the stick, on how to electrocute, on how to use the plastic bag to suffocate them”]; **E3/5156** Prak Khan WRI, EN 00161574.

672. *Beatings*: Beating detainees with whips, wire, and sticks was the predominant method of torture at S-21, as it was conceived to be the most efficient.²⁷⁴⁰ As described by Bou Meng:

I was asked to choose which stick I preferred ... Mam Nai stood up and grabbed a stick and started to beat me up. After he felt exhausted, then another person came to take turn to beat me up ... He asked me to count the lashes and when I counted up to 10 lashes, he said, 'How come you count to 10 lashes? I only beat you for one lash.' ... I felt so painful at the time. There were wounds – many wounds on my back and the blood was on the floor ... Every time they beat me up, they asked me questions: when did I join the CIA and, 'Who introduced you into the CIA network and what was their name?' And I responded that I did not know ... So they just kept beating me up.²⁷⁴¹

673. Contemporaneous S-21 documents include instructions to beat a female prisoner “in order to make her talk about her strings”²⁷⁴² and orders to limit beatings of “confessors” to “at most 10 sticks per day.”²⁷⁴³ The documents also record the beating of Northeast

²⁷⁴⁰ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 [“I did allow people to torture people in four ways. First, by beating with lashes or whip or other kind of beating”], 11.32.20 [“we agreed that beating would be the general method for torturing”]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“normal beating techniques” one of two most common methods of torture used at S-21]; **E3/454** Kaing Guek Eav WRI, EN 00147604 [“The method that was used the most was beating with a stick because other methods led to time wasting”]; **E1/435.1** Kaing Guek Eav, 9 June 2016, 10.30.04 [interrogators’ use of “rattan sticks”], 11.07.44 [“They used the wire from those houses and wrapped it together and then beat the prisoners with it”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.12.00-14.18.46 [“I used nearby tree branches to beat him; to beat his hand, legs, and back”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.14.35-15.15.50, 15.18.33-15.20.00; **E1/425.1** Prak Khan, T. 2 May 2016, 09.14.56-09.18.18; **E3/7463** Prak Khan, T. 21 July 2009, 10.22.29-10.27.42 [“we were trained on how to whip the prisoners with the stick”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.26.25-11.30.42 [“Tith told Hor that I did not confess and it was after that time that Hor took and pick up the stick to lash me ... he used the stick to hit my kneecaps”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.00.36-10.05.40 [“there were bamboo sticks, there were like rattan sticks or tree branches the size of a thumb, and at that time at the corner I saw a whole bunch of those sticks for used to whip or hit on the prisoner ... I was beaten with a stick ... when one was broken they used another one”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 [“I only saw him beating up prisoners with wood – with tree branches”]; **E3/7641** Lach Mean WRI, EN 00363558 [“When prisoners did not respond, I told Hor. Then he had me break a guava branch and bring it to him to beat them”]; **E3/7452** Bou Meng, T. 1 July 2009, 09.39.35-09.43.37; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [“He [interrogator Tuy] asked, ‘Now, why did you not answer and reveal the truth to the Party?’ ... the detainee said, ‘I already reported to the Angkar and I had nothing else to report.’ And then Tuy grabbed a stick and then beat the detainee on the back”]; **E3/7669** Saom Met WRI, EN 00163663 [“they just walked back and forth until the prisoner re-gained consciousness, and then they took a piece of rattan and beat them some more”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192823 [list of methods of torture used at S-21 includes: “Beating by hand, with a heavy stick, with branches, with bunches of electric wire”].

²⁷⁴¹ **E3/7452** Bou Meng, T. 1 July 2009, 09.39.35-09.43.37.

²⁷⁴² **E3/7426** S-21 Confession of Danh Siyan, 8 Jan 76, EN 00225275 [annotation: “More precise questions must be asked and more serious torture must be used in order to make her talk about her strings. Beat her until she stops saying that she has been to Vietnam to have herself healed of amenorrhea and thyroid gland by her grandfather”]; **E3/5771** Kaing Guek Eav WRI, EN 00185500 [annotation was his handwriting]. See also **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182961 [“We must not breach the Party’s instructions of beating female prisoners with the whip only”].

²⁷⁴³ **E3/8387** S-21 Document “Security Work By Direction,” 15 July 1976.

Zone Secretary Ya, who received “20 to 30 (rattan) lashes in the morning” and “20 to 30 (wire) lashes” in the evening, pursuant to “instruction from Angkar.”²⁷⁴⁴

674. Electric Shocks: S-21 interrogators also regularly used electrocution.²⁷⁴⁵ They administered electric shocks by attaching electric wires to the ears, toes, and genitals of prisoners,²⁷⁴⁶ often rendering them unconscious.²⁷⁴⁷ Contemporaneous reports from S-21 interrogators also confirm that prisoners were subjected to electric shocks.²⁷⁴⁸ One

²⁷⁴⁴ **E3/8374** Report from Pon to Duch “Measures already taken to interrogate IX,” 25 Sept 1976.

²⁷⁴⁵ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 [“Number two, I allowed them to electrocute the prisoners by using the electric telephone”], 11.32.20; **E1/435.1** Kaing Guek Eav, 9 June 2016, 10.30.04 [“Pon used the power provided from the electricity from the wall with 220W of power to electrocute prisoners”], 11.07.44-11.22.52; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“It was a kind of form of torture Nat was in favour of”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“I was electrocuted twice”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.22.41-15.24.45 [“we did not use electricity from the cable as we used electricity generated from a hand crank phone”]; **E3/79** Prak Khan WRI, EN 00161554; **E3/5156** Prak Khan WRI, EN 00161574 [he was instructed by Duch on use of electric shocks]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 [“electricity was generated from a dynamo and he [Kak, a senior interrogator] used that electricity to shock prisoners. And the severity depended on how fast you were winding that dynamo”]; **E3/7641** Lach Mean WRI, EN 00363560; **E3/7661** Kung Phai WRI, EN 00163635 [“I saw interrogators ... giving [prisoners] electrical shocks”]; **E3/7663** Tay Teng WRI, EN 00401837-38; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.47.33 [“Yes, prisoners were electrocuted”]; **E3/7673** Makk Sithim WRI, EN 00401872 [S-21 medic treated “prisoners who had been interrogated with electric shocks”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192823.

²⁷⁴⁶ **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“Then they use electrical wire to shock me in my ear”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 [“Mostly, he would stick the wires on the prisoners’ ears”]; **E3/7641** Lach Mean WRI, EN 00363558; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [“And then Tuy grabbed bunches of electric wire and then he attached part of the electrical wire to his toe and then put part of the wire into the ear of the detainee”]; **E3/7669** Saom Met WRI, EN 00163662 [“Sometime they had the prisoners strip off their clothes, and they used equipment to shock their genitals or shock their ears”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.29.25-10.32.59, 14.29.21-14.32.19 [describing electrocution near his genitals on “inner side of my thigh”]; **E1/435.1** Kaing Guek Eav, 9 June 2016, 11.11.44 [told by Nat or others that the wires were “attached to each big toe”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 13.49.15-13.56.38 [“I only heard about an electrocution on a male prisoner and make his genitals impotent”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 16.17.59-16.23.03 [describing incident in which Pon used electricity to shock a prisoner on the genitals].

²⁷⁴⁷ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.22.41-15.24.45; **E3/79** Prak Khan WRI, EN 00161558 [“During the torture, there was no confession, and it went on until the woman went unconscious from too much electric shock”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50, 11.30.42-11.33.10; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E3/7451** Chum Mey, T. 30 June 2009, 10.09.48-10.14.49; **E3/7452** Bou Meng, T. 1 July 2009, 10.29.25-10.32.59, 14.29.21-14.32.19 [describing electrocution that caused him to fall “unconscious immediately”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57; **E3/7669** Saom Met WRI, EN 00163663; **E3/1684** David Chandler, *Voices from S-21*, EN 00192825 [“Interrogators’ notes to some confessions suggest that prisoners often physically collapsed and confessed ‘fully’ when threatened with electric shock”].

²⁷⁴⁸ **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183290 [“By nightfall, we went at him again with the electric wires, this time pretty seriously. He became delirious”]; **E3/1874** S-21 Report on Interrogation of Uk Savann, 9 Feb 1978, EN 00821432 [“She was tortured and electrocuted several times”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 [describing interrogation of Suor Heang alias Yom: “he did not tell me about his traitorous networks. I then electrocuted him several times”]. See also **E3/2470** S-21 Confession of Bou Phat alias Hang, 3 Feb 1978, EN 00768234 [“Yesterday’s report was groundless because I was writing it under the coercion of the security interrogators who threatened to beat me up and electrocute me to death”].

detainee wrote in his confession that he “felt like committing suicide” after interrogators “beat and electrocuted me because I refused to confess my mistakes like Angkar had explained to me in the beginning.”²⁷⁴⁹ The detainee’s interrogation file, noting that he had been “beaten to unconsciousness” for being “stubborn,” contains an annotation from Duch ordering the use of “torture” because “he did not confess.”²⁷⁵⁰ Expert David Chandler states that electrocution was used “so commonly” at S-21 that prisoners received an instruction “not to scream when electric shocks were applied.”²⁷⁵¹

675. Suffocation: Duch testified that Special Zone Secretary (and future Standing Committee member) Vorn Vet taught him the technique of using plastic bags to suffocate prisoners during interrogation.²⁷⁵² Vorn Vet told Duch that after covering the head with a bag:

You, Comrade, need to look at their neck ... or rather, the pulse at the neck; if it was vibrating very strongly ... they would be considered as spies.²⁷⁵³

676. S-21 interrogators confirm they were instructed on and used this method of torture,²⁷⁵⁴ and a report on the interrogation of Division 170 cadres contains multiple references to its use.²⁷⁵⁵ Duch admitted that one prisoner died while being suffocated.²⁷⁵⁶

²⁷⁴⁹ **E3/3841** S-21 Confession of Um Soeun, EN 00825417; **E1/435.1** Kaing Guek Eav, 9 June 2016, 11.17.27 [identifying Pon as interrogator used for this prisoner].

²⁷⁵⁰ **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223146 [30 August 1975 annotation: “He was so stubborn though he is young that he was beaten to unconsciousness”], 00223142 [annotation: “Did not confess! Torture!”]; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 15.44.23-15.46.12 [identifying latter annotation as his handwriting].

²⁷⁵¹ **E3/1684** David Chandler, *Voices from S-21*, EN 00192824 [“Electric shock was administered to prisoners so commonly that a list of instructions drawn up for all prisoners included a request not to scream when electric shocks were applied. The penalty for disobeying an interrogator, said the instructions, could be 10 strokes of a whip or ‘five electric shocks’”]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.06.40-15.08.25 [“they were prohibited from shouting”].

²⁷⁵² **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.27.42, 10.55.40-11.04.01; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“at M-13, Brother One was very happy to employ the plastic-bag technique”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.32.20.

²⁷⁵³ **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.40.48.

²⁷⁵⁴ **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.15.10-14.16.55 [“some others did not confess, so we had to resort to other methods ... we had to use plastic bag to suffocate them so that they confessed”], 14.21.22-14.23.15 [“plastic was used to suffocate prisoners”], 15.14.35-15.15.50, 15.20.00-15.26.07 [“If we saw that the prisoner actually suffocated and could not breathe, then we would remove the plastic bag. And if not, then we continued to tighten the bag. And the duration varied. We did not time it”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.20.24-14.22.44; **E1/425.1** Prak Khan, T. 2 May 2016, 09.55.02-09.56.32; **E3/7463** Prak Khan, T. 21 July 2009, 10.24.59-10.27.42 [“we were trained ... on how to use the plastic bag to suffocate them”], 11.07.00-11.10.02 [describing torture of female prisoner: “He beat her, he electrocuted her, and he suffocated her with a plastic bag until she became unconscious”]; **E3/79** Prak Khan WRI, EN 00161554 [“they told us about torturing by putting rubber bags over the head, electric shock, so that the enemy would not have sores all over his body, wounds all over his body”]; **E3/5156** Prak Khan WRI, EN 00161574; **E3/7470** Saom Met, T. 10 Aug 2009, 15.57.18-16.02.20 *confirming* **E3/7669** Saom Met WRI, EN 00163662 [“They tortured by beating the prisoners to make them answer ... suffocating them with a bag”].

677. Water Torture: Duch also testified that Son Sen approved a form of waterboarding, in which interrogators covered prisoners' mouths with a scarf or towel and poured water on them.²⁷⁵⁷ An S-21 interrogator's notebook contains a reference to this form of torture.²⁷⁵⁸
678. Other Methods of Torture: Additional methods of torture used at S-21 included: burning with cigarettes and electric lamps;²⁷⁵⁹ freezing with cold water and fans;²⁷⁶⁰ puncturing or ripping out fingernails and toenails;²⁷⁶¹ force-feeding of excrement and

²⁷⁵⁵ **E3/3847** S-21 Confession of Pol Pisith (annotations in margin of report summarising interrogation), Sept 1976, EN 00223916 [Pov Lim (para. II.4): "Types of Torture: Beating with electrical wire and suffocating with plastic bag ... after he had been further tortured, he started to tell us about a meeting ... he was willing to speak out;" Pol Pisith (para. III.3): "Torture: Beating with electrical wire and suffocating with plastic bag. After the torture, he agreed to speak"].

²⁷⁵⁶ **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.35.56-09.38.59 ["a prisoner died because he was suffocated by the plastic bag, and the actual incident that I saw was in the case of Ping Kim Sie because he was a rather important prisoner"]; **E3/10604** OCIJ S-21 Prisoner List, No. 6946 [Poeng Kim Sea, former doctor from Northwest Zone, entered S-21 18 April 1977 and "died of torture ... at Interrogation Place" on 7 May 1977].

²⁷⁵⁷ **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.27.42; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 ["another technique was from the Lon Nol police; what we call a boarding technique while a scarf was covered on the face of the prisoner while water were poured in"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 ["I allowed the interrogators to pour water into nostrils of the prisoners"], 11.59.41 ["this kind of torture ... the victims felt that they were drowning and suffocating"]; **E3/454** Kaing Guek Eav WRI, EN 00147604 [method of torture "used with the approval from Son Sen"]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.08.30-14.09.43 ["the method of waterboarding was also taught by him ... they were all taught by Duch"]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192823.

²⁷⁵⁸ **E3/834** Pon-Tuy S-21 Notebook, EN 00184511 ["We forget ourselves in the matter of torture whenever we are angry, not holding back, like when the enemy writes incorrectly. Another thing, getting overjoyed with pouring water into prisoners"].

²⁷⁵⁹ **E3/1684** David Chandler, *Voices from S-21*, EN 00192823 [list of torture methods used at S-21 includes "cigarette burns"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 14.40.43-14.43.22 ["regarding the cigarette burning I believed it existed"]; **E3/7601** Kong Phai WRI, EN 00146783 ["When I was guarding, I witnessed the prisoners who were being tortured ... They used the spot light to heat the prisoners up. They turned on the spot light and turned it directly on the prisoners who were tied up with a wooden stick, and the prisoners got hotter and hotter until they could not stand the heat and eventually answered the questions asked"].

²⁷⁶⁰ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.26.17-11.30.42 [describing torture used during interrogation of Vorn Vet: "during the month of November, the weather was rather cool and he used the fans and with the water splashing behind the fans in order to spray it to make Brother Vorn shiver ... ice was put into a container and water was poured into it, then they splashed that cold water onto him and then they turned on a fan"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185026; **E3/7669** Saom Met WRI, EN 00163663 ["Sometimes, when they tortured strongly, they poured water on the prisoner and the sleeping place, and they turned on a fan so the prisoner would be cold"].

²⁷⁶¹ **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.21.22 ["As for torture, pliers were used to pull fingernails or sometimes a nail was inserted under the fingernail"]; **E1/425.1** Prak Khan, T. 2 May 2016, 11.04.45 ["Regarding the mistreatment of prisoners by pulling out their nails, at the political school, Duch gave us instructions on this matter"]; **E3/5156** Prak Khan WRI, EN 00161574; **E3/79** Prak Khan WRI, EN 00161554; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.37.50, 11.28.20-11.33.10, 13.44.05-13.47.18; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.08.11; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.18.10-15.20.05 ["my chief would further instruct me how to treat a particular prisoner; for example, after their nails had been removed"], 15.42.12 ["That prisoner told me that the interrogator used the pliers to pull out his fingernails and toenails"], 15.55.36-15.57.37; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.11.10; **E3/7673** Makk Sithim

urine;²⁷⁶² driving a stick into female genitalia;²⁷⁶³ and tightening the shackles of the prisoner.²⁷⁶⁴

679. *Cold Method of Interrogation*: Some of the so-called “cold method” forms of interrogation were designed to inflict severe trauma, distress, and mental suffering, and therefore also constituted torture. The psychological torture employed by interrogators included: threatening the “welfare” of the prisoner’s spouse and children;²⁷⁶⁵ forcing prisoners to pay homage to images of dogs bearing the heads of Ho Chi Minh and the US President;²⁷⁶⁶ and “[t]hreatening, distracting, breaking them skillfully, arranging

WRI, EN 00401871; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.30.08-09.34.29 [S-21 medic: “They had their fingernails missing”]; **E3/7669** Saom Met WRI, EN 00163662 [witness saw finger and toe nails pulled out while guarding interrogation rooms]; **E3/7644** Poeuy Pel WRI, EN 00195716; **E3/7674** Vann Nath WRI, EN 00163740; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.13.55-15.16.31 [admits “puncturing or removing of toenails” occurred, but claims he later “warned” interrogators to stop], 15.38.02-15.42.22.

²⁷⁶² **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, EN 00183289 [“On the afternoon of 21-7-77, we pounded him another round. Electrical wire and shit. This time he cursed those who hit him very much, and said ‘Go ahead and beat me to death.’ Had him eat two or three spoonfuls of shit”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.08.30-14.09.43 [“prisoners had to be forced to eat faeces and to drink urine; they were all taught by Duch”]; **E3/7463** Prak Khan, T. 21 July 2009, 15.27.59-15.30.43; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.42.22 [“I knew that [forcefeeding of excrement] was inflicted on my former school teacher. And I still gave my leniency to the person who committed such torture”]; **E3/440** Kaing Guek Eav Written Statement, EN 00270555 [“Comrade Tuy forced Ke Kim Huot to eat excrement ... even though it was serious and shocked me deeply, I was not brave enough to arrest the perpetrator – leaving it to Son Sen to take action, but he did not do so”].

²⁷⁶³ **E1/436.1** Kaing Guek Eav, 13 June 2016, 09.04.49-09.14.15; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.16.31-15.19.36 [“interrogator inserted a stick into teacher Doem Sarouen”].

²⁷⁶⁴ **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner: “During my interrogation I was not beaten with a stick but they tightened the shackle on my ankle”].

²⁷⁶⁵ **E3/1544** Report from Pon to Duch “Interrogation Measures Which Made IX Confess,” 26 Sept 1976 [“We received an instruction from Brother Duch to ... recall the welfare of his spouse and children and his knowledge of their arrests and whether they know where he is now”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.43.20-13.45.34 [discussing **E3/1544** and the interrogation of Ya: “his wife had just delivered a baby and he was told that kind of statement to make him think about the welfare of his spouse and children. This was the practice at that time”]; **E3/5763** Kaing Guek Eav WRI, EN 00164363 [“we decided to put pressure on him by mentioning his wife and children, whom he loved very much (it was Son Sen’s idea, but the three of us, Son Sen, Pon and myself, agreed to proceed in this way)”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.48.02-09.51.04 [confirming he received “similar instructions” to those described in **E3/1544**]; **E1/425.1** Prak Khan, T. 2 May 2016, 09.32.16-09.33.52 [“the technique was also to allow the prisoners to think of the wife and the children of them so that they could give the confession”], 09.57.36-09.59.42; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225392-93 [list of nine “forms of propaganda” or “political pressure” to use as Interrogation Methods includes: “(d) Attract their feelings to revolve around family matters, the lives of their wives and children ... do not resist and make matters more serious, do not make us torture yet or do anything else serious that will impact upon their health”], 00225394 [“Make them think about something else, like the lives of their parents, wives and children”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.41.57 [in reference to excerpt from **E3/8368**: “I considered this tactic of interrogation as the cold method”].

²⁷⁶⁶ **E1/435.1** Kaing Guek Eav, 9 June 2016, 10.33.42-10.36.36, 11.23.59-11.26.37; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 13.49.15-13.56.38 [“I saw the introduction of the respect, the paying of the homage to the pictures of dogs ... I think emotionally the person would have been severely affected by such practice ... I asked them to pay homage to the dog – one dog with the Ho Chi Minh head on top and the other dog with the head of Johnson”], 15.42.22-15.45.08 [“these practices existed because I educated them”]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 14.43.22 [“The paying homage to the dog was practiced and because of its effectiveness I accepted it to be used ... of course you can say this is a

small scenes to make them docile and hopeless, seeing that they cannot resist any longer.”²⁷⁶⁷

3. Injuries Inflicted on Prisoners During Interrogations

680. The authorised forms of torture commonly used at S-21 caused severe pain and suffering, physical and mental, to those interrogated. Bou Meng was repeatedly beaten, whipped, and electrocuted with wires attached to his inner thighs near his genitals.²⁷⁶⁸ The beatings to his back and head have left him with permanent scars and hearing loss.²⁷⁶⁹ Chum Mey was interrogated and tortured for 12 days and nights.²⁷⁷⁰ He was beaten,²⁷⁷¹ electrocuted,²⁷⁷² and had his toenails ripped from his feet.²⁷⁷³ As a result, Chum Mey suffers from both hearing and vision loss.²⁷⁷⁴

psychological torture”]; **E3/5797** Kaing Guek Eav, T. 08 June 2009, 16.10.14-16.14.09; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.08.25-15.13.23 [“the purpose was to humiliate the prisoner if they would not confess. And this is also to degrade the value of the prisoner as the prisoner had to respect the image of the dog”], 15.13.23-15.14.35; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00242259 [“Paying homage to images of dogs is introduced because it has political meaning – one dog is imperialism, and another dog is the Territory – swallowing Yuon enemy. We forced them to pay homage of images of dogs in order to test them ... Once they pay homage to images of the two dogs, it means that they accept they are traitors”]; **E3/3844** S-21 Report on Interrogation of Pol Lak Pheng, 5 July 1978, EN 00820962 [“I wrote down words for him to memorize. He was memorizing them for over one hour. I showed him the picture of a human with the dog head and told him to salute it simultaneously while he was memorizing the words. He agreed to memorize the words and salute the picture for a long while”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978 [describing interrogation of Suor Heang: “I told him to prostrate himself before the image of the two dogs. At first, he did not follow my command, but after some beating, he agreed to admit that he was a traitor”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192825-27 [“‘Paying homage’ was one of a series of degradations designed to force prisoners to recognize their animal status. Their foreign masters were depicted as animals, and only animals would pay homage to them”].

²⁷⁶⁷ **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225393 [para. (b) of list of nine “forms of propaganda” or “political pressure” to use to “put constant and repeated pressure on them at all times”].

²⁷⁶⁸ **E3/7452** Bou Meng, T. 1 July 2009, 09.39.35-09.43.37, 10.29.25-10.36.36 [“there were a lot of wounds on my back, I felt so painful ... Him Huy used a stick to push under my back and a lot of gravels went inside the wound on my back so because it was so painful”], 14.29.21-14.32.19 [“It was to the inner side of my thigh. So once I was electrocuted, I fell unconscious”].

²⁷⁶⁹ **E3/7452** Bou Meng, T. 1 July 2009, 09.22.42-09.24.23, 09.39.35-09.43.37, 10.36.36 [“Q: Do you still have the scars or are they completely gone? A: The wounds recovered, but the scars are everywhere on my back, on my shoulders. They were the scars from being whipped or beaten”], 14.29.21; **E3/4661** Bou Meng WRI, EN 00146764. *See also* **E3/7450** Vann Nath, T. 29 June 2009, 15.19.06-15.23.11 *confirming* **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396842 [witness saw Bou Meng with “bandages covering bloody wounds all over his emaciated body”].

²⁷⁷⁰ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.08.26-10.10.05 [“I was beaten up and interrogated in that cell for 12 days and 12 nights”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 10.00.36.

²⁷⁷¹ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.40.25 [“They beat me, and I used my hand to protect myself. And as a result, one of my fingers was broken”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.00.36-10.08.11.

²⁷⁷² **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“they used electric shock on my ear ... as a result, I lost consciousness ... I was electrocuted twice”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.09.48-10.11.49.

²⁷⁷³ **E1/418.1**, Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“my toe nail was pulled and they could not

681. The infliction of serious injuries on prisoners undergoing interrogation is also confirmed by admissions of S-21 cadres and surviving prison records. S-21 guards testified that prisoners returning from interrogation had visible wounds and marks from their beatings.²⁷⁷⁵ S-21 medics, who were assigned to treat the injuries of tortured prisoners so their interrogations could continue,²⁷⁷⁶ confirmed that such prisoners “underwent great suffering,” with “wounds on their backs” that “cut through the outer skin,” missing toenails and fingernails, and “torn” ears.²⁷⁷⁷ Surviving S-21 records

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- pull it out in one move, then they pulled it out very rapidly and it was so painful that I almost passed out”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.28.20-11.33.10 [“the nails from two of my toes were removed ... They poured alcohol on to my toes and did not apply any medicines on them”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.11.49; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 22:52-23:40 [interview of Chum Mey describing his interrogation: “he took out a pair of pliers to twist and pull out my toe nails while my leg was shackled. When I still refused to confess anything, he twisted and pulled out the toe nails in my other foot. Finally, he electrocuted me ‘til I fainted. When I came around, he asked me again to confess”].
- ²⁷⁷⁴ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“I have not seen well out of one of my eyes since that time”]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 [“on one side my ear is damaged. I can hear the ringing in my ear when I lightly knock on my head and I also am hard of hearing in my other ear”].
- ²⁷⁷⁵ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53 [“I saw bleeding, scars, and wounds on the backs, hands, and feet of prisoners”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.54.53-13.55.53 [prisoners returned with “bruises on their faces and cuts on their backs,” and said they were beaten when the interrogators accused them of “concealing something”]; **E3/7641** Lach Mean WRI, EN 00363555; **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20; **E3/5155** Him Huy WRI, EN 00161590 [“I just saw the back wounds, like that, when they brought the prisoners back”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.18.33-15.20.00 [after interrogations, prisoners had “wounds and scars” on their bodies]; **E3/7463** Prak Khan, T. 21 July 2009, 11.04.46 [“usually for the chewing group those prisoners were already tortured or they already had wounds or injuries on their bodies when they were sent to us”]; **E3/7464** Prak Khan, T. 22 July 2009, 09.22.45-09.25.03; **E3/5156** Prak Khan WRI, EN 00161583; **E3/7470** Chhun Phal, T. 10 Aug 2009, 10.30.33-10.33.30 [“I saw the beating marks and wounds”]; **E3/7665** Chhun Phal WRI, EN 00163814; **E3/7470** Saom Met, T. 10 Aug 2009, 15.36.50-15.40.42 [“I could see their nails were being removed -- or were removed and their back sustained some wounds”]; **E3/503** Iem Horn WRI, EN 00401858 [“Coming back from interrogation, some prisoners had wounds and bruises. Some died in their cells after returning”]; **E3/7668** Ches Khieu WRI, EN 00401852 [“Upon their return they had bruises on their faces and cuts on their backs”]; **E3/7671** Pen Heng WRI, EN 00163695 [“Sometimes I saw unconscious prisoners being carried back to the guard site. The prisoners had only a pair of shorts, so I could see the marks from their having been beaten on their backs”].
- ²⁷⁷⁶ **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.34.15-11.36.34, 16.22.17 [“Regarding the medical services, they existed but only ... for the purpose to keep people alive long enough to be interrogated”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 10.03.40; **E3/7666** Sek Dan WRI, EN 00163823; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.16.35-15.18.10; **E3/7673** Makk Sithim WRI, EN 00401871; **E1/425.1** Prak Khan, T. 2 May 2016, 09.18.18-09.20.44; **E3/7458** Nam Mon, T. 13 July 2009, 11.07.22-11.09.37.
- ²⁷⁷⁷ **E1/425.1** Makk Sithim, T. 2 May 2016, 15.03.13-15.04.52 [describing his daily routine: “I usually cleaned the wounds of the prisoners around 6 or 7 o’clock in the morning ... then I had to wash the bandages that I used to wrap around the wounds”], 15.39.41-15.42.12 [“The prisoners that I treated told me that they were beaten up on their backs”], 15.55.36-15.57.37 [“They underwent great suffering. Nothing could be compared to the treatment of pulling off their nails. They were beaten up”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.11.10 [“I witnessed fingernails and the toenails being removed as well as the open back wounds which I treated”], 09.12.20 [“There were small and large elongated sizes of wounds, and the wounds cut through the outer skin”], 10.10.58-10.13.00, 10.49.31-10.53.39 [witness personally saw prisoners with their nails removed “once every two weeks or every month,” and saw three or four prisoners with “serious” open wounds]; **E3/7673** Makk Sithim WRI, EN 00401871; **E3/352** Pes

contain references to the injuries sustained by prisoners due to beatings and other routinely used forms of torture.²⁷⁷⁸

4. Use of Torture to Obtain Confessions

682. The purpose of the torture inflicted on S-21 prisoners was to force them to provide confessions and identify purported networks of traitors. As plainly stated in one S-21 interrogator's notebook:

The objective of torturing is to get their answers; it is not done for fun. Therefore, we must make them feel pain so that they will respond quickly. Another objective is to make them afraid ... Therefore, beat them to make them scared, but absolutely do not let them die. When torturing, it is imperative to check their health in advance and to inspect the whip. Do not get greedy and want to be quick; that leads to death and the loss of a document.²⁷⁷⁹

683. S-21 cadres confirm that torture was used to extract confessions.²⁷⁸⁰ Duch has admitted that interrogators in the hot unit were authorised to “beat the prisoners immediately if the confession [was] not extracted as they wanted.”²⁷⁸¹ Prak Khan has testified that “99

Math WRI, EN 00195710 [“I was on guard near Mak Sithem. I saw him cleaning wounds”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.30.08-09.34.29 [“They had wounds and sores on their bodies, especially on their backs ... majority of them had wounds on their backs. Some of them had their fingernails or toenails missing”], 09.37.31 [“at night I heard the screaming and I saw the sores and the wounds. So when I provided treatment, I asked them how did they get the wounds and the sores and they replied to me that they were being interrogated”], 09.53.10-09.58.24 [“The wounds and the sores ... mostly they were on the backs and on the arms and legs ... I saw some lesions on the ears and some of the ears of the prisoners were torn”]; **E3/7666** Sek Dan WRI, EN 00163823 [“there was never any period when the prisoners did not have wounds”].

²⁷⁷⁸ See e.g. **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 [“His health is very weak. Very harsh torture caused sores on his back”]; **E3/3187** List of Prisoners Who Died of Disease, EN 00874564-67 [list of 37 prisoners who died of disease or were executed from 1-15 May 1976, 13 of whom are identified as being “bruised” and “numb”]; **E3/8634** Daily Prisoner Report, 21 July 1977 [list of 19 prisoners, two of whom (Nos 5 and 7) are noted as having “back wounds”].

²⁷⁷⁹ **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225393.

²⁷⁸⁰ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.58.17 [“For those prisoners who refused to confess, those prisoners would be tortured”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.39.52-13.42.12 [“Talking about torturing, regardless of whether the prisoners were men or women, as long as that prisoner refused to confess, we had to use torture”], 14.15.10-14.16.55; **E3/7463** Prak Khan, T. 21 July 2009, 11.10.02; **E3/79** Prak Khan WRI, EN 00161559 [“In the interrogation of enemies, the torturing was done with the sole intent of getting responses”]; **E3/7661** Kung Phai WRI, EN 00163635 [Duch and company chairmen instructed that “prisoners were enemies, and that if they did not answer, they could be tortured”]; **E3/7665** Chhun Phal WRI, EN 00163814 [“The interrogators had the job and the right to beat and interrogate in order to get documents”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [describing detainee tortured by Tuy after he responded he had “nothing else to report”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46.

²⁷⁸¹ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46. See also **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.53.05 [“if they could not really solve the problems through way of cool method, the hot method would be introduced”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.32.42-09.36.30; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.38.02-15.40.00 [if cold unit could not get answers, prisoners were assigned to “hot unit” or Comrade Tuy to use the “hot method to interrogate” and “grill for more answers”].

per cent” of the prisoners initially denied any wrongdoing, and would only confess after days or weeks of interrogation using “cold method[s]” and other forms of torture.²⁷⁸²

Interrogators were expected to obtain the names of other persons in the “network” of the prisoner.²⁷⁸³ Contemporaneous documents clearly show the use of torture by S-21 interrogators to extract confessions.²⁷⁸⁴

684. Accounts from surviving detainees also provide a vivid picture of how torture was deployed at S-21 to force ordinary Cambodians, who had never heard of the CIA or KGB, to confess they were spies for those organisations. As testified by Chum Mey:

They beat me and asked me how many people were part of my network in the CIA and KGB. I told them I did not know what the CIA and KGB were ... They beat me, and I used my hand to protect myself. And as a result, one of my fingers was broken. And they used a tool to take out my toenail ... I told them that I did not know the

²⁷⁸² **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.15.10-14.16.55 [“sometimes, prisoners would confess upon the deployment of a cold method, but it did not mean that they would confess right away. It took one to two days, or four to ten days for them to confess; but some others did not confess, so we had to resort to other methods or they had to be tortured or they had to be beaten or that then we had to use plastic bag to suffocate them so that they confessed”].

²⁷⁸³ **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.21.40-11.23.23, 15.43.36-15.46.32; **E3/7463** Prak Khan, T. 21 July 2009, 10.33.44 [“While obtaining confession we were strictly advised to obtain the information regarding the network of a detainee”], 11.22.44-11.26.40 [describing Duch instructions annotated on confessions: “For the incomplete confessions the annotation would write, ‘Comrade, you have to interrogate further on this matter; for instance, on the treacherous network’”]; **E3/5156** Prak Khan WRI, EN 00161576; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.50.50-15.54.52 [“We were assigned to interrogate because they want to find out the strings or network of traitors ... it was the instruction that directed to the interrogators trying to discover the connections of the prisoners and their network to the CIA, Vietnam’s Labour Party, the KGB”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 15.05.52-15.10.26 [“The purpose of the interrogation was to extract the response from the prisoner who was a traitor and then their network”]; **E3/2983** Kaing Guek Eav, T. 27 May 2009, 12.03.27-12.05.23; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.39.30-09.42.15; **E3/834** Pon-Tuy S-21 Notebook, EN 00184506 [“Screening out the internal traitors is most necessary. We must do this without fail”].

²⁷⁸⁴ See e.g. **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 [“At first, he refused to talk about his betrayal at all. When our comrade tortured him really strongly, he said ... he was inducted into the CIA ... When we brought him for questioning again, he denied everything by saying that what he said before he had said because the comrade interrogator tortured him so strongly”]; **E3/7426** S-21 Confession of Danh Siyan, 8 Jan 1976, EN 00225275 [annotation: “More precise questions must be asked and more serious torture must be used in order to make her talk about her strings”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 [“I then electrocuted him several times, and I talked about politics to confuse him. He then agreed to tell me about his CIA networks”]; **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223142; **E3/3847** S-21 Confession of Pol Pisith, 5 Sept 1976, EN 00223916 [“After the torture, he agreed to speak”]; **E3/1869** S-21 Report on Confession of Nheum Sim, 11 Nov 1977, EN 00837417 [section titled “Clarification on My Questioning”: “I tortured him until he confessed that he worked as a spy and a CIA network”]; **E3/1894** S-21 Report on Confession of Sieng Paay, 28 Oct 1977, EN 00702085; **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183290 [“By nightfall, we went at him again with the electric wires, this time pretty seriously. He became delirious ... Later he confessed a bit”].

CIA and KGB, and as a result, they beat me more and they used electric shock on my ear. And I – as a result, I lost consciousness.²⁷⁸⁵

685. S-21 interrogators only stopped torturing Chum Mey when, after 12 days, he falsely confessed that he had “joined the CIA and the KGB” and proceeded to implicate 68 other people.²⁷⁸⁶ Similarly, S-21 interrogators repeatedly asked Bou Meng when he entered the CIA and KGB, and beat him each time he responded that he “did not know what [the] CIA was.”²⁷⁸⁷ Duch and S-21 interrogators had previously been instructed on the need to find more CIA agents.²⁷⁸⁸

5. Reports to CPK Leaders on Use of Torture

686. S-21 confession files contain summary reports from interrogators in which the use of torture is expressly discussed.²⁷⁸⁹ Duch testified that while he prepared longer

²⁷⁸⁵ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.40.25. *See also* **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.26.25-11.30.42 [tortured after his interrogator told Hor that he “did not confess”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.08.11 [“they asked me about the KGB and CIA. That was the main focus; nothing else. And if we answered about other things then I would be beaten ... I kept the same response that I did not know anything about the KGB or the CIA, then they used a plier to twist my toenail”].

²⁷⁸⁶ **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.40.25-10.44.06; **E3/7451** Chum Mey, T. 30 June 2009, 10.17.13-10.19.54 [“They stopped interrogating me because I confessed that I joined the CIA and the KGB ... I confessed that I did join the CIA or the KGB but actually it was a fabrication because I was beaten so severely, so I just implicated other people”]; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 21:25-24:56 [interview of Chum Mey describing how severe torture led him to falsely say he was CIA and implicate 68 other innocent people: “I didn’t know what to say so I just confessed to anything so that he wouldn’t beat me ... I realize that I was guilty of implicating other people, and I beg that God forgive me if anybody else was tortured like I was”]; **E3/9253** S-21 Confession of Chum Mey, 28 Oct 1978, EN 00175556-59.

²⁷⁸⁷ **E3/7452** Bou Meng, T. 1 July 2009, 10.22.03–10.27.56 [“they started to beat me to answer when I entered CIA and KGB. I told them that I did not know anything about it and I could not answer anything about CIA and KGB. I kept repeating my responses and they kept beating me ... how could I respond to them that I introduced anyone into the CIA, even myself. I did not know what CIA was”]. *See also* **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396834-35 [“When I was upstairs, I would hear them (the interrogators) swearing at the prisoners: ‘You are CIA!’ or ‘You are KGB!’ The words ‘CIA’ and ‘KGB’ were the main cause of death for people. In fact, none of us knew what the CIA and KGB were”].

²⁷⁸⁸ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 14.35.52 [instructed by Nat to “seek out the CIA agents” and “as a result, many CIA agents were mentioned in the confessions”], 14.38.56-14.41.53 [prisoners who confessed to being CIA agents were “forced to say so” - the “direction toward the CIA agents” was the result of “instructions from the superior”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.30.38-10.33.44 [“during the study session Duch instructed us on the CIA, KGB and Vietnamese enemies’ network and string”]; **E3/5156** Prak Khan WRI, EN 00161575.

²⁷⁸⁹ *See e.g.* **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183285-90; **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 [“At first, he refused to talk about his betrayal at all. When our comrade tortured him really strongly, he said ... he was inducted into the CIA ... Very harsh torture caused sores on his back”]; **E3/3654** S-21 Report on Confession of Sector 43 Secretary Koam Chan, 21 Oct 1977, EN 00768300-01 [“he still did not break, and we continued torturing him”]; **E3/1894** S-21 Report on Confession of Sieng Pauy, 28 Oct 1977, EN 00702085 [“When we started torturing, he agreed to confess by telling about his connection, activities, and plan in the network”], 00702082 [annotation: “Sent to Brother Nuon 2 copies”]; **E3/1869** S-21 Report on Confession of Nheum Sim, 26 Oct 1977, EN 00837417 [“I tortured him until he

summaries during S-21's initial operations, he later switched to short summaries, which at Son Sen's request included information on the use of torture.²⁷⁹⁰ Duch confirmed that he sent the interrogation summary reports describing the use of torture and the annotated confessions to his superiors, including **Nuon Chea**.²⁷⁹¹ An S-21 interrogator's notes record instructions provided by Duch to the interrogators regarding summary reports that would be sent to the "upper echelon,"²⁷⁹² and Duch testified that "everyone was aware that the confessions of prisoners would be sent up the line."²⁷⁹³

confessed that he worked as a spy and a CIA network"], 00837416 [annotation: "Central Zone – One copy for Brother Nuon"]; **E3/1874** S-21 Report on Interrogation of Uk Savann, 9 Feb 1978, EN 00821432 ["She was tortured and electrocuted for several times"]; **E3/3844** S-21 Report on Interrogation of Pol Lak Pheng, 5 July 1978, EN 00820962 ["I also whipped him. He then decided to confess"]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 ["after some beating, he agreed to admit that he was a traitor, yet he did not tell me about his traitorous networks. I then electrocuted him several times ... He then agreed to tell me about his CIA networks"].

²⁷⁹⁰ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.29.29 ["reports concerned the enemies' confessions, and the reports usually included that this particular prisoner was interrogated and tortured with this or that level"], 09.36.55-09.39.23 [Son Sen told Duch "to instruct the interrogators to note down how much torture they used during the interrogation"], 09.44.52-09.46.17 [he started using "only very short, abbreviated annotations to accompany the document. And the interrogators only noted down whether or not they beat the prisoners during the interrogation"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185016 ["Later I had him (Mam Nai) summarize enemy confessions as they were very long and I wanted summaries to send to upper echelon and I wanted them quickly"]; **E3/454** Kaing Guek Eav WRI, EN 00147604 [stating that he knew details of the methods of torture used at S-21 "through reading the reports"].

²⁷⁹¹ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.29.29-09.31.47 ["the Co-Investigating Judges asked me whether or not the superior of upper echelon allowed torture to be inflicted. And my response was that yes. That was why there was reports indicating that I beat this or that person and this or that person only answered after I beat him or her. And that could be seen in the reports"], 09.42.41-09.44.52 [referring to confession summaries in **E3/1869** and **E3/1894**: "As far as I can remember, I sent this document together with the confession report to the superior ... I sent the documents to the upper echelon; that's why there is Son Sen's signature on the document to be sent further to Brother Nuon"], 09.44.52-09.46.17 ["Q: And that's what I'm asking you about, these very short summaries like we see in these two documents. Were they sent to your superiors? A: ... I sent all of them together that's why there are annotations on them"], 11.22.52-11.31.07 [discussing two other interrogation reports describing the use of torture, **E3/3844** and **E3/7437**, sent during the time he reported to Nuon Chea: "From that time onward, I sent reports to Brother Nuon"]; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 10.07.46-10.11.21 ["Q: As the Chairman of S-21, what were your roles? A: My common roles included reading and summarizing the confessions, and brief[ing] the superior on the confessions annotated by me. So I had already been very busy with these reading and summarizing the confessions and reporting to my superior"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.38.28-15.40.15 ["the interrogators would report upon the completion of the confession extracted from each prisoner; the documents would be submitted to me, and I would read and summarize the confessions and make some necessary annotations to the upper echelon ... So, when it comes to the confessions of S-21, they would be sent to the upper echelon, and at some point they would also be reported immediately"].

²⁷⁹² **E3/8368** S-21 Notebook "Statistics List of Special Branch," EN 00225395 [in section of notes titled "Views and Stances on the Enemies' Confessions": "In summary, whatever we do we do not want to surprise ourselves, and then when the upper echelon reads our reports they will not be surprised either"], 00225401 ["When the confession is finished, request a summary response"].

²⁷⁹³ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 10.06.42 [discussing above excerpt from **E3/8368**: "I gave general instructions that we had to be responsible before the Party in terms of our reports. We had to be clear about enemies and friends and the level of their offence. That was my instruction, so everyone was aware that the confessions of prisoners would be sent up the line. That was the task performed by S-21, the main task, an important one"]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.09.22-11.11.22

687. The confession summaries that Duch confirms were sent to CPK leaders included reports from Tuy, the designated S-21 interrogator for prisoners who did not confess easily,²⁷⁹⁴ in which Tuy documented the use of extreme torture against high-ranking CPK leaders imprisoned at S-21.²⁷⁹⁵ For example, a 22 July 1977 report on the interrogation of Sector 7 Secretary Ke Kim Huot alias Sot provides a detailed account of torture used over a three-day period at the outset of the CPK leader's imprisonment, in which he was "pounded," electrocuted twice, and forced to "eat two or three spoonfuls of shit."²⁷⁹⁶ The conclusion of Tuy's report states his plan to continue that course of severe torture: "My operative line is to continue to torture with mastery, because the enemy is breaking emotionally and is at a dead end ... I ask for opinion and guidance from Angkar in carrying out this task."²⁷⁹⁷ Ke Kim Huot underwent interrogation at S-21 for nine and a half more months, until his execution in May 1978.²⁷⁹⁸

²⁷⁹⁴ ["The purpose to interrogate prisoners was to obtain a confession. And after the confession was obtained, that would be sent to the upper echelon ... I would forward the confession or I would make a report to the superiors"]. **E3/454** Kaing Guek Eav WRI, EN 00147603 ["Comrade Tuy liked to use torture very much"], 00147605 ["When a prisoner refused to answer, I told Pon to send the prisoner to Tuy"]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.25.10-15.26.32, 15.38.02-15.40.00 [Seat Chhae alias Tum assigned to Tuy for hot method of interrogation after Pon could not obtain confession]. *See also* **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [describing interrogation conducted by Tuy].

²⁷⁹⁵ **E3/3654** S-21 Report on Confession of Sector 43 Secretary Koam Chan, 21 Oct 1977, EN 00768300-01 ["After being tortured continuously for more than a half day, Chan still answered the same ... For the first torture, we interrogated him over and over with the same question, why he was being beaten ... Then we took up the matter of him seldom answering our questions to exert pressure, and we accused him of being insolent and arrogant; and we used this excuse to continuously beat him. After being tired from the torturing each time, we still interrogated him ... he still did not break, and we continued torturing him"]; **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183285-90; **E1/438.1** Kaing Guek Eav, 15 June 2016, 14.16.45-14.18.50 [discussing Ke Kim Huot: "Yes, that was that prisoner that Tuy beat and forced to eat his own faeces"]; **E3/106** Kaing Guek Eav WRI, EN 00177633-34 [discussing interrogation of Ke Kim Huot: "my superiors accorded great importance to his confession, and that until its completion, ending the interrogation was out of the question. Regarding the use of torture, I had assigned Tuy to the interrogation. I no longer dare to declare that the tortures described were not used. Actually, I acknowledge they were"]; **E3/440** Kaing Guek Eav Written Statement, EN 00270555.

²⁷⁹⁶ **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, 22 July 1977, EN 00183289-90 [section IV].

²⁷⁹⁷ **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, 22 July 1977, EN 00183290 [section VI].

²⁷⁹⁸ **E3/10604** OCIJ S-21 Prisoner List, No. 3748 [Ke Kim Huot alias Sot, former Secretary of Sector 7, entered S-21 on 13 or 17 July 1977 and was executed on 10 May 1978]; **E3/9954** List of Prisoners Entering July 1977, EN 01332202; **E3/3836** S-21 Confession of Ke Kim Huot (Excerpts), 29 Apr 1978; **E3/10165** List of Prisoners Smashed on 10 May 1978, EN 01248064; **E3/8463** List of Prisoners Smashed in 1978, EN 01302441. *See also* **E3/10087** List of Prisoners To Be Fattened; **E1/438.1** Kaing Guek Eav, 15 June 2016, 14.12.13-14.15.17 ["Ke Kim Huot was rather stubborn and he did not confess easily. During the interrogation, he became weak. For that reason, he had to be properly fed so that his health was strong and that the interrogation could resume"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.40.45-09.42.47 ["we kept him for longer because the upper echelon needed his confessions and then I changed several interrogators"].

6. Use of S-21 Confessions by CPK Leaders

688. Duch testified that the generation of confessions for CPK leaders was the most important function of S-21.²⁷⁹⁹ The following were the principal uses made of those confessions by the Party leadership.
689. First, as already detailed in the *Authority Structure and Communication* section, S-21 confessions were widely circulated to zone, RAK, ministry, and Centre leaders to inform them of the persons from their organisations implicated in the confessions, and to serve as the basis for decisions on further arrests.²⁸⁰⁰ The CPK leaders used S-21 confessions as the basis for mass purges, despite their knowledge that the confessions were obtained by torture and were unreliable.²⁸⁰¹
690. Second, as propaganda to justify ongoing purges²⁸⁰² and instill terror among those who remained, the confessions of purged CPK leaders were read or played at meetings of

²⁷⁹⁹ **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 10.55.11 [“The role of S-21 was to extract by whatever means the confessions and that the confessions shall contain the list of the indicated person’s name”], 10.58.56 [“This is the only purpose of S-21’s work; that is to extract confessions and to ... forward the confessions to the superiors”]; **E3/5770** Kaing Guek Eav WRI, EN 00177612 [“the content of the confessions being the most important work of S-21”]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343; **E3/452** Kaing Guek Eav WRI, EN 00147569-70.

²⁸⁰⁰ **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.39.30-09.42.15 [“Q: Were the prisoners expected to supply names of other people that were traitors; was that one of the aims of the confession? A: Those who were supposedly connected through the traitorous link, then we would report it to the upper echelons and the decision was entirely up to them to decide whether or not they would be arrested”]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343; **E3/357** Kaing Guek Eav WRI, EN 00242932; **E3/453** Kaing Guek Eav WRI, EN 00147584 [“People were arrested based on the confessions of others who implicated them”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.42.47-11.45.21 [“the confession would be examined by the upper echelon and the people implicated in the confession would be examined and monitored”]; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 21:25-24:56 [video interview of Chum Mey describing how severe torture led him to falsely implicate 68 people in his S-21 confession].

²⁸⁰¹ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.23.39 [“Pol Pot at one point did not even believe that the confessions were of true information”]; **E3/106** Kaing Guek Eav WRI, EN 00177634 [“Q: Did you think [confessions] reflected the truth? ... A: ... In fact, I did not believe them ... Even the Standing Committee, in my opinion, did not really believe in it: it was about finding excuses to eliminate those who represented obstacles”]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185037 [“the CPK limited my duties as only to get confessions, true or not, they did not worry about that”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.55.14-13.58.24 *affirming* **E3/1560** Kaing Guek Eav Interview, 6 June 1999, EN 00327327 [Nuon Chea told Duch not to worry whether the confessions were true or false]; **E3/2978** Kaing Guek Eav, T. 8 Apr 2009, 16.20.56-16.22.56 [“regarding the people who were implicated in such confessions, so there was only 10 percent of truth in them”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.35.50 [“To my observation, Pol Pot did not believe in those confessions. Those who confessed overstated the facts. The confessions were unsubstantiated and unreliable”]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537 [“‘They normally confessed when they were beaten painfully and seriously tortured,’ Nuon Chea said”], 00757537-38 [re confession implicating Chuoun Prasith: “Nuon Chea said he knew it wasn’t true ... ‘I thought they just faked these accusations,’ Nuon Chea said. ‘But I did not say that out loud’”], 00757538 [“Pol Pot went on to say that some people accused of being part of the CIA or KGB were actually innocent and only confessed because they were tortured. ‘Some confessed to being part of the CIA before they were born,’ he said”].

²⁸⁰² **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 09.13.39-09.15.54 [“As a principle, the people arrested by the Party were determined by the Party as enemies; S-21, therefore, needed to have the person acknowledge

Party cadres,²⁸⁰³ with the leaders denounced as traitors in *Revolutionary Flag*.²⁸⁰⁴ As testified by Expert David Chandler, S-21 confessions provided the Party Centre with the pretext for engaging in the “extermination” of all perceived “opposition to the Party” on a “continuous basis.”²⁸⁰⁵

691. Third, confessions of Vietnamese prisoners of war were broadcast on the DK radio as anti-Vietnamese propaganda.²⁸⁰⁶ In January 1978, Duch was ordered by **Nuon Chea** to

that they made mistakes and that they were guilty as enemies presumed by the Party and arrested by the Party. That is the general practice, in particular, at S-21 and it was also a common practice in all the police centres”]; **E1/92.1** David Chandler, T. 19 July 2012, 15.40.39-15.41.45.

²⁸⁰³ **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.27.37-11.34.33 [“the meetings to listen to the tapes were done by the upper echelon, or the meeting in which the confessions were read out were also conducted by the upper echelons ... Son Sen, my superior, met at the Olympic Stadium at the basketball court. It was about the dissemination of the confessions of Men San alias Ya, to be read out in public including the confession of Koy Thuon’s and also other comrade confessions was read out at that time”]; **E1/67.1** Saloth Ban alias So Hong, T. 24 Apr 2012, 14.22.28-14.27.22 [testifying that Ieng Sary read confession of Koy Thuon at meeting of mid to upper-level cadres at the Ministry of Foreign Affairs]; **E1/506.1** Tes Trech alias Nuon Trech, T. 5 Dec 2016, 15.45.32-15.48.40 [describing meeting of cadres at which arrest of Division 310 leaders was announced: “They alleged that commander of Division 310, Oeun, betrayed. Oeun’s voice was played over the loudspeaker stating about the plan to attack Phnom Penh and I heard the voice of Oeun from the tape”]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 14.05.45-14.08.12 [“through loudspeaker, they broadcast the confession of Koy Thuon and my division commander Oeun and brother Voeun, the deputy commander of the division”]; **E3/7877** Tes Trech WRI, EN 00346978; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.51.37-09.56.26 [“the whole soldiers of division were called into a meeting at Wat Phnom ... And we were told that former soldiers of division were traitors and that they had been arrested ... Q: At the meeting, did they play a tape recording of Oeun speaking? A: Yes ... I only knew that he was being mistreated from the voice he spoke”]; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.18.15-09.20.26 [“When Oeun and Kim were arrested from the division, they called soldiers and disabled soldiers like myself to attend a study session where the tape was played ... on the tape, he himself confessed that he was a traitor”], 10.53.00-10.56.13; **E3/5658** Keo Loeur DC-Cam Interview, EN 00863304; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.54.27-11.59.48, 14.27.30-14.32.20, 15.39.08-15.46.20 [confirming “vivid memory” that tape recording of Koy Thuon confession was played by Nuon Chea at study session]; **E3/469** Ruos Suy WRI, EN 00205112-13; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396574 [“Confessions of treason were needed for men like Ieng Sary and Khieu Samphan to read out at closed Party meetings, proving that Angkar had ‘as many eyes as a pineapple’... nothing could escape its vigilance”]; **E1/191.1** Philip Short, T. 8 May 2013, 09.40.15-09.43.48; **E1/192.1** Philip Short, T. 9 May 2013, 14.33.23-14.35.41 [“The mid level official at the Foreign Ministry, to whom I spoke...did refer to a meeting at which he had attended where Khieu Samphan had read out such a confession”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192873 [“Ney Saran’s former bodyguard ... recalled Khieu Samphan reading aloud from Saran’s confession ‘for three hours’ at a Party meeting”].

²⁸⁰⁴ **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.39.29-11.44.04 [“dissemination of [confessions] to reveal the traitors were done by all means. First, the Revolutionary Flag magazines”]. See e.g. **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“The despicable Chakrei, the despicable Chhouk, the despicable Thuch, the despicable Doeun, the despicable Phim, the despicable Sy, the despicable Keo Meah and the despicable Chey were all CIA. The only difference among them was that some of these CIAs were more on the American side while others were more on the Yuon side”].

²⁸⁰⁵ **E1/92.1** David Chandler, T. 19 July 2012, 15.40.39.

²⁸⁰⁶ **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.44.04-11.47.58 [“radio broadcasts of the full confessions were only done by way of using the confessions of the Vietnamese detainees”]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.56.29-15.58.36; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.35.57 [CPK broadcast confessions of Vietnamese people “for propaganda purposes”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.07.06 [“Chan actually prepared a statement for the prisoners to read, and that is the confession that they entered the Kampuchean territory in order to spy on us ... Usually, every morning at 7 o’clock, the confessions were broadcast on radio”]; **E3/7463** Prak Khan, T. 21 July 2009,

interrogate captured Vietnamese soldiers and obtain confessions regarding Vietnam's plan to invade Cambodia and force it into an Indochina Federation, which the CPK leaders would broadcast on the radio twice weekly.²⁸⁰⁷ The confessions were sent to **Nuon Chea**, who sometimes requested changes in their content.²⁸⁰⁸ Duch admitted that Vietnamese prisoners were tortured so as to extract the confessions ordered by **Nuon Chea**.²⁸⁰⁹ A number of DK radio broadcasts of Vietnamese POW confessions have been

11.26.40-11.29.44 ["Regarding the Vietnamese prisoners of war, they were interrogated by Chan and their confession would be recorded and broadcast on radio ... it was about their intention to invade Cambodia"]; **E3/79** Prak Khan WRI, EN 00161556-57; **E3/351** Mam Nai alias Chan WRI, EN 00162917-18 ["Q: Did the Vietnamese soldiers who were interrogated make confessions? A: They did, and they were sent to upper echelon, and some were recorded and broadcast on the radio ... we interrogated in Vietnamese, translated, and then we broadcast"]; **E1/109.1** Sa Siek, T. 16 Aug 2012, 14.14.48-14.22.10; **E3/361** Chhouk Rin WRI, EN 00766455 ["DK Radio broadcast information from the confessions of Vietnamese prisoners of war who had been captured"]; **E3/1359** FBIS, Jan 1978, EN 00169634-40, 00169647-48, 00169653, 00169656-57 [DK Radio broadcasts of five confessions of Vietnamese soldiers from 21-25 Jan 1978]; **E3/292** FBIS, Feb 1978, EN 00169190-95, 00169206-09 [DK Radio broadcasts of four confessions of alleged Vietnamese spies from 1-4 Feb 1978]. *See also* **E3/1258** DK Ministry of Foreign Affairs, *Evidences on the Vietnamese Aggression Against Democratic Kampuchea*, Feb 1978 [publication of 11 confessions of Vietnamese POWs and alleged spies].

2807 **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.57.07-09.59.14 ["on the 8th of January 1978, Brother Nuon called upon me ... Brother Nuon asked me to interrogate the Vietnamese war prisoners and record the prisoners' confessions"]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30 ["Vu Dinh Ngo who was a former Thieu-Ky soldier and who was the first 'Yvon' soldier ... arrested by Khmer soldiers on the 6th of January [1978]. There was an order from the upper echelon regarding the questioning of 'Yvon' soldiers and the purpose was for them to confess that they invaded Kampuchea and they wanted to use Kampuchea as an umbrella of Indo-China. Their voices would be recorded and broadcast and that required two segments of five minutes each per week. It was Pou Nuon who ordered me to do that. ... When Vu Dinh Ngo arrived, I received an order from Brother Nuon regarding the audio recording of the confessions"]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 ["Only confessions of Vietnamese were radiobroadcast. It is Nuon Chea who decided this ... it was at a period where the number of Vietnamese prisoners was large enough to allow a regular broadcast once to twice a week"]. *See* **E3/10604** OCJ S-21 List, No. 13474 [Vu Dinh Ngor, Major Sergeant and former Thieu Ky marine from Vietnam, entered S-21 on 3 or 9 January 1978, and is recorded as having confession VN167]; **E3/1249** BBC-SWB, *Confession of a Captured SRV Sailor*, 29 Jan 1978, EN S 00008894-96 [radio broadcast of "confession by (Vu Dinh Ngo), former midshipman of the Thieu-Ky puppet navy, who was captured on 3rd January 1978," is described as proof of "The intention to force Cambodia into an Indochina federation headed by Vietnam"]; **E3/1359** FBIS, *Confession Cites SRV Attempt to 'Liquidate' Cambodian Leaders*, 29 Jan 1978, EN 00169681-82 ["confession by captured Vietnamese sailor (Vu Dinh Ngo)"].

2808 **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.10.40-15.13.58 [confirming that Nuon Chea made some "minor changes" to the Vietnamese confessions sent by Duch: for example, increasing the "number of firearms" of the Vietnamese soldier from 15 to "20 firearms"]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48 ["The essence of the confessions of those Vietnamese was sent to Uncle Nuon. Therefore, whatever it is he would adjust it and then he would send it to me"].

2809 **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.48.34 ["Q: Were those Vietnamese prisoners tortured? A: Yes, but not seriously ... although they were told to confess what I said. Of course, prisoners of war and spies were tortured in order to get confessions. So forcing them to say what I just said was not serious torture"]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.35.57 ["The objective is determined from the upper echelon and I, myself, I ordered the interrogators to do what it took in order to receive the objective of the upper echelon, that is, Vietnam invaded Cambodia in order to put Cambodia into the Chinese federation"], 09.35.57-09.38.48 [asserting there was only a "little torture" because the interrogations were done by Mam Nai], 10.04.15-10.07.07 [acknowledging torture was used on Vietnamese soldiers and civilians "when it was unavoidable"], 11.57.14 ["Q: So that means they were forced to confess to the way that you wanted? A: If we wanted them to say that the Vietnamese soldiers were starved and did not have any food to eat, they had to say that in their confession"].

matched to corresponding S-21 confessions in evidence,²⁸¹⁰ corroborating Duch's testimony on this matter.

692. This evidence thus proves beyond any doubt that the Party Centre leaders, including both Accused, were well aware of the imprisonment, interrogation, and confessions of purged CPK leaders and Vietnamese prisoners-of-war.

7. Number of S-21 Confessions

693. Duch testified that, due to the "large number of prisoners," S-21 could not interrogate all of them, and "the majority of prisoners" were executed "without interrogation."²⁸¹¹ As such, S-21 prioritised interrogations of "important prisoners," and sent less important prisoners away for execution without confessions.²⁸¹²

694. S-21 records confirm that only a limited percentage of its prisoners underwent interrogations resulting in confessions. While S-21 usually had over 1,000 detainees at

²⁸¹⁰ See e.g. **E3/1301** FBIS, *Captured Naval Officer Cites Coercion, Economic Pinch*, 10 Apr 1978 ["report on confession by SRV Navy Lt Vinh Minh Chau captured off Angkrang Island in March"]; **E3/7440** S-21 Confession of Vinh Minh Chau, 3 Apr 1978; **E3/1250** BBC-SWB, *Confession of Vietnamese Spies*, 21 Apr 1978, EN S 00010077 [radio broadcast of confession of "beautiful Vietnamese woman (Vo Thi Thuy)"]; **E3/7351** S-21 Confession of Vo Thi Thuy, 10 Apr 1978 [identified as a "female Yuon spy"]; **E3/1276** BBC-SWB, *Confession by Captured Vietnamese*, 20 May 1978, EN S 00010038 [broadcast of "confession by [Vuong Ngoc Sun], a Vietnamese private who had been captured at Lok, Kampot, Province on 7 April"]; **E3/7386** S-21 Confession of Vuong Ngoc Xuan, 2 May 1978; **E3/1312** FBIS, *Radio Carries Confession of Former ARVN Officer Spy*, 12 June 1978 ["report on confession by Vietnamese spy (Tran Ngoc Tuong), captured on 29 April 1978 in Mondolkiri Province"]; **E3/7385** S-21 Confession of Tran Ngoc Toeung, 9 June 1978.

²⁸¹¹ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.14.58-15.17.35 ["we could not question all prisoners in time since there were fewer cadres compared to the large number of prisoners"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.15.55-09.17.26 ["the majority of prisoners were sent to Choeung Ek to be killed without interrogation"]; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 14.27.52 ["there were also many prisoners who were smashed without having any confessions"]. See also **E3/79** Prak Khan WRI, EN 00161559 ["As for prisoners who were interrogated, half of the interrogations did not get responses"]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 15.42.27-15.45.01 ["there were larger number of prisoners, compared to the fewer number of interrogators. And at the time I was walking back and forth to bring back the prisoners, so I could see that some prisoners remained detained in the cells without being sent anywhere else for interrogation"].

²⁸¹² **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.07.55-14.09.40 ["important prisoners, they would be questioned first, and later there would be a decision whether any of their wives and children would be questioned ... if they were not important, they would be taken out"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.17.26-09.19.08 ["we kept some prisoners, because we were expecting that one day the upper echelon would advise us to interrogate any particular prisoners, so keeping prisoners at S-21 depended on the importance of the questions they might have for particular prisoners ... Therefore, some prisoners, as I said, were not interrogated"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.14.19-11.17.07 [describing situations when prisoners were executed without interrogations: "in some other cases, when they were not important, then a decision was made to send them to be smashed"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185052-53 [describing "main principles" governing S-21: "Second, don't allow the responses of the important people to be cut off, the ones the upper level were paying attention to"]. See also **E3/1684** David Chandler, *Voices from S-21*, EN 00192685 ["The records from S-21 also showed that most of the lower-ranking prisoners had been held for a few days or weeks, whereas more important ones ... had been incarcerated for several months"].

the prison during the 1977-78 purges,²⁸¹³ it only had about 30 interrogators,²⁸¹⁴ and the prison interrogation logs show that no more than 200 to 250 prisoners (i.e 20-25% of the prison population) would be undergoing interrogation at any given period.²⁸¹⁵

695. The OCIJ S-21 Prisoner List also shows that when large groups of cadres from the same DK organisation were arrested and sent to S-21, only the more important prisoners from such groups were selected for interrogation. For example, of the 10 high-ranking cadres from Division 310 who entered S-21 on 17 and 19 February 1977, seven have surviving confessions,²⁸¹⁶ and only three do not.²⁸¹⁷ By comparison, a confession has been recovered for just one²⁸¹⁸ of the 12 ordinary combatants from Division 310 who entered S-21 on 24 and 25 February 1977.²⁸¹⁹ Of the 35 lower-ranking Division 310 cadres who entered on 6 February 1977,²⁸²⁰ only eight have S-21 confessions.²⁸²¹ Similarly, while the higher-ranking Sector 505 cadres sent to S-21 underwent interrogation until confessions were obtained,²⁸²² of 51 lower-ranking Sector 505 cadres who entered S-21 over a two-day period from 30 March to 1 April 1978,²⁸²³ only three are recorded as having S-21 confessions.²⁸²⁴

²⁸¹³ See **Annex F.48** *List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977*; **E3/10770** Logbook of S-21 Daily Counting Lists [showing daily totals of prisoners for period from 30 March to 3 December 1977]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.13.21-09.15.55 [“Q: ... During the period of these intense purges, were there usually 1,000 prisoners, or at least 1,000 prisoners, at S-21? A: Mr. Co-Prosecutor, the number could reach more than 1,000 ... that is based on my estimate ... but it did not reach up to 2,000”].

²⁸¹⁴ See section **S-21 Security Centre – Authority Structure and Communication** for discussion of Interrogation Unit at S-21.

²⁸¹⁵ **E3/2102** S-21 Interrogation Logs, 2 Feb 1978 [140 prisoners assigned for interrogation to Documentation Group]; **E3/2025** S-21 Interrogation Logs, 2 Feb 1978 [93 prisoners assigned for interrogation to Hot Group]; **E3/1666** S-21 Interrogation Logs, 2 Feb 78 [15 prisoners assigned for interrogation]; **E3/2196** S-21 Interrogation Logs, 2 Apr 1978 [144 prisoners undergoing interrogation]; **E3/2198** S-21 Interrogation Logs, 5 Apr 1978 [102 prisoners undergoing interrogation]; **E3/1922** S-21 Interrogation Logs, 6 Apr 78 [190 prisoners]; **E3/1674** S-21 Interrogation Logs, 11 Apr 1978 [103 prisoners].

²⁸¹⁶ **E3/10604** OCIJ S-21 Prisoner List, Nos 11 [regiment 11 Secretary Chhan], 2175 [regiment Secretary Nai], 7214 [regiment 13 Deputy Chet], 7806 [regiment 13 Secretary Song], 7978 [regiment 12 Secretary Pheng], 8135 [Division 310 Secretary Oeun], 13594 [Division Deputy Secretary Voeung]. Some of the specific titles of these cadres have been obtained from the Lists of Participants at the October and November 1976 General Staff Training Courses (**E3/1585**, Nos 1, 2, 6, 16, 26; **E3/847**, No. 230).

²⁸¹⁷ **E3/10604** OCIJ S-21 Prisoner List, Nos 2232 [Messenger of Division], 2235 [Battalion Secretary], 2236 [Deputy Secretary of Battalion].

²⁸¹⁸ **E3/10604** OCIJ S-21 Prisoner List, No. 5900 [Combatant of Division Telephone].

²⁸¹⁹ **E3/10604** OCIJ S-21 Prisoner List, Nos 2312, 2314-2319, 2389-2392, 5900.

²⁸²⁰ **E3/10604** OCIJ S-21 Prisoner List, Nos 566, 1307, 1502, 1751, 2030, 2071-2074, 2076-2081, 2083, 2085-2088, 2090, 2092, 2094-2097, 2099, 2101-2105, 8145, 8663, 8715.

²⁸²¹ **E3/10604** OCIJ S-21 Prisoner List, Nos 566, 1307, 1502, 1751, 2030, 8145, 8663, 8715.

²⁸²² **E3/10604** OCIJ S-21 Prisoner List, Nos 110 [Sector Deputy Secretary], 150 [Sector Secretary], 463 [Chief of Sector Worksite], 1039 [Sector Deputy Secretary], 1513 [Chief of Sector Transportation], 4382 [Chief of Sector Hospital], 8109 [Sector Deputy Secretary], 11552 [Chief of Sector Office], and Nos 1095, 1480, 1683, 6898, 8452, 13059 [District Committee Members].

²⁸²³ **E3/10604** OCIJ S-21 Prisoner List, Nos 5859, 8867-8870, 8873-8874, 8876-8883, 8885-8894, 8954-

696. Moreover, as shown by the Daily Counting Lists,²⁸²⁵ there were significant periods during the 1977-78 purges when S-21 was at or over full capacity, and prisoners had to be sent out for execution before confessions were obtained in order to make space for the large numbers of new incoming prisoners.²⁸²⁶
697. Accordingly, contrary to the argument of the **Nuon Chea** Defence, the existence of 4,300 surviving S-21 confessions²⁸²⁷ is consistent with the security office having imprisoned over 18,000 detainees. There is evidence that at least some of the many S-21 confessions that once existed have been lost or destroyed.²⁸²⁸ But even more importantly, the prison's limited capacity to conduct interrogations explains the number of surviving confessions.

MURDER, EXTERMINATION, AND WILFUL KILLING

698. The extrajudicial execution of S-21 prisoners is proven by: (i) the admissions of Duch and other S-21 cadres that virtually every person detained at the prison was killed; (ii) surviving S-21 execution lists and photographs of corpses; and (iii) the exhumed

2824 8958, 8960, 8963-8970, 8972-8981, 11880, 13344.
E3/10604 OCIJ S-21 Prisoner List, Nos 5859 [Secretary of Kork Nap Commune], 11880 [Deputy Chief of Cooperative], 13344 [Chief of Commune 100].

2825 **Annex F.48** *S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977*; **E3/10770** Logbook of S-21 Daily Counting Lists. See also **E3/1684** David Chandler, *Voices from S-21*, EN 00192714-15.

2826 **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 [“when they planned to arrest new people, Brother Son Sen always instructed me to take those arrested people out so that new arrestees could be brought in”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.47.34-10.50.14; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.16.09-15.18.00; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185052 [“Not every one of them had their confession taken ... That was done because of such overcrowding”]; **E3/1691** David Chandler, T. 6 Aug 2009, 13.59.32 [discussing prisoners sent out for execution without interrogations: “The trucks just went out to the killing fields, partly because the prison was too crowded and partly because the prisoners coming in the trucks were not of high-ranking responsible cadre”].

2827 **E3/1684** David Chandler, *Voices from S-21*, EN 00192685 [discussing S-21 confessions: “Roughly 4,300 of them have so far come to light”], 00192691 [“dozens” of additional confessions found in 1995]. The OCIJ S-21 Prisoner List (**E3/10604**) identifies confessions by TSL number for 4,091 prisoners.

2828 Not all S-21 records survived and were located and preserved by Tuol Sleng archivists, including papers that were taken and used by local residents returning to the neighbourhood. **E1/105.1** Ong Thong Hoeung, T. 9 Aug 2012, 13.57.46-14.03.36 [witness who worked at Tuol Sleng archive in 1979: “I was told that some documents were missing ... documents at Tuol Sleng was scattered everywhere at the time and people who needed the paper for various purposes, they took them away. Some of the documents was used to wrap banana, cakes and things like that”]; **E1/107.1** Ong Thong Hoeung, T. 14 Aug 2012, 11.32.16; **E3/2817** Nic Dunlop, *The Lost Executioner*, EN 00370126 [citing witness who saw “fried bananas” wrapped in S-21 confession sold at Tuol Tumpong market, and stating: “There had been no paper during the Khmer Rouge. Now, in the semi-derelict city, it was everywhere. Sheets of it blew through the streets. Children had begun to collect it”]; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396875 [describing his return to the Tuol Sleng site in August 1979: “Prisoner records were scattered all the way from the entrance to the office”]; **E1/419.1** Nhem En, 20 Apr 2016, 09.28.12-09.29.53 [describing house “200 metres from Tuol Sleng” where negatives were developed: “I asked the occupant of the house about what was left in that house. And I was told that when they occupied the house, the films and the negatives were knee high, but they disposed of them all”], 09.34.26, 09.43.08-09.44.34 [“they said that they burned all those negatives and film. But I can say that there were a lot of negatives and film rolls, maybe 5,000 or 10,000 of them”].

remains recovered from mass graves at Choeung Ek, and the study of those remains by Expert Voeun Vuthy.

1. Admissions of S-21 Cadres

699. Duch and other S-21 cadres confirm that virtually every person detained at S-21 was killed. S-21 Chairman Duch, even while on trial for those murders, conceded that pursuant to instructions he received from the top CPK leaders, all persons arrested and sent to S-21 were smashed.²⁸²⁹ The fate of S-21 detainees was further confirmed by the other S-21 cadres who testified at trial, including Him Huy,²⁸³⁰ Prak Khan,²⁸³¹ Lach Mean,²⁸³² and Suos Thy, the cadre responsible for recording prisoner executions, who testified that all prisoners were “considered dead” as soon as they entered S-21.²⁸³³ Expert David Chandler described S-21 as an “anteroom to death” and a “macabre project whereby all the prisoners, regardless of their actions and before they started talking, were condemned to death.”²⁸³⁴ Thus, execution was the ultimate outcome for all prisoners, with the exception of a handful of people who were deemed useful for their skills and escaped death at the time of the Vietnamese arrival.²⁸³⁵

²⁸²⁹ **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 13.54.40-13.56.10, 14.31.22 [“Whoever was sent to S-21 had to be smashed”]; **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 09.46.30; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.48.51; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 09.44.22-09.48.09; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 09.46.18-09.51.17 [“The people who were arrested and sent to S-21, those were regarded as enemies; they had to be smashed. This is a policy no one can violate”]; **E3/1569** Kaing Guek Eav WRI, EN 00185477 [“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”]; **E3/5748** Kaing Guek Eav WRI, EN 00153569; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185053 [“the first main principle was whoever entered S-21 had to be smashed”].

²⁸³⁰ **E1/427.1** Him Huy, T. 4 May 2016, 09.11.17-09.13.02 [referring to Duch: “He said anyone who was brought to S-21 would not have the chance to go out, and that the person would be killed”]; **E3/7461** Him Huy, T. 16 July 2009, 11.29.38-11.33.04, 11.49.42; **E3/7462** Him Huy, T. 20 July 2009, 10.07.36-10.09.00, 13.43.58-13.46.00; **E3/5155** Him Huy WRI, EN 00161591.

²⁸³¹ **E1/424.1** Prak Khan, T. 28 Apr 2016, 11.26.32 [“from my experience, at S-21, if people were brought in, they would never be let out”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.29.44-14.31.45; **E3/7463** Prak Khan, T. 21 July 2009, 10.30.38-10.33.44.

²⁸³² **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.58.17.

²⁸³³ **E1/430.1** Suos Thy, T. 2 June 2016, 13.52.10-13.56.20 [“It was the reality that after they came into S-21 and after their interrogations were concluded, they were considered dead already ... When they were brought in, they were supposed to be killed”], 13.58.48-14.01.10.

²⁸³⁴ **E3/1684** David Chandler, *Voices from S-21*, EN 00192727, 00192694 [“Strictly speaking, S-21 was an interrogation and torture facility rather than a prison ... The facility served primarily as an anteroom to death”].

²⁸³⁵ **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 09.44.50-09.46.30; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.54.12-10.58.26 [“There were two points regarding my survival: The first point is about my knowhow and skill repairing the typewriter. I was the only one who knew how to repair the typewriters. That's why they spared my life. And later on, the second point is when the Vietnamese troops and the Front troops came ... Without 7 [January] 1979, I would not survive”], 14.49.01 [“Overall, there were 7 survivors. Now, only two of us are still alive”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.12.27, 11.45.45-11.48.38 [discussing how many prisoners remained on 7 January 1979: “at that time we left the painting workshop

2. “Released” Prisoners

700. Contrary to the Defence assertion that some S-21 prisoners were “released,” the evidence proves that the limited number of individuals in question were not set free, but transferred for detention at Prey Sar or other prisons. In many cases, such individuals were later returned to S-21 and executed.
701. The thousands of surviving S-21 records document only a few occasions in which prisoners were “released.” First, in late 1975 or early 1976, during the period Nath was in charge of S-21, there are a number of prisoner confessions that contain annotations, in Nath’s handwriting, indicating the prisoner was to be “released.”²⁸³⁶ DC-Cam conducted a field investigation to try to locate this group of prisoners and found two survivors, both of whom stated that they had not been released, but rather transferred to the Takhmau prison (and in one case to Prey Sar thereafter).²⁸³⁷ With respect to a group of Division 703 soldiers “released” in December 1975,²⁸³⁸ S-21 records show that most of them subsequently returned to the security office.²⁸³⁹ With respect to the group of 100 Division 920 cadres who were sent to S-21 on 23 November 1977,²⁸⁴⁰ but “released” a

there were woodcrafters, electricians, blacksmiths and there were about 13 of us ... And there were no other prisoners remained”]; **E3/7452** Bou Meng, T. 1 July 2009, 09.56.24-10.02.24, 11.05.16-11.09.59; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.51.04-09.56.21 [“prisoners who were spared from being smashed ... The people who were artists, and Dy Phon the dentist, and the other people were spared also to assist the work at S-21 ... Maybe there are about 15 people, people who had been used temporarily at S-21. I see Mr. Chum Mey here in the Court. He is one”].

²⁸³⁶ See e.g. **E3/2461** S-21 Confession of Try Cheap Ngorn, EN 00821866; **E3/9216** S-21 Confession of Ear Hor, EN 00361722 [“Released on 8 March 1976”]; **E3/5803** Kaing Guek Eav, T. 23 June 2009, 11.00.37-11.06.00 [confession of Try Cheap Ngorn: identifying 25 Dec 1976 annotation “Request Angkar to release” as Mam Nai’s handwriting, and 26 Dec 1976 annotation “Approved for release” as Nath’s handwriting].

²⁸³⁷ **E3/8778** DC-Cam Field Reports, EN 00989314-15 [interview of Try Cheap Ngorn: “He was sent back to Takhmao prison after more than one month at S-21. At Takhmao, the KR soldiers released Cheap Ngorn and other prisoners to work ... Finally, he was sent to Prey Sar ... during working at Prey Sar, some prisoners were arrested and sent to S-21 again. Some prisoners were killed after they tried to run away”], 00989318-19 [interview of Ear Hor: “He was at [Tuol Sleng] over one month long ... Then he was sent back to Takhmao. At Takhmao at the time he was forced to work outside the prison at day time and shackled at night time ... In the dark of one day, he run away from the worksite”].

²⁸³⁸ **E3/965** RAK Division 703 Report “Brief Biography of Released Soldiers of Company 44,” 20 Dec 1975.

²⁸³⁹ **E3/8778** DC-Cam Field Reports, EN 00989320; **E3/10604** OCIJ S-21 Prisoner List, Nos 13226 [No. 1 on **E3/965**], 1013 [No. 2 on **E3/965**], 905 [No. 3], 931 [No. 4], 11099 [No. 6], 932 [No. 7], 3869 [No. 8], 2306 [No. 13], 12169 [No. 15], 2309 [No. 22], 15100 [No. 23], 3379 [No. 24], 14154 [No. 27], 13448 [No. 28], 15098 [No. 29], 9500 [No. 34], 3871 [No. 36], 997 [No. 38], 930 [No. 39], 5134 [No. 40], 5132 [No. 41], 13662 [No. 43], 13290 [No. 47], 982 [No. 48], 981 [No. 49]; **E3/3187** S-21 List of Executed Prisoners, July 1976, EN 00874517-18 – Nos 6, 8, and 23 [Nos 9, 30, and 35 on **E3/965**]; **E3/3187** S-21 List of Executed Prisoners, Oct 1976, EN 00874293-94 – Nos 9 and 11 [Nos 11 and 19 on **E3/965**]; **E3/1539** List of Prisoners Who Died at S-21C, Mar 1976, EN 00182903 – No. 157 [No. 16 on **E3/965**]; **E3/2285** S-21 List of Prisoners Smashed, EN 00873209 – No. 6 [No. 18 on **E3/965**].

²⁸⁴⁰ **E3/1645** List of Prisoners Who Entered on 23 Nov 1977, Nos 1-61, 63-66, 68-71, 73-77, 79-96, 98-105.

few days later on 26 November 1977,²⁸⁴¹ the OCIJ analyst who reviewed S-21 entry records was able to track 45 of these Division 920 cadres who re-entered S-21, in each case coming from Prey Sar (S-21 Kho or S-21D).²⁸⁴² The evidence is thus clear that S-21 prisoners were not set free. Rather, a small number were transferred for detention at Takhmau or Prey Sar (perhaps due to capacity constraints at S-21 and the need to make room for more important prisoners, or the temporary need for additional slave labour at Prey Sar) and, in most cases, were later returned to S-21 for execution.

702. During trial, **Nuon Chea** requested the Chamber to call Tes Trech, who they claimed was a living example of an S-21 prisoner who had been released. However, when Tes Trech testified, it was clear he had never been imprisoned at S-21, but only at a temporary detention office used by Division 310, from which people might be sent on to S-21.²⁸⁴³ He testified that he did not know the name of the office where he was detained, and that he was not even aware it was a prison until his unit chief told him a few days later.²⁸⁴⁴ The location where Tes Trech was held was not surrounded by a barbed wire fence like S-21.²⁸⁴⁵ He was not handcuffed when he entered, and the office was run by a cadre named Ol.²⁸⁴⁶ Wherever Tes Trech was detained, clearly it was not S-21.

²⁸⁴¹ **E3/8648** List of People Released on 26 Nov 1977 [list of 100 Division 920 cadres].

²⁸⁴² **E3/10604** OCIJ S-21 Prisoner List, Nos 1220, 1564, 5206, 5216, 7197, 7387-89, 7391-92, 7395, 7398, 7400, 7403-04, 7407, 7410-11, 7413-15, 7419-20, 7423-24, 7426-29, 7431, 7433-35, 7437, 7440, 7444, 7462, 7467, 7477, 7480-84, 11334; **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 15.07.47-15.15.22. *See also* **E3/2181** List of Prisoners Entering on 23 Jan 1978 [Nos 37, 41, and 92 from **E3/8648** release list sent back to S-21 from “Section 21D” of “Brother Huy Sre”]; **E3/1668** List of Prisoners Taken from 21 Kor, Dec 1977, EN 00185256-57 [return of Nos 70 and 97 from **E3/8648**]; **E3/8460** List of Prisoners from S-21D, 10 Feb 1978, EN 00843445-49 [documenting return to S-21 of Nos 38, 40, 48, 82-83, 87, 95-96 & 99-100 from **E3/8648**].

²⁸⁴³ **E1/506.1** Tes Trech alias Nuon Trech, T. 5 Dec 2016, 15.59.58-16.01.19 [“The prison office was under the division. After people were placed at that prison and charged by Ol, those people would be further sent to Tuol Sleng”]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 13.44.06-13.46.07 [“Ol was the chief of the prison office. He was in charge of forwarding people to the Tuol Sleng”], 15.26.05-15.28.18 [confirming that the office he was sent to was not S-21, but rather the office cadres went to “before they were sent further to Tuol Sleng”].

²⁸⁴⁴ **E1/506.1** Tes Trech, T. 5 Dec 2016, 15.48.40-15.52.44 [“I was also invited to an office ... I did not realize that I was sent to prison ... I thought that I was re-assigned to another location”], 15.59.58 [“At first, I did not know that it was a prison compound”]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.20.39; **E3/7877** Tes Trech WRI, EN 00346979 [“They did not tie me when I was on the vehicle ... They dropped us at an office that I do not know what office it was”]; **E3/7537** Tes Trech DC-Cam Interview, EN 00251254 [“I thought it was the office of the international hospital, so I just sat there and waited ... I didn’t realize I was to be in prison”].

²⁸⁴⁵ **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.30.15 [after being shown photograph **E3/8063.95** of fence with barbed wire around S-21: “During the few-day detention, it was an iron fence, it was not barbed wire fence”].

²⁸⁴⁶ **E3/7537** Tes Trech DC-Cam Interview, EN 00251255 [“Q: When you arrived at the prison, did they point any guns at you? A: No. There were no guns ... I didn’t know the prison was there. I thought I was

703. There is thus no basis to support the Defence contention that significant numbers of S-21 prisoners were released and avoided execution.

3. S-21 Execution Lists

704. Standing on their own, the execution lists prepared by S-21 Deputy Chief Hor and Suos Thy²⁸⁴⁷ prove beyond any doubt killing on a massive scale. The lists record at least 27 instances of mass executions exceeding 100 prisoners, mostly during the intense purges of 1977 and 1978,²⁸⁴⁸ including: 129 women from Prey Sar killed on 1 July 1977;²⁸⁴⁹ over 1,000 prisoners killed in a one-month period from 1 July through 3 August 1977; more than 850 prisoners killed over a one-week period in October 1977 from virtually

just transferred to work there. Q: Were you handcuffed? A: No ... they went out to eat, so I just sat there and waited to see where I was to be transferred”]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.15.35-15.20.39.

²⁸⁴⁷ **E1/431.1** Suos Thy, T. 3 June 2016, 10.01.28-10.03.37 [“I would prepare the list of ... outgoing prisoners”]; **E1/430.1** Suos Thy, T. 2 June 2016, 15.02.16-15.04.32; **E3/7465** Suos Thy, T. 27 July 2009, 15.38.08-15.47.18 [“Hor would give the list to me to verify the numbers, the names, especially who would be taken away to be smashed and who would remain at the premises. And after that I have to register in the list ... then I would give the list back to Hor who later on assigned his men to take the prisoners out”]; **E3/7466** Suos Thy, T. 28 July 2009, 09.52.08-09.57.15 [when prisoners were removed for execution, witness verified “the names of the detainees to be executed”]; **E3/7643** Suos Thy WRI, EN 00162616-17.

²⁸⁴⁸ **E3/8450** Names of Prisoners Executed from 1-15 July 1976, EN 00784438-45 [Nos 1-130 all killed on 14 July 1976]; **E3/3187** List of Prisoners Executed on 16 September 1976, EN 00874455-64 [106 prisoners]; **E3/3187** List of Prisoners Executed on 6 December 1976, EN 00874178-87 [102 prisoners killed (2 additional prisoners are listed as having died from disease)]; **E3/2285** Names of Prisoners Smashed 15-31 January 1977, EN 00873378-92 [Nos 1-146 on list all executed on 28 January 1978]; **E3/2285** Names of Prisoners Smashed on 17 March 1977, EN 00873336-44 [101 RAK cadres executed (two additional RAK prisoners are listed as smashed on 25 February 1977)]; **E3/2285** Names of Prisoners Smashed on 18 March 1977, EN 00873356-65 [109 people]; **E3/2285** Electricity Section, Smashed on 6 April 1977, EN 00873155-65 [list of 100 executed Electricity workers]; **E3/2285** Names of Prisoners Smashed on 12 May 1977, EN 00873392-405 [152 prisoners]; **E3/2285** Names of Prisoners By Division Smashed on 10 June 1977, EN 00873500-20 [198 RAK cadres]; **E3/2285** Names of Prisoners Taken in and Smashed on 20 June 1977, EN 00873568-91 [256 prisoners]; **E3/8458** List of Prisoners Executed on 1 July 1977 – Bang Huy Sre’s Section, EN 00828291-98 [129 female detainees]; **E3/2285** Names of Prisoners Smashed on 6 July 1977, EN 00873450-61 [127 Division 310 and 450 cadres]; **E3/3861** List of Prisoners Smashed on 8 July 1977, North Zone [173 people]; **E3/2285** Names of Prisoners Smashed on 16 July 1977, EN 00873130-43 [110 prisoners]; **E3/2285** Names of Prisoners Smashed on 20 July 1977, EN 00873466-86 [231 people killed]; **E3/2285** List of Prisoners from Bong Huy Srae’s Section Smashed on 3 August 1977, EN 00873521-40 [229 prisoners originating from Divisions 310 and 450]; **E3/2285** Names of Prisoners Smashed on 3 August 1977, EN 00873557-58 [additional 12 prisoners killed same day, for total of 241]; **E3/2285** Names of Prisoners Smashed on 15 October 1977, EN 00873281-320 [418 prisoners]; **E3/2285** Names of Prisoners Smashed on 18 October 1977, EN 00873633-50 [179 people]; **E3/2285** Names of Prisoners Smashed on 23 October 1977, EN 00873592-605 [150 prisoners]; **E3/2285** Names of Prisoners Smashed on 23 November 1977, EN 00873321-31 [107 prisoners]; **E3/2285** Names of Prisoners Smashed on 9 December 1977, EN 00873605-33 [301 people]; **E3/10167** List of Prisoners Killed on 29 April 1978 [230 prisoners]; **E3/8463** S-21 Execution List, KH 00016184-89 [167 prisoners from East Zone killed on 5 May 1978, many of whom arrived that same day or the preceding week]; **E3/8463** S-21 Execution List, KH 00016199-223 [255 prisoners primarily from East Zone on 11 May 1978]; **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032508-36 [582 prisoners]; **E3/10455** List of Prisoners Smashed on 31 December 1978 [225 prisoners].

²⁸⁴⁹ **E3/8458** List of Prisoners Executed on 1 July 1977 – Bang Huy Sre’s Section, EN 00828291-98.

all zones, ministries, and RAK divisions, reflecting the widespread purge of DK organisations that was then underway;²⁸⁵⁰ numerous killings, primarily of East Zone cadres, in May 1978, including 582 prisoners on 27 May 1978, a mass execution that took so long it could not be completed until the next day;²⁸⁵¹ and 225 prisoners on 31 December 1978, as S-21 began the process of killing all remaining detainees before the arrival of the Vietnamese army.²⁸⁵² The executions on these 27 days alone took the lives of over 5,000 prisoners. In between these large-scale executions, there were regular executions of smaller groups of prisoners²⁸⁵³ and many documented mass executions ranging from 30 to 100 persons.²⁸⁵⁴

²⁸⁵⁰ **E3/2285** Names of Prisoners Smashed on 15 October 1977, EN 00873281-320 [418 prisoners]; **E3/2285** Names of Prisoners Smashed on 18 October 1977, EN 00873633-50 [179 people]; **E3/2285** Names of Prisoners Smashed on 23 October 1977, EN 00873592-605 [150 prisoners]; **E3/10770** Logbook of S-21 Daily Counting Lists, KH 01356091-97 [lists for 16-23 October 1977, also showing the execution of 22 prisoners on 20 October and 87 prisoners on 21 October 1977].

²⁸⁵¹ **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032508-36 [Nos 526-556 on the list arrived on 28 May 1978 and were immediately sent out for execution].

²⁸⁵² **E3/10455** List of Prisoners Smashed on 31 December 1978. Duch has testified that following the 31 December 1978 execution of 225 prisoners, the hundreds of remaining prisoners were killed on 2 or 3 January 1979: **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that there were still “over 500” prisoners left when he received the order from Nuon Chea to execute all “remaining prisoners in S-21,” and that Hor reported back to him three days later that the order had been “carried out”]; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.39.10 [“all of them may have been killed by 3rd January, because there were many prisoners. It was difficult to smash all of them in just three days”]; **E3/452** Kaing Guek Eav WRI, EN 00147572. *See also* **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.18.53-09.21.04 [referring to late 1978 and early 1979: “we stopped interrogating any more prisoners, and I saw prisoners being transported out continuously until the 2nd or the 3rd of January when prisoners were no longer transported out to be killed”].

²⁸⁵³ **E1/427.1** Him Huy, T. 4 May 2016, 10.47.06-10.49.10 [stating that the “average” execution was “from 50 prisoners up to 100 of them,” and that sometimes they had to make multiple trips to Choeung Ek because their two vehicles could each only hold “30 up to 40 prisoners”]; **E1/426.1** Him Huy, T. 3 May 2016, 15.16.48-15.19.12 [“more than 50, close to 100 each time”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.31.56-15.34.39 [prisoners would be brought to Choeung Ek in groups of “20 or 30 or 50 prisoners at a time”].

²⁸⁵⁴ *See e.g.* **1976: E3/3187** List of Prisoners Executed, EN 00874209-11 (39 killed on 30 March); **E3/3187** List of Prisoners Executed May 1976, EN 00874571-74 (35 killed on 20 May), EN 00874575-83 (72 killed on 27 May); **E3/8452** List of Prisoners Died June-July 1976, EN 00843420-23 (36 killed on 14 July); **E3/3187** List of Prisoners Executed 29 July 1976, EN 00874511-00874514 (39 killed); **E3/8453** List of Prisoners Executed 31 August 1976 (54 killed); **E3/3187** List of Prisoners Executed 5 October 1976, EN 00874289-92 (35 killed); **E3/3187** List of Prisoners Executed 6 October 1976, EN 00874437-40 (32 killed); **E3/3187** List of Prisoners Executed 7 October 1976, EN 00874426-31 (34 killed); **E3/3187** List of Prisoners Executed November 1976, EN 00874405-10 (38 killed on 15 November); **E3/3187** List of Prisoners Executed December 1976, EN 00874187-94 (61 killed on 21 December). **1977: E3/2285** List of Prisoners Executed 23 March 1977, EN 00873421-29 (85 killed); **E3/2285** List of Prisoners Executed 30 March 1977, EN 00873540-48 (94 killed); **E3/2285** List of Prisoners Executed 13 April 1977, EN 00873146-51 (59 killed); **E3/2285** List of Prisoners Executed 7 May 1977, EN 00873405-12 (75 killed); **E3/2285** List of Prisoners Executed 14 May 1977, EN 00873345-00873356 (96 killed); **E3/2285** List of Prisoners Executed 14 June 1977, EN 00873373-00873376 (46 killed); **E3/2285** List of Prisoners Executed 30 June 1977, EN 00873193-00873201 (91 killed); **E3/2285** List of Prisoners Executed 22 July 1977, EN 00873122-29 (80 killed); **E3/2285** List of Prisoners Executed 8 August 1977, EN 00873561-00873567 (68 killed); **E3/2285** List of Prisoners Executed 19 September 1977, EN 00873165-00873173 (89 killed); **E3/2285** List of Prisoners Executed 25 September 1977, EN 00873174-

705. These executions were conducted pursuant to direct orders received by Duch from the CPK leaders, including orders from Son Sen during the 1977 purges to “take out” enough prisoners to have space for the new incoming ones,²⁸⁵⁵ and orders received from **Nuon Chea** relating to the large number of East Zone cadres killed in 1978²⁸⁵⁶ and the execution of all remaining S-21 prisoners at the end of the regime.²⁸⁵⁷
706. The Daily Counting Lists of Prisoners at S-21, which record the intake and outflow of prisoners from the main compound, also demonstrate the scale of killings that took place. The logbook of those lists shown in the *Die Angkar* film²⁸⁵⁸ and now in evidence²⁸⁵⁹ record that in an eight month period, a total of 4,437 new prisoners entered S-21 and 4,515 prisoners were taken out, an average of approximately 520 people killed every month.²⁸⁶⁰ It should be noted that the Daily Counting Lists only reflect the prisoners who were sent out for execution from the main S-21 compound, and do not include the substantial numbers of victims who were sent directly from Prey Sar to Choeng Ek.²⁸⁶¹

00873181 (87 killed); **E3/2285** List of Prisoners Executed 20 October 1977, EN 00873663-00873671 (88 killed); **E3/2285** List of Prisoners Executed 4 November 1977, EN 00873257-00873265 (53 killed); **E3/2285** List of Prisoners Executed 6 December 1977, EN 00873276-00873280 (39 killed); **E3/2285** List of Prisoners Executed 29 December 1977, EN 00873248-00873256 (85 killed); **E3/2285** List of Prisoners Executed 30 December 1977, EN 00873266-00873274 (76 killed). **1978: E3/8466** List of Prisoners Smashed on 3 January 1978, EN 00087489-93 (65 killed); **E3/1900** List of Prisoners Smashed on 6 March 1978, EN 00193556-57 (39 killed); **E3/8463** List of Prisoners Taken Out in 1978, EN 01032534-35 (31 killed on 28 May).

²⁸⁵⁵ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 [“when they planned to arrest New People, Brother Son Sen always instructed me to take those arrested people out so that new arrestees could be brought”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.47.34-10.50.14; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.16.09-15.18.00 [“Sometimes a large number of prisoners had to be removed so that there were spaces for a large number of incoming prisoners. I was instructed by my superior to do so”].

²⁸⁵⁶ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.55.33-11.01.06, 11.04.47-11.06.37; **E3/1576** Kaing Guek Eav WRI, EN 00160724.

²⁸⁵⁷ **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that he received an order from Nuon Chea “on the 1st or the 2nd of January 1979” to execute all “remaining prisoners in S-21”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.53.40-15.55.16; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.35.04-15.38.03 [“I am not quite sure about the date. The instruction was to kill all of prisoners ... The instruction may have been issued on 1 January and all the prisoners had to be killed by 3 January 1979 ... The instruction was made by Nuon, Uncle Nuon”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 15.25.33-15.30.24 [describing final days of S-21: “Uncle Nuon called me for work assignment and he said, ‘Comrade Duch, you have to remove all the prisoners to Choeng Ek’”]; **E3/1576** Kaing Guek Eav WRI, EN 00160724.

²⁸⁵⁸ **E3/3095R** Video *Die Angkar*, 1981, 23:38-26:46.

²⁸⁵⁹ **E3/10770** Logbook of S-21 Daily Counting Lists [covering period of 23 March to 3 December 1977].

²⁸⁶⁰ **Annex F.48** *List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977* [the lists compiled in **Annex F.48** record a total of 4,761 outgoing prisoners over the period from 23 March to 31 December 1977. Included in this number are deaths from disease, torture, and suicide, which amount to 246. The total 4,515, cited in the text above as the number of prisoners “taken out,” does not include deaths from these causes].

²⁸⁶¹ For example, on 29 June 1977, there were two groups of prisoners sent for execution at Choeng Ek. One was a group of 40 prisoners who had been sent to the S-21 compound earlier that month from Prey Sar

707. The new S-21 Prisoner List compiled by the OCIJ contained only 5,512 execution dates because the analyst who prepared the list focused her review on entry lists documenting the arrival of prisoners at S-21, and did not review all available execution lists and record those dates in the OCIJ spreadsheet.²⁸⁶² OCP has conducted a review of the available S-21 execution lists in evidence and found over 5,600 additional prisoner execution dates, which have been added to the OCIJ List with references to the supporting S-21 record (see **Annex F.4** List of Execution dates of S-21 Prisoners). The execution dates derived from the OCP review more than doubles the number of prisoners with documented execution dates, from 5,512 to at least 11,137,²⁸⁶³ and clearly demonstrates that killing on a massive scale took place at the S-21 security office.

4. Executions at S-21 Compound and Takhmau

708. In the initial phase of S-21, including the period it operated at the *Police Judiciaire*, executions of prisoners were conducted at the Takhmau prison site.²⁸⁶⁴ The corpses of prisoners killed at that site were exhumed and burned in 1977 before the site was handed over to the Ministry of Social Affairs.²⁸⁶⁵

(**E3/2285** at EN 00873496-99). The other was a group of 78 Prey Sar prisoners who had no S-21 entry date, and who were therefore sent directly to Choeung Ek from Prey Sar without passing through the prison compound in Phnom Penh (**E3/2285** Names of Prisoners to be Smashed on 29 June, Section of Brother Huy Sre, EN 00873487-93). Because the Daily Counting List only tracked the number of prisoners physically moved in or out of the main S-21 compound, the group of 78 prisoners sent directly from Prey Sar to Choeung Ek was not included in the Daily Counting record prepared the next day. **E3/9984** Daily Counting List, 30 Apr 1977 [recording total of 42 prisoners “taken out,” two of whom had died of disease].

²⁸⁶² **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 09.56.39, 10.36.23-10.41.07, 11.01.54, 11.06.05-11.08.46, 11.35.27-11.36.57, 13.35.27-13.36.56, 13.54.48-13.56.10 [“Q: Do I understand correctly that you did not have sufficient time to go through all the execution lists and put all those dates into the spreadsheet; is that correct? A: That is correct”], 14.08.51-14.18.27 [confirming that dates from four large execution lists were not included because of lack of “sufficient time”].

²⁸⁶³ **Annex F.4** List of Execution Dates of S-21 Prisoners.

²⁸⁶⁴ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.11.25-14.16.29; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.13.39-09.20.21 [“psychiatric hospital in Takhmau” one of “three main sites” used by S-21 for executions over course of DK regime], 09.28.41-09.32.13 [“At PJ, they did not kill or bury the prisoners ... I believe that they were killed at the Ta Khmau and PJ was just a detention centre for interrogation”]; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.48.10, 09.54.14-09.57.23; **E3/429** Kaing Guek Eav WRI, EN 00403925 [families from “Arab villages” who entered S-21 in April 1976 (**E3/8493**) were transferred “to the prison at Takhmau to be executed”].

²⁸⁶⁵ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.19.20-09.20.58 [discussing transfer of Takhmau to MSA: “there were many bodies buried on the compound and we needed time to exhume them”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.15.48-09.20.21; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 14.31.34-14.35.36 [after two weeks of exhuming graves, two pits still remained]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.32.07-15.34.30; **E3/7659** Sav Khe WRI, EN 00194985-86 [describing excavation of two grave pits at Takhmau].

709. After the prison began operations at the Ponhea Yet school in April 1976, executions were conducted in the area around the S-21 compound.²⁸⁶⁶ The guard unit took prisoners out of the compound at night and killed them in the same manner as at Choeung Ek; prisoners were struck in the head, their throats slit open, and their bodies dumped into pits and buried.²⁸⁶⁷ On each such occasion, 50 to 100 prisoners would be killed.²⁸⁶⁸ Even after Choeung Ek was established, certain groups of prisoners continued to be killed in the area outside the main S-21 compound in Phnom Penh.
710. High-Ranking CPK Cadres: Important prisoners were kept separate from the general prison population. They were registered and detained at the Special Prison,²⁸⁶⁹ and were not sent to Choeung Ek for execution, but instead killed in the vicinity of Tuol Sleng.²⁸⁷⁰

²⁸⁶⁶ **E3/5797** Kaing Guek Eav, T. 8 June 2009, 10.08.47-10.11.23; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.20.21 [“second site” used by S-21 for executions was “the area surrounding to the S-21 in Phnom Penh”], 09.22.24-09.28.41 [“the people who were killed inside the S-21 compound and the surrounding areas were numerous”], 10.36.30-10.39.25, 11.07.46-11.10.31 [describing prisoners being taken out “blindfolded” to be killed “two or three at a time up to 28 prisoners per day”], 11.13.22-11.25.49; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.35.21-09.37.36; **E3/455** Kaing Guek Eav WRI, EN 00149911; **E1/426.1** Him Huy, T. 3 May 2016, 15.11.55-15.15.34 [prisoners were killed and buried in pits in an “open space” to the west of the compound], 15.22.47-15.25.39 [prisoners were also killed and buried at a site 100 metres south of the compound]; **E3/7461** Him Huy, T. 16 July 2009, 11.49.42-11.56.48; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.26.46-09.28.56, 09.49.40-09.53.30 [at the beginning of his work at S-21, prisoners “were taken out to be killed at nearby places”], 09.55.30-09.59.10 [“I saw the dead bodies were buried, especially at the former Saing Sarun theatre. So from the alleys near the fire station to that theatre, it was all graveyards for the executed prisoners”]; **E3/7671** Pen Heng WRI, EN 00163695-96.

²⁸⁶⁷ **E1/426.1** Him Huy, T. 3 May 2016, 15.13.19-15.15.34 [“Peng’s group dug the pits and killed the prisoners ... It was the unit of 100 men or the group chiefs of the guard unit”], 15.16.48-15.19.12 [“Prisoners were normally taken out to be killed at around 8 and 9 p.m.”]; **E3/7461** Him Huy, T. 16 July 2009, 11.52.33-11.56.48, 11.59.19-12.02.06 [“When they were killed, first they were asked to sit at the edge of the pit. Then they were struck. Then their throats will be slashed. Then they would take off the clothes and then the handcuffs”]; **E3/7671** Pen Heng WRI, EN 00163695-96 [“I saw them when I walked the prisoners. Sometimes they had the prisoners sit, and sometimes they had them stand at the edge of the pit, but the prisoners were still in restraints. And they used water pipes to hit the base of their necks, and kicked them into the pit. There were 3 or 4 killers, but I just knew one of them, Peng, who was a platoon chairman”].

²⁸⁶⁸ **E1/426.1** Him Huy, T. 3 May 2016, 15.16.48-15.19.12.

²⁸⁶⁹ **E1/428.1** Him Huy, T. 5 May 2016, 10.08.03, 10.34.00-10.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/430.1** Suos Thy, T. 2 June 2016, 11.06.08-11.10.20, 15.34.42-15.37.33; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11 [“important detainees would be segregated”], 15.50.38-15.53.42; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.26.19-14.28.30 [“For important prisoners, they did not want staff or guards at S-21 to see them being detained at S-21”]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.53.05; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.17.20 [“most important prisoners” were not photographed with others on arrival “to maintain secrecy”].

²⁸⁷⁰ **E1/427.1** Him Huy, T. 4 May 2016, 10.32.37-10.35.55; **E1/428.1** Him Huy, T. 5 May 2016, 13.43.08-13.45.50 [“Important people were killed within the vicinity of Tuol Sleng, and not transferred to Choeung Ek”]; **E3/7461** Him Huy, T. 16 July 2009, 14.14.58-14.17.26; **E3/5155** Him Huy WRI, EN 00161592; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.41.41-09.45.40 [key detainees were “killed somewhere near Mao Tse Tung Boulevard”]; **E3/1570** Kaing Guek Eav WRI, EN 00154194 [describing pond “close to the intersection of Mao Tse Tung Boulevard and Street 163” that was location “where Vorn Vet, Chhay Kim Hor and Nath were killed”]; **E3/7653** Kok Sros WRI, EN 00705430 [“prisoners

On one occasion, pursuant to orders from Son Sen, Duch watched the executions of two such cadres: Sector 24 Secretary Chhouk and Agriculture Minister Chey Suon.²⁸⁷¹ For important prisoners and prisoners “close to people at S-21,” Duch was ordered to take photographs of their corpses to send to Son Sen or **Nuon Chea** as proof of the executions.²⁸⁷² S-21 execution lists identify some of the prisoners who were “smashed and photographed,” including the wife of Hu Nim, General Staff Deputy Seat Chhae alias Tum, numerous other military and sector leaders, and various S-21 cadres.²⁸⁷³ The head of the S-21 Photography Unit confirmed the practice of photographing the bodies of deceased prisoners at S-21,²⁸⁷⁴ and a number of surviving examples of such photographs are in evidence.²⁸⁷⁵

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- who were former important cadres were killed outside the S-21 fence”].
- 2871 **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.25.27-09.28.41 [“the Standing Committee ordered me to inspect at 5.00 a.m. at the location west of Ponhea Yat college. When Chhouk Neou and Norng Soun were killed, they used a knife to stab on the veins of the neck”], 09.41.41; **E3/5790** Kaing Guek Eav WRI, EN 00414346 [“Son Sen asked me to attend the execution ... Hor commanded the operation and I observed him from afar. It was Nat’s execution technique: a knife stab to the carotid artery”].
- 2872 **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.49.58-09.56.32 [“Nat, Brother Vorn and Brother Hok were photographed as well by me under the instructions of the upper echelon”], 10.04.16-10.06.52 [“The photos of those who were killed or those who had just been killed were photographs based on the orders of Brother Nuon”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.41.41-09.45.40 [“photos had to be taken and to prove the severity and that the detainees surely died. Then their throat had to be slit ... Any photograph had to be ordered by the superior before they could be taken”]; **E3/7466** Kaing Guek Eav, T. 28 July 2009, 11.33.29-11.36.03; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“this photography was only done after receiving orders from upper echelon, especially Nuon Chea, out of [their] fear of the release of some victims whom we knew. This type of photography began after a victim named Ly Phel alias Phen was arrested because he was a friend of Mam Nai. Three days after this person was smashed, the body was exhumed and photographed”]; **E3/65** Kaing Guek Eav WRI, EN 00147526 [“he [Son Sen] ordered the photographing of those killed, but just photographing the important ones and those close to people at S-21 ... I received the photographs and sent them to Nuon Chea”]; **E3/7468** Kaing Guek Eav, T. 4 Aug 2009, 16.11.11-16.13.16 [“Sry worked at the Special Unit who took photographs of the important people who were killed”].
- 2873 **E3/2285** List of Prisoners Who Were Smashed and Photographed on 8 December 1977, EN 00873280-81 [in addition to Seat Chhae alias Tum, the list includes the Regiment 152 Secretary, Division 164 Deputy Secretary, Division 290 Deputy Chief, Sector 105 Deputy Secretary, and Members of the Northwest Zone General Staff and Sector 5 Committee]; **E3/8483** List of Prisoners from General Staff, Nos 5-7, 11 [entries for S-21 cadres contain annotation: “Removed & Photo taken”]; **E3/10604** OCIJ S-21 Prisoner List, Nos 509 [Chief of Hundred Member Unit in S-21 Kho], 1207 [Northeast Zone Rubber Chairman], 1989 [East Zone Division 5 Secretary], 2047 [Division 170 Secretary], 2363 [East Zone Division 4 Secretary], 2900 [Stung District Secretary], 4395 [Sector 4 Secretary], 4556 [Sector 104 Deputy Secretary], 5160 [Committee Member of S-8 Warehouse], 5243 [Sector 103 Deputy Secretary], 5356 [railway Committee Member], 5575 [Chief of Team Economics in S-21], 6857 [Sector 3 Secretary], 11329 [S-21 Interrogator], 11460 [Division 805 Secretary], 11770 [Sector 104 Secretary], 12630 [To Thi Pheak, Chief of Boeng Trabek (K-15) Office], 13054 [Chief of Interrogator Group in S-21], 14931 [wife of Hu Nim].
- 2874 **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.50.29-13.52.32, 15.44.52-15.56.19 [admitting that his unit took photographs of prisoners who died in the prison or were “beaten to death,” but Comrade Sry took “photos of the high ranking Party members”]. See also **E3/68** Nhem En WRI, EN 00401825.
- 2875 Photographs of Deceased S-21 Prisoners: **E3/8063.6** [montage of 36 photos of deceased prisoners]; **E3/8063.9**; **E3/8063.13**; **E3/8063.15**; **E3/8063.16**; **E3/8063.20**; **E3/8063.27**; **E3/8063.28**; **E3/8063.29**; **E3/8063.30**; **E3/8063.32**; **E3/8063.33**; **E3/8063.37**; **E3/8063.44**; **E3/8063.45**; **E3/8063.46**; **E3/8063.47**;

711. *Vietnamese and Westerners*: A second category of prisoners who were not sent to Choeung Ek, but instead killed near the S-21 compound, were Vietnamese soldiers and civilians. Former S-21 guard Him Huy admitted at trial that the guard unit killed Vietnamese soldiers at S-21.²⁸⁷⁶ He also described how his unit was sent to Svay Rieng to arrest Vietnamese prisoners of war captured in battle and to transport them to S-21.²⁸⁷⁷ Him Huy recalled seeing between 40 and 60 Vietnamese soldiers in the compound.²⁸⁷⁸
712. Other S-21 cadres, as well as surviving S-21 records and photographs, confirm the presence of Vietnamese prisoners at S-21. Lach Mean witnessed several “truckloads” of Vietnamese prisoners arrive at S-21, carrying at least 100 persons.²⁸⁷⁹ Nim Kimsreang confirmed that his unit took photographs of Vietnamese soldiers,²⁸⁸⁰ a number of which are in evidence.²⁸⁸¹ Propaganda films were also made of Vietnamese soldiers captured and detained at S-21, on orders from **Nuon Chea**.²⁸⁸² Prak Khan and

E3/8063.48; E3/8063.49; E3/8063.109.

²⁸⁷⁶ **E1/427.1** Him Huy, T. 4 May 2016, 09.55.12-09.58.46 [“The Vietnamese soldiers who had been arrested were killed after their interrogations had been concluded. They were killed behind the Tuol Sleng prison, to the south ... Peng’s group was the group who killed those people”], 14.30.53-14.34.05 [“their execution was also filmed and then shown to us ... Those prisoners died at Tuol Sleng”]; **E3/7461** Him Huy, T. 16 July 2009, 13.49.27-13.52.24; **E3/5155** Him Huy WRI, EN 00161591. *See also* **E3/7653** Kok Sros WRI, EN 00705430 [“Thai, and Vietnamese prisoners were killed outside the S.21 compound (south and west)”].

²⁸⁷⁷ **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46 [“I went to bring them from Svay Rieng, the East Zone, on two occasions. Five of them were brought in on one occasion”], 14.27.20-14.30.53 [“they were wearing military uniforms”]; **E3/7461** Him Huy, T. 16 July 2009, 09.44.16-09.49.20, 09.52.20-09.55.04, 10.24.33-10.27.02; **E3/5155** Him Huy WRI, EN 00161590 [“Yvon soldiers were brought in four to five times during 1977, those who had been captured during fighting”].

²⁸⁷⁸ **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46.

²⁸⁷⁹ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.33.53 [“I saw the Vietnamese people come, many Vietnamese, who were loaded and brought in by trucks, especially in 1978. There were about two to three truckloads of them”], 15.35.08-15.37.17 [confirming prior statement that the number of Vietnamese prisoners was “probably more than 100”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.14.33-14.20.36.

²⁸⁸⁰ **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.52.32-13.54.08; **E3/7639** Nim Kimsreang WRI, EN 00162734-35 [“Q: As far as you can recall, the Vietnamese prisoners, were they soldiers or civilians? A: Soldiers. When they were brought in they wore rank, everything ... When they were captured there were three instances, each time 20-30 persons. In total about 100”].

²⁸⁸¹ **E3/8063.3** [photographs of 18 Vietnamese prisoners in their uniforms]; **E3/8639.3917** [Nguyen Van Sang – No. 12581 on OCIJ List]; **E3/8639.3918** [Nguyen Van Vinh – No. 12581 on OCIJ List]; **E3/8639.4303; E3/8639.4333; E3/8639.4334; E3/8639.4347.**

²⁸⁸² **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.11.42-15.17.31 [describing film of Vietnamese prisoners in their uniforms that was ordered by Nuon Chea, and made by Pol Pot’s nephew Theng, parts of which were filmed inside S-21]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 14.23.48-14.31.39 [testimony of Pol Pot’s nephew confirming he was assigned by Pang to make a short film of Vietnamese prisoners in Phnom Penh]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.51.06-10.52.38 [“The film screened to the staff showed the interrogations and the Vietnamese prisoner[s] giving a confession”]; **E1/427.1** Him Huy, T. 4 May 2016, 14.28.46-14.34.05, 15.05.20-15.07.20 [“what I saw in the film was that they were ordered to walk single file and later on they were executed and they were disemboweled”], 15.11.10-15.15.53; **E3/351** Mam Nai WRI, EN 00162920 [regarding Vietnamese POWs: “I know they once made a film ... Filmed for upper echelon”]. *See* **E3/2354R** Video *Cambodia Kampuchea*, 12:21-12:52 [footage of

Suos Thy testified that Vietnamese detainees included civilians who were “brought in along with their spouse and children.”²⁸⁸³ Duch has admitted that there were “hundreds” of Vietnamese prisoners, and that “all of them were executed.”²⁸⁸⁴ He also confirmed that some of the Vietnamese civilians who were interrogated and smashed at S-21 had been captured inside Vietnam.²⁸⁸⁵

713. **Nuon Chea** and the other Party Centre leaders received telegrams from Son Sen when Vietnamese persons were captured and sent to S-21,²⁸⁸⁶ **Nuon Chea** then informed Duch in advance of the arrival of Vietnamese prisoners,²⁸⁸⁷ and **Nuon Chea** instructed Duch on the interrogations of Vietnamese prisoners of war.²⁸⁸⁸

Vietnamese prisoners].

²⁸⁸³ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56 [“Some of them were soldiers, and some were civilians”]; **E3/10572** Prak Khan WRI, A37-40; **E1/431.1** Suos Thy, T. 3 June 2016, 09.48.42-09.51.10 [Vietnamese prisoners were both soldiers and civilians, including families], 09.52.09-09.55.08 [Vietnamese prisoners arrested at sea trying to flee Vietnam for Thailand were recorded in S-21 lists as having been arrested at Kampong Som], 10.37.35-10.42.02 [many of the Vietnamese prisoners sent from Kampong Som arrived at S-21 with their families], 15.30.04-15.31.42.

²⁸⁸⁴ **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.09.07 [“many ‘Yvon’ soldiers were arrested and brought to the centre”], 15.20.50 [confirming that Vietnamese “civilians and soldiers had to be smashed”]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.31.12-09.33.27 [“from the 6th of January [1978], as I recall, the Vietnamese soldiers were entering in increasing numbers to S-21”], 09.38.48-09.40.49 [“All of them were ordered to be smashed”], 10.04.15-10.07.07 [agreeing that at least 345 Vietnamese were imprisoned and ultimately killed at S-21]; **E3/1580** Kaing Guek Eav WRI, EN 00177587 [“As regards the numbers of Vietnamese detained, I cannot be very precise but I can say there were hundreds, and that all of them were executed ... Regarding the soldiers, they arrived in uniform and were executed either immediately after their confession, or the radiobroadcast of their confession”].

²⁸⁸⁵ **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.58.22-10.02.26 [identifying civilians captured in Vietnam]; **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 11.03.36-11.07.07 [confirming S-21 had a “small number of ‘Yvon’ civilians” captured during DK incursions into Vietnam, who were “forced to confess that they were ‘Yvon’ spies”]. See also **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.14.58-15.17.35 [stating that Mam Nai was assigned to interrogate “‘Yvon’ soldiers and ‘Yvon’ civilians”].

²⁸⁸⁶ See e.g. **E3/181** Telegram 11 from 47 (Son Sen) to Respected, Beloved, and Missed Brother, 14 Feb 1978 [copied to “Grand Uncle, Grand Uncle Nuon, Archive”: “Comrade Tal (Division 290 Secretary) captured 2 Yvon heads, ages 17 and 27. They were sent to S-21”]; **E3/10604** OCIJ S-21 Prisoner List, Nos 8227 and 14893 [17-year old Le Vang Khoeung and 27-year old Troeung Yaing Nhim entered S-21 on 15 February 1978].

²⁸⁸⁷ **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.43.05-09.44.35 [confirming that Nuon Chea informed him that “‘Yvon’ soldiers would be sent to me”]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 [“Sometimes I was informed by Nuon Chea but in general, it was Comrade Lin who came to tell me about the arrival of Vietnamese”]. See also **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.52.08-09.54.27 [discussing three alleged Vietnamese spies captured and held by Sector 25 for two months before entering S-21: “only after the Standing Committee decided to have them transferred to S-21 that they could be sent”].

²⁸⁸⁸ **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.57.07-09.59.14; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48; **E3/1580** Kaing Guek Eav, WRI, EN 00177588. (This issue is discussed in detail above in the *Use of S-21 Confessions by CPK Leaders* section.)

714. The Revised OCIJ S-21 List records 728 Vietnamese prisoners,²⁸⁸⁹ approximately 34.9% of whom are identified as soldiers and 49% as civilians,²⁸⁹⁰ and shows that they were often killed soon after their arrival at S-21.²⁸⁹¹ For example, a group of 24 Vietnamese fishermen arrested at Kampong Som and branded “spies” entered S-21 on 7 May 1976 and were mostly executed on 24 May 1976.²⁸⁹² A mass execution of 35 Vietnamese prisoners occurred on 27 March 1978, which included soldiers, alleged “spies” captured at sea, and Kampuchea Krom arrested from the Southwest Zone.²⁸⁹³ Among the Vietnamese executed at S-21 were babies²⁸⁹⁴ and other children, who were killed within days of their arrival.²⁸⁹⁵
715. Westerners imprisoned at S-21, from Australia, New Zealand, Britain, and the United States,²⁸⁹⁶ were detained separately from other prisoners,²⁸⁹⁷ and taken out for execution

²⁸⁸⁹ **Annex F.33** List of Vietnamese S-21 Prisoners.

²⁸⁹⁰ **Annex F.2** Figure 5.1, *Vietnamese Described as Spies, Soldiers and Civilians at S-21*, p. 47.

²⁸⁹¹ **E3/10604** OCIJ S-21 Prisoner List, Nos 582, 4622, 5361, 5880, 6630, 8982-8984, 8987, 9002, 9155, 9561, 9636-9638, 9640, 9647, 9650-9653, 9765-9768, 9856-9859, 9920, 9922, 9924-9927, 10258-10259, 10578, 10735, 11413, 11419, 12619, 12623, 12800, 13007-13010, 13424, 13426, 13543. *See also* **E3/5155** Him Huy WRI, EN 00161591 [“Q: ... did they keep the Vietnamese soldiers long before killing them? A: They kept them for about half a month. After interrogation they took them to kill”]; **E3/79** Prak Khan WRI, EN 00161556 [“they were not interrogated for a long time, not many times, so it was unlike the Cambodians. For them, they were interrogated one or two days and then they disappeared, that was the end of it”].

²⁸⁹² **E3/10604** OCIJ S-21 Prisoner List, Nos 592-594, 596-597, 602, 606-607, 612, 625, 651-653, 663, 676, 678, 13431-13434, 13436-13437, 13643-13644. *See also* **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 10.38.56-10.41.52 [regarding Vietnamese fishermen sent to S-21: “After they were sent to S-21, the decision was made by the upper echelon that they were spies”]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.38.48-09.40.49 [“the upper echelon would tell us to classify them as the Vietnamese spies”].

²⁸⁹³ **E3/10604** OCIJ S-21 Prisoner List, Nos 8257, 8262, 8393-8394, 8396-8410, 8414-8425, 13485, 13503, 13510, 13521.

²⁸⁹⁴ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13; **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36, 14.06.41-14.09.16; **E3/7464** Prak Khan, T. 22 July 2009, 09.17.55-09.21.08.

²⁸⁹⁵ *See e.g.* **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032536 [No. 578: 8-year old Vin Yaing Fa]; **E3/10604** OCIJ S-21 Prisoner List, Nos 9856 [14-year old Vietnamese girl Troeung Thinhieng entered S-21 28 April 1978, executed 30 April 1978], 9902 [14-year old Vietnamese girl Ngvieng Thimom executed 30 April 1978], 10130 [13-year old Vietnamese girl Vin Thi Ngok entered S-21 on 6 May 1978, executed 14 May 1978 – S-21 photograph **E3/8639.171**], 12619 [13-year old Vietnamese boy Ngvieng Yaing Vin entered 28 October 1978, executed 31 October 1978], 12623 [7-year old Troeng Yaing Fak, described by S-21 as a Vietnamese spy, entered 30 October 1978, executed the next day].

²⁸⁹⁶ **E3/2210** List of Prisoners Entered 21-28 April 1978, EN 00181722 [No. 13 (Jim Clark), No. 14 (Lance McNamara)]; **E3/1553** S-21 List of 7 American and Vietnamese Soldiers Arrested on 26 November 1978, EN 01236389 [No. 1 (Christopher Delance), No. 2 (Michael Scott Deeds)]; **E3/7343** S-21 Confession of John Dawson Dewhirst, 13 Oct 1978; **E3/7344** S-21 Confession of Kerry George Hamill, 17 Sept 1978; **E3/3973** List of Foreign Nationals, EN 00837565 [No. 86 (Ronald Keith Dean)]; **E3/10604** OCIJ S-21 Prisoner List, Nos 12719-12720, 13021-13022; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.44.37 [“There were Vietnamese, American and Australian prisoners whom I used to see”], 09.47.53 [“In relation to American and Australian prisoners, I could recognize one foreign prisoner. The name was displayed on his denim shirt, David Scott”].

²⁸⁹⁷ **E3/5795** Kaing Guek Eav, T. 29 April 2009, 15.37.06-15.39.11 [foreigners ... were detained and interrogated at the special prison]; **E3/7465** Suos Thy, T. 27 July 2009, 14.42.48-14.45.09 [“Western detainees were not going through my location. They were sent to be detained straight at the special

in the vicinity of S-21.²⁸⁹⁸ Pursuant to orders from **Nuon Chea**, their bodies were burned after their execution, so as not to leave any evidence of their remains.²⁸⁹⁹

716. *S-21 Staff*: Arrested S-21 staff were not sent to Choeung Ek for execution, but instead killed in the area of the compound.²⁹⁰⁰ The Revised OCIJ S-21 Prisoner List contains 246 cadres from S-21,²⁹⁰¹ including 35 interrogators,²⁹⁰² and 43 guards²⁹⁰³ (as documented in the 2016 OCIJ list), and another 266 combatants from Prey Sar.²⁹⁰⁴ Duch testified that S-21 staff could only be arrested and smashed upon orders from **Nuon Chea** or Son Sen.²⁹⁰⁵ On 26 March 1978, Duch sent a note to **Nuon Chea** on the cover

prison”].

²⁸⁹⁸ **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40 [discussing execution of two Westerners: “They were taken and executed at the road to the north of the compound”].

²⁸⁹⁹ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.08.59 [regarding Westerners at S-21: “they were smashed per instructions. To smash here means they were burned with tires, car tires, so that there was no bone left behind”], 15.13.31-15.17.28 [Duch instructed by Nuon Chea that “the long nose people had to be smashed and that they had to be burned completely so that there was no evidence left behind”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.06.52; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00-09.35.23; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.29.20-14.35.52; **E3/1570** Kaing Guek Eav WRI, EN 00154194; **E3/65** Kaing Guek Eav WRI, EN 00147526; **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40 [“Ta Duch ordered Ta Hor not to bury the bodies of foreigners and that their bodies had to be burned. At that time I was on guard in the vicinity ... I saw the burning of the dead bodies”]; **E3/7461** Him Huy, T. 16 July 2009, 13.45.42-13.49.27 [“I saw they were burned with car tires”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.49.05; **E3/7463** Prak Khan, T. 21 July 2009, 14.02.59-14.06.41; **E3/7469** Cheam Sour, T. 5 Aug 2009, 09.39.32-09.49.25.

²⁹⁰⁰ **E1/427.1** Him Huy, T. 4 May 2016, 10.32.37-10.34.12; **E3/7461** Him Huy, T. 16 July 2009, 14.17.26-14.19.23; **E3/5158** Him Huy WRI, EN 00164451.

²⁹⁰¹ **Annex F.44** *List of S-21 Cadres S-21 Prisoners*.

²⁹⁰² **E3/10604** OCIJ S-21 Prisoner List, Nos 440, 848, 853, 1835, 2061, 2181, 3278, 4437, 5593, 5661, 5664, 5917, 6056, 7203, 8292, 8327, 8925, 9082, 9233, 9850, 10213, 10738-10739, 11097, 11329, 11665, 12031, 13054, 13202, 13204, 13207, 13211, 13313, 14163, 14248.

²⁹⁰³ **E3/10604** OCIJ S-21 Prisoner List, Nos 3709, 4096, 4646, 4880-4881, 5402, 5662, 6132, 6586, 7198-7199, 7567, 8160, 8303-8305, 8328, 8392, 8488, 9084, 9817, 10183-10187, 10249, 11764, 12025, 12027, 12029-12030, 12051, 13139, 13212-13214, 14098, 14161, 14483, 14566, 14648, 14920.

²⁹⁰⁴ **Annex F.45** *List of S-24 Cadres S-21 Prisoners*. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.15.25-11.19.57 [“from time to time, the interrogators, one or two of them at a time, were arrested and killed and only I remained”]; **E3/79** Prak Khan WRI, EN 00161562 [stating that of the “no fewer than 300” S-21 cadres who originally came from Division 703: “there remained only a few ... They all had been arrested and killed”]; **E1/427.1** Him Huy, T. 4 May 2016, 10.02.16-10.05.40 [“people kept disappearing as there were successive arrests”], 14.10.11-14.12.16; **E1/428.1** Him Huy, T. 5 May 2016, 09.15.58-09.20.20, 15.33.16-15.36.45; **E1/431.1** Suos Thy, T. 3 June 2016, 11.23.20-11.26.56 [“I was so scared while I was working there. The fear was with me all the time. I observed that people whom I used to work with, including my commander, had been arrested. And later on, Huy was also arrested. I felt so hopeless, I thought that I would be arrested since I belonged to the same network”].

²⁹⁰⁵ **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.54.39-16.01.13 [regarding arrests of S-21 staff: “An arrest could only be made with authorization from a higher level, that is from Son Sen or Brother Nuon”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.42.19-09.47.10, 09.48.46 [“Q: And who was the superior that you reported to who made the decision on what to do with Huy Sre? A: Uncle Nuon. That is Nuon Chea”], 09.59.11-10.03.16 [confirming that no S-21 cadres were arrested in 1978 “without the authorization from Brother Nuon”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.05.25-10.07.30 [regarding arrests of staff from S-21 and Prey Sar: “Before April ’77, Son Sen made the decision and later on Uncle Nuon would make a decision and nobody dared to make any moves without a decision”]; **E3/60** Kaing Guek Eav WRI, EN 00195604-05 [Nuon Chea “decided on certain arrests immediately, in my presence ... for example for the arrest of S-21 cadres”]; **E3/5771** Kaing Guek Eav WRI, EN

page of a confession, citing “activities within the S-21 interrogator group,”²⁹⁰⁶ and in the ensuing weeks 13 S-21 interrogators and guards were arrested and imprisoned.²⁹⁰⁷

Duch’s testimony that **Nuon Chea** and Son Sen demanded photographs verifying the execution of prisoners “close to people at S-21”²⁹⁰⁸ is corroborated by a number of annotations on S-21 execution lists.²⁹⁰⁹

717. *Blood Taking*: In order to provide blood supplies for the treatment of injured RAK combatants, medics at S-21 bled some prisoners to death.²⁹¹⁰ S-21 interrogator Prak Khan witnessed blood being taken from prisoners on multiple occasions, and described seeing prisoners, blindfolded and tied to beds, have “five bags of blood” taken from them until they were “gasp[ing]” for breath and thrown into a “pile” of bodies.²⁹¹¹ He

00185498-99 [discussing the arrest of S-21 cadres: “I always reported to the superiors and they always ordered the arrest of the persons implicated”]; **E3/5770** Kaing Guek Eav WRI, EN 00177611; **E3/1578** Kaing Guek Eav WRI, EN 00194552 [“Hor drafted a report that I forwarded to the Standing Committee and Nuon Chea ordered the arrest, the interrogation and the execution of Huy Sre”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 11.32.18-11.35.32.

²⁹⁰⁶ **E3/3694** S-21 Confession of Vong Sam Ath alias Vong Oeun, 26 Mar 1978, EN 00768210 [note from Duch to “respected brother”: “This bastard carries out activities within the S-21 interrogator group. Unlike the previous two persons, he acts only among his colleagues who are the interrogators and guards in S-21”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.59.11-10.01.39 [“Respected Brother” to whom **E3/3694** was sent was “Brother Nuon”]; **E3/10604** OCIJ S-21 Prisoner List, No. 13313 [S-21 interrogator Vong Sam-At entered 8 Feb 1978, executed 29 Apr 1978].

²⁹⁰⁷ **E3/10604** OCIJ S-21 Prisoner List, Nos 137 [5 May 78], 853 [12 Apr 78], 4655 [9 May 78], 8925 [1 Apr 78], 9757 [22 Apr 78], 9817 [24 Apr 78], 9850 [27 Apr 78], 10187 [9-10 May 78], 10248 [12-13 May 78], 10249 [11-12 May 78], 10738 [7 Apr 78], 10739 [16 Apr 78], 13054 [20 May 78].

²⁹⁰⁸ **E3/65** Kaing Guek Eav WRI, EN 00147526.

²⁹⁰⁹ **E3/8483** List of Prisoners from General Staff, July 1978, Nos 5-7, 11 [entries for S-21 cadres Heng Chhun, Lieng Huoy, Yiv Sri, and Khoem Phau contain annotation: “Removed & Photo taken”]; **E3/10604** OCIJ S-21 Prisoner List, Nos 509 [Chhun Soh alias Sarith, “Chief of Hundred Member Unit in S-21 Kho,” entered S-21 on 18 July 1978], 5575 [Nhem Thai, “Chief of Team Economics in S-21,” entered 12 or 14 July 1978], 11329 [Sou Latt, S-21 Interrogator, entered 26 July 1978], 13054 [Khoem Pho, “Chief of Interrogator Group in S-21,” entered 20 May 1978] *referencing* **E3/2028** List of Prisoners of Office Staff, 28 June 1978, KH 00021084 [notes stating prisoner was executed and “photo taken”].

²⁹¹⁰ **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 16.07.44-16.11.20; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54; **E3/7463** Prak Khan, T. 21 July 2009, 11.53.40-11.57.11 [“I asked medic Try. He told me that the blood bank would be distributed to the Soviet Cambodian Friendship Hospital or to Preah Keto Mealea Hospital, because during the Democratic Kampuchea regime there were conflicts, armed conflicts, with the Vietnamese ... since there were a lot of wounded soldiers, so blood was much needed at that time”]; **E3/79** Prak Khan WRI, EN 00161559; **E3/7666** Sek Dan WRI, EN 00163823.

²⁹¹¹ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.48.17-15.52.40 [“For those prisoners whose blood had been drawn, they were nearly dead. But the medic carried them and threw them aside and then brought in new prisoners, put them in a bed and tied up their hands and legs, covered up their mouths and blindfolded them, then inserted a needle in each arm for their blood to be drawn”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.26.58-09.30.22 [“After the blood had been drawn, they removed the tubes and prisoners were thrown to a corner of the room and they were piled up there”]; **E3/7463** Prak Khan, T. 21 July 2009, 11.47.25-11.53.40 [“there were five bags of blood taken from one detainee until the person gasped or were dying”]; **E3/7464** Prak Khan, T. 22 July 2009, 14.22.15-14.28.06; **E3/79** Prak Khan WRI, EN 00161559 [“I saw] a vehicle full of prisoners whose blood had been taken, not yet dead, very weak and expiring”], 00161560-61 [“when they took the blood it was so terrifying. I have never forgotten it ... The intent was that they would die. Secondly, to get the blood. The intent was to kill”].

estimates that as many as 1,000 prisoners died by this practice.²⁹¹² S-21 medic Makk Sithim, while denying that he personally witnessed blood extractions and claiming that his role was only to treat prisoners after their blood was taken,²⁹¹³ admitted that he saw large numbers of blood bags and that the “senior medics” at S-21 administered the extractions.²⁹¹⁴ Duch admitted that blood was taken from prisoners on Son Sen’s orders for use at Hospital 98 (the General Staff hospital),²⁹¹⁵ but asserted that the total number killed by this practice was closer to 100.²⁹¹⁶ Duch and Prak Khan both identified the same S-21 medics as the persons who conducted the blood-taking procedures.²⁹¹⁷ The execution of prisoners by blood-taking is further confirmed by other S-21 cadres,²⁹¹⁸ as well as by surviving S-21 records.²⁹¹⁹ As with prisoners who died from disease, those killed by blood-taking were buried in the area surrounding S-21.²⁹²⁰

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- ²⁹¹² **E3/79** Prak Khan WRI, EN 00161560 [“Q: Were there many whose blood was taken? A: Twenty to thirty at a time, but it was not continual, once every four or five days. I estimate no fewer than a thousand persons. Every four or five days, regularly, for months, for years”].
- ²⁹¹³ **E1/426.1** Makk Sithim, T. 3 May 2016, 11.18.44, 11.20.31; **E3/7673** Makk Sithim WRI, EN 00401871-72 [“I saw about 30 to 40 prisoners whose blood had been drawn”].
- ²⁹¹⁴ **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41-09.34.20 [“I could see the bags for keeping blood, many of them under the staircase ... 20 or 30 bags”], 09.35.50-09.37.46 [“After seeing those bags of blood, I was terrified the next day, and I did not know when – which day, month or year I would be killed”], 11.23.52, 11.28.45 [“It was the chief of the medics who drew blood ... and also the group chief”]; **E3/7673** Makk Sithim WRI, EN 00401872 [“I saw bad blood bags thrown away near the concrete house I lived in”].
- ²⁹¹⁵ **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02 [“Son Sen instructed me about the matter, and I relayed the instruction to my subordinates. Try worked together with Tay, the chief of Hospital 98, on the issue concerning blood drawing”], 09.44.54 [“the instruction was to draw blood from the prisoners who were in good health”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.17.48 [“the order to draw blood, as I stated just then, was from the upper echelon ... I selected people as ordered by the upper echelon”]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 16.07.44-16.11.20 [“Regarding the blood, the superior ordered S-21 to distribute to 98”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54 [“some of them the blood was drawn until there was no blood in their body and they died, however, the practice of blood drawing was not systematic. Only when the 98 Unit required blood they would come to contact S-21 and with their superior’s authorization, then S-21 medics had to provide them the solution”], 15.55.16-15.59.42 [“it was my superior, Son Sen, who demanded ... this practice”].
- ²⁹¹⁶ **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.28.52; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 11.10.31-11.13.22; **E3/7471** Kaing Guek Eav, T. 11 Aug 2009, 11.27.48.
- ²⁹¹⁷ **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02; **E3/7467** Kaing Guek Eav, T. 3 Aug 2009, 10.08.22-10.11.20 [“Comrades Rin and Try ... asked him to take the blood to Hospital 98”]; **E3/7463** Prak Khan, T. 21 July 2009, 11.50.31-11.53.40 [“Q: Who conducted the blood drawing? A: I noted Try and medic Rin who were present at that time”]; **E3/79** Prak Khan WRI, EN 00161559.
- ²⁹¹⁸ **E1/431.1** Suos Thy, T. 3 June 2016, 09.40.00-09.41.32, 09.43.33-09.44.51 [“Hor gave the list of the names of those whose blood had been drawn to me, and I incorporated it into the list with those who needed to be smashed”]; **E3/7465** Suos Thy, T. 27 July 2009, 15.27.59-15.31.05 [“for any prisoner whose blood was drawn, the prisoner would die”], 15.31.05-15.34.07; **E3/7466** Suos Thy, T. 28 July 2009, 11.17.50-11.24.05; **E3/352** Pes Math alias Ly Try WRI, EN 00195710.
- ²⁹¹⁹ **E3/2285** List of Prisoners Smashed on 21 May 1977, EN 00873432 [entries for five prisoners from Divisions 310 and 450, who had entered S-21 the prior week, contain the note: “Took blood”]; **E3/2285** List of Prisoners Smashed on 8 September 1977, EN 00873332-33 [No. 7 on list identified as from the “Blood-taking section”]; **E3/2164** List of Prisoners of ‘Blood-Taking Section,’ 25 Oct 1977, EN 00181692 [list signed by Hor identifying five prisoners from Regiment 152 who had entered S-21 only four days earlier on 21 October 1977]; **E3/10604** OCIJ S-21 Prisoner List, Nos 3194, 3980, 3985, 4019,

718. *Killings of Final Prisoners at S-21 Compound*: In the final days of the DK regime, **Nuon Chea** ordered Duch to kill all remaining S-21 prisoners, but allowed Duch to continue interrogating the four cadres accused of killing Malcolm Caldwell, with the understanding they too would be killed before the prison was abandoned.²⁹²¹ On 7 January 1979, before the cadres fled S-21, an interrogator named Nan used a bayonet to execute these last remaining prisoners in Building A, decapitating two of them.²⁹²² Their corpses were left behind at the prison, and photographed when S-21 was discovered.²⁹²³
719. *Graves Discovered After January 1979*: Numerous local residents confirm finding grave pits containing human remains, ropes, and shackles in the area surrounding the S-21 compound when they returned to their houses after the end of the DK regime.²⁹²⁴

5. Executions at Choeung Ek

720. S-21 began to use Choeung Ek as its main execution site in early 1977.²⁹²⁵ The bodies of victims were buried in large pits dug by a team of guards stationed at Choeung Ek.²⁹²⁶ The executions were highly organised and carried out with cold efficiency.

4312, 5599, 6212, 6396, 6400-6401, 6408, 6412, 6969, 8162, 8819, 10644, 11535.

²⁹²⁰ **E1/426.1** Makk Sithim, T. 3 May 2016, 09.14.11-09.15.45; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.26.58-09.29.11; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.48.17-15.50.40; **E3/7463** Prak Khan, T. 21 July 2009, 11.53.40-11.57.11; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 11.13.22-11.25.49 [“people who died of blood drawing and died of disease were buried in Phnom Penh”].

²⁹²¹ **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.02.41-11.04.47; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 15.25.33-15.42.08; **E3/452** Kaing Guek Eav WRI, EN 00147572 [“the Y8 group that had just been sent to S-21, Nuon Chea permitted me to keep them for questioning first ... Nuon Chea’s final message was that if anything happened, to master it by myself”].

²⁹²² **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.42.45-10.46.59; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.36.40 [“on the 7th of January 1979, the Vietnamese troops were driving their vehicles across my house. Comrade Nan stabbed the prisoners to death by his bayonet”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.56.21-09.58.57 [“Comrade Nan, upon [order] from the Committee, had to smash those four detainees while they were still in their beds”]; **E3/452** Kaing Guek Eav WRI, EN 00147572 [“the four soldiers sent by Y8 ... It was their bodies that remained left on the beds”]. See also **E3/7661** Kung Phai WRI, EN 00163635 [S-21 guard confirming killings of prisoners at Tuol Sleng in final days: “I saw this killing with my own eyes”]; **E3/7465** Kok Sros, T. 27 July 2009, 11.11.19 [confirming Duch conveyed order to kill remaining detainees when the Vietnamese arrived]; **E3/7653** Kok Sros WRI, EN 00705430.

²⁹²³ **E3/8063.120** Photograph of Decapitated Prisoner in S-21 Building A.

²⁹²⁴ **E3/7613** Ay Simily WRI, EN 00186496 [“about five meters from the house, I saw a mass grave pit, a square approximately two meters on each side”]; **E3/7606** Pen Phalla WRI, EN 00186515 [“west of my house ... a mass grave of about 30 people was seen”]; **E3/7607** Pen En WRI, EN 00186522 [“[Southwest] of the Museum near the Syphal house, there were about 20 corpses ... Nearby, there was another site, about ten meters away, where there were about seven more corpses”]; **E3/7604** Chhay Griev WRI, EN 00186450 [“The burying graves started from the west of Tuol Sleng up to Street 163”]; **E3/7608** Nget Buntha WRI, EN 00186457 [“I found 36 corpses in a pit of 4 meters by 5 meters and 1 meter depth. There were nylon strings, ropes, cloth, shackles, blindfolding cloth, monk’s yellow ropes, black clothes, montegu cloth, mixed color clothes, army uniforms, pieced skulls and crack skulls”].

²⁹²⁵ **E1/426.1** Him Huy, T. 3 May 2016, 15.25.39-15.29.42 [confirming that executions started at Choeung Ek sometime in 1977]; **E3/7461** Him Huy, T. 16 July 2009, 13.52.24-13.54.57 [“In 1977, Boeng Choeung Ek was chosen as the killing site”]; **E3/5766** OCIJ Written Record of Confrontation, EN

721. The executions usually took place at night.²⁹²⁷ Suos Thy would receive the names of the prisoners to be executed from S-21 Deputy Chief Hor, and would prepare a list for the guards to use to collect those prisoners.²⁹²⁸ He would then help check at the gate that the correct prisoners were removed.²⁹²⁹ With the list received from Suos Thy, Him Huy's guard unit took the prisoners from their cells, placed them on trucks handcuffed and blindfolded, and transported the prisoners from the S-21 compound to the wooden house at Choeung Ek.²⁹³⁰

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- 00165437 [statement of Him Huy that the wooden house used to hold the prisoners at Choeung Ek was constructed in 1977, and confirmation by Duch that it was operational when he “inspected Choeung Ek in 1977”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192832 [“During 1977, when purges intensified, the facility at S-21 filled up, and so did the impromptu cemetery nearby. At some point in 1977 a Chinese graveyard near the hamlet of Choeung Ek, fifteen kilometers southwest of the capital, was put into service as a killing field”]; **E3/5764** OCJ Report on Crime Scene Reconstruction, EN 00197996.
- ²⁹²⁶ **E1/426.1** Him Huy, T. 3 May 2016, 15.27.09-15.29.42 [stating that a guard unit was assigned to Choeung Ek to “dig the pits and kill the prisoners”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.33.27-14.37.24, 15.14.52-15.16.30, 15.49.24-15.50.40; **E3/7617** Tay Teng WRI, EN 00401876; **E3/5766** OCJ Written Record of Confrontation, EN 00165437 [Chhun Phal confirms digging of mass graves and burial of bodies]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.13.47-10.16.48 [“The guards who were stationed at Choeung Ek was part of the special force ... they were responsible for digging the pits and buried the corpses”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.36.30-10.39.25.
- ²⁹²⁷ **E1/427.1** Him Huy, T. 4 May 2016, 10.43.32-10.45.08, 10.51.25-10.53.09; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57 [“Detainees were transported to be executed at Choeung Ek at nights”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.19.51-15.22.43 [“Prisoners were brought in at around 7 p.m.”], 15.28.03-15.30.24; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.20.54-09.22.28; **E3/7617** Tay Teng WRI, EN 00401877.
- ²⁹²⁸ **E1/430.1** Suos Thy, T. 2 June 2016, 15.02.16-15.04.32 [“For outgoing prisoners, Duch made an annotation. Hor would give me the list with the annotations so I would draw up a list indicating which cells they were in ... Annotations by Duch were noted on the margin of the page and he wrote the word ‘kom’ in Khmer. The word ‘kom’ means ‘komtech’ or smash”]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.44.51-09.47.39; **E3/7643** Suos Thy WRI, EN 00162616 [“When he got the notations from Duch, Hor gave them to me to extract the names to make a general list ... After the lists were made and the numbers of those to be removed were tallied, I recorded the cell and building numbers and sent them to Hor to give to the company to take the people out ... They were very careful in the verification of the lists of prisoners to be removed. Hor said that, ‘If you, Thy, make a list and one prisoner is incorrect, then you, Thy, are an enemy’”]; **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.47.30 [“Thy's group, at the time, gave me a list of [prisoners] to be sent to Choeung Ek”]; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57-13.59.15 [“The list of the detainees to be smashed were prepared by Ta Hor”], 14.02.16-14.04.56 [“When the prisoners were sent from the prison, actually they already made a list of the prisoners and the total number of the prisoners. So when I went to transport them then I take the list and then I would check the names against the list that I was given to make sure that the total number of the prisoners was correct. Otherwise, I would be responsible”].
- ²⁹²⁹ **E3/7643** Suos Thy WRI, EN 00162617 [“So the prisoners taken from the cells, it was the guards who went and took them, and I waited at the door to check”]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.44.51-09.47.39 [“Those prisoners needed to be checked carefully before they boarded the truck and taken away”].
- ²⁹³⁰ **E3/5766** OCJ Written Record of Confrontation, EN 00165437 [Him Huy: “Regarding my specific role, I was the head of the unit in charge of the transfer of prisoners from S21 to Choeung Ek”]; **E1/426.1** Him Huy, T. 3 May 2016, 15.33.33-15.37.02; **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.47.30, 10.54.28-10.59.05 [“I would do the head count when the prisoners were being loaded onto the vehicles and then, when we arrived at Choeung Ek, I would do the head count again when they were being loaded off”]; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57-14.02.16 [“After having the lists of the detainees to be executed ... people would be removed from their detention cells and walked from that prison, and the

722. At Choeung Ek, the prisoners were received by Tay Teng's unit and taken from the wooden house, one at a time, to be killed.²⁹³¹ Both Him Huy and Tay Teng testified before the Chamber and provided consistent accounts of how executions were carried out. The victims were ordered to sit or kneel down at the edge of the pit, and were struck on the back of the neck with an "iron bar," "oxcart axle," "pipe," or similar club-like instrument, after which their throats were slit with a knife, their cuffs and clothes removed, and their bodies dumped into the grave pit.²⁹³²
723. Him Huy stated that the executions at Choeung Ek often "took hours."²⁹³³ He testified that S-21 Deputy Chief Hor "came every time" to organise and oversee the executions at Choeung Ek,²⁹³⁴ described how Hor and Duch trained executioners on the specific

truck would be parked next to the gate ... So in each load there could be 60, 70 or up to 100 prisoners"], 14.04.56 ["Upon arrival then the names would be checked again"]; **E3/7643** Suos Thy WRI, EN 00162618; **E3/7665** Chhun Phal WRI, EN 00163813; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.19.51-15.22.43, 15.24.19-15.28.03; **E3/7617** Tay Teng WRI, EN 00401877 ["they transported prisoners from S21 ... with Huy and his team coming along in the trucks each time"]; **E3/7672** Meas Peng Kry WRI, EN 00163707.

²⁹³¹ **E3/5766** OCII Written Record of Confrontation, EN 00165437 ["Meas Peng Kry: prisoners were unloaded from the truck to be taken to the wooden house ... Him Huy: Hor ordered me to designate someone to meet and guard the prisoners at Choeung Ek. Tay Teng's group was in charge of that. It was made up of eight persons and had to dig graves and execute the prisoners. Tay Teng: That is correct. Brother Huy was my superior"]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.31.56-15.34.39 ["When the prisoners were brought away to be killed, each of them were taken out one at a time until they were all killed"]; **E3/7617** Tay Teng WRI, EN 00401877; **E1/427.1** Him Huy, T. 4 May 2016, 10.41.10-10.42.08, 10.43.32-10.45.08, 10.54.28-10.56.26, 11.00.20-11.02.56; **E3/7461** Him Huy, T. 16 July 2009, 14.04.56-14.09.25.

²⁹³² **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56, 11.05.30-11.07.32 ["the prisoner was walked to the rim of the pit. The prisoner was asked to crouch down. Then a metal bar of the shackles was used to strike the nape of the neck and the throat was slashed as well ... Prisoners were also disemboweled. The shackles or cuffs had to be removed, then they would be thrown into the pit ... At that location, there was a knife – that is, a knife for cutting palm trees. And after the prisoner was struck down, they had their throat slashed with that knife"]; **E3/536R** Video *BBC's Phil Rees Cambodia Report Including Nuon Chea Interview*, 25:46-26:00 [Him Huy: "When they reached the pit, we told the prisoners to sit, and then they were hit with a cart axle from behind. Then their throats were cut, their handcuffs were removed, and they were kicked into the pit"]; **E3/3912R** Video *Inside Pol Pot's Secret Prison*, 30:30-30:56; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.36.04-15.39.10 ["Each of them was told to sit at the rim of the pit and then that individual was smashed. They were hit from the back"], 15.39.10-15.43.01 [confirming his statement in **E3/7617** described the "usual process of execution"], 15.52.42 [confirming his unit "personally carried out some of the killings at Choeung Ek"]; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.22.28-09.24.19 ["They used iron bars to beat people to death ... they were the iron axles the width of a knife handle and about a half a metre long"]; **E3/7617** Tay Teng WRI, EN 00401877 ["they sat about one meter from the edge of the pit ... they used a water pipe to strike the base of their necks. When the prisoners fell over, they removed the handcuffs. Then they also used knives to finish killing them ... after the killings, they took away palm knives stained with blood to wash clean"].

²⁹³³ **E3/7461** Him Huy, T. 16 July 2009, 14.04.56-14.09.25 ["Q: ... For such a large number of people how long did it take to have them killed? A: It took hours. We departed Phnom Penh around 8 o'clock and we arrived there about 8.30. ... and it's finished by about 1 or 2 a.m. in the morning"].

²⁹³⁴ **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56 ["Ta Hor was also there. He was the one who organized the execution and how each prisoner had to be walked to the pit to be killed"], 11.09.11-11.10.26 ["Ta Hor was in the same vehicle as we were ... Q: And just to be clear, did he come every single time you went or did he come most of the time, sometimes, rarely? A: He came every time ...

killing techniques to be used,²⁹³⁵ and confirmed the meticulous recording and checking of the name of each executed prisoner and the delivery of those lists back to Suos Thy after the executions were completed.²⁹³⁶

724. 1981-83 Exhumation: Between 1981 and 1983, 86 of the 129 mass graves at Choeung Ek were exhumed, and a total of 8,985 corpses recovered.²⁹³⁷ Photographs and film of the exhumed graves show many thousands of skulls lying on the ground, and confirm the scale of the killings that took place there.²⁹³⁸ The bones remained on the ground next

2935 Every time there was a batch of prisoners who had to be brought there, Hor would accompany them”]. **E1/427.1** Him Huy, T. 4 May 2016, 11.07.32-11.09.11 [“It was Hor and Duch who taught us how to kill prisoners that way”], 14.13.55-14.15.45 [“Ta Hor and Ta Duch gave instructions that after striking their necks, we had to slash their throats and the purpose of the disembowelment was not to allow the body to swell so that ... the stench would get out, and people would know about that”]; **E3/7461** Him Huy, T. 16 July 2009, 14.09.25-14.11.59 [“executioners were instructed to kill the prisoners by asking the prisoners to kneel down near the rim of the pits. Then they would use an oxcart axle to strike the back of the necks and later on they would use a knife to slash the throat, and after that, when they were dead, then they would untie or remove the cuff and remove the clothes”], 14.35.47-14.39.17 [instructed how to kill by “Ta Hor”], 16.12.11-16.14.18 [“Before the prisoners were taken to be killed, then we were instructed on how to execute them. After we struck the blow to the neck, then we have to slit their necks to make sure they were dead”].

2936 **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56 [“When the prisoners were sent out ... of the house ... there was a chair for me. I, at that location, took the name one by one and, after the names were recorded, they were sent away for execution”], 11.04.22-11.05.30 [“some prisoners, when they were being walked there, they actually cried and they wept after their names were written down, as they knew that they would be killed”], 14.15.45-14.19.50 [“there was a lightbulb and a chair and their names would be written down there, and then they were taken directly to the pits. ... I had to write down sequential numbers and write down the prisoners’ names ... The list of names from Tuol Sleng was with Thy and he instructed me to re-write the names again so that he could use my list to check with the list in his possession ... upon arrival at Tuol Sleng, I gave that list of names to Suos Thy”]; **E1/426.1** Him Huy, T. 3 May 2016, 15.33.33-15.37.02 [“When I went to Choeung Ek ... I was to record the names of the prisoners and after that the report would be sent back to Suos Thy. And if one prisoner was gone from the list, I would be responsible for that”]; **E3/7465** Suos Thy, T. 27 July 2009, 15.50.38-15.53.42 [describing verification of lists after executions].

2937 **E3/10643** Dr. Nancy Beavan, *Evaluation of the Choeung Ek Conservation of Victims at Killing Fields Project* [hereinafter cited as “Evaluation Report”], EN 01235382, 01235396-97 [“Between 1981 and 1983, the Department of Culture and Propaganda (Kandal province) excavated 86 mass graves. The number of people buried in the 86 mass graves were counted on the basis of collecting together all of the crania and counting these (see Figure 3). The total number of people in the 86 graves was 8985”], 01235398 [Figure 3: photograph showing skulls arranged in rows]; **E3/10645** Preface to Choeung Ek Study, EN 01240557 [“in early 1981, 129 pits were discovered at this genocidal centre; 8985 bodies were exhumed from 86 pits”]; **E3/8063.105** Choeung Ek Pamphlet, 1989, EN 00032991 [“This camp occupies an area of 2 hectares. Towards the end of 1980 it was discovered: 86 out of 129 mass graves were unearthed and 8,985 corpses were found ... The biggest mass grave contained up to 450 corpses”]; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 09.28.42-09.31.05, 09.36.55 [“The figure of 8,985 is the figure given by the Office of Propaganda and Culture”], 13.50.15-13.53.40 [“There were more than 100 gravesites and among those gravesites, only 86 gravesites were exhumed”], 14.06.09-14.09.14 [describing location of unexhumed graves]; **E3/2160** OCIJ Diagram of Choeung Ek Execution Site [area of graves “not yet unearthed” appears on right hand side of diagram over the entire length of the site].

2938 **E3/3095R** Video *Die Angkar*, 1981, 42:17-42:41 [film showing exhumed graves at Choeung Ek]. **Photographs of Exhumed Graves at Choeung Ek**: **E3/8063.50**, **E3/8063.51**, **E3/8063.82**, **E3/8063.71**, **E3/8063.135**, **E3/8063.126**, **E3/8063.128**, **E3/8063.131**, **E3/8063.138**, **E3/8063.129**, **E3/8063.133**, **E3/8063.136**, **E3/8116**, EN 00360042-46; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 14.15.35-14.23.23 [identifying video and photographs showing Choeung Ek exhumation], 14.23.23-14.25.39 [regarding signs posted in ground next to exhumed pits, as shown in photo **E3/8116** at EN 00360046: “The signs

to the pits for at least two years,²⁹³⁹ and then were stored in an open, unprotected wooden hut for another three to four years²⁹⁴⁰ until the encased Choeung Ek memorial was built in 1988.²⁹⁴¹ As a result, only 7,500 skulls remained when they were counted by a Vietnamese forensics team in 1988, before being placed in the memorial stupa.²⁹⁴² Further loss of bones occurred over the ensuing decades, as the stupa was not adequately sealed against rats and insects,²⁹⁴³ and some skulls were removed for exhibitions or studies and never returned.²⁹⁴⁴

725. From 2013 to 2015, a team led by Expert Voeun Vuthy conducted a comprehensive analysis of the bones in the Choeung Ek stupa.²⁹⁴⁵ Though only 6,426 skulls remained at that time, a total of 7,708 right humerus bones were identified,²⁹⁴⁶ confirming that

that are posted at the rim of the two gravesites indicated the number of the remains that were counted. For example, the first one is 145 remains”].

²⁹³⁹ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 09.39.32-09.40.52, 15.11.02 [“those bones remained on the ground for two to three years”].

²⁹⁴⁰ **E3/10645** Preface to Choeung Ek Study, EN 01240557 [“the remains collected from the pits were temporarily stored in a small wooden house with zinc roof. In early 1988, those remains were washed and conserved by Vietnamese expert doctors. Meanwhile, a stupa was built to store them”]; **E3/8063.103**, **E3/8063.70** and **E3/8144** [photographs of original hut used for storage of Choeung Ek remains]; **E3/10643** Evaluation Report, EN 01235399 [“animals may have eaten some of the bones while they were in the wooden stupa”]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.11.02-15.16.25 [testifying that the bones were in the wooden stupa for “three to four years,” identifying photos of structure, and testifying: “it was not well maintained ... And probably that is the result that led to the decreased numbers of the bones ... there was no protection mechanisms to protect the bones from being eaten by animals”].

²⁹⁴¹ **E3/10643** Evaluation Report, EN 01235398 [“In late 1980’s a new Memorial Stupa was built at the Choeung Ek Genocidal Center”]; **E3/8116** OCIJ Choeung Ek Photographs, EN 00360020.

²⁹⁴² **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 09.39.32-09.42.56 [“when the stupas were newly built in 1987 and ’88, that was the time when the remains were counted again, and the number came to 7,500”], 09.50.50-09.52.18 [“The difference in numbers was because some bones were eaten by animals, and some fell back into the mass graves ... between 1987 and 1988, there was a group of Vietnamese medical doctors came to examine the remains. They gave the numbers to the remains”], 15.22.52-15.24.44 [confirming that number in Beaven report is incorrect, and that the Vietnamese team used identification numbers up to at least 7,500].

²⁹⁴³ **E3/10643** Evaluation Report, EN 01235389, 01235392, 01235421 [“The problems in the Stupa included: 1. Insects and rats could enter the shelves of the Stupa and eat the bones”]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.18.00-15.19.48.

²⁹⁴⁴ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.29.43-15.32.56 [some skulls were used by Tuol Sleng museum and some were “borrowed for the exhibition purpose but they were never returned”].

²⁹⁴⁵ **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 13.50.07-13.57.10; **E3/10643** Evaluation Report, EN 01235394 [“for the first time in the history of the exhumation of the Choeung Ek gravesites, a well-planned program of data collection was completed on the group of human remains in the Memorial Stupa. In total, 6426 crania and 63,112 other skeletal elements including long bones, vertebrae, pelvis, were measured, age and sex recorded”]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 10.10.50-10.12.42, 10.55.56-10.59.54 [testifying that the remains were confirmed to come from Choeung Ek based on analysis of mud on bones, and explaining difference from bodies buried in coffins in Chinese graveyard], 11.02.41-11.04.07 [“We cut open part of the bones that we have and we actually looked through the microscope ... We actually enlarged each cranium in order to see those small holes where the mud retains itself before we made our conclusion”].

²⁹⁴⁶ **E3/10766** Voeun Vuthy Chart, “List of Preserved Remains,” EN 01336759; **E3/10643** Evaluation Report, EN 01235383 [also identifying 7,673 left humerus].

despite the significant loss of remains that occurred while the bones laid unprotected between 1981 and 1988, there were still exhumed remains from at least 7,708 persons at the time the bones were placed in the Choeung Ek memorial in 1988.

726. The evidence relating to the Choeung Ek exhumations conclusively disproves the Defence assertion that only 5,000 people were killed by S-21. Moreover, the fact that nearly 9,000 bodies were found in the 1981-83 exhumation is consistent with a total prison population exceeding 18,000, given that: (i) S-21 executed several thousand prisoners in 1975-76 before Choeung Ek was established;²⁹⁴⁷ (ii) even after it began operations in 1977, thousands of executed Vietnamese,²⁹⁴⁸ S-21 staff,²⁹⁴⁹ and prisoners who died from disease²⁹⁵⁰ or blood-taking²⁹⁵¹ were buried around the S-21 compound, not at Choeung Ek; and (iii) thousands of the dead remained buried in the 43 unexhumed mass graves at Choeung Ek.²⁹⁵²

²⁹⁴⁷ **Annex F.2** Figure 1.3, *Arrests by Year at S-21*, p. 5 [records at least 2,440 prisoners who were arrested prior to the start of 1977]. Witness testimony confirms there were many bodies buried both at the Takhmau compound and the area around the Tuol Sleng compound: **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.19.20-09.20.58 [discussing Takhmau prison: “there were many bodies buried on the compound”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.25.27-9.28.41 [“the people who were killed inside the S-21 compound and the surrounding areas were numerous”]; **E3/10767** Him Huy Interview, EN 01336790 [“Q: We have discovered bones buried around Tuol Sleng. Did they bury many there? A: Yes, right at the back. Q: Were there many? A: Yes, there were. Before this site (referring to Choeung Ek) was chosen, they must have run out of other options already”].

²⁹⁴⁸ **Annex F.2** Figure 5.2, *Vietnamese Arrested by Month at S-21*, p. 48 [records 610 Vietnamese prisoners who were sent to S-21 in 1977 and 1978]. See also **E3/1580** Kaing Guek Eav WRI, EN 00177587 [“As regards the numbers of Vietnamese detained, I cannot be very precise but I can say there were hundreds, and that all of them were executed”].

²⁹⁴⁹ **Annex F.2** Figure 7.1, *S-21 Cadres Arrested by Month at S-21*, p. 64, and Figure 7.2, *S-24 Cadres Arrested by Month at S-21*, p. 65 [includes over 300 cadres and combatants from S-21 and Prey Sar who were arrested in 1977 and 1978]. See also **E3/7461** Him Huy, T. 16 July 2009, 14.17.26-14.19.23; **E3/79** Prak Khan WRI, EN 00161562 [discussing purged S-21 cadres: “I estimate about 300, no fewer than 300 ... They all had been arrested and killed”].

²⁹⁵⁰ Witness accounts and surviving records show that prisoners regularly died from disease **Annex F.48** *List of S-21 Daily Prisoner Count Analysis*; **E3/10770** Logbook of S-21 Daily Counting Lists; **E3/1684** David Chandler, *Voices from S-21*, EN 00192710 [“a cadre notebook from 1977 recorded that 30 deaths had occurred at the prison in July, 88 in September, 49 in October, and 67 in November, making a total of 234 deaths over four months”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.52.11-13.54.05; **E3/503** Iem Horn WRI, EN 00401858 [S-21 guard: “I saw prisoners die every day ... Sometimes, two prisoners died per day”]; **E3/7674** Vann Nath WRI, EN 00163738 [“Many dead prisoners were taken out at night. In my cell eight or nine prisoners died during one month”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“people died one after another”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48; **E3/7461** Him Huy, T. 16 July 2009, 11.52.33-11.56.48.

²⁹⁵¹ As discussed earlier, witness estimates of the number killed by blood-taking range from 100 to as many as 1,000: **E3/79** Prak Khan WRI, EN 00161560; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54.

²⁹⁵² **E3/10645** Preface to Choeung Ek Study, EN 01240557 [“129 pits were discovered ... 8985 bodies were exhumed from 86 pits”]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.50.15-13.53.40; **E3/10767** Him Huy Interview, EN 01336776 [“Q: Among the 100 graves, do you think they were all full of bodies, or were there cases in which only 4 to 10 bodies were buried in some graves? A: There was no such case. All of them were full”].

727. *Evidence of Trauma on Exhumed Skulls*: Of the 6,426 crania examined by Voeun Vuthy's team, "only one skull" did not contain evidence of trauma.²⁹⁵³ A total of 28,083 marks of trauma were identified on the skulls, with each skull containing multiple fractures, holes, or other such markings.²⁹⁵⁴ The most common forms of trauma observed on the skulls were consistent with the victims having been struck in the head with clubs, sticks, axles, or similar such instruments: 9,802 marks consistent with "wood or bamboo sticks"; 5,806 marks consistent with a steel bar or axle bar; and 2,435 marks consistent with "square sticks."²⁹⁵⁵ There were also 3,563 marks from knives.²⁹⁵⁶ The evidence from Voeun Vuthy thus helps quantify the scale of killing that took place at Choeung Ek, and corroborates the testimony of S-21 cadres as to the usual method by which victims were killed at this site.

6. Executions of Children and Pregnant Women

728. S-21 Chairman Duch has consistently admitted that the executions at S-21 included young children and babies who were brought to the security office with their parents.²⁹⁵⁷ Duch testified that such killings were pursuant to a Party policy that "when the parents

²⁹⁵³ **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 14.17.00-14.19.50 ["among the 6,426 bones, after we conducted the analysis, we could find only one skull that was not result of the torture or the heavy beating by the tools. There was only one skull"]. See also **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 13.53.19 [describing procedure by which skulls were examined and the "marks or traces of trauma" registered and photographed], 14.19.50-14.21.43 ["we used the microscope to examine traces. If it was beaten with a bamboo stick, there could be a little piece there; particularly, with a square wood, we found some dented skulls resulted of heavily beating"]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.34.20 [only skulls were examined for evidence of trauma].

²⁹⁵⁴ **E3/10766** Voeun Vuthy Chart, "List of Marks of Torture and Marks of Execution," EN 01336760 [total of 28,083 marks of trauma on the 6,426 skulls examined]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.41.30-15.42.49 ["On each cranium, at least there are two markings and the maximum number is nine"]; **E3/10647** Photographs of Choeung Ek Skulls [examples of different marks of trauma].

²⁹⁵⁵ **E3/10766** Voeun Vuthy Chart, "List of Marks of Torture and Marks of Execution," EN 01336760; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.37.58-15.41.30 ["marking or trauma" was the "result of the execution"]; **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 14.03.18-14.06.16 ["some of them were killed by clubbing. I would like to clarify that the club here refers to bamboo stem and wood. We also found 9,802 traces resulted from these tools"]; **E3/10647** Photographs of Choeung Ek Skulls, KH 01240474 [examples of "Evidence of killing by bamboo stick" and "Evidence of killing by wooden stick"], 01240475 [examples of "Evidence of killing by Iron tool"]].

²⁹⁵⁶ **E3/10766** Voeun Vuthy Chart, "List of Marks of Torture and Marks of Execution"; **E3/10647** Photographs of Choeung Ek Skulls, KH 01240474 [example of "Evidence of killing by Knife"]].

²⁹⁵⁷ **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.54.45 ["when the parents were taken away and killed, the children would be taken away and killed as well"]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.39.23-09.41.28, 13.52.34-13.54.30, 14.20.37-14.23.01 ["Q: ... What happened to the children who came to S-21 with their parents? ... A: I think the three children who survived were those who entered in late 1978. As for the children who were entered from 1975, up to that period had all been smashed"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.11.38 ["Q: How did all the children, the very young children who came with their mothers, die? A: Your Honor, let me conclude it in one word: they were killed. They did not die because of starvation or lack of food, but they were killed and, as I said, sometimes the babies were smashed"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 14.18.22-14.20.22 [children "as young as 12 months" were "separated from the mothers and those children were smashed"]; **E3/453** Kaing Guek Eav WRI, EN 00147582.

were considered traitors, the children would be taken away and killed.”²⁹⁵⁸ S-21 guard Him Huy also admitted that children as young as one-month old were killed,²⁹⁵⁹ describing in detail how they were separated from their mothers and taken out for execution.²⁹⁶⁰ Guards carried the babies and walked other young children to their death holding their hands.²⁹⁶¹

729. Prak Khan personally witnessed the killing of a Vietnamese baby, which he described in Court as follows:

There was a two-storey house, and it was used as an office to receive prisoners. I was standing guard on the ground floor, and then there was a family – a Vietnamese family who arrived, that is, a husband, a wife and a young daughter that was about more than a year old. The child followed the parents, and Dek Bou and Tuy dragged the child away from the parents and took the child out of the office, that is, to the verandah, and dropped the child onto the ground. The child subsequently died, and then he signalled me to take the dead child to the southern area and buried it there.²⁹⁶²

²⁹⁵⁸ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 13.52.34-13.54.30. *See also* **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.52.44-09.56.26 [instructed by Son Sen to have an “absolute stance” in the execution of children of prisoners, after Duch unsuccessfully tried to save the lives of the children of prisoner Sang Un]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 10.02.57-10.08.47 [“Son Sen said, ‘So now here is your experience. There is no gain to keep them and they might ... take revenge on you. You have to remember the class stand’ ... I myself abided through implementing the Party’s policy at S-21. So that’s about the young children and the babies”]; **E3/5752** Kaing Guek Eav Written Statement [Duch instructed by Son Sen that to let children live was “a stance ‘lacking in class anger’”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.11.38 [“the children who came with their parents would be smashed as directed by the upper echelon”]; **E3/5805** Kaing Guek Eav, T. 25 June 2009, 09.29.11 [the “first reason” for CPK policy was that the regime was “afraid that the children would take revenge”]; **E3/453** Kaing Guek Eav WRI, EN 00147582 [“The order to kill children was decided by the upper echelon for the entire country”].

²⁹⁵⁹ **E1/427.1** Him Huy, T. 4 May 2016, 09.37.38-09.40.44, 09.53.25-09.56.50 [confirming statements in video **E3/536R** about children being killed and adding: “the age range was between one month up to seven or eight years old”], 14.13.55; **E3/536R** Video *BBC’s Phil Rees Cambodia Report Including Nuon Chea Interview*, 27:07-28:06 [Him Huy: “They would arrest and kill the entire families of alleged traitors. No one was spared. They would arrest the wives, husbands and children, and even brothers, sisters and other relatives ... I would send off children aged 7 or 8 years old”], 29:06-29:15 [Him Huy: “The babies were killed as well. They weren’t spared”]; **E3/7461** Him Huy, T. 16 July 2009, 14.11.59-14.14.58, 15.37.33-15.39.24; **E3/7462** Him Huy, T. 20 July 2009, 11.58.35-12.00.56; **E3/5154** Him Huy WRI, EN 00161603.

²⁹⁶⁰ **E1/427.1** Him Huy, T. 4 May 2016, 09.42.29-09.44.52 [mothers were deceived and told their children were being “taken to a children’s centre,” so they did not learn “what we were going to do with the children”].

²⁹⁶¹ **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.49.04, 09.50.46-09.56.50 [“For the older children, their hands were tied behind their back because they were afraid that those children would try to escape ... The security guards inside were the ones who carried down those babies to be killed”]; **E1/428.1** Him Huy, T. 5 May 2016, 11.13.44-11.16.20 [“As for the children ... they held their hands and walked them or they were carried by people and they were taken to the back road behind the prison”]; **E3/536R** Video *BBC’s Phil Rees Cambodia Report Including Nuon Chea Interview*, 28:45-29:05 [Vann Nath: “I saw guards carrying 3, 4 or 5 babies in their arms. I met one of the men who took those babies away. It was Him Huy. He said the babies were taken to their deaths”].

²⁹⁶² **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13. *See also* **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36 [describing same incident in which a “young baby who was about seven to eight

Children were usually killed and buried in the area surrounding the S-21 compound,²⁹⁶³ though some children sent to Prey Sar were executed at Choeung Ek.²⁹⁶⁴

730. Other witnesses also confirm the presence and execution of children at S-21.²⁹⁶⁵ S-21 photographers Nim Kimsreang and Nhem En both admitted that children were imprisoned at the compound,²⁹⁶⁶ and photographs taken by their unit show the faces of some of these children.²⁹⁶⁷ Surviving prisoner Vann Nath likewise recalled that the prisoners detained and killed at S-21 included children.²⁹⁶⁸

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- months old” was thrown from building and killed], 14.06.41-14.09.16; **E3/7464** Prak Khan, T. 22 July 2009, 09.17.55- 09.21.08.
- ²⁹⁶³ **E1/427.1** Him Huy, T. 4 May 2016, 09.32.45-09.36.26, 09.38.58 [children were killed at the S-21 compound, rather than being transported to Choeung Ek, to maintain secrecy]; **E1/428.1** Him Huy, T. 5 May 2016, 11.09.54-11.12.24; **E3/2357R** Video *Pol Pot: Journey to the Killing Fields*, 40:48-41:15 [Him Huy: “My boss, Mr. Peng, he took charge of the children. His men took them not far from here and then killed them”]; **E3/7461** Him Huy, T. 16 July 2009, 14.11.59-14.14.58; **E3/7462** Him Huy, T. 20 July 2009, 11.58.35-12.00.56; **E3/5154** Him Huy WRI, EN 00161603; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.22.24-09.25.27 [“dead bodies, especially children, were buried within the compound. And also at the surrounding area outside the compound”], 09.41.41-09.45.40, 11.13.22-11.25.49 [“children below five years of age ... were buried in Phnom Penh”]; **E1/419.1** Nhem En, T. 20 Apr 2016, 13.52.09-13.54.47.
- ²⁹⁶⁴ **E3/2133** List of Prisoners Smashed by Brother Huy Sre, 23 July 1977; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.01.12-15.06.56 [regarding execution of children referenced in **E3/2133**: “When the decision was made, they were transported from Prey Sar directly to Choeung Ek”]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.35.21; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 11.58.35-12.04.26 [“If the mother was arrested, the baby or the children would be killed ... if the mother were transferred directly from Prey Sar to Choeung Ek, the baby would be transferred directly together with the mother to Choeung Ek”].
- ²⁹⁶⁵ **E1/430.1** Suos Thy, 2 June 2016, 15.49.55 [witness registered “women with babies or toddlers”], 15.53.00-15.58.00 [Hor instructed guards when to take “babies and toddlers” for execution, and children were generally “taken out first before the removal of their parents”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.36.07; **E3/7463** Prak Khan, T. 21 July 2009, 10.06.46-10.09.55 [confirming imprisonment of wives and children].
- ²⁹⁶⁶ **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.35.46-13.41.02 [admitting that he saw children in as many as “10 percent” of the negatives he developed at S-21], 15.09.54-15.12.16 [identifying **E3/8639.4724** and **E3/8639.5184** as photographs taken in “large room where women were detained there along with their children”]; **E1/419.1** Nhem En, T. 20 Apr 2016, 13.51.10-13.54.47 [“children or infants who had been brought together with the mothers, sometime two or three together with the mother, almost all of them were killed and only few survived ... Quite a number of infants and small children were sent into the centre ... sometimes these were brought in with the entire family. About 1,000 to 2,000 of them were brought in with their parents”]; **E1/420.1** Nhem En, T. 21 Apr 2016, 11.12.28-11.14.01 [“I took several photos of children”].
- ²⁹⁶⁷ **S-21 Photographs showing children:** **E3/8058**; **E3/8639.164**; **E3/8639.171** [Vinh Thi Ngoc]; **E3/8639.219**; **E3/8639.220**; **E3/8639.481**; **E3/8639.494**; **E3/8639.507**; **E3/8639.508**; **E3/8639.649**; **E3/8639.705**; **E3/8639.1081** [Trong Sarith]; **E3/8639.1593**; **E3/8639.1896**; **E3/8639.1919**; **E3/8639.1962**; **E3/8639.1967**; **E3/8639.2339**; **E3/8639.2514**; **E3/8639.2969**; **E3/8639.3039**; **E3/8639.3069**; **E3/8639.3199**; **E3/8639.3589**; **E3/8639.3784**; **E3/8639.4372**; **E3/8639.4406**; **E3/8639.4694**; **E3/8639.4992**; **E3/8639.5070**; **E3/8639.5109**; **E3/9837**, Nos 16, 120 [Eng Saroth], 149, 430, 466, 957, 610 [11-year old Le Yaing Ve - No. 12590 on OCIJ S-21 List and No. 4593 on OCP Revised S-21 List].
- ²⁹⁶⁸ **E3/7450** Vann Nath, T. 29 June 2009, 11.23.26-11.25.48, 14.33.25-14.35.26 [“I heard the screaming and ... the crying of both adult and young people, and the children were taken away ... Sometimes a young baby was taken away, the baby was about six to seven months. Sometimes a child was walked or sometimes two children were walked together”]; **E3/7674** Vann Nath WRI, EN 00163737, 00163739.

731. Suos Thy testified that children under the age of 15 were usually not registered on S-21 prison lists or photographed, unless they arrived without their parents.²⁹⁶⁹ Despite this practice, some existing prison records confirm the killing of children as young as seven or eight years old, most of whom were sent out for execution shortly after their arrival at S-21.²⁹⁷⁰ A March 1976 S-21 execution list records the killing of the “four children of Thach Chea,” an official in the Ministry of Education during the Lon Nol regime.²⁹⁷¹ Other prison lists record arrests of entire families, with wives and children often executed within days of entering S-21.²⁹⁷²

²⁹⁶⁹ **E1/430.1** Suos Thy, 2 June 2016, 15.40.05-15.45.05 [“Children below 15 years old were rarely listed down in the list of names”]; **E1/431.1** Suos Thy, 3 June 2016, 09.12.45-09.13.55 [“In relation to the Vietnamese girl who was 14 years old ... she did not come along with her parents. She was by herself and, for that reason, I had to write her name down”], 10.37.35-10.40.13 [“Every prisoner who was brought in, I wrote down their names except children who were brought along with their parents”]; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01 [confirming that children were not recorded]; **E3/7643** Suos Thy WRI, EN 00162614. *See also* **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.04.36 [“Q: ... Why was it that the four children of Thach Chea weren’t identified by name in the S-21 list? A: That was the practice”]; **E1/419.1** Nhem En, T. 20 Apr 2016, 09.20.33-09.22.12, 13.52.09-13.54.47.

²⁹⁷⁰ *See e.g.* **E3/8463** List of Prisoners Smashed on 27 May 78, EN 01032536 [No. 578 – 8 year-old Vin Yang Fa]; **E3/2285** List of Prisoners Removed on 29 August 1977, EN 00873220-26 [No. 15 - 7 year-old girl Sreu Pheap, described as “stubborn sometimes, lazy to work, be instructed but not follow”]; **E3/10604** OCIJ S-21 Prisoner List, Nos 2488 [14-year old girl Peou Kdip entered S-21 on 13 March 1977, executed 17 March 1977], 4991 and 4998 [14-year old girls Keo Soeung and Ros Sam-Ol entered S-21 on 13 July 1977, executed 16 July 1977], 5182 [14-year old boy Po Senora entered S-21 13 July 1977, executed 16 July 1977], 5685 [14-year old boy An Chann Than entered S-21 13 August 1977, executed the following day], 7544 [14-year old Va Vuthy executed 14 February 1978], 7827 [12-year old Eng Chakk executed 13 March 1978], 8133 [13-year old Sok Phal executed 25 March 1978], 9856 [14-year old Vietnamese girl Troeung Thinhieng entered S-21 28 April 1978, executed 30 April 1978], 9902 [14-year old Vietnamese girl Ngvieng Thimom executed 30 April 1978], 9943 [13-year old boy Port Bunny entered 1 May 1978, executed 5 May 1978], 10074 [14-year old boy Iv (Y) Sa-Em entered 5 May 1978, executed that same day], 10130 [13-year old Vietnamese girl Vin Thi Ngok entered S-21 on 6 May 1978, executed 14 May 1978 – S-21 photograph **E3/8639.171**], 12619 [13-year old Vietnamese boy Ngvieng Yaing Vin entered 28 October 1978, executed 31 October 1978], 12623 [7-year old Troeng Yaing Fak, described by S-21 as a Vietnamese spy, entered 30 October 1978, executed the next day].

²⁹⁷¹ **E3/1539** S-21 List of Prisoners Who Died at Office S-21C, EN 00182903 – No. 159 [recording execution of “four children of Thach Chea” on 30 March 1976]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.54.45; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.04.36 [“people spoke about the children and they were pretty young”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 16.06.41 [execution of children of Thach Chea was in accordance with “the principle that even the children would not be spared”].

²⁹⁷² **E3/2047** Report from Huy “Names of Those Removed – Families of Sokh and Mai Lun,” 7 Apr 1977, EN 00182941-42 [list of 18 family members, including children aged four and six, with Duch annotation: “Propose questioning 4, and killing the others”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 11.20.45-11.30.28, 14.07.55 [stating that if the wives and children were “not important” and “needed for the purpose of interrogation,” they would be “taken out”]; **E3/1576** Kaing Guek Eav WRI, EN 00160723 [discussing **E3/2047**: “Son Sen instructed me to interrogate the 4 persons mentioned under numbers 1, 2, 13 and 14 and to have the others executed”]; **E3/3187** List of Prisoners Executed from 15 to 30 Oct 1976, EN 00874320-32 [Nos 12 through 67 are spouses, mothers, and children of families from the Railway and electrical plants, almost all of whom entered S-21 on 28-30 Oct 1976 and were executed one or two days later]; **E3/3187** S-21 Execution List, Dec 1976, EN 00874194-96 – Nos 65-69, 77 [wife and 5 daughters of Railway cadre Toek Seng Eng all entered S-21 on 19 Dec 1976 – four daughters were executed on 25 Dec 1976, the other “committed suicide by hanging” the same day, and their mother was executed three days later], No. 61 [Eng Saroth, son of Toek Seng Eng, entered on 19 Dec 1976, executed

732. With respect to unregistered children, two surviving documents reflect the scale of killings that took place at S-21. A 23 July 1977 execution list of 18 named prisoners contains a handwritten note from S-21 Deputy Chief Hor, reporting that the group killed that day included “160 children.”²⁹⁷³ Duch authenticated this record, and testified that Hor’s signature on the document confirms that S-21 oversaw the execution of the 160 children, who had been transferred from Prey Sar.²⁹⁷⁴ Another S-21 document, the Daily Prisoner Control list for 11 April 1976, illustrates the number or proportion of unregistered children who would accompany adults sent to S-21. It records the arrival of 58 new prisoners that day, 33 of whom were registered prisoners (a group of Muslims from a village on the outskirts of Phnom Penh), and the other 25 of whom were their children (20 boys and five girls), whose names were not recorded.²⁹⁷⁵ Duch recalled the arrest of those families and testified that, pursuant to CPK policy, the parents and children were all smashed.²⁹⁷⁶ While we will never know the exact number of unregistered children killed at S-21, the killing of 160 such victims in a single day, and the fact many of the prisoners sent to S-21 had young children who accompanied them,²⁹⁷⁷ indicates that the total number was likely in the thousands. Given that children’s names generally do not appear in the surviving S-21 records and that, as discussed above, not all records from S-21 have survived or been recovered, there is no question that the number of victims killed at S-21 far exceeds the 11,137 registered prisoners.

two days later – his S-21 photograph is **E3/9837**, No. 120]. See also **E3/1684** David Chandler *Voices from S-21*, EN 00192717 [“Scattered entry records reveal that wives and children were often kept at S-21 for very short periods – sometimes as little as two days – before their executions”]; **E3/2285** Names of Prisoners Smashed on 2 July 1977: Section of Huy Srae, EN 00873549-55 [Nos 1-75 on list identified as children of other persons]; **E3/2285** Prisoners of Bong Huy Sre’s Section Smashed on 3 August 1977, EN 00873521-40 [list of 229 prisoners includes numerous children executed with their mothers – e.g. Nos 120-156].

²⁹⁷³ **E3/2133** List of Prisoner Names Smashed by Brother Huy Sre, 23 July 1977.

²⁹⁷⁴ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.01.12-15.08.09; **E3/7461** Kaing Guek Eav, T. 16 July 2009, 15.44.10 [“These children were removed ... from Prey Sar at the rice field ... That’s why it states in the document at the section of Huy Sre, so Hor was the one who signed on that piece of document. So Hor managed this execution and I believe that they were executed at Choeng Ek”]; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 14.01.53-14.05.05 [“the 160 children were sent directly to Choeng Ek ... because there was no reason in getting the confession from those children”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 14.03.00 [“the children who were removed from Prey Sar, they range in age from three and four years old up”].

²⁹⁷⁵ **E3/8493** S-21 Daily Prisoner Control List, 11 Apr 1976.

²⁹⁷⁶ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.14.18-14.17.37 [“those Muslim people from the Arab villages were finally smashed at S-21 ... they applied the same principle. When the parents were considered traitors, the children would be smashed as well”].

²⁹⁷⁷ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 11.19.30-11.20.45 [“It is clear that when the mother or the father was brought in, the children had to be brought in as well. And that was a norm or part of the operation”]; **E1/419.1** Nhem En, T. 20 Apr 2016, 13.52.09-13.54.47.

733. In addition to children, the victims of S-21 also include pregnant women who were sent from Prey Sar to S-21 for execution as they neared full-term.²⁹⁷⁸ Elderly women and people suffering from infectious diseases were also sent from Prey Sar to S-21 for execution,²⁹⁷⁹ reflecting the CPK's "to keep is no gain" policy that those no longer able to perform hard labour at tempering sites would be killed.²⁹⁸⁰
734. In short, the evidence from S-21 rebuts the **Nuon Chea** Defence's assertion that the security office was only used for *bona fide* "traitors" posing a threat to the DK regime. The sheer number of people imprisoned and executed over a three-year period, and the fact that the victims included young children and others murdered solely because of their relation to a perceived enemy, proves that S-21 was nothing more than a killing instrument of CPK leaders, who were willing to do anything and kill anyone to maintain their grip on power.

3. TRAM KAK DISTRICT COOPERATIVES

They told us that 'Angkar will take care of you', and we were told that here we have cooperatives and we have a collective Angkar, and you all will be ready to receive meals and accommodation to be provided by Angkar; don't worry.

²⁹⁷⁸ **E3/2047** Report from Huy "Personal Histories of Those Pregnant," 7 Apr 1977, EN 00182943-44 [list of 11 pregnant women, the first eight of whom were nearing full-term – also noting at end of list: "Among these there may be some small children as well"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 3339-3341, 3343, 3348-3349, 3351, 3359, 3361-3362 [pregnant women listed in **E3/2047** executed on 7 April 1977, the same date as Huy's report]; **E3/10506** S-21 Prisoner List, EN 01368995-97 [Nos 147-149, 151, 156-157, 159, 167, 169-170 are the pregnant women listed in **E3/2047**, with annotations indicating they were smashed]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 13.30.39-13.41.10 [discussing **E3/10506**: "These people were smashed on 7 April 1977, so that means once they arrived at S-21 in Phnom Penh, they were sent away immediately to be smashed"], 13.45.45 ["the handwriting, as far as I can remember, was Hor's handwriting ... The word 'kom,' it was an abbreviated form of the full word 'komtech"], 13.48.23 [explaining marks on list: "it means that those eight women were all near full-term pregnancy, not just the one on top of the list"], 13.52.34-13.54.30 [confirming "small children" referenced in report would have been "smashed" pursuant to "general policy" of the Party]. See also **E3/10166a** List of People to be Removed, EN 01248212 [40 prisoners, 16 of whom were pregnant, with the annotation "smash" at top]; **E1/431.1** Suos Thy, T. 3 June 2016, 14.33.21-14.39.12.

²⁹⁷⁹ **E3/1041** Report from Huy, Office 24 "Names of People Who Have Infectious Diseases," 24 Mar 1977 ["The number of people requested to send to 21 includes: People who have infectious diseases – 5 people; Those who acted against revolution – 4 people; People who were seriously incapacitated, [moved] freely, [were] lascivious – 15 people; People who were pregnant – 13 people"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 2119, 3248, 3259, 3270, 3272, 3289, 3292, 3306, 4422 [recording execution of prisoners named in **E3/1041** on 25 March 1977, the day after the report]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 14.08.43-14.13.25 [stating that the 37 people in **E3/1041** were "supposed to be sent from the rice field to Choeung Ek"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 3266, 3269, 3274, 3293-3298, 3300-3301 [11 women sent from Prey Sar and executed on same day, including elderly women aged 62, 65, 70, 73, 74, 75, 82 and 92].

²⁹⁸⁰ **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 14.15.26-14.17.22 [referencing **E3/1041**: "I believe the solution to these problems was the principle that we implemented – that is, to keep is no gain, to remove means no loss"].

And after that, I was forced to work hard, day and night ... and I was deprived of food and I was not given sufficient clothing.

– Civil Party Ry Pov, after arriving in Tram Kak District²⁹⁸¹

735. Tram Kak District was designated District 105 under Sector 13 of the Southwest Zone during the DK regime.²⁹⁸² The birthplace of Zone leader Ta Mok,²⁹⁸³ Tram Kak served as a stronghold of the Khmer Rouge during the 1960s and early '70s.²⁹⁸⁴ By 1977, the district's construction and production achievements had attracted the attention of the Central Committee, who awarded the district an "Honourary Red Flag" and held it up as an example for others to emulate.²⁹⁸⁵
736. Tram Kak is one of the few areas where contemporaneous records from the DK era survived and have been recovered. These documents, particularly records from the District 105 Reeducation Office, also known as the Kraing Ta Chan Security Centre, provide insight into the inner workings of Tram Kak District under DK control and help demonstrate the systematic infliction of crimes against humanity that include enslavement; other inhumane acts through attacks against human dignity; enforced disappearances; imprisonment; torture; deportation; political, religious and racial persecution; forced marriage; and rape within the context of forced marriage.²⁹⁸⁶
737. The charged crimes for Tram Kak District relating to political persecution of Lon Nol officials, racial persecution of the Vietnamese, deportation, forced marriage, and rapes that occurred within the context of forced marriage, are discussed in other sections of

²⁹⁸¹ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37, 09.19.04-09.21.01.

²⁹⁸² **E1/270.1** Van Soeun, T. 3 Mar 2015, 13.51.10-13.53.38 ["Tram Kak district was also known as District 105 in Sector 13"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.53.03; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.14.36-15.16.35 ["I attended the meetings at District 105 -- that is, Tram Kak district"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.43.12-13.44.17; **E1/448.1** Moeng Vet, T. 26 July 2016, 09.38.25-09.41.14, 09.50.15-09.53.05; **E1/385.1** Sao Van, T. 1 Feb 2016, 14.29.42-14.31.18; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150087.

²⁹⁸³ **E1/273.1** 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"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.14.06-09.15.09 ["Ta Mok lived in Prakeab village, Trapeang Thum Khang Tboung commune"]; **E3/5518** Sao Han WRI, A29; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150087 ["Tram Kak was Mok's birthplace"].

²⁹⁸⁴ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.56.30-11.59.13 ["there were two remaining Party branches at that time: one in the East, it's Tram Kak village Party branch, and another was in Kampong Chhnang, Peam Commune Party branch ... we contacted senior people who were good people. They included Ma Mang and Ta Mok. These people were honest. And as for the establishment of the Party ... we did that step by step ... we began our work from this very small work ... after that we began to collect all those good people to be Party members"]; **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.27.03-09.29.29.

²⁹⁸⁵ For details, see evidence cited in fn. 3045.

²⁹⁸⁶ **D427** Closing Order, paras 1391 [enslavement], 1434 [other inhumane acts (attacks against human dignity)], 1470 [other inhumane acts (enforced disappearances)], 1402 [imprisonment], 1408 [torture], 1397 [deportation], 1416 [political persecution], 1421 [religious persecution (Buddhists)], 1422 [racial persecution (Vietnamese)], 1442 [other inhumane acts (forced marriage)], 1430-1433 [other inhumane acts (rape in the context of forced marriage)].

this Brief, as the Co-Prosecutors are of the view that the evidence of the Accused's conduct for these charges is better demonstrated when considered in conjunction with the legal and historical context addressed in those sections.²⁹⁸⁷

AUTHORITY STRUCTURE AND COMMUNICATIONS

738. In 1970, the CPK seized full control of Tram Kak District and imposed new leaders and communal work arrangements on area residents.²⁹⁸⁸ Beginning in 1973, villages were organised into cooperatives, with several cooperatives comprising a commune.²⁹⁸⁹ By 1976, the DK regime began expanding the village-sized cooperatives into high-level cooperatives of hundreds or even more than a thousand families.²⁹⁹⁰ These communes included Angk Ta Saom, Cheang Tong, Kus, Leay Bour, Nhaeng Nhang, Popel, Samraong, Srae Ronoung, Ta Phem, Tram Kak, Trapeang Thum (Kang) Cheung, Trapeang Thum (Khang) Tboung, and Khpop Trabaek.²⁹⁹¹

²⁹⁸⁷ Regarding political persecution of Lon Nol officials, see **Policy to Persecute and Kill Enemies – Former Khmer Republic Soldiers and Officials – The Great Mass Movement to Attack and Smash: 1977-1979**; for racial persecution of the Vietnamese, see **Crimes against the Vietnamese – Killings in the Southwest Zone**; for deportation, see **Crimes against the Vietnamese – Implementation of the Genocidal Policy against the Vietnamese – Deportation of the Vietnamese**; and for forced marriage and rape within the context of forced marriage, see **Forced Marriage and Rape – Implementation of the Forced Marriage Policy - Nationwide Practice**, particularly fn. 2551.

²⁹⁸⁸ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.25.28-09.28.34 [“Q: When did the Khmer Rouge enter Nhaeng Nhang commune to control the area? A: It happened in 1970”] and **E3/5832** Cheang Sreimom WRI, A2; **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.11.16-11.12.49; **E1/299.1** Ek Hoeun, T. 8 May 2015, 10.09.29-10.11.14; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.45.51-15.49.07 [“First, Khmer Rouge came to select the village chiefs, the deputies and members of the committee, and after that they organized groups, the solidarity group”] and **E3/5518** Sao Han WRI, A6, A9-10, A14-15.

²⁹⁸⁹ **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401482 [from mid-1973, the Party “set up a process of gradual cooperativization in type I liberated zones ... we made progress in eliminating private ownership of land and means of production, and in general we put cooperative ownership in place”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450511 [“Seeing that only by organizing cooperatives could we gain control of the economy, in mid 1973 the Party decided to organize cooperatives throughout the country”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486256 [“The collective peasant cooperatives throughout the country, which were founded in 1973 ... are developing and being strengthened, both quantitatively and qualitatively”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.46.34-09.48.25 [in Leay Bour commune, “Communal eating actually started at the time when we were asked to go to transplant in August ... 1975”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 09.34.40-09.37.40.

²⁹⁹⁰ **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495827 [“The party proposed a timeframe indicating that a general cooperative shall become a village structure not later than 1976 ... As a method of operation, we shall start mobilizing step by step from 300 to 400, 500, 700 and 1,000 families”]; **E3/762** *Revolutionary Flag*, Aug 1976, EN 00486756 [“The cooperatives have strengthened and expanded on the average to 100, 200, 300 families. Some cooperatives have 500 families. Throughout the country in general, the cooperatives are organized by village. The Party planned to organize them by village during 1976. Now this has been accomplished. In tandem with this, there has been a large amount of commune cooperative organization already. Commune cooperatives have 800, 900, up to 1,000 families”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486256; **E3/5136** Pol Moeun WRI, EN 00231813.

²⁹⁹¹ See e.g. **E3/2453** DK Reports between Tram Kak commune and district offices and Kraing Ta Chan, EN 00388578 [signed by Cham of Khpop Trabaek [Commune] on 13 Oct 1977], 00388580 [signed by Khun of Srae Ronoung on 13 Oct 1977], 00388583 [signed by Sim of Nhaeng Nhang on 6 Oct 1977]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 11.25.43-11.28.12 and **E3/4628** Pech Chim WRI, EN 00379305; **E1/277.1**

739. Atop the area authority structure was Southwest Zone Secretary Ta Mok,²⁹⁹² who had been a member of the CPK Standing Committee since 1963.²⁹⁹³ The Deputy Zone Secretary and Ta Mok's second-in-command was Chan Sam alias Kang Chap alias Se.²⁹⁹⁴ After Chap was transferred to the (old) North Zone, Sam Bith became Zone Deputy Secretary.²⁹⁹⁵ At the sector level, Ta Saom was Secretary of Sector 13 until he fell ill in late 1976²⁹⁹⁶ and was replaced by Sek Sat alias Prak.²⁹⁹⁷ Prak was subsequently arrested²⁹⁹⁸ and was replaced by Ta Ran.²⁹⁹⁹

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- Nut Nov, T. 16 Mar 2015, 14.24.34-14.27.08 ["I was in Leay Bour commune probably from mid-1976 to late-1977. And in May 1978, I was transferred to take charge of Srae Ronoung commune. And further on in late-'78, I was transferred to be in charge of Angk Ta Saom commune"]; **E1/384.1** Sann Lorn, T. 28 Jan 2016, 11.12.30-11.15.54 [collected people from Angk Ta Saom, Leay Bour, Popel, Nhaeng Nhang, Kus, and Srae Ronoung communes], 10.53.54-10.57.06; **E1/271.1** Van Soeun, T. 4 Mar 2015, 11.18.57-11.20.45 [the witness assisted people in rice farming in Cheang Tong, Kus, Popel and Trapeang Thum Khang Cheung communes]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.28.17-15.29.23; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.38.04-15.38.56 ["I lived in ... Tram Kak commune, Tram Kak district"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.25.38-09.28.45 ["I was in Leay Bour, and only after 1975, he became Chief of the Tram Kak commune"]; **E3/4542** Tram Kak District Map [depicts 10 of the communes within Tram Kak District]; **E3/8051** Tram Kak District Site ID Report, EN 00428010-11 [discusses evidence relating to seven communes].
- ²⁹⁹² See e.g. **E1/129.1** Meas Voecun, T. 3 Oct 2012, 14.26.55-14.29.37; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 15.56.00; **E1/291.1** Pech Chim, T. 23 Apr 2015, 15.20.21-15.21.02; **E1/383.1** Prum Sarat, T. 27 Jan 2016, 11.23.17-11.25.33; **E1/448.1** Moeng Vet, T. 26 July 2016, 09.41.14; **E1/312.1** Chan Morn, T. 9 June 2015, 16.06.22-16.11.51; **E3/65** Kaing Guek Eav WRI, 7 Aug 2007, EN 00147521 [listing the seven important individuals in the Party: "Fourth was Ung Choeun alias Mok, who was responsible for the Southwest Zone"]; **E3/4202** Thet Sambath, *Behind the Killing Fields*, EN 00757494.
- ²⁹⁹³ **E1/24.1** Nuon Chea, T. 10 Jan 2012, 10.10.08-10.11.57; **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156751; **E3/459** Saloth Ban WRI, EN 00223595.
- ²⁹⁹⁴ **E3/4628** Pech Chim WRI, EN 00379303 ["The structure of the Southwest Zone committee included Ta Mok who was the Zone secretary; Kang Chab alias Se was the Zone deputy Secretary"]; **E3/4627** Iep Duch WRI, EN 00223474; **E3/9585** Phan Chhen WRI, A5.
- ²⁹⁹⁵ **E1/90.1** Khiev Neou, T. 21 Jun 2012, 11.28.56-11.31.15 ["The meetings were chaired by a person named Bit. He was Ta Mok's deputy ... Q: Is this a person whose full name is Sam Bit? A: Yes"]; **E1/273.1** Neang Ouch, T. 9 Mar 2015, 09.53.32-09.55.33 ["Sam Bit was Ta Ran's superior. He was in the zone"], 10.41.30; **E1/450.1** Moeng Vet, T. 28 July 2016, 09.17.30-09.19.50 ["What I observed is that he [Ta Mok] could effectively be in charge of the entire zone ... Even his deputy, Bith"]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.37.36-10.41.05 ["Sae alias Chap went to Siem Reap formerly known as the old North Zone"]; **E3/9462** Pech Chim WRI, A1; **E3/9480** Khoem Boeun WRI, A322.
- ²⁹⁹⁶ **E1/268.1** Phan Chhen, T. 24 Feb 2015, 15.41.03-15.43.27 ["Q: who was it that scolded you for releasing those prisoners without his approval? A: It was the Sector 13 secretary ... Soam"]; **E1/276.1** Nut Nov, T. 1 Mar 2015, 14.17.05 ["The chief of the sector at the time was Ta Saom"]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 10.45.24-10.49.56 [affirming that she recalled telling investigators: "At the very beginning, Ta Mok and Uncle Saom were Sector 13 Committee. Uncle Saom might have been Sector 13 Secretary, because he was always the speaker and decision-maker during meetings" as stated in her WRI, **E3/9480** at A58], 15.18.41-15.21.16; **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.15.03-11.22.04 ["Q: who was it at the sector level who gave these instructions? A: It was Saom, alias Than"] and **E3/4628** Pech Chim WRI, EN 00379302, 00379304 ["in late 1976 Prak came to replace Ta Soam as the secretary of Sector 13 in Takeo province"]; **E3/4627** Iep Duch WRI, EN 00223475 ["Ta Soam was Secretary of Sector 13. He held the position from 1970 until 1976. He came down with a disease, so there was a change"]; **E3/9455** Sao Van WRI, A9.
- ²⁹⁹⁷ **E3/2012** Reports from An at Kraing Ta Chan Security Centre to Party, July-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"]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.17.05-14.18.36 ["The chief of the sector at the time was Ta Saom ... And later on, it

740. Various cadres held the position of Tram Kak District Secretary, starting with Ta Mok's daughter, Khom, who filled the role until early 1976.³⁰⁰⁰ Her deputy, Ta Keav, became Secretary until May or June 1976³⁰⁰¹ and was then succeeded by Pech Chim, who had previously been a district committee member and was also a distant relative of Ta Mok.³⁰⁰² Pech Chim controlled the district until February 1977 when he was transferred to the Central Zone,³⁰⁰³ and his elder brother, Preab Kith (Kit), then became

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- was Ta Prak"]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 14.05.50-14.07.51 and **E3/4628** Pech Chim WRI, EN 00379304 ["When Ta Soam was sick, he went to get the treatment in Phnom Penh. Then in late 1976 Prak came to replace Ta Soam as the secretary of Sector 13 in Takeo province"]; **E3/9480** Khoem Boeun WRI, A259; **E3/4627** Iep Duch WRI, EN 00223475.
- 2998 **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.17.05 ["[the chief of the sector] was Ta Prak, but subsequently, Ta Prak was arrested"] and **E3/9571** Nut Nov WRI, A1, A14; **E3/4627** Iep Duch WRI, EN 00223475 ["Ta Prak came from Sector 25 to replace [Saom]. ... Later on Ta Prak was arrested too"]; **E3/5498** Bun Thien WRI, EN 00384402 ["at the sector level, Ta Prak was cleansed"].
- 2999 **E1/274.1** Neang Ouch, T. 10 Mar 2015, 15.27.34-15.34.43 ["Ta Prak came to Sector 13 and he was there before Ta Ran came ... Ta Prak worked there for two or three months and then he was replaced by Ta Ran"]; **E1/276.1** Neang Ouch, T. 12 Mar 2015, 10.08.07-10.12.14 ["I saw brother Prak who was there before Ta Ran, and he was there for only a month or two and then I didn't see him and Ta Ran was there; and he was there until the end of the regime"]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.17.05-14.18.36.
- 3000 **E1/274.1** Neang Ouch, 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]; **E1/385.1** Sao Van, T. 1 Feb 2016, 09.45.50-09.48.02 ["I was introduced by Yeay Khom, the daughter of Ta Mok, secretary of Tram Kak, who assigned me to come and work in Sector 25"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 10.54.12; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.51.08-15.53.12 ["The district secretary Yeay Khom"]; **E1/289.1** Pech Chim, T. 21 Apr 2015, 15.09.16-15.10.26, **E3/4626** Pech Chim WRI, EN 00380135 ["The composition of the District committee included Khom who was the secretary, Keav was the deputy, Nhev, me and Ta Chay who were the members ... After the liberation in 1975, Khom was still the secretary of District 105 until early 1976 when Khom fell sick"]; **E3/5522** Phan Chhen WRI, A7; **E3/9480** Khoem Boeun WRI, A284.
- 3001 **E1/289.1** 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"] and **E3/4626** Pech Chim WRI, EN 00380135 ["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"], 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"]; **E3/4627** Iep Duch WRI, EN 00223474 ["Ta Keav was the District Secretary"].
- 3002 **E1/291.1** Pech Chim, T. 23 Apr 2015, 10.37.18-10.41.47 ["I am related to Ta Mok. Apparently, we were [distant] relatives. We are not biological brothers or cousins ... After leaving his monkhood, he came to visit my mother, and he addressed my mother as 'Aunt' My mother introduced me and suggested I address him as brother ... but he was not my mother's biological nephew; he was a [distant] nephew"]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 15.41.14-15.44.28 ["when I was an interim district secretary"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 10.41.25-10.42.54 ["I know only Ta Chim because he was from Samraong, and I asked him, and I knew that he was the district chief of Tram Kak"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2016, 15.23.48-15.25.50; **E1/282.1** Saut Saing, T. 25 Mar 2015, 11.16.20-11.17.53; **E3/4626** 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"]; **E3/4628** Pech Chim WRI, EN 00379308 [after 17 April 1975 during the 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"].
- 3003 **E3/4628** Pech Chim WRI, EN 00379306 ["I was transferred to the Central Zone in Kampong Cham in February 1977 ... As I can recall it, I was transferred to the Central Zone on 12 February 1977"]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 15.19.07-15.21.02.

Secretary.³⁰⁰⁴ After Preab Kith was transferred to Kandal Province, Ta Chay led the district until he, too, was transferred.³⁰⁰⁵ Ta Mok's younger brother-in-law, Neang Ouch alias Ta San, then held the position until the regime fell in 1979.³⁰⁰⁶

741. Each commune within the district had a commune committee as well as an armed militia.³⁰⁰⁷ Below the commune level, villages and cooperatives were run by chiefs, and unit chiefs were responsible for individual work groups.³⁰⁰⁸ The known district and commune committee members during the DK period are detailed in **Annex H**, the Tram Kak District Authority Structure chart.

³⁰⁰⁴ See e.g. **E3/2430** DK Order from Kit, undated [instructs the police to further interrogate a former military captain, signed by Kit]; **E3/2052** DK Order from Kit to An, 13 June [1977], EN 00276591 [instructs An to "interrogate harshly and thoroughly" 10 traitors sent in [to Kraing Ta Chan] from Khpop Trabek Commune]; **E3/2453** DK Reports between Tram Kak commune and district offices and Kraing Ta Chan, EN 00388585 [message dated 9 Oct 1977 from Kit to An instructing him to make a concrete assessment and make the arrest]; **E3/4166** DK Report from An at Kraing Ta Chan to the Party, 25 Aug 1977, EN 00694356 [handwritten instruction from Kit telling An that three traitors should be smashed]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 13.54.09-13.56.41 [referring to **E3/2453**, EN 00388587 dated 18 Oct 1977: "I wrote this to Brother Kit ... Kit was the secretary of Tram Kak district"]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.16.35-15.18.52; **E1/277.1** Nut Nov, T. 16 Mar 2015, 09.13.58-09.16.10; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.54.37; **E3/4628** 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] ... At the time I was leaving for the Central Zone in Kampong Cham"]; **E3/4627** Iep Duch WRI, EN 00223474 ["After 75, Khom followed her husband to Kampong Som, and Ta Chim rose to replace her for a short time. Later Ta Kit rose to replace him"].

³⁰⁰⁵ **E1/273.1** Neang Ouch, T. 9 Mar 2015, 15.19.20-15.20.51, 15.17.20-15.19.20; **E1/278.1** Riel Son, T. 17 Mar 2015, 10.52.04-10.54.12; **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.10.12-10.12.16 [confirms that she told OCIJ investigators that Ta Kit and Ta Chay became members of the Tram Kak district committee (see her WRI, **E3/9480** at A28)]; **E1/510.1** Long Vun, T. 9 Dec 2016, 09.58.01-10.00.45 [the witness was deputy chairman of Tram Kak district commerce: "Q: Can you tell us who was Ta Ti Chay? A: At that time, he was the deputy of the district committee"].

³⁰⁰⁶ Although Neang Ouch alias Ta San denied being District Secretary (**E1/273.1** Neang Ouch, T. 9 Mar 2015, 09.45.14, 10.34.17, 13.43.34, 15.17.20-15.24.29), numerous witness confirmed he held that position: **E1/296.1** Khoem Boeun, T. 4 May 2015, 14.12.12-14.13.52 ["Q: ... Can you tell us then who was ... the district chief, between the beginning of 1978 and October 1978? A: San was by himself at that time"] and **E3/9480** Khoem Boeun WRI, A28; **E1/278.1** Riel Son, T. 17 Mar 2015, 10.57.01-10.59.14; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.01.33-14.04.10 ["Ta San was the new district committee"], 14.13.14-14.15.04 ["I met Ta San in 1977 ... he was the chief of the Tram Krak District"]; **E1/253.1** Chou Koemlan, T. 26 Jan 2015, 09.42.52-09.44.47, 14.01.08-14.02.44 ["He was Ta San ... He was the district committee. Before Khmer Rouge period, he was a teacher"]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.35.14-10.36.51 ["Ta San was the district chief. ... he was the member and later chief of Tram Kak district"]; **E3/5518** Sao Han WRI, A29; **E3/5519** Sok Sim WRI, A6; **E3/4627** Iep Duch WRI, EN 00223474 ["later Ta San the younger brother in law of Ta Mok came to govern all the way until it fell"].

³⁰⁰⁷ **E1/274.1** Neang Ouch, T. 10 Mar 2015, 10.41.16-10.45.57; **E1/291.1** Pech Chim, T. 23 Apr 2015, 11.15.33-11.19.01; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.32.01-15.34.14; **E3/5135** Pil Kheang WRI, EN 00233134-35; **E3/5521** Nut Nov WRI, A87; **E3/9586** Van Soeun WRI, A99.

³⁰⁰⁸ **E1/291.1** Pech Chim, T. 23 April 2015, 09.43.44-9.46.29 ["Without the unit chiefs, we would not be able to grasp information, therefore, they were established to monitor and organize forces, and work in a timely manner"]; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 15.00.00-15.02.13 ["there was a group chief who told us that that night we had to go and dig a pond. So, we all just followed the group chief"]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.23.24 ["The unit chief would lead the workers to the field and the village chief would remain at the village to manage the people in the village"].

742. In Tram Kak District, the policies of the CPK leadership were implemented through a highly organised system that conveyed reports and instructions. Oral and written reports on a gamut of issues were passed up an established chain of command, from unit to village, village to commune, commune to district, district to sector, sector to zone, and zone to the Party.³⁰⁰⁹ Instructions were then passed back down in reverse, including from the Party and Zone levels, often through meetings or site visits.³⁰¹⁰

³⁰⁰⁹ **E1/269.1** Phan Chhen, T. 25 Feb 2015, 10.08.45-10.10.23. Examples of reports in which Tram Kak officials reported confessions or arrests or sought advice from their superiors are provided throughout the **Tram Kak District Cooperatives and Kraing Ta Chan Security Centre** sections of this Brief. *See also* section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Nuon Chea Speeches & Political Education**, para. 461 [discussing Nuon Chea’s acknowledgement that he and other CPK leaders received reports from and visited every base area]; **E3/853** Record about Situation of Defense and Economic at Southwest Zone, 3 June 1977 [situation report from the Zone to the Centre that includes production progress from Tram Kak District and reports on living conditions and captures]; **E1/296.1** 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 such report to the district”], 10.41.30-10.43.55 [the district orally reported to Sector 13 about economic, political and military matters]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.46.34-09.47.54 [“If someone made mistake then I would ... report the matter to the upper level and only after I received the instruction from the upper level then the person would have been sent [for reeducation]”]; **E1/274.1** Neang Ouch, 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]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.08.19-14.10.19; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.43.44-09.46.29 [“only the unit chiefs could confirm what had happened. Without the unit chiefs, we would not be able to grasp information, therefore, they were established to monitor and organise forces”], 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]; **E3/4626** Pech Chim WRI, EN 00380138 [he was scolded for not reporting to the sector before authorising an arrest]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05.

³⁰¹⁰ *See e.g.* section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Nuon Chea Speeches & Political Education**, paras 460 and 461 [discussing the month-long political education of district and sector secretaries that was conducted by Nuon Chea and attended by District Secretary Pech Chim and other Tram Kak officials; also discussing Nuon Chea’s acknowledgement that he and other CPK leaders received reports from and visited every base area]; section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Joint Visit of Nuon Chea & Khieu Samphan to Tram Kak District** [regarding the early 1977 visit from DK leaders to view the progress being made on production projects in Tram Kak]; **E1/274.1** Neang Ouch, 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 ... communes or chiefs of communes were called for meetings at the districts and he also called me to attend”]; **E1/276.1** Neang Ouch, T. 12 Mar 2015, 10.08.07-10.12.14 [commune committees met with the district leadership monthly]; **E3/4626** Pech Chim WRI, EN 00380137-38 [“Ta Mok talked about the work plans ... and instructed Ta Soam to lead this or that work”]; **E3/400** Pech Chim WRI, EN 00379170 [the Sector sent work plans to the districts]; **E1/292.1** Pech Chim, 24 Apr 2015, 09.45.12-09.46.52 [attended various meetings and then disseminated the instructions]; **E1/276.1** 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”], 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”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 11.16.05-11.20.21 [“The [district] meeting was held at a kitchen hall ... there were representatives from the nearby communes attending the meeting”]; **E1/385.1** Sao Van, T. 1 Feb 2016, 09.42.01-09.43.58 [the commune committee made decisions and then convened a meeting with the village chiefs “so those village chiefs would receive plans or instruction to be implemented in their respective cooperatives or villages”], 09.57.50-10.01.32 [attended a meeting in District 106 with leaders from 10 other communes in District 105]; 10.50.42-10.53.35 [he returned to

Through this regimented system of communication, the highest echelons of the DK regime ensured that their orders were carried out as intended in Tram Kak District.

ENSLAVEMENT

743. The CPK exercised powers of ownership over the people of Tram Kak District, exploiting their labour and controlling all facets of their lives.³⁰¹¹ CPK officials dictated when, where, and how much people should work and eat, where and with whom they should live, and when they could and could not move. Chou Koemlan testified, “We live[d] in a prison without wall[s]”.³⁰¹²
744. The first step toward total control over Tram Kak residents involved forcing them to give up everything they owned.³⁰¹³ Without any possessions, the people became totally dependent upon *Angkar* for their most basic needs. Tak Sann recalled that when her group arrived in Tram Kak District, they were told that they would be considered enemies if they did not surrender all of their property.³⁰¹⁴ Meas Sokha testified that the only personal belongings they were allowed to keep were a plate and a spoon, and those had to be maintained communally.³⁰¹⁵ Anyone who broke, stole, or damaged cooperative property was deemed an enemy and was harshly punished.³⁰¹⁶

Cheang Tong commune and disseminated the Sector Secretary’s instructions to the village chiefs], **E1/264.1** Phneu Yav, T. 17 Feb 2015, 10.11.06-10.13.00; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.40.05-14.42.58.

³⁰¹¹ In keeping with the policy discussed in **Common Criminal Plan – Policy to Enslave the Population**.

³⁰¹² **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.39.15-11.42.59.

³⁰¹³ See e.g. **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26 [“It was in 1975 when everything that we owned were gathered and put for communal use. There was no longer private ownership”], 09.15.23-09.17.14 [“As for fruit, we could not pick them. For example, coconut trees were considered for communal use including cooking utilities or the cattle that we owned”]; 09.18.26-09.19.30 [“we were not allowed to do anything on our own. For example, to go and find frog or to go fishing and if we were to do that, then whatever we caught would have to [be] put for communal consumption”], 11.16.24-11.18.30 [“if we were to keep a spoon, then we would be questioned for why”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.20.03-09.21.57 [“all private properties had to be gathered and placed under collective ownership, including cattle, cooking utilities, et cetera. So, from that day onwards, the private ownership was abolished”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 11.23.45-11.25.12 [former Tram Kak District Committee Member and Secretary: “Wherever we could build dams or dig canals, then we would make a proposal to the upper level for approval ... We did not have an issue with land because it was for the collective use”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.22.24-09.24.50.

³⁰¹⁴ **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.53.31-13.57.01. See also **E1/262.1** Ry Pov, 12 Feb 2015, 09.29.12-09.30.30.

³⁰¹⁵ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.50.14-13.53.23.

³⁰¹⁶ See e.g. **E3/4083** Notebook from Kraing Ta Chan, EN 00323974-75 [a list of KTC prisoners and their offences that includes “three traitors [who] provoked each other to break hoes in order to destroy the cooperative” and “four traitorous women”, ages 14-19, who “had broken cooperative spoons in order to destroy the cooperative to make it become private again”]; **E1/296.1** 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. ... people who stole dishes or cooking pots or threw them away they would be considered the enemy”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.59.58-10.01.55 [“I can recall that if a plough or

745. Tram Kak officials forced people to live and work in cooperatives with their work units. Families were separated³⁰¹⁷ to eliminate family “distractions” and ensure that the focus was on revolutionary work. Although theoretically family members were supposed to be allowed to see each other every 10 days, in practice, it happened much less.³⁰¹⁸
746. Residents were required to eat communally rather than with their families.³⁰¹⁹ One effect of this arrangement was to make Tram Kak residents completely dependent on the DK regime for food. Ry Pov recalled being told, when he arrived from Kampuchea Krom, that meals and accommodation would be provided and not to worry because

spoon was broken, then the person who did it would be considered as an internal enemy within the cooperative, and that’s the language that was used by the unit chief”]; **E3/5881** Tak Sann VIF, EN 01069535 and **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.58.48-14.00.52 [Tak Sann was ordered to taste the fertiliser she had made from human excrement to ensure that it was not so salty that it would destroy cooperative property. She recalled: “Killing the rice plants was equal to killing me”].

³⁰¹⁷ See e.g. **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.22.49-09.25.09 [in Tram Kak District: “it happened to everyone during the regime. We were not allowed to live together with our family members - or, with our wives. The children were separated and placed in a children’s unit and the wives would be put in the female unit and as for us, the husbands, we were placed in the male unit”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.39.10-13.42.05 [in Leay Bour Commune: “children which were aged from eight would be put into the mobile unit ... I did not volunteer. We were forced to join that unit and we were not allowed to stay at home”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.18.47-09.21.08 [in Leay Bour Commune: “We were separated in 1976 and my husband was in a unit. We did not live together and since that time I have not seen him again”];

³⁰¹⁸ **E1/278.1** Riel Son, T. 17 Mar 2015, 09.37.16; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.42.54-15.44.32. See e.g. **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 14.30.18 [“the upper Angkar determined, for example, every 10 or 20 days, that we were allowed to rest and that the couples could meet. ... on the 10th, the 20th and the 30th day of the month”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.20.50-09.22.49 [“I did not have any contact with my children. I did not have the opportunity to meet them and in fact we were allowed only to meet every tenth day -- that is, on the 10th, 20th or 30th, and it doesn’t mean on that day we were not allowed to go to work, but we [were] only allowed to meet briefly during the night-time. And in fact I did not see them because when I went there they were not at their place of residence”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.42.54-15.46.11; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.45.57-13.47.59 [“In fact, the 10-day visit was only in theory; in practice, it did not happen”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.47.54-13.49.18 [“we were allowed only once a month to do home visits, but then because I missed my parents a lot I arranged to visit them and I was caught and I was beaten”]; **E3/5825** Meas Sokha WRI, 31 Oct 2007, EN 00223495 [“While in the children’s unit, they kept us far away, isolated from our families. They did not let us meet. Once every ten days we visited home for about twenty minutes. But for the most part, as for requesting to go [home], they would not let us do that”]; **E3/5135** Pil Kheang WRI, 12 November 2009, EN 00233133 [in Samraong Commune: “I was allowed to meet my family once every 20 days”].

³⁰¹⁹ **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.05.21-11.07.52 [in Srae Kruo Village, Cheang Tong Commune: “after 1975 or 1976, though, communal eating was then imposed again”]; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 15.00.00-15.02.13 [referencing the diary she wrote in Prakeab Village, Tram Kak District: “In my diary, that collective eating was from the 9th of February ’76, but let me state that, when we worked far from the village, we also have to have this collective eating. So, it happened from early on but later on, it was certain that there was communal eating”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.13.18-09.15.23 [in Paen Meas village, Samraong commune: “Communal dining started in 1975 and it continued until 1978 ... It started after Phnom Penh had been liberated”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.27.13-11.29.12, 11.22.07-11.24.40; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.46.34-09.48.25; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.31.43-09.34.25; **E3/5519** Sok Sim WRI, A7; **E3/5136** Pol Moeun WRI, EN 00231813; **E3/5515** Phneu Yav WRI, A7; **E3/5518** Sao Han WRI, A26.

Angkar would take care of them.³⁰²⁰ In reality, *Angkar* provided woefully inadequate rations which diminished as time progressed.³⁰²¹ Moreover, when people tried to supplement the meagre fare using other sources, they were punished for stealing because everything — even leaves — now belonged to the cooperative.³⁰²²

747. Tram Kak authorities denied residents freedom of movement, requiring permission for any movement outside the cooperative and *de facto* imprisoning the workers.³⁰²³

³⁰²⁰ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37 [when their identification and belongings were taken away after arriving from Kampuchea Krom: “They told us that ‘Angkar will take care of you’, and we were told that here we have cooperatives and we have a collective Angkar, and you all will be ready to receive meals and accommodation to be provided by Angkar; don’t worry”].

³⁰²¹ See the evidence cited in fn. 3048.

³⁰²² See e.g. the evidence cited in fn. 3194; **E3/5827** Kraing Ta Chan 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”]; **E3/2441** Report from Sout of the Kus Youth Committee to Angkar, 19 Dec 1976, EN 00369471 [informs Angkar that Seng Chan, 23, is “deceitful and free in term[s] of walking around and communication as well as disobedient; he committed theft from the cooperative for food”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.46.00-13.49.18 [as an 8-year-old in a children’s mobile unit: “Sometimes we were so starving, we [would] seek permission to go to the nearby bushes to relieve ourselves but in fact, we went to pick some tree leaves – that is from thnoeng tree and we ate those leaves because we were so starving ... if they found out that we picked the tree leaves then we would be arrested and beaten and actually we did it without letting them know”]; **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.15.15-15.17.25; **E1/256.1** 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”], 14.02.34-14.04.44 [“I was beaten with a whip many times when I picked some vegetable or cassava leaves, but the most severe beating happened when I stole cassava for food”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.53.51-15.56.35; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.34.24-09.37.21 [in Leay Bour Commune from 1977: “When I was hungry, I went to steal a cassava and maize, and I was arrested ... I was told that ... if I steal food once again, I would be in danger. Because this was my first mistake, I was released”], 09.59.26-10.01.32 [youth mobile unit workers who stole food because they did not have enough to eat were arrested and sent for reeducation. Some returned, others disappeared since]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.29.04-11.31.46 [“They took my [13-year-old] son away to be killed because he uprooted some potatoes to eat. It was a brutal killing. ... He did not have enough food to fill his stomach, and then he went to pick up the potatoes and he was tied up and taken away to be killed”]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.17.58-14.21.29 [“as I was tending cows, my brother-in-law on my wife’s side climbed up a coconut tree and he saw me and he threw a coconut to me from the top of the tree. And when he climbed down he was taken away and when I arrived at the cooperative I saw him all tied up in the burning sun ... the wife of Bou my brother-in-law ... went to beg the Khmer Rouge to release her husband and the Khmer Rouge said, ‘No, don’t cry, I am simply arresting the enemy’ Q: [W]as he taken away because he picked the coconut? A: Yes, yes. As far as I know ... that was the reason”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.52.06-15.56.34 [“Q: And with regard to the shortage that you are speaking about, would any of the local people steal food? A: There might be cases of stealing food, yes. And what would happen when people who had stolen food were identified? A: If they were spotted, they might be detained and brought to the commune for re-education”]; **E1/262.1** Ry Pov, 12 Feb 2015, 09.43.04-09.45.19 [if they caught fish without permission and did not turn it over to the cooperative, “the 50-member unit would catch fish and force-feed the fish to that person to eat in one sitting” as punishment].

³⁰²³ **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14.58.32-15.00.00; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.03.24-11.04.42; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.44.54-10.46.46.

Consequences for disobeying this restriction were severe.³⁰²⁴ Even children were harshly punished. Civil Party Oum Vannak testified that she was arrested and beaten when she was eight years old because she had visited her parents without authorisation.³⁰²⁵ Iem Yen was physically dragged back to her unit and buried up to her neck in the ground for the same offence when she was nine.³⁰²⁶ Every night, authorities counted heads in the children's unit to ensure no one had snuck away without permission.³⁰²⁷

748. Tram Kak officials also exerted psychological control over residents by prohibiting them from turning to traditional avenues of comfort and solace. No one could practice their religion,³⁰²⁸ talk freely, sing, dance, or protest.³⁰²⁹ To ensure compliance with all of these restrictions, people in the cooperatives were constantly monitored.³⁰³⁰

³⁰²⁴ See e.g. **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747245-46 [Ngaet Phoeun's alleged mistakes that led to his imprisonment included that "he was too free" in leaving his unit to visit relatives and others]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.38.22-09.39.40 ["I heard this from the unit chief saying that if anyone who went to visit family members without any permission, he or she will be in trouble and the person may disappear"]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.21.29-14.22.56 [after telling his sister they were going to go see their mother at home, "then my unit chief took me into the forest. He was holding his axe. And I begged him for quite a while and then he accepted to let me go and threatened me that he would kill me if I did that again"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.05.04.

³⁰²⁵ **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.49.18-13.50.30.

³⁰²⁶ **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.00.14-15.01.32 [the Civil Party was born in 1968], 15.03.21-15.05.41 [was sent to Tuol Kruos village [Trapeang Thum Khang Cheung commune] in 1976 to dig earth], 15.05.41-15.07.48 [in 1977 she left to see her parents and was captured and buried in the ground up to her neck, warned that if she did such a thing again, she would be killed], 15.17.25-15.20.59 ["I was separated from my parents from 1976 ... later on my visit time was reduced to once a month only. And as I was young, I missed my parents so miserably ... I asked them already a few times, but I was not allowed to visit my parents ... I was arrested and buried. The reason was that I ran away from my unit to visit my parents"], 15.20.59-15.21.56 ["There was a pit which can put me in and I was buried deep to my neck as a warning for me not to commit such a wrong again ... At that time I was deprived of food and water. I was starved and so thirsty. My whole body was in pain and I called for my parent's help, but no one could come to help me"], 15.21.56-15.25.26 ["it was the greatest pain I experienced"]; **E1/287.1** Iem Yen, T. 2 Apr 2015, 09.19.50-09.26.36 [the unit chief physically dragged her back to the children's unit site; she was buried for 2-3 hours]. See also **E3/5874** Iem Yen CPA, EN 01069536 ["In early 1976, they transferred me to live in Tuol Kruos village, but I did not know the name of the commune, but I heard that it was called Sector 105 or Tram Kak District, Takeo Province"].

³⁰²⁷ **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.49.18-13.50.30 [in a children's unit in Leay Bour Commune: "at night time they would go and count our heads and if they couldn't find us then we would be in trouble ... usually I would go back at around 3 o'clock in the morning as the head counting was at five"]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17 ["I was not allowed to visit home. It's only possible if I sneak out from my unit to visit my parents, but when I was caught sneaking out, I was tortured and brought back to my unit"] and **E3/5825** Meas Sokha WRI, EN 00223495 ["When I got back they asked where I had gone. I answered that I had snuck off to visit home, and they punished me by having me carry dirt outside working hours"].

³⁰²⁸ See **Tram Kak District Cooperatives – Persecution – Religious Persecution** section and **Crimes against the Cham – Elimination of Cham Religious and Cultural Practices**.

³⁰²⁹ **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14.05.23 [Quoting from the diary that she kept at the time, and entry dated 18 November 1976: "I could not dare to sing, dance, speak, laugh loudly. Our regular routine activities were sleeping, working and eating"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.06.18-11.09.02 ["At that time nobody dared to protest. If anybody protested then we would be accused of being an enemy

749. Work was also strictly monitored. Former district officials Pech Chim and Khoem Boeun testified that work units were established so leaders could more easily control the workers.³⁰³¹ Every member of the cooperative was assigned to a work unit and given specific tasks which were often physically demanding.³⁰³² They ploughed, planted, harvested, dug canals, and carried cement and earth to build dams that would irrigate the fields year-round.³⁰³³

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- within the cooperative and that person would not be survived”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26. *See also* the evidence cited in fn. 3077.
- ³⁰³⁰ **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.28.28-14.32.46 [“it was only at night that we could sleep and even as we were sleeping we were watched. My mother-in-law told me to say nothing and to keep quiet at night, since they watched us on a constant basis”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 11.08.30-11.11.59 [“The role of the militiamen, as I experienced, was to monitor the activity of the people at their houses ... While they were watching the houses, they were waiting to see whether anyone would steal any food or anything at night”]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 13.51.51-13.54.10 [“there were people who were monitoring everyone, watching everyone”], 15.56.26-15.58.59; **E3/9480** Khoem Boeun WRI, A249; **E3/7980** Sim Chheang WRI, EN 00231694 [“There were many [spies] in each cooperative. They watched people and reported back to the commune when people did something wrong. When someone opposed the cooperative, he or she would be taken away for study. He or she then disappeared. We dared not talk to each other, even at home”].
- ³⁰³¹ **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.41.41-09.46.29; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.25.09-15.30.16 [agreeing with Pech Chim’s testimony that units were put in place in order to exercise some control over the work forces].
- ³⁰³² *See e.g.* **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.18.26-14.20.18 [in Samraong Commune: “In Unit 1, members were recruited based on their strength and their age. As for the elder people, they were placed in another unit, and, yes, unit 2’s force ... was not as strong as Unit 1. And they also were divided into sub-groups, for example a mobile unit for women and for those women with children. And, also, there would be the ploughing unit, which was a part of the strong unit”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.28.55-11.29.54 [in Samraong Commune: “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 so I would not know about other people”]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 10.39.30-10.41.45 [in Cheang Tong Commune: “I organised people into various units in my commune, namely men’s unit, women’s unit, children’s unit and youth unit”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 10.58.26; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.32.36-09.34.24 [at a worksite in Leay Bour Commune: “we were in 12 different groups, and there were hundreds of workers”]; **E3/5518** Sao Han WRI, A26; **E3/7980** Sim Chheang WRI, EN 00231692.
- ³⁰³³ *See e.g.* **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.12.30-14.16.59 [“I was placed in a mobile unit and our job was to replant the rice and to activate the water mill”], 14.17.58-14.21.29 [“After the dry season rice harvesting I was sent to the village where I was assigned to tend the cows, to chop wood”], 14.21.29 [“After replanting the rice, I was sent to the ploughing unit and after ploughing I hitched cows”], 14.28.28-14.32.46 [“Towards the later part of the regime I was assigned to grow vegetable with the elder people”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.19.04-09.21.01 [“I was assigned to a mobile unit in Kbal Pou. And after that, I was forced to work hard, day and night to dig canals, to build [dams] and to spin water wheels”], 11.20.58-11.23.02 [at Pong Tuek village (close to Kraing Ta Chan): “I was assigned to plough in the village and to dig canal and to carry earth at that location”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.42.59-11.44.30 [“I was asked to pick up, or to uncover faeces. ... I was asked to also dig the canal, and I was also asked to transplant ... a hectare plot of land with only seven people”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.20.18-14.22.31 [“As for the women unit, they were placed into one group for transplanting rice and for men, they were also placed into a unit responsible for carrying earth, and children were placed into another unit, and elder women were placed in a unit to look after the children, and elder men were placed into a unit for growing vegetables”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.24.02-09.26.00 [“I was assigned to build dykes or to plough the rice fields, or to plant vegetables or to engage in the dry season farming. I engage[d] in all sorts of work in the field of agriculture”]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.02.24-14.04.16 [“during the rice season, I was asked to carry earth to

750. The heavy physical toll of the tasks was exacerbated by the hours that were kept. Work started early in the morning and often extended into the night³⁰³⁴ to meet the unrealistically high quotas set by authorities.³⁰³⁵ People worked desperately to meet their targets because they would receive reduced rations or no rations at all if they fell

construct roads, dig ponds, dig canals. The ponds were so big in Tram Kak district, and I was involved in ... constructing a road from Angk Ta Saom to Angk Roka. And ... I work[ed] in the rice field transplanting, harvesting and spinning cotton. While I was pregnant, I tended cows and cattle”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.14.01-09.17.06 [in Leay Bour Commune: “by 1977, I was assigned to a mobile unit to carry earth, to engage in digging canals. And I also carried cement at a railway station, and that work was done at night, and there were only two females”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.29.15-13.31.10 [“I was asked to carry the termite mound earth and later on to carry fertiliser and then to work on a canal at Kouk Kruos”], 13.32.58-13.35.20 [“The most difficult work was to carry the earth as it was rather too heavy for me, they sometimes filled in the baskets too full and it was too heavy for me to carry it”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 [“I was assigned to carry earth for building a dam called Prey Theat and it was in Leay Bour Commune”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.44.39-10.47.18 [“I was sent to carry earth”]; **E3/5826** Hun Kimseng WRI, EN 00223490-91 [after being released from Kraing Ta Chan in June 1978, she was sent to the cooperative to raise 70 pigs].

³⁰³⁴ **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.14.01-09.17.06 [carried cement at night in Leay Bour Commune]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 [“Twenty-four hours per day, we could have only two meals. We ate at 3 p.m. and in the evening, we ate at 12 a.m. In short, we [were] made to work without any breaks”]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.04.50-14.07.02 [in Trapeang Thum Tboung Commune: “During the harvest season, I worked almost the day and night, and sometime I slept on the grass. And for those who had energy, they continued their work, and we worked almost 24 hours. During dry season, in the morning, we carried rice, we carried termite mounds and we carried fertilizer to put in the fields. And at night time, we were asked to dig ponds and also small pools, and we worked sometimes until 10 p.m.”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17 [“only the adults or the youth would be assigned to work at night”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 14.19.10-14.21.16 [“during the rainy season, we had to pull the rice seedlings. Actually, we stop[p]ed for dinner, and after that we had to go and work again”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.26.00-09.28.15 [“During the transplanting season ... at night-time after we had our meals, then we had to pull the rice seedlings ... Usually, a day’s work ended around 7.00 or 8 p.m.”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 14.16.02-14.17.58 [while working in the children’s mobile unit based in Tram Kak District, at night, she dug pits to plant coconut trees in Chreac village and Khnar village: “Q: That means that during the entire Khmer Rouge you had to work night and day; is that the case? A: Yes, I had to work night and day”]; **E3/5135** Pil Kheang WRI, EN 00233133.

³⁰³⁵ See e.g. **E1/265.1** Sao Han, T. 18 Feb 2015, 09.37.07-09.38.31 [“Q: Mr Sao Han, as someone who had been farming rice in the period before 1975, did you think that the goal of three to four tonnes per hectare [the quota set] was an achievable goal, was a possible goal? A: As far as I know, I am a farmer, we could not produce that three tons per hectare. We could not achieve that”]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 09.38.20 [“There was propaganda for workers, for people to produce three tonnes per hectare. Some areas could achieve such a quota, and some area was not able to achieve such a quota”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.12.44-14.14.36 [in a meeting with sector leaders and Ta Mok: “I raised my concern that we would not meet the target. I suggested that 2.5 tons would be realistic, but they said let’s try to achieve 3 tons per hectare and it would include cassava”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 [in Leay Bour Commune: “a group of 10 children had to finish 10 cubic metres and sometimes we could complete it and some other times we could not. If the earth is soft, for the whole day from morning till late evening we could complete the work quota and if the earth was hard, then we could not”]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.43.57-10.46.39 [in a Trapeang Chaeng Commune children’s unit: “My job was transporting earth on a shoulder pole from the termite mounds. The unit had to completely flatten the termite mounds ... There were blisters on our hands and even tractors have a hard time flattening termite mounds”]; **E1/288.1** Loep Neang, T. 3 Apr 2015, 15.48.31-15.49.53 [in Tnaot Chang Commune, Tram Kak District: “I was forced to dig canal. And in a day, I had to dig 10 square metres. When the earth was hard I could not complete it. If the earth was soft, then we could”].

short.³⁰³⁶ Many felt they had no alternative but to continue to work even if they were ill. They feared if they did not work they would be denied rations and grow even weaker, or would be killed because they were no longer of use to the regime.³⁰³⁷

751. Everyone, even the most vulnerable, was expected to contribute to production efforts. Area schools were shut so children could tend cattle, collect cow dung, carry earth and fertiliser, or flatten termite mounds.³⁰³⁸ Some pregnant and postnatal women were made

³⁰³⁶ **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.03.21-15.05.41 [in Trapeang Thum Khang Cheung Commune in a children's unit at the Tuol Kruos dam: "we were asked to dig 10 cubic metres and if we were in the 15-member group we were asked to dig 15 ... cubic metres of soil. If I could not complete the quotas I would be deprived of food"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 ["If the earth is soft, for the whole day from morning till late evening we could complete the work quota and if the earth was hard, then we could not and then we would be deprived of gruel"]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.43.57-10.46.39 [in a children's unit in Trapeang Chaeng Commune: "we did not have the choice, we had to do our job otherwise we would not be fed. For example, if we were given, let's say, one bowl of rice soup, well then the ration would be diminished so we really had to make efforts"], 11.05.15-11.07.09 ["In order to have a complete food given to us we had to complete the work quota"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48 ["as for our ration, it was very strict, if we did not perform our work, we would not get our meal"]; **E1/289.1** Thann Thim, T. 21 April 2015, 10.32.48-10.35.16 ["For those who were not able to work, the food ration was reduced"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["We were ordered to complete assignment before asking for meals"].

³⁰³⁷ **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [in Trapeang Trav Village in Tram Kak District: "Some people got sick and we could see that they were bony and knees were as big as the heads. Some people were accused of being psychologically sick, but they were truly sick and they adhered to the slogan that 'keeping is no gain, taking away is no loss', so they took these people away ... For those who were not able to work, the food ration was reduced. They were sick and their food ration was reduced and they said that if people did not do any labour, they should have only a little food to eat"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 9.35.48 ["Normally the people got sick almost daily. However, those who got a light illness, they continued going to work. And for those who had serious disease and illness, they were afraid of being accused of possessing a mental problem, so they went to work even if they were sick"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["Anyone who fell sick during the regime, at my worksite, and if he or she could eat, he or she would be accused of being an infiltrator or enemy. So, everyone dared not complain but tried to work very hard in order to get food; even though they got ill"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48 ["If we had to rest for [a] very long time, we would be considered mental, and also be taken away to be killed"].

³⁰³⁸ See e.g. **E1/247.1** Meas Sokha, T. 8 Jan 2015, 10.52.52-10.57.08 [six members of the children's unit in Cheang Tong Commune tended cows], 10.57.08 ["The children, during the Khmer Rouge, were not allowed to go to school, but there were some teaching conducted under a tree ... no school operated ... those buildings were used to store ammunition and other things"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.41.54-13.44.19 ["We studied about the work, the nature of the work and three tons per hectare of production ... We were not taught literacy"]; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.46.16-13.47.43 [in Ta Phem Commune: "those children did not attend any schooling there"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.41.38 [regarding children in Samraong Commune tending cows and collecting cow dung]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.48.05-10.50.48 ["we had to work, there was no school ... we were told that we could learn how to read and write but in reality in my unit, we only worked"], 10.42.56-10.45.17 ["I was put into children's unit ... My job was transporting earth on a shoulder pole from the termite mounds. The unit had to completely flatten the termite mounds"]; **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.21.56-15.25.26 ["During the regime I did not ha[ve] a chance to go to school, and now I am uneducated ... At that time there was no school and I was not allowed to attend any study"]; **E1/287.1** Iem Yen, T. 2 Apr 2015, 09.36.30-09.39.11 ["At that time there were no schools ... What I did was working ... I did not see any children going to school. The children in the same unit as mine, they were working. They were going to collect the cow dung"]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.28.28-14.32.46 [one of his children carried fertiliser in a children's unit].

to work throughout their pregnancies and shortly after delivery.³⁰³⁹ Mothers were expected to work and leave their young children, often in the care of elderly women, even when their babies were ill.³⁰⁴⁰ Monks were required to perform physical labour that directly violated the sacred vows they had taken.³⁰⁴¹

752. All workers were closely monitored to ensure that they worked hard enough, and those who did not were punished.³⁰⁴² Ry Pov testified that he and others in his sector mobile

³⁰³⁹ **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 15.21.44-15.24.18 ["After delivery, my son for just 27 days, I was asked to go back to harvest in the field. I could not describe these gruesome sufferings. ... I had to scavenge for faeces in the ground in order to dry it and make fertiliser out of it, since I had just delivered my baby so I could collect fertiliser, some leaves to dry it up and put it in a pit. When it was the time for transplantation, I was also asked to carry fertiliser into the field. It was very difficult for me at that time"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.08.35-11.11.45 [in Nhaeng Nhang Commune: "about three or four months into my pregnancy, I was ordered to collect cow dung to use as fertilisers in the rice fields. And they would weigh the cow dung that I collected, and if there was not enough, then I would be criticised. And, due to morning sickness, I could not eat well. I became very emaciated and ... everyone would criticise me of pretending to be sick and of being lazy in working and that put pressure on me. I was so worried. On one hand, I could not work, and on the other hand, the food was not sufficient. The work started at 4 o'clock in the morning, and ... was very hard"]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.02.24-14.04.16 ["in Tram Kak district... While I was pregnant, I tended cows and cattle, and it was very tiring"]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.29.15-13.32.58 [in Tram Kak, "I had to work until the time that I delivered my baby"]; **E3/7902** Thaong Seav WRI, EN 00223468 [in Kus Commune: "I worked until the day I gave birth. One month later they had me go back to work again"].

³⁰⁴⁰ **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.18.47-09.21.08 [Oem Saroeurn was separated from her family members in 1976 in Leay Bour Commune. She had a one-year-old son who "was put with the old female unit. The old women looked after him and I was told that he died as a result of measles"], 11.11.37-11.14.06 [other children also died in Leay Bour: "The children who were between two to three years old, many of them died when they were being looked after by the old women ... about seven or eight of them died [of measles]"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.49.35-10.51.36 ["I lost only one younger brother ... he was not even one year old. He was separated from us, and the old lady was assigned to take care of children, and he was sent to be cared by those ladies, and I did not know how he fell sick"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48.

³⁰⁴¹ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 ["I saw some monks in their robes, and they rode bicycles to transport food supplies to the front line battlefield"]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.50.39-09.52.25 ["We were ordered to do those labours in our robes, as monks"]; 10.01.41-10.03.52 ["we were instructed that we had to leave the monkhood in a month's time, then to go and engage in building dams or digging the canals"], 11.23.28-11.26.25 ["We all had to leave the monkhood and to engage in labour regardless of whether they were young or old. And for older monks, even if they could not carry earth, they had to make the basket for the younger monks to carry the earth"], 15.01.00-15.06.31 ["I also engaged in transplanting cassava ... also, we grew vegetables ... In terms of the Buddhist disciplines, it was wrong. For example, engaging in planting cassava or in growing vegetables, it violates the Buddhist disciplines ... Monks were prohibited to engage in that nature of work"]; **E3/5515** Phneu Yav WRI, A34 ["Young monks were sent to join the army; elderly monks were assigned to make *banki* (earth moving basket); some monks dug canals, and some others farmed paddies"]; **E3/8298** Tentative Reports on Pol Pot Genocidal crimes in Takeo Province, 28 Dec 1984, EN 00721335 [in Takeo province "monks were defrocked and forced to work in the fields"].

³⁰⁴² See e.g. **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747244 [Pok Phai's alleged offences included "Lazy in dyke digging, waterwheel instalment, etc. ... The village assigned him to dig a dyke, but he returned home as he refused to do so ... He was too free and lazy"]; **E3/4092** Kraing Ta Chan Interrogator's Notebook, Mar 1978, EN 00834826-27 [Pok Bunly's alleged offences included thefts, pretending to be sick, and lazy to work in the cooperative; was often absent from work]; **E1/267.1** 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"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.50.30-13.54.23 and 14.17.58-14.23.45 and 14.34.35-14.37.10 [in a children's unit in Leay Bour Commune, the Civil Party was ill with a high temperature and her request for permission to rest was

unit had to get permission to relieve themselves at the worksite and tell the unit chief how long it would take; if they took too long, they were accused of having “psychological sickness”,³⁰⁴³ or, in other words, of being lazy.

753. Party leaders were well aware of the working conditions and activities taking place in Tram Kak because they received numerous reports and frequently inspected sites in the area, even bringing foreign visitors to view the work under way.³⁰⁴⁴ Through the systematic, unrelenting subjugation of the people, Tram Kak District achieved its production goals and the Central Committee awarded it an “Honourary Red Flag”, declaring it a model district for others to emulate.³⁰⁴⁵ The endorsement by CPK leaders further demonstrates that enslavement of the people in Tram Kak District was in accordance with the Centre’s policy.

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

754. By prohibiting individual possessions and collectivising all enterprises, the CPK made the people of Tram Kak District entirely dependent on DK authorities for their most basic needs. In a place that was honoured as a model district, those that laboured long were rewarded with inadequate food, inhumane sanitary conditions, and little medical assistance. The regime’s drive to increase production at all costs had very real costs for the people in Tram Kak.

refused. When she was caught not working and drinking a traditional herb she had gotten from her mother, she was arrested, tied against a tree and, on the unit chief’s orders, beaten by 20 Base People children using bamboo clubs with nails attached]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 15.26.30-15.28.42 [“They monitored the activities of the members and the sub-unit chiefs and to make sure that the work quota was completed by the set time”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05 [“During those [district level] meetings, what I spoke of were on the agriculture production -- that is, tries to obtain three tonnes per hectare of rice yield. And if a leader in those fields could not reach that quota, then that person shall be removed”].

³⁰⁴³ **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.02.28-11.03.24.

³⁰⁴⁴ See **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Joint Visit of Nuon Chea & Khieu Samphan to Tram Kak District**; see also **Tram Kak District Cooperatives – Authority Structure and Communications**.

³⁰⁴⁵ **E3/135** *Revolutionary Flag*, June 1977, EN 00406849-50; **E3/289** DK radio broadcast, *Revolutionary Organization Gives Awards to Three Districts*, 23 July 1977, EN 00168509-11; **E1/252.1** 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”]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 14.19.43-14.23.12 [“Q: Now, were you assigned to Tram Kak district at the time when you were awarded this ‘red honorary medal’? A: Yes, I was there at that time and Ta Mok presented it 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’”].

755. *Inadequate food rations*: A mountain of evidence demonstrates that rations in the Tram Kak cooperatives were inadequate throughout the regime.³⁰⁴⁶ Meals, provided twice a day, typically consisted of small amounts of watery gruel, rice, porridge, or morning glory soup, which was perhaps mixed with pieces of vegetable.³⁰⁴⁷ From 1977 onward, the meagre rations diminished further.³⁰⁴⁸ Moreover, those who did not meet their work

³⁰⁴⁶ See e.g. **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.46.39-10.48.05 [“No, of course [the food ration was not enough]. We had to work very hard, we had to get up early in the morning and we had to work - we took a break at around 1 o’clock and then we would finish at 5 o’clock in the afternoon, so all this in exchange for one bowl of rice porridge. No, that was not enough”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.31.00-10.32.48 [“As for food rations, we did not have enough food to eat. We had only a watery gruel. We did not have enough food to eat”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.55.06-10.56.53; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01, 11.05.04-11.06.18; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.50.25-11.56.00 [“we could have only a spoon full of rice ... I was absolutely hungry”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.36.04-09.38.07 [“male and female, we had the same amount of meals: a spoonful of rice with a pot of soup for four of us in a group”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 14.07.30-14.11.40 [in the cooperative before he was detained at Kraing Ta Chan: “we got the meals from our units and the food ration would be for the members of each unit. However, food was not enough for all of us”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.37.09-10.39.08 [“During the regime the labour was very, very hard but there was very little food and meals but we had to endure to try to survive -- to keep our life”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.32.58-13.37.29 [“We were given gruel to eat ... it was not enough and also I had to leave some for my child as well, as my child did not have enough food to eat ... I was hungry and I did not dare to steal anything as I was afraid, so we had just to try to survive. ... Q: Did you always have the same food rations or such rations changed over the months and years you spent at Tram Kak? A: It was basically the same; as they sometimes only changed the vegetable but the soup was still watery and we only had a bowl of watery soup for four of us in a group”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 12.04.11-12.07.11 [“I have some questions to put [directly to the Accused]. The first question is the following. Why, why, when I worked very hard, was [I] not given sufficient food to eat”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.40.23-15.42.54 [“If we were to say [the food] was not sufficient, we would be mistreated. And when we were asked whether it was enough, we said yes. And when we were asked whether it was delicious, and we said yes. But in fact, it was on the contrary”]; **E1/385.1** Sao Van, T. 1 Feb 2016, 13.37.05-13.41.44 [“immediately after the war ended, the food ration was not enough, particularly for the general public ... After 17 April 1975, the food situation in Cheang Tong commune was not sufficient”]; **E3/5135** Pil Kheang WRI, EN 00233134 [“Q: What did you experience the most difficult? A: We did not have enough to eat. We worked very hard”], 00233132 [“In the cooperative, we ate collectively. We ate porridge and morning glory soup. It was not sufficient. A small pot of porridge was for 10 people”]; **E3/5515** Phneu Yav WRI, A22.

³⁰⁴⁷ **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 [“Twenty-four hours per day, we could have only two meals”]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 11.19.44-11.22.38 [“Each day we were given two meals, in the morning and in the evening”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.40.23-15.42.54 [“We were given rice gruel. And on the next day, it was gruel mixed with cassava, and sometimes, it was rice gruel mixed with other vegetable. And sometimes, it was mixed with water lily”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.08.48-10.10.00 [“we were only given watery gruel, for example three cans of rice was cooked in a large pot for up to ten people and everybody had to eat gruel”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.41.19-09.43.06 [“in [my wife’s] cooperative, she was assigned to do the cooking at the kitchen and there was very limited food and vegetables and people complained about food ration ... She told me that people did not have enough to eat, people would eat rice gruel and the soup was very little for everyone”]. See also the evidence cited in fn. 3046 for additional details regarding the types of rations provided.

³⁰⁴⁸ **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.32.36-09.37.21 [in Leay Bour Commune: “In 1976, we were given rice for cooking, to eat, and we could have one can for two people per day ... When I was transferred to a unit, I had gruel. I had thick gruel when I was in the unit. Q: And from 1977, did you have more to eat, or less to eat? A: After that, we had less food to eat”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.14.10 [“In 1975 and the beginning of 1976, we were given thick rice gruel. But after 1977 and in 1978, the rice gruel was very thin ... The situation changed”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 11.08.58-11.11.05 [“Q: Can you tell us why the number of deaths from malnutrition increased

quotas or who could not work because they were sick were given reduced rations or no rations at all.³⁰⁴⁹ Complaints about the food (or lack thereof) were harshly punished.³⁰⁵⁰ Abject hunger drove desperate people to steal or scavenge for food, often resulting in their arrest, imprisonment, or even execution.³⁰⁵¹

756. *Inadequate sanitation*: Tram Kak District residents were given a single set of clothing to wear.³⁰⁵² Meas Sokha testified, “I only had one set of clothes for one year and I had to use it all day around, all day long.”³⁰⁵³ The smell of poor hygiene and daily hard physical labour that accumulated in unwashed clothing was overpowering. Nov Mom

dramatically in the latter part of the Khmer Rouge regime? A: Toward the latter part of the regime, it became worse. People did not have anything to eat. For that reason, their bodies became swollen”. See also **E3/5859** Riel Son DC-Cam Statement, EN 00729033 [“First, only [a] few died occasionally, but later the death toll increased dramatically due to dysentery and malnutrition ... Generally speaking, malnutrition and dysentery led to five deaths per day in the last period, sparingly involving males. Q: Five deaths per day! In which year? A: In 1978 and early 1979”].

3049 See section **Tram Kak District Cooperatives – Enslavement – Inadequate food rations**.

3050 See e.g. **Kraing Ta Chan Security Centre – Imprisonment – Alleged Offences; E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.27.43-14.28.28 [“when we ate, the Khmer Rouge would watch over us, they would circle us and they would ask us if there was enough to eat or not and if we said that there was not enough to eat well, then we were brought away to be executed”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.50.25-11.52.31 [“if the word slips out of our tongue accidentally that we were not full, then we would be taken away to be killed or to a study session”]; **E1/288.1** Yem Khonny, T. 3 Apr 2015, 09.27.15-09.28.45 [“If we were not to say [the food ration] was delicious, then we would be mistreated ... Nobody dared to say that the food was [in]sufficient and that also applies to the children. If the children -- if one of the children said the food was not enough, then that child would be taken for re-education”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.51.24-09.59.26 [“I could not complain [about insufficient food], otherwise, I would be killed. If we asked for more ... there would be a problem for all of us. We ate what we were given ... there was one child complaining about the food ration and this child complained that he could not have enough food to eat, and he stole a fish to eat, and he was killed”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.07.52-11.09.57 [“People did not report to the cooperative about the food because they were afraid that they would be taken away to be killed by the chief of cooperative”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.41.46-09.44.10 [“Q: Did people ever [complain] to the cooperative chief or to any other leader when they felt there was not enough food? A: Absolutely not. No one there complain[ed] about anything. We just complain[ed] by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.32.58-13.35.20 [“I was afraid that I would be taken away and killed so we did not dare to complain even if the food was not enough”]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 13.55.25-13.56.50 [“You had to keep your mouth shut ... you couldn’t complain about what you were given, if you complained you would be led away immediately and considered as an opponent of the cooperative”]; **E3/5852** Srei Than WRI, EN 00231675 [“I had to type documents they sent me in handwriting, like the reports of the accusations of being CIA agents, stealing, complaining of not having enough food, etc. Those written documents had annotations like ‘decide to smash’ and were signed by Leng An”].

3051 See the evidence cited in fn. 3022.

3052 **E1/292.1** Pech Chim, T. 24 Apr 2015, 15.29.34-15.33.51 [“As for the clothing, the clothing was provided by the Party ... each person got a pair of clothes”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.42.05-10.44.33 [“the district would supply [the commune] with cloth, not dress or clothing. We receive[d] some but not sufficient as we were in need at the time”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07 [“When I was working in the mobile unit, both my baby and I had nothing but only one set of worn-out clothes each. They did not care if we had enough to wear”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.19.04-09.21.01; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.01.41-10.03.52 [when forced to leave the monkhood: “we were given clothes: at least, a shirt and pants, and a pair of shoes”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 12.04.11-12.07.11 [the Civil Party asked the Accused why no clothing was provided to them]; **E3/5511** Riel Son WRI, A3.

3053 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.40.29-13.41.54.

was arrested and sent to Kraing Ta Chan for complaining, amongst other things, that “People wear only one set of clothes which ha[ve] a bad smell.”³⁰⁵⁴ Worse than the smell, Yem Khonny testified that “we were infested with lice throughout the body. It was as big as the lice of the dogs, because we only had one pair of clothing.”³⁰⁵⁵

757. *Inadequate medical care*: Those who were sick had to get the permission of their unit or village chief to go to the hospital.³⁰⁵⁶ Only “seriously ill” people were sent to the hospital, often to no avail as many died there as well.³⁰⁵⁷ Medical care in the district was abysmal, as medics were untrained and inexperienced,³⁰⁵⁸ food rations for patients were insufficient,³⁰⁵⁹ and there was a limited availability of medicine.³⁰⁶⁰ For the most part, medicine was non-clinical and locally produced.³⁰⁶¹ Riel Son, deputy chief of the

³⁰⁵⁴ **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866424.

³⁰⁵⁵ **E1/288.1** Yem Khonny, T. 3 Apr 2015, 09.10.14-09.11.53.

³⁰⁵⁶ **E1/279.1** Riel Son, T. 18 Mar 2015, 09.56.10-09.57.39.

³⁰⁵⁷ **E1/278.1** Riel Son, T. 17 Mar 2015, 10.39.31-10.41.07 [“when they arrived at my hospital, it was too late to rescue [them] so they died”], 15.39.11-15.42.41 [“about one or two months before the collapse of the regime, many, many patients died. And every day we had to dig pits to cover those patients who died, maybe 10 to 20 pits every day”]; **E1/279.1** Riel Son, T. 18 Mar 2015, 09.53.26-09.56.10; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.12.17-10.15.45 [“in my commune, there were five to six medics for the treatment of the villagers and if they could not be treated, they would be sent to a hospital at Angk Roneam for further treatment ... some of them actually died there”].

³⁰⁵⁸ **E1/278.1** Riel Son, T. 17 Mar 2015, 09.56.50-09.58.03 [“I didn’t receive any training”], 10.01.07-10.03.02 [“In fact the three women, who were chief of the hospital, they did not have any idea at all about the medicines and as for Neary Met (sic), she did not even know how to read”]; **E1/279.1** Riel Son, T. 18 Mar 2015, 10.04.30-10.06.46 [“there was no trained nurses there [in the hospitals]”], 10.36.35-10.41.03 [“When a staff was sent in to the hospital, the status of that staff was in a poor peasant class ... [their ages] ranged from 13 to 15 to 17 ... we provided them with some limited trainings -- one or two hours session trainings. But the fact is those young women did not want to study. They only studied for a day or two then they stopped doing it ... they did not really know how to read ... even for the mature women, majority of them did not know how to read”], 10.41.03-10.43.40 [“As for the injection, some of the medical staff did not have much experience and sometimes there was reaction from the injection as they push the liquid too early and too quickly into the vein”].

³⁰⁵⁹ **E1/278.1** Riel Son, T. 17 Mar 2015, 15.39.11-15.42.41 [“toward the later part of the regime, we were not given that rice, so we did not have anything to feed the patients”]; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14.14.45-14.16.17 [at the Trapeang Kol District Hospital: “As for food rations for patients, I believe they had just rice and water lily soup. They did not have enough food”].

³⁰⁶⁰ **E1/278.1** Riel Son, T. 17 Mar 2015, 10.32.00-10.35.33 [“At my hospital at the time, we were lacking of every medicine. We had very limited medicines for our purpose ... they were not sufficient”], 15.35.38-15.38.23; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.12.17-10.15.45 [“medication ... was in small supply”].

³⁰⁶¹ **E1/278.1** Riel Son, T. 17 Mar 2015, 15.34.33-15.35.38 [“I had a few staff who tried to locate herbal medicines for the treatment of our patients, and we also had a few female medics engaged in traditional medicine. We tried to actually cook our own medicine that’s for the use within the hospital”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.40.10-09.41.46 [“Sometime[s] a nurse came to distribute medicine at the unit and also in the group. The medicine was produced locally in the area”], 09.59.07-09.59.58 [“Anyone who got diarrhoea -- there was no medicine for them at the group or at the unit. A round rabbit pellet-like medicine was given to those people who fell sick, but the medicine was not efficient for treatment. I didn’t see any modern medicine for any treatment”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [“rabbit drop medicines were used and administered to the sick for treatment”]; **E1/252.1** Oum Suphany, T. 26 Jan 2015, 10.32.20-10.35.10 [after eating wild mushrooms out of hunger even though she did not know if they were poisonous or not: “I vomited, I had severe diarrhoea, I almost died, and I was given something to drink by Angkar, and later on I knew that it was cow dung mixed with sugar palm

District 105 hospital, testified that requests to the district committee for food and medicine for the hospital were ignored.³⁰⁶²

758. The pervasive malnutrition, overwork, poor sanitary conditions, and lack of proper medical care contributed to disease and illness, and many died.³⁰⁶³ Riel Son testified that when he reported to the district secretary at their monthly meeting that malnutrition was the cause of disease in the area, he was accused of “attacking the cooperative”, and on another occasion when he raised the idea of trying to produce more medicine, he was called a “bourgeoisie and intellectual”.³⁰⁶⁴ He did not raise the issues again.³⁰⁶⁵

ENFORCED DISAPPEARANCES

759. DK authorities in Tram Kak District often arrested and took people away surreptitiously, denying their loved ones any information on their whereabouts or fate. Numerous arrests took place under cover of night or using false pretences, meaning

juice”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.56.56-09.59.26 [“I had malaria at that time in 1976. I was seriously sick. I was put in Leay Bour Hospital and the hospital was named Hospital 17; Hospital 12 rather ... I received IV injection and I was given the medicine ... made from cassava. The IV was made from coconut juice”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.50.30-13.52.32 [“I had a very high temperature, it was a bad fever ... I went to seek for some medicine and I was not given any except just a powder from cassava”].

³⁰⁶² **E1/278.1** Riel Son, T. 17 Mar 2015, 10.41.07-10.45.12 [“The way we did reporting from our District 105 hospital, we did not prepare a written report for the district committee, but we would appear before the district chief to make oral report. Because we thought that it is not helpful to prepare a written report, because there was no medicine, food ration was not sufficient for the patients ... I would go to the district office by myself [to meet with the district chief] alone at the end of each month”], 10.48.47-10.52.04 [“Q: And did you ask the district chief to provide more food to the hospital? And if so, what was his response? A: ... I would often request but I receive[d] nothing in return”].

³⁰⁶³ **E1/278.1** Riel Son, T. 17 Mar 2015, 10.32.00-10.35.33 [“Q: ... in general what was the most common health problem of the sick people who were sent to the Tram Kak district hospital? A: Those patients who were sent to my hospital were suffering from diarrhoea, swollen body, and also malaria”], 11.08.58-11.13.37 [“Toward the latter part of the regime, it became worse. People did not have anything to eat ... And with the lack of nutrition, people got dysentery, but the main concern was that their bodies became swollen. And that was caused by the lack of food and malnutrition”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [“Some people got sick and we could see that they were bony and knees were as big as the heads”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.35.48 [“Normally the people got sick almost daily”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.52.09-11.00.32 [stating that in 1976, her three-year-old daughter had measles and after she got sick, she could not eat anything. There was no medicine cure her and she could not eat, so she passed away]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 11.11.37-11.14.06 [she knew of seven or eight young children who died of measles in Leay Bour Commune]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.14.40-10.15.45 [“Q: As for the sick people and due to the short supply of medicines, for instance, did some of them die? A: Yes, they did. It happened successively”], 11.21.28-11.22.13 [“as for those who died, they mainly died of illness. And on the issue of food shortage, it could be one of the many factors that made those people ill”].

³⁰⁶⁴ **E1/278.1** Riel Son, T. 17 Mar 2015, 10.47.14-10.50.17, 10.52.04-10.54.12, 11.07.03-11.13.37. *See also* that Khoem Bouen denied that the problem was dire in Cheang Tong Commune, stating that food shortage rarely happened and when it did, the people “hated to bear with the situation”; they became ill in her commune, but no one died from starvation: **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.52.06-15.54.02 and **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.34.41.

³⁰⁶⁵ **E1/278.1** Riel Son, T. 17 Mar 2015, 11.11.05-11.13.37.

those left behind had no ability to describe the unexplained absences as other than “disappearances”.³⁰⁶⁶ Riel Son explained when he testified:

I used the word ‘disappear’ because they were no longer [living] in their houses; they all disappeared. All the members of the family, including their personal belongings [were] all gone and we did not know. Nobody knew where they went or what happened to them.³⁰⁶⁷

760. People vanished from the district on a daily basis.³⁰⁶⁸ Former District Youth Chairman Iep Duch said “every village reported disappearances”.³⁰⁶⁹ New People, including the educated and skilled, regularly went missing.³⁰⁷⁰ All those known or perceived to be

³⁰⁶⁶ **E1/298.1** Ek 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 realise[d] that they were no longer there”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.24.50-09.28.50 [“After the cooperatives were established [toward the end of 1975], people kept disappearing. At night time ... there were people who would come to call those people to go and they disappeared, including my uncle”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 14.16.15-14.19.22 [“My husband was asked to go and collect the rice to make ombok. And I did not know where my husband was taken to ... He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since ... He went and never returned”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.44.50; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.10.01; **E1/254.1** Cheang 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 7 p.m. ... 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”], 09.43.37-09.44.46 [“My father lived in Ruessei Srok village, Nhaeng Nhang commune at that time”]; **E1/283.1** 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”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.28.15-09.30.35 [“I did not know the reason for them being taken away. They were taken away and simply disappeared”]; **E1/252.1** 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 at night. Only in the morning, we whispered to one another while we were at the worksite as of who had been arrested at night. Even just two house[s] down from where I slept at night I would not know that the person would have been taken away at night. They would do it quietly”].

³⁰⁶⁷ **E1/279.1** Riel Son, T. 18 Mar 2015, 15.31.30-15.32.52.

³⁰⁶⁸ See e.g. **E1/278.1** Riel Son, T. 17 Mar 2015, 09.22.24-09.28.50 [“After the cooperatives were established [toward the end of 1975], people kept disappearing”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.15.48-14.17.48 [“if we committed any mistakes or if we were not active, if we were not energetic enough, we would disappear”]; **E1/298.1** Ek 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”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.40.32-09.43.37 [“I had several relatives and many of them disappeared”]; **E3/9604** Ry Pov WRI, A42; **E3/5518** Sao Han WRI, A41.

³⁰⁶⁹ **E3/4627** Iep Duch WRI, EN 00223480.

³⁰⁷⁰ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.17.48 [“I never saw Base People disappear. I was there three years eight months and three days, I did not see Base People disappear. ... if we [New People] committed any mistakes or if we were not active, if we were not energetic enough, we would disappear”]; 14.36.37-14.38.44 [“Since my departure from Phnom Penh to live in Tram Kak district, I only observed that only New People had disappeared not any Base Person”]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 [“There were some other women as well, including women whose husbands were ... teachers. They took them away just like that”]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 15.07.05-15.09.03 [“I never saw [my brother-in-law] come back. And all of those who disappeared also did not come back ... I was told that anyone who had more education than the Khmer Rouge had to be brought away, to be re-educated. And these people disappeared forever. And my brother-in-law claimed that he knew how to

affiliated with the Lon Nol regime noticeably vanished.³⁰⁷¹ Individuals taken by authorities to reeducation or to hospital were often never heard from or seen again.³⁰⁷² Co-workers present at a site one day were missing the next.³⁰⁷³ Overheard complaints, criticism, protest, and a litany of other “mistakes” could also lead to disappearance.³⁰⁷⁴

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- do everything. And that’s why he disappeared in the end. It is because of -- because he was boasting maybe, and that’s why he disappeared forever”]; **E3/5518** Sao Han WRI, A22.
- ³⁰⁷¹ See e.g. **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 10.04.25-10.06.27 [at the Champa Leuk 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”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 13.49.35-13.51.55; **E1/279.1** Riel Son, T. 18 Mar 2015, 15.18.10-15.20.35 [“I had another uncle who was a major was taken away and he disappeared since. And an elder brother of mine, Riem (phonetic), who was a warrant officer in the police force, also disappeared”]; **E1/250.1** 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”], 14.28.25-14.33.08 [“I separated from my parents in 1975. I went to Tram Kak District with my elder sister and younger sisters and brothers. And when I arrived there, ... my brother-in-law, who was a lieutenant colonel and a pilot, was taken away”]; **E1/264.1** Sao Han, T. 17 Feb 2015, 16.02.34-16.05.00 [“After the arrival of my older brother Luon Ham [who was a soldier], the village chief came to do the research at my house for three or four days, and after that, the militia men came to take my brother away”]; **E3/4627** Iep Duch WRI, EN 00223476; **E3/5518** Sao Han WRI, A22.
- ³⁰⁷² **E1/288.1** Loep Neang, T. 3 Apr 2015, 15.35.17-15.40.40 [“During the Khmer Rouge regime, I lived in Tnaot Chang village ... Tram Kak district. ... I was sick and my elder brothers and sisters were sick and they were taken away, and they disappeared since. I was told they were taken to the hospital, but I never s[aw] them returned”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.44.50-10.46.27 [“Q: Did you see people being taken away or disappear when you were working in Tram Kak district? A: 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”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 13.38.35-13.39.47 [“I knew that people were sent for re-education, and they disappeared”]; **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.59.26-10.01.32 [“They were in the youth mobile unit and they did not have sufficient food to eat, so they resorted to stealing different food namely cassava, sugarcane or corn, and they were caught, then they were arrested and sent for re-education. Sometimes they returned, but at other times they disappeared since”]; **E1/215.1** Pech Chim, T. 1 July 2013, 14.13.12-14.15.38 [“I knew something about the re-education of civilians. I had no knowledge of how soldiers would be re-educated but I believe they, too, would be brought to some educational sessions where they could [be] re-educated and some disappeared. If they disappeared, they disappeared”].
- ³⁰⁷³ **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.10.01 [“in my cart unit, one member disappeared, then I asked other members, and then I learned that he was taken away last evening. That’s how I knew about his disappearance”]; **E1/286.1** 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”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 11.01.50 [“we knew that people disappeared from a group or from a unit and that made us very, very afraid”].
- ³⁰⁷⁴ **E1/278.1** Riel Son, T. 17 Mar 2015, 09.24.50-09.28.50 [“My uncle complained about the cooperative and one night he disappeared and he never returned ... Most of the people they complained but they did not do it publicly not like in the case of my uncle who did it openly, he stated that the cooperative was not good and then he disappeared”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.41.46-09.44.10 [“No one there complain[ed about] anything. We just complain[ed] by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.28.05-14.30.07 [“For moral misconduct, the person would be disappeared. It means the person was not absolute with Angkar regardless whether they were a soldier or a youth in a mobile unit or female youth in a mobile unit. They had to be absolute with the Party or with the Angkar”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.56.00-11.58.51 [“Later, after digging the canal, and after having good harvest, we would also not get enough rice to eat. Three of my colleagues, three of my peers, disappeared

761. As people who should have returned never did, the term “disappearance” took on a more ominous meaning. Civil Party Oum Vannak testified, “Back then, when people disappeared, we knew that it was because militiamen had taken them away.”³⁰⁷⁵ Sao Han told the Court, “And of course, we presumed those people who disappeared, died.”³⁰⁷⁶ Ek Hoeun testified that whenever someone disappeared, “we could only whisper to each other secretly. We couldn’t speak about all of that openly of course.”³⁰⁷⁷
762. The prevalence of disappearances in Tram Kak District gave credibility to DK threats that people would disappear if they did anything “wrong”.³⁰⁷⁸ Tram Kak inhabitants consequently lived in a constant state of fear, trying to avoid any misstep that might lead to their own disappearance.³⁰⁷⁹
763. This climate of fear also prevented many people from asking authorities for information about their loved ones, terrified that they would be punished for inquiring.³⁰⁸⁰ Those

because they complained that they did not have enough to eat”]; **E3/5498** Bun Thien WRI, EN 00384401 [“it was the upper echelon’s plan. If any one dared to refuse to do it, he/she would disappear”].

³⁰⁷⁵ **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.03.14-15.05.18. *See also* **E1/298.1** Ek 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”].

³⁰⁷⁶ **E1/265.1** Sao Han, T. 18 Feb 2015, 14.02.58-14.04.16. *See also* **E1/250.1** Oum Suphany, T. 22 Jan 2015, T. 14.09.23-14.11.17 [reading the lyrics of a song that she wrote in late 1975 entitled ‘Inhumane Torture’: “Cooperatives ask us to do the work and if we disappear, it means that we die. Poor Khmer people”], 14.13.51-14.16.19 [“Q: Maybe you can explain to us why you wrote this sentence, ‘If we disappear, we die.’ A: ... I heard from my relatives that my sister-in-law was taken away. In late 1975, when I almost finished composing the song, I never saw her back, and I knew that she had disappeared. It was not just her. 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”]; **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.05.20-11.07.37 [“My family members did not know anything about my arrest, not even the neighbours. When they noticed that I disappeared, they thought that I died”].

³⁰⁷⁷ **E1/298.1** Ek Hoeun, T. 7 May 2015, 16.00.11-16.01.24. *See also* **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44-14.34.57 [“in the morning, we whispered to one another while we were at the worksite as of who had been arrested at night”].

³⁰⁷⁸ **E1/278.1** Riel Son, T. 17 Mar 2015, 09.38.22-09.39.40 [“I heard this from the unit chief saying that if anyone who went to visit family members without any permission, he or she will be in trouble and the person may disappear”].

³⁰⁷⁹ **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26 [“Nobody dared to protest. Because if we dared to protest, it means we would disappear”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.41.46 [“No one there complain[ed about] anything. We just complain[ed] by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 [“I heard my sister-in-law crying and my mother-in-law told her, ‘Please do not cry. Otherwise you would be taken away.’”]; **E1/514.1** Long Vun, T. 15 Dec 2016, 14.37.10-14.39.22 [former deputy chairman of the Tram Kak District commerce office (1977): “Q: Did you eventually believe that these disappearances might represent a danger for you? Did you think that you might be possibly considered as being tied to people who were suspected of being enemies? A: I told the Court already that I was so terrified because my relatives and siblings died without reason. I did not know what would happen with me next. That is why I had to work hard and do whatever I was told to build myself up”].

³⁰⁸⁰ **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.27.27-13.29.15 [“And when I returned I could not see my husband, he disappeared and I did not dare to ask where he was at that time”]; **E1/265.1** Sao Han, T. 18

who dared to ask were denied answers or arrested.³⁰⁸¹ As Pech Chim told investigators, when he was District Secretary and people came to him regarding the disappearance of their relatives, “I told them that I was not able to help with that.”³⁰⁸²

764. Arrests carried out by DK officials and their refusal to inform families had far-reaching consequences. Some 40 years later, many still wonder what happened to their spouse, their parents, their children, their siblings, their friends. Most will never know the answer.

IMPRISONMENT

765. In meetings at the sector and district level, the Party instructed district and commune officials on what categories of people to arrest.³⁰⁸³ Cooperative and village authorities then identified people in the targeted categories, and compiled their names into a report or a list which was sent to district level officials.³⁰⁸⁴ The district designated whom to

Feb 2015, 11.01.50-11.03.45 [“On the issue of complete disappearance, we knew that people disappeared from a group or from a unit and that made us very, very afraid. We did not even dare to say anything about it”], 11.03.45-11.05.37 [“For each disappearance of a person within the group, personally, I was very, very fearful and I did not dare say anything about it ... I was afraid that, one day, it would be my turn”]; **E1/262.1** 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”].

³⁰⁸¹ See e.g. **E3/4095** Kraing Ta Chan 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”].

³⁰⁸² **E3/400** 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”].

³⁰⁸³ See e.g. **E1/278.1** Riel Son, T. 17 Mar 2015, 11.13.37-11.21.39 [regarding a district meeting he attended with other commune officials where Ta Chay instructed them about what categories of people were to be purged] *confirming* **E3/9602** Riel Son WRI, A40-43 and **E3/5511** Riel Son WRI, A9; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.12.01-14.17.05 [“when I was at Srae Ronoung commune, 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. On the issue of decision-making ... only the sector or the zone who had the authority to authorize for the arrest and subsequently the smashing”] *confirming* **E3/5521** Nut Nov WRI, A60 and **E3/9600** Nut Nov WRI, A16-18; **E3/9480** Khoem Boeun WRI, A91.

³⁰⁸⁴ See e.g. **E1/276.1** Nut Nov, T. 12 Mar 2015, 15.10.23-15.11.18 [“The commune would make a report [on people who had expressed their opposition to the Regime] and the report would be forwarded to the upper echelon, who would make a decision on the matter”]; **E1/296.1** 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 such report to the district”]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.46.34-09.47.54 [“If someone made [a] mistake then I would ... report the matter to the upper level and only after I received the instruction from the upper level then the person would have been sent [for reeducation]”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 09.25.37-09.28.18 [“Usually bad people would be sent to the district, and that is after a thorough investigation by the commune. The commune would send a report to the district, and the district would send its soldiers to arrest that person, and the person would be brought before Yeay Khom”].

arrest and returned their instructions to the commune chiefs.³⁰⁸⁵ The arrest orders were then passed on to the commune militias (*chhlops*), who carried out the orders.³⁰⁸⁶

766. Arrests typically occurred at night³⁰⁸⁷ and were often implemented collectively – it was common practice for whole groups or families to be arrested at once.³⁰⁸⁸ Arrestees fit into identifiable categories that reflected the Party’s enemy policy.³⁰⁸⁹ At no time in their detainment were any arrestees afforded a modicum of due process. They were rarely given the reason for their arrest,³⁰⁹⁰ were never formally charged, nor were they

³⁰⁸⁵ See e.g. **E3/4127** Report from Nun of Tram Kak Commune to Kraing Ta Chan, 17 Jan 1978, EN 00362229 [regarding a new resident who complained about working like an animal but getting little food rations; the district committee instructed the commune to arrest and send him to Kraing Ta Chan]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.20.11 [“those with their names circled in blue would be sent by the commune to the district and the district would ... send them further to the re-education office”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 10.04.41-10.09.29 [“That happened throughout the communes and the district. If the person with his name circled in red ink, the person would be arrested and killed. And if another person with the name circled in blue, the person would be arrested and sent to the district, and the district would send to the re-education office”].

³⁰⁸⁶ **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.08.19-14.10.19 [the district sometimes directly instructed the commune militias to arrest and bring people to the district]; **E1/264.1** Sao Han, T. 17 Feb 2015, 16.02.34 [“After the arrival of my older brother Luon Ham, the village chief came to do the research at my house for three or four days, and after that, the militia men came to take my brother away”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 16.02.34-16.05.00, 09.14.37 confirming **E3/5518** Sao Han WRI, A41; **E1/276.1** Nut Nov, T. 12 Mar 2015, 15.11.18-15.14.47 confirming **E3/5521** Nut Nov WRI, A40-42 [“In that statement ... the security refers to the security in the sector and they would liaise with the militia at the commune level [about who to arrest and tie]”]; **E1/266.1** Srei Than, T. 19 Feb 2015, 11.08.55 [“Those who brought them [the prisoners] in [to Krang Ta Chan] were commune militia”]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.54.00-09.57.00 [“Q: ... militiamen had authority to arrest these people who commit some offences. Is that true? A: Yes, that is true”].

³⁰⁸⁷ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44 [“They would arrest people at night time so we would not know who had been arrested”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.34.18 [“I saw there were many prisoners after the liberation by the Khmer Rouge ... They were brought in only at night”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.53.23-13.56.17 [“The majority of those people who were brought to Krang Ta Chan were brought in at around 8 or 9 o’clock at night. Rarely people were brought in during the day time”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 13.35.22-13.36.55 [“arrest[s] took place at night-time because they did not want to let the ordinary people know about the arrests”].

³⁰⁸⁸ **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.02.55-11.04.39 [“Q: Did the prisoners arrive in groups, or would the situation change? ... A: On some occasions, they came in groups and as for female prisoners, they would come in a group of six or seven people. For male prisoners, they would come in a group of four or five”]; **E1/247.1** Meas Sokha, T. 8 January 2015, 11.39.08-11.40.22 [“They [my family] were all arrested as the family and my father and my brother-in-law were arrested earlier ... all together 12 people were arrested”]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.36.58-14.41.39 confirming **E3/9586** Van Soeun WRI, A90-91.

³⁰⁸⁹ The types of prisoners detained in Tram Kak District are discussed in full in the **Kraing Ta Chan Security Centre – Imprisonment** section, paras 789-794.

³⁰⁹⁰ **E1/255.1** Cheang Sreimom, T. 2 Feb 2015, 10.55.30-10.58.56 [“At the beginning, I was not told that I was under arrest. They simply came and told me that the upper Angkar would like you to ... instruct people at the upper echelon, especially to teach medical skills to other people ... However, when I went to the place, to the first place, the second and the third, it was rather late at night. I was ending up at Krang Ta Chan. When I was there, Krang Ta Chan detention centre, I was told that it was the re-education centre ... And when I passed the building, and then they shut down the door, surprised. I was shocked”]; **E1/252.1** Oum Suphany, T. 26 Jan 2015, 11.23.40-11.25.34 [“Yes, I was there [when my husband was arrested]. We were sleeping together. In fact I protested not to let him go, because it was already 9 o’clock night and I said that the meeting already ended at 8 o’clock. But they refused, and they said that he needed to attend a meeting which was a study session ... So, they took him away”]; **E1/264.1** Phneu

allowed any procedural rights or hearing. Instead, they were shuttled deep into the DK security network without explanation, often never to see the outside world again.

767. The first stop for many arrestees was one of the commune offices.³⁰⁹¹ Commune authorities reported the arrest to the District, which then decided if the prisoner was a “light offender” who was to be reeducated and possibly released back into the cooperative, or a serious offender who would be sent to Kraing Ta Chan.³⁰⁹²
768. A step above the commune offices was Angk Roka prison, which was run by Meng (also known as “Meng’s place”) and located near the Angk Roka market.³⁰⁹³ The prison was often used to temper prisoners while district authorities decided whether or not to send them on to Kraing Ta Chan.³⁰⁹⁴ Civil Party Thann Thim was detained there for

Yav, T. 17 Feb 2015, 14.04.48-14.06.39 [“Q: But did the people who come to arrest him, tell him the reason why he was arrested? I’m still not sure how you know what the reason for his arrest was. A: No, they did not state the reason for his arrest. They said that he would be taken for re-education”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 13.35.10-13.39.41 [he only knew the reason behind his arrest based on the questions he was asked during his interrogation; he realized that his young daughter had been arrested and forced to confess that he was a lieutenant in Phnom Penh so that she could be free].

³⁰⁹¹ See e.g. **E1/300.1** Vong Sarun, T. 18 May 2015, 09.27.54-09.30.30 [“Before I was detained in prison at Kraing Ta Chan prison, I was transferred from Tram Kak to Chan Teab village, Trapeang Thum commune”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.44.51 [“Before I was transferred to Krang Ta Chan ... I was sent for re-education at Wat Chak Chrum”].

³⁰⁹² **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.33.12 [“Minor offences included, for [instance], the fact of throwing crockery, that’s pots and pans, into the water and people considered as opponents were members of the KGB or the CIA and for such people there was no need to interrogate them and there was no need for a decision from the sector level, the district itself would undertake to arrest such people”], 13.34.31-13.44.12 [“at the end of the period of a month and half the prisoners [at Angk Roka] were told that they had been properly corrected and they would be released and sent back to their villages of origin so none of the prisoners there were executed”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.55.30 [“Q: Do you know how long the light offenders ... would stay at Angk Roka, and did you know what would happen to them in the end? A: They called them to attend a meeting, they gave instruction, and later they were sent back to the cooperative”]; **E1/287.1** Thann Thim, T. 2 April 2015, 10.41.46-10.52.20; **E1/286.1** Im Yen, T. 1 Apr 2015, 15.07.48-15.11.10.

³⁰⁹³ See e.g. **E3/8424** Report to Angkar from On in Angk Ta Saom, 31 Aug 1977, [“According to Angkar’s suggestion, Pom Oeun should be sent to Bang Meng’s place in Ang Roka. Now we’ve sent him there”]; **E3/8417** Reports to Angkar from Meng, 23-24 Mar 1977 [two reports from Angk Roka prison chief Meng to Angkar 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. In response to Meng’s reports, on 28 March 1977, then district chief Kit directed Kraing Ta Chan Chief An to interrogate the spy in detail]; **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.47.25-10.51.06, 10.54.40-10.56.59; **E1/275.1** Neang Ouch, T. 11 March 2015, 15.12.40- 15.14.48 [“Q: Why are you saying that she might be sent there rather than to Krang Ta Chan? A: This woman was involved in a minor offence and she would be -- she would likely be sent to the education place at Angk Roka --that is, at the place where Meng was in charge”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.46.27-09.52.55 [as a messenger for Kraing Ta Chan, he delivered messages to the Angk Roka prison on two occasions].

³⁰⁹⁴ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.15.04-14.16.25 [there were two stages to his arrest: “I was taken away from my house ... and I was sent to Angk Roka office ... It was the office of Ta Khon’s prison. And then I was sent back to ... Ta Kil prison. And later that night I was sent to Krang Ta Chan”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.59.26 [“I was arrested and sent to [be] detain[ed] at Angk Roka prison ... I was detained in Angk Roka for one night and on the next day at 3 p.m., I was transferred to Krang Ta Chan”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.44.51; **E1/271.1** Van Soeun, T. 4 Mar 2015, 14.19.15-14.21.20 *confirming* **E3/9586** Van Soeun WRI, A130 [“To my knowledge, serious offenders

three months and testified that he and other prisoners were held in a small wooden cell with a bad smell, shackled at the ankles, and given inadequate rations and no medical care.³⁰⁹⁵ They had to relieve themselves in front of the other prisoners and, on one occasion, had to share the cell with a fellow prisoner's corpse for three days until officials removed it.³⁰⁹⁶

769. Thann Thim also testified that some of the prisoners at Angk Roka were women, including a mother who was detained with her young baby.³⁰⁹⁷ A contemporaneous DK document shows this was not uncommon. The document is an order from Neang Ouch to Comrade Chhouen that reads: "As for the widows from Trapeang Thom Khang Cheung who are currently staying at the place of Comrade Meng, request to sweep them all clean."³⁰⁹⁸ The order also gave instructions regarding prisoners from Cheang Tong Commune, instructing that the mothers be brought for interrogation together with any of their children who were too young to be separated, "and after everything is finished ... sweep them all clean."³⁰⁹⁹ The order is a clear example of the arbitrariness of detentions — regardless of the results of the interrogations, the women and their babies were to be killed.

TORTURE

770. DK authorities inflicted severe physical and mental trauma during interrogations in Tram Kak District using methods of torture similar to those employed at other prisons in the DK security centre network.³¹⁰⁰

were sent to Kraing Ta Chan Security Office; light offenders were not sent there"]; **E3/9583** Saut Saing WRI, A91 ["There was a mixture of prisoners. They were arrested on accusations they had been against the revolution"]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416387 ["Serious offenders were those involved in political and class trends ... Especially serious offenders were those who had committed two crimes at once, meaning that they were political and class 'trenders,' as well as having committed other offenses"], EN 00416388 ["Light offenders were those who had committed such offenses as stealing communally-owned property or fleeing from the units and cooperatives"]

³⁰⁹⁵ **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.47.25-10.52.20, 10.56.59-11.01.26, 11.22.52-11.27.25;

³⁰⁹⁶ **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.49.30-10.55.40, 11.09.15-11.11.40.

³⁰⁹⁷ **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.01.26-11.03.42.

³⁰⁹⁸ **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.03.42-11.05.20; **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.11.40-11.13.20, 11.15.53-11.17.44.

³⁰⁹⁹ **E3/4093** Report on Smashing of Four Widows in Takeo, EN 00831486. *See also* **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.13.20-11.15.53; **E1/274.1** Neang Ouch alias Ta San, T. 10 Mar 2015, 09.09.52-09.13.01.

³¹⁰⁰ **E3/4093** Report on Smashing of Four Widows in Takeo, EN 00831486.

See section S-21 Security Centre – Interrogations and Use of Torture. See also **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.47.40-09.49.17; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.05.37-14.08.12; **E3/5524** Phan Chhen WRI, A35; **E3/1570** Kaing Guek Eav WRI, EN 00154194-95; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00105735-36.

771. Several surviving District 105 documents confirm that prisoners detained at the commune level were interrogated by militiamen using torture. For example, in 1977, Chim of the Trapeang Thum Tboung Commune Committee reported: “We have conducted some cold and hot methods of interrogation against Moeng Sun”, who then purportedly confessed and implicated others in a scheme to destroy the cooperatives and the revolution.³¹⁰¹ A 1977 report from Angk Ta Saom Commune discussed a former soldier who repeatedly engaged in stealing. The author had let the youths in the unit “wrap his face up in a plastic sheet, shackle and interrogate him”.³¹⁰²
772. Civil Party Thann Thim testified that he had endured torture at the hands of commune authorities. In 1977, his unit chief in Trapeang Thum Khang Cheung Commune asked him to join a “meeting.” When he arrived, four militiamen tied his hands behind his back, beat him with a bamboo stick the size of his lower arm, and interrogated him about his previous occupation. He recalled, “They beat me one after another. After one was tired, another man came in to beat me until I passed out.”³¹⁰³

PERSECUTION

1. Political Persecution (New People)³¹⁰⁴

773. During the mass forced transfer of cities on 17 April 1975, the CPK forcibly removed residents from their homes to live in other areas. Following a meeting at the Sector, thousands of displaced persons, commonly referred to as “depositees” or “New People” arrived in Tram Kak District and were sent to Wat Champa.³¹⁰⁵ After a week of

³¹⁰¹ **E3/2445** DK Report from Chim to the Party re. Moeng Sun et al., 17 Sept 1977.

³¹⁰² **E3/4094** DK Report to the District, July-August 1977, EN 00322103.

³¹⁰³ **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.41.46-10.56.59.

³¹⁰⁴ As discussed above, the political persecution of Lon Nol officials in Tram Kak District is described in the section **Policy to Persecute and Kill Enemies – Former Khmer Republic Soldiers and Officials – The Great Mass Movement to Attack and Smash: 1977-1979**.

³¹⁰⁵ **E1/298.1** Ek Hoeun, T. 7 May 2015, 10.44.35-10.47.11 [“People came from Koh Kong, from Phnom Penh, from Takeo, from all over the country and they stayed there [at Wat Champa] for a week. Registers were drawn up indicating how many people were present and then they were redistributed to the communes. The commune chiefs came to pick them up and take them to their respective villages. That was the procedure of that particular operation”], 10.47.11-10.49.33 [“Meetings were held regarding how to draw up lists, how to redistribute the evacuees [to] various communes. For instance, the names of the evacuees had to be registered on the list with a view to redistributing them to the villages and communes that were to receive them”]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.14.01, 10.01.32-10.03.27 [“there were hundreds of thousands of people [who] were evacuated from the Takeo provincial town to that [Champa Leu] pagoda”]; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.47.43-13.49.24 [“after I was released from Krang Ta Chan to return to my house in the village ... I could see there [were] still thousands of evacuees living at Wat Champa. There were many people, thousands. I thought there was nobody left in Phnom Penh ... When I saw Ta Mok I didn’t dare go into that area where the 17 April People lived. I was standing from my house -- that is, outside the pagoda”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.50.05-10.52.35 [agrees that there were meetings held in April 1975 in Tram Kak district

registrations at the temple, the New People were then dispersed to villages within the district.³¹⁰⁶ In 1977, thousands more New People were transferred into Tram Kak from Kiri Vong District.³¹⁰⁷ When the New People arrived in their new communes, village officials and militia members took their biographies.³¹⁰⁸ At trial, former District Secretary Khoem Boeun agreed that the district asked the communes to find out about people's previous occupations in order to ascertain who had enemy links.³¹⁰⁹ The biographies were then reported to the upper echelons.³¹¹⁰

774. The population of Tram Kak was classified into three categories — full-rights or Base People lived in Tram Kak District in April 1975, New People arrived from the cities and other areas after 17 April, and Candidate People fell between the two as they were considered for either promotion or demotion to the other categories.³¹¹¹ These

before the evacuees from Takeo and Phnom Penh arrived in order to prepare for their arrival; the meetings were chaired by someone from the sector or district levels], 10.52.35-10.54.15 [“They were gathered in a place in the Champa pagoda”]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.11.50-09.13.15; **E3/4628** Pech Chim WRI, EN 00379308 [“At that time the Sector instructed the district level to organize those evacuees from Phnom Penh. Before the evacuees arrived in our place, the Sector held a meeting to prepare plans for receiving them. There were so many people who were evacuated from Phnom Penh. They traveled on the road and stopped in any villages and communes they found along the road. So we had to gather them, organize them and send them to different villages and communes”]; **E3/5519** Sok Sim WRI, A8; **E3/9465** Seng Phally WRI, A16-17, A19, A22.

³¹⁰⁶ See the evidence cited in fn. 3105; **E1/264.1** Phneu Yav T. 17 Feb 2015, 09.20.43-09.22.48 [about 10 families of evacuees from Phnom Penh were placed in his village, Paen Meas village, in Samraong Commune]; **E3/7985** Chan Choeun WRI, EN 00233146 [17 April people lived in his cooperative in Ta Phem Commune]; **E3/5521** Nut Nov WRI, A25-26; **E3/5518** Sao Han WRI, A20; **E3/5519** Sok Sim WRI, A8.

³¹⁰⁷ **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.06.34 [referring to an excerpt from **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 00678590, the Civil Party was asked: “Q: This excerpt of a book by Ben Kiernan describes thousands of New People from Kiri Vong who were transferred to Tram Kak in 1977. Do you agree with this estimate, this figure of several thousands of people? A: Yes, it is likely that the number was up to hundreds or thousands. I was put onto a vehicle first and sent to Tram Kak district and there were more trucks coming, one after another, to pick and send the people to Tram Kak until they finished”], 09.57.28-10.00.23 [“17 April People, all of them were evacuated, were transported away”]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 10.45.34-10.47.50 [regarding a person named in an early May 1977 DK report: “Chorn was a mobile worker in the province in the sector ... He went around to find out how many people were evacuated from 108, from Kiri Vong, Treang and so on to Tram Kak”].

³¹⁰⁸ **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.54.15-10.56.25 [“Q: And once they arrived in your commune -- I am speaking about the Phnom Penh evacuees -- was it necessary to take their biographies ... ? A: Yes, the biographies were taken”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.15.48; **E3/9465** Seng Phally WRI, A37. Note that on occasion; Base People were also required to prepare biographies in Tram Kak District: **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.02.20-15.04.32.

³¹⁰⁹ **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.28.02-11.30.15.

³¹¹⁰ See e.g. **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.00.14-11.01.55 [“the villages sent the biographies to the commune and the biographies that were made or collected by the village chiefs, and after that they were forwarded to the commune and the commune sent them all to the upper echelon”]; **E3/2048** Request for Advice to District Angkar, 3 Apr 1977, EN 0145944 [informs Angkar that “a new inhabitant who is problematic and despises [Angkar] ... was extremely debauched in the previous society”].

³¹¹¹ **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.29.12-11.31.06 [“there were different groups, the full rights people, the candidate people and the deposites. The full rights people, refers to the faithful or loyal people to Angkar. And the candidate people refer to those who had their children study or had their children living in the enemy zone. As for the deposites, they refer to all city dwellers who had been

distinctions formed the basis for the segregation of New People from the rest of the population. Based on their biographies, New People were often placed in separate work units from Base People.³¹¹² In circumstances where they were placed in units together, Base People were told that New People could not be trusted as they were from the “enemy zone”.³¹¹³

775. Initially the CPK housed New People in small houses and huts that were comprised of a simple frame without walls or furniture.³¹¹⁴ But soon they were sent to live with Base People so that they could be more closely monitored.³¹¹⁵ The CPK instructed the Base

evacuated”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.23.59-09.25.31 [“[Evacuees from Phnom Penh and Takeo] were considered New People and they were also considered depositees”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.28.34-09.34.25 [uunder Khmer Rouge control in Nhaeng Nhang Commune, people were categorised as either full rights people or candidates. Cheang Sreimom says she was assigned to the candidate group because her family was considered to be ethnic Chinese and to have links with the previous regime]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.28.42-11.32.05 [“People were divided into three groups. There were candidates, depositees and, full-rights”]; **E3/5515** Phneu Yav WRI, A12; **E3/5518** Sao Han WRI, A34.

³¹¹² See e.g. **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.02.20; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.27.37-15.29.47 [“Q: So, were there children’s units for Base People children, and then children’s units for New People children? A: Yes, there were different units. And the work was not the same in each unit neither was the food ration”].

³¹¹³ **E3/7982** Top De WRI, EN 00233142 [in Trapeang Khang Tbound Commune: “New people worked like the base people. Although they had never worked in the fields, they had to try to work hard. ... The cooperative chief had told us not to be close friends to new people because they came from the enemy zone and the Khmer Rouge leaders did not trust new people”].

³¹¹⁴ **E1/251.1** Oum Suphany, T. 23 Jan 2015, 13.49.40-13.51.16 [“All New People would gather to live there so that it’s easier for them to control us ... Angkar made a structure for the house for us to stay and we, the New People, had to use, like, coconut leaves to make up the walls for the house and there was nothing, no furniture, in the house, no beds, nothing at all. There was no toilet. It was just a frame to the structure”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.28.32-09.31.28 [in Leay Bour cooperative: “the K-1 ... was a model cooperative for Base People. My unit was for New People -- that is, the 17 April People. We were based in various huts to the south of the commune office and there was also a common dining hall ... I was in the third unit -- or the K-3 unit and that unit was for the 17 April People ... I lived in the yard with just [a] roof. The Base People had longer houses. And as for our places for living, it was very small. It was a small hut so we slept close to each other ... As for the model house, it was made out of wood ... there was tiled roof. Only commune and district committee lived there. And as for us, our roof was made out of coconut leaves or sugar palm leaves”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.53.17-13.57.01 [in Trapeang Thum Commune: “I was a newcomer in the area ... And I was told that I was considered a class below ordinary people ... I was given a house to sleep in. We could see the sky through the roof of that house and there were no walls”], 13.57.01-13.58.09.

³¹¹⁵ **E1/251.1** Oum Suphany, T. 23 Jan 2015, 13.51.16 [“Not long after, New People were gathered again to come and live with the Base People ... And, of course, when we were living with the Base People we did not dare to talk about our past memories; we pretended to be mute. We only talked about eating, or whenever it was necessary to do so”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.27.03-11.29.04 [“we had to live at the site of the Base People so that they could monitor us”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.52.11-09.54.27 [“Base People ... would keep an eye on New People. They would observe whether New People are complaining against their line, such as [about] food, and work. And if New People mistakenly said something, we would be taken to a study session, or to be refashioned. So, Base People, they were in charge of New People”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.35.16 [“[The militiamen in Trapeang Thum Khang Cheung commune] did not trust New People at all. We were watched and we were under surveillance so we were not trusted. They kept making inquiries about us as they called it ‘making a cold-water soup’. They constantly kept their eye on us and never trusted us”]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.56.26-15.58.59 [“The New People lived in my home. And in the

People to regularly monitor and report on the New People in their villages and units.³¹¹⁶

Civil Party Oum Suphany, who secretly kept a diary during the regime, wrote:

9 February 1976: *Angkar* made a new plan, mixing the new people with the base people. ... So, my family lived ... together in the kitchen of the people in Prakeab Khang Tboung. They mobilised us in such a way so that it was easy for them to work and to control us.³¹¹⁷

776. Under the new living arrangements, New People were closely monitored for criticising the CPK, complaining about conditions, and planning or attempting to flee.³¹¹⁸ They were subject to frequent arrests and were imprisoned for these and other mistakes at a much higher frequency than Base People.³¹¹⁹ Surviving records from Kraing Ta Chan

evening, people would pass by the house to listen to what they were saying. And if they said anything that was critical of the regime, they would be arrested and they were taken away and never seen again. Q: From where were those guards who kept watch on the people sent? A: They were from the district. So all night, they would pass under the houses to listen to the people. And when they had obtained the information they were looking for, they would report back to the district which would then take the necessary decisions”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.54.30-13.57.01 [in Trapeang Thum Commune: “I was considered in a class below ordinary people. I was given a house to sleep in ... I woke up and went downstairs, I saw footprints ... Every day I could see the footprints. One day, I decided to ask the wife of Chan Teab village chief ... I asked her why there were footprints below my house ... She told me that perhaps I did not know that my family had been kept under surveillance very night ... So it became clear to me when we were being referred to as a class below ordinary people, we were actually not considered equal to the local people there because my family was constantly under watch or under surveillance”]; **E3/5832** Cheang Sreimom WRI, 11 Nov 2009, A13.

³¹¹⁶ **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.28.06-15.30.16 [“Q: Did the Base People receive instructions to watch over the New People? A: Yes. However, I would like to place things in context, sort of. The New People were monitored as well as the Old People and such surveillance was done in the same way”].

³¹¹⁷ **E3/5839** Oum Suphany CPA, EN 01037336 [containing expanded diary entries from her book, “When We Will Meet Again”, including an entry from 9 February 1976]. See also **E1/250.1** Oum Suphany, T. 22 Jan 2015, 13.44.33-13.53.19 [describing how she secretly kept a diary during the regime, writing entries as notes for herself two to three minutes per day, then expanded those entries into a book in 1980 while events were still fresh in her mind (the book was subsequently submitted with her victim information form)].

³¹¹⁸ See e.g. **E3/4122** Kraing Ta Chan Interrogator’s Notebook, EN 00779250-51 [regarding Heng Daravuth: “This very person completed his final class in Phnom Penh, and after 17 April, moved to Angk Ta Saom, District 105. Since we had arrested his father, he said he was frustrated, unable to work anymore, and tempted to flee the unit”]; **E3/4120** Reports from Communes to District Office, 11 Oct 1977, EN 00322174 [report from Meng (at Angk Roka prison) to the District: “It was until 17 April when he moved to live in Trav Em village, Popeil Commune ... This youth had been fleeing back and forth ... Angkar to please be informed”]; **E3/2441** Reports between the Communes and District and Kraing Ta Chan, EN 00369471 [report dated 19 Dec 1976 from Sout of the Kus Youth Unit stating that Chao Phou came after the fall of Phnom Penh and “did not have any bad activities” but on 15 December “[he] escaped with a palm-tree boat”]; **E3/5832** Cheang Sreimom WRI, A13.

³¹¹⁹ **E3/4120** 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”]; **E1/252.1** 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

demonstrate that the majority of prisoners detained there were New People.³¹²⁰ Former prisoner Say Sen testified that New People were executed sooner than Base People at Kraing Ta Chan.³¹²¹ He also told investigators, “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.”³¹²²

777. In addition to the above, New People in Tram Kak District experienced numerous forms of discrimination. They received less food than Base People³¹²³ and were restricted from gathering and walking freely.³¹²⁴ They were not given positions of authority and were generally supervised by Base People.³¹²⁵ In Cheang Tong Commune under Khoem Boeun, they were not permitted to marry Base People because in the eyes of the CPK, “the new people were no-good. They were the enemy and were not as

active, if we were not energetic enough, we would disappear”], 14.36.37 [“New People were the primary target for the arrest”].

³¹²⁰ See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34 [“most of the prisoners were the New People called 17 April People. It ... happened in 1975, but later in 1977 they were categorised the same, and anyone who commit any mistake were sent to Krang Ta Chan”]; **E3/4627** Iep Duch WRI, EN 00223476 [“Q: Where did the prisoners come from? Why were they detained there? A: Probably the majority were the brothers and sisters who had been evacuated from the cities, those called the 17 April group”]; **E3/7986** Chea Soeung WRI, EN 00231819 [“Q: Did you see the Khmer Rouge arrest people? A: Yes, I saw they walked the new people along. I heard they were taken to be re-educated, but did not know where they were taken to. Later, I learned that those people were all killed in Kraing Ta Chan”].

³¹²¹ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.51.53.

³¹²² **E3/5214** Say (Sory) Sen WRI, EN 00225510.

³¹²³ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.53.11-11.56.00 [in Leay Bour Commune: “Base People truly ate together with us. But in their shelter or their house, they had their own rice to have additional meal in the morning ... As for New People, we did not have such latitude. We did not have extra rice. We could eat only in the communal eating. That is why some people complained that they did not have enough food and as a result, they would be taken away to be killed”]; 11.18.25-11.19.58, 14.08.37-14.09.30, 14.17.48-14.21.52; **E1/286.1** Tak Sann, T. 1 Apr 2015, 14.11.51-14.14.03 [in Khporp Trabaek Commune: “The food ration was not equal. For Base People, they had more food. And as for us, we were New People, our food were less”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 13.59.32-14.03.25 [“I personally went to visit the commune [and] I observed that there was distinction in the distribution of rice. For instance, the Base People secretly received a can of rice for two people whereas a can of rice severed for three people for the New People. We did not blame or punish them; instead, we gently informed them that we were just one blood in one nation ... When I had observed that, I personally gave them direct political instruction so that they could improve the situation”]; **E3/7986** Chea Soeung WRI, EN 00231819 [in Samraong Commune: “The new people were given less rice than the base people”]. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150087 [“The base people, who ‘liked the Khmer Rouge’ and supervised the new people, worked as hard as the new people generally but got better rations. The new people’s rice rations depended on how hard they worked”].

³¹²⁴ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.18.25-11.19.58; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.43.04-09.45.19 [“Our family members and others who returned from Vietnam, and other people who were evacuated, called 17 April People, 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”].

³¹²⁵ **E1/264.1** Phneu Yav, T. 17 Feb 2015, 10.35.08 [in Samraong Commune: “The cooperative chief was not a position for the 17 April People because they were the evacuee. This position is for Base People only”]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.40.35-14.43.53 [in Nhaeng Nhang Commune: “They divided us into various groups and as for the leaders they were all Base People although I did not know them all”].

valuable as the old people.”³¹²⁶ Finally, their working conditions were particularly harsh and they were often accused of not working hard enough.³¹²⁷

778. Even the children of New People experienced discrimination. Oum Vannak testified that in her children’s unit, “Base People children were entitled to beat the New People children,” and the children who were tortured “were all New People children ... they were always looking for a small fault in order to beat us.”³¹²⁸ They were also given more work and less food than the Base People children.³¹²⁹

779. The persecution was so severe that New People tried to hide their identities to avoid discriminatory treatment.³¹³⁰ Base People who had familial ties to New People were subjected to similar discrimination and attempted to hide their connections as well.³¹³¹

2. Religious Persecution

780. In strict adherence to the CPK national policy to annihilate Buddhism as an institution and practice,³¹³² Tram Kak District authorities implemented discriminatory measures against Buddhists that were designed to eradicate every manifestation of the Buddhist faith in their district, and strip its followers of all religious freedoms. District Secretary Yeay Khom attended the May 1975 meeting in Phnom Penh, at which **Nuon Chea** and

³¹²⁶ **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.50.28-09.52.05 *confirming* **E3/9480** Khoem Boeun WRI, A120 was “based on what I was told from above ... The district told me about this”. In her capacity as Cheang Tong Commune Secretary, the witness arranged marriages for people in her commune based on this understanding.

³¹²⁷ *See e.g.* **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.14.01-09.17.06 [in Leay Bour Commune: “by 1977, I was assigned to a mobile unit to carry earth, to engage in digging canals. And I also carried cement at a railway station, and that work was done at night, and there were only two females. One was myself, who was assigned to carry cement to store in a warehouse ... in 1978, Angkar sent me to Chamkar Siem (phonetic) to dig canals, to build dams ... There were three female 17 April People, including myself, so we were forced to work hard there”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.21.58-11.23.40 [“27 days after delivery, and I had to harvest the rice in a field near the house ... The Base People were not asked to harvest the rice”], 11.48.48-11.50.25; **E3/2441** Reports between the Communes and District and Kraing Ta Chan, EN 00369488 [report from Saen of Kus Commune dated 22 Sept 1977 alleging that Mei Moch, a New Person, amongst other transgressions, does not work hard enough and is talkative. The response to the report states: “Angkar has already decided to take him”], 00369485 [report from Saen to Angkar stating “On 10/10, On Vet, a new person from 109... is very deceptive; he does not work hard; sometimes he does not go to work”].

³¹²⁸ **E1/288.1** Oum Vannak, T. 3 Apr 2015, 14.17.58-14.25.10 [she was beaten by about 20 base children on the orders of her unit chief].

³¹²⁹ **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.27.37-15.29.47 [“Q: So, were there children’s units for Base People children, and then children’s units for New People children? A: Yes, there were different units. And the work was not the same in each unit neither was the food ration”].

³¹³⁰ **E3/5832** Cheang Sreimom WRI, A12 [“The new people hid their identity”].

³¹³¹ **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.50.39-13.52.30 [“Q: You said you didn’t dare go into the area [Wat Champa] where the 17 April People were. Why didn’t you dare to go into that area? A: We were told by the Base People that whoever involved or had relatives living among those people, they were considered having connection with the enemy. So they actually cut off any relationship with siblings or with family relatives”].

³¹³² *See* section **Policy to Persecute and Kill Enemies – Persecution of Buddhists**.

Pol Pot issued instructions to close all pagodas and disrobe monks.³¹³³ Upon her return, she convened a meeting with her district cadres at which she explained “what she learned” there, and led the implementation of the Party Centre’s instructions in each of Tram Kak District’s communes.³¹³⁴ By the end of 1976, there remained no practising Buddhist monks or functioning pagodas in Tram Kak District.³¹³⁵

781. Witnesses testified to attending meetings across the district at which Khmer Rouge cadres repeatedly decreed that practising Buddhism was forbidden in Tram Kak and that pagodas would be destroyed.³¹³⁶ At Wat Angk Roka, Khom herself ordered

³¹³³ **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.31.36 [explaining that Tram Kak District Secretary Khom attended May 1975 meeting]. Regarding the instructions issued by Nuon Chea and Pol Pot, *see* the section **Policy to Persecute and Kill Enemies – Persecution of Buddhists** and section **Contribution of Accused to Common Criminal Plan – Contribution to Persecution, Imprisonment, and Execution of Enemies – Persecution of Buddhists**.

³¹³⁴ **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.34.47 [explaining that Khom convened a meeting when she returned Phnom Penh to explain to district cadres “what she learned”: “Q: Do you recall whether she said anything about disrobing or defrocking of the monks? A: Yes, she actually spoke about that subject, but I cannot recall as to whether she was telling us at that time or whether it was on another occasion before that. She talked about that and she led the communes to implement according to their respective sections”].

³¹³⁵ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.59.01-10.01.41 [“in 1976, no monk was left in the monkhood ... then we were told that we should leave the monkhood before the end of 1976”], 11.05.32-11.08.13, 14.36.13-14.38.26 [“I left [the] monkhood in 1976”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.05.05-10.07.26 [in Tram Kak Commune: “Buddhist monks in my area – to my knowledge, I did not know actually what happened to them. But I knew they were defrocked, all of them were defrocked in 1975 and ’76 ... I saw monks being walked to be defrocked”]; **E1/290.1** Pech Chim, T. 22 April 2015, 09.50.55-09.53.38 [“As regards the monks, what I can tell you is that they were defrocked but I do not know why”]; **E1/273.1** Neang Ouch, T. 9 Mar 2015, 11.27.47-11.30.02 [“there were no pagodas and there were no monks”], 13.32.21-13.34.53 [“when I arrived in Leay Bour, there were no monks and the pagoda was not used as a place for Buddhist worship at all”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.04.35 [“From 1975, the monks were ordered to disrobe, and the pagodas were transformed into a fertilizer warehouse or meetings were also held at the pagodas”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45; **E3/9586** Van Soeun WRI, A146-148; **E3/5510** Khim Pang WRI, A12; **E3/5521** Nut Nov WRI, A17; **E3/5825** Meas Sokha WRI, EN 00223495; **E3/5135** Pil Kheang WRI, EN 00233134; **E3/7173a** Tep Ngoen CPA, EN 00823995 [in Ta Phem Commune: “I had two elder brothers: one named Tep Phon, a monk, was disrobed by the Khmer Rouge in 1975”]; **E3/5877** Bun Sarouen CPA, EN 01067019 [in Trapeang Thum Commune: “At the time, the Buddhist monks at Wat Bakhong pagoda were forced to quit the monkhood even at night. I knew this from the noise of the Khmer Rouge trucks which came to the pagoda ... Whilst collecting the monks’ robes with In, Mach quietly asked his peers if all the monks’ robes at other pagodas were collected too. At that time, Phat, who was the brother of Phat, the unit chief, replied that they had already collected the monks’ robes last night”].

³¹³⁶ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.26.25-11.28.42 [“Q: During the meetings in Tram Kak District, did Khmer Rouge cadres tell you explicitly that the Buddhist religion was henceforth abolished – is no longer in existence? A: ... Their principle is that there would no longer be any Buddhism in Cambodia because they said that Buddhist religion would lead to no progress at all, because then there would be more free people who would sit still, who would do nothing and just freely enjoy the food offered by other people. And that such culture would no longer exist and that only the culture of engaging in labour would follow”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 [“In small meetings and big meetings at Angk Roka and Angk Roleay pagodas ... [i]t was said that religions and pagodas would no longer exist. ... It was said that there would not be religions ... So the regime did not believe in Buddhism. We are instructed not to believe in such Buddhism”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.07.26-10.10.05. *See also* **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.06.35 *confirming* **E3/9586** Van Soeun WRI, A149-152.

Buddhist monks, who had been gathered there from wider Takeo Province and Phnom Penh,³¹³⁷ to disrobe, leave the monkhood and abandon their pagodas.³¹³⁸ At Wat Angk Ponnareay, Wat Tuek Chrum and Wat Angk Roka together, the evidence suggests that at least 160 monks were forcibly defrocked.³¹³⁹ No measures were put in place to ensure that monks could disrobe in accordance with traditional ceremony.³¹⁴⁰ Instead, they were simply handed black clothing to replace their religious dress.³¹⁴¹

782. In the climate of fear that pervaded DK, few monks dared to protest the defrocking, as compliance was necessary “in order to survive”.³¹⁴² Monks who did protest were subject

³¹³⁷ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.35.45-09.45.59, 11.07.07-11.08.13, 11.13.10-11.14.45 [a Buddhist monk living in Phnom Penh in April 1975 describing his own evacuation to Wat Angk Roka, and confirming that “those monks who came to stay at Angk Roka, most of them came from Takeo province”]; **E3/507** Khiev Neou WRI, EN 00358141 [“all monks, those who were born in Takeo province and from Phnom Penh, were gathered and instructed to stay only in Ang Rakar pagoda. I was among them as well”]; **E1/280.1** Riel Son, T. 19 Mar 2015, 09.38.47-09.46.03 [“[At Wat Angk Roka] there were monks coming from Phnom Penh and there was also head of monks from Langka pagoda who was there....The monks had been evacuated from Phnom Penh and from elsewhere”].

³¹³⁸ **E1/290.1** Pech Chim, T. 22 Apr 2015, 09.58.59-10.02.40 [“is it correct that Tram Kak district chief, Yeay Khom, was the one who ordered the defrocking of the monks at the Angk Roka pagoda? A: Yes, that’s true ... Q: did Yeay Khom decide to do this herself, or did the Tram Kak committee receive instructions that the monks were to be disrobed? A: ... Khom would receive orders from the sector or from Ta Mok, personally”]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.01.33-14.04.10 [“Q: ... you said ... that the daughter of Ta Mok, called Khom, had chaired a meeting at Wat Angk Roka, where she told monks to defrock ... A: Yes, I recall it ... Khom was then the chief of the district committee”], 14.06.35 *confirming* **E3/9586** Van Soeun WRI, A148-151. *See also* **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.43.58-09.45.59, 14.25.15-14.27.25; **E3/507** Khiev Neou WRI, EN 00358141; **E3/9602** Riel Son WRI, A48.

³¹³⁹ **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.29.24-11.31.20 [“A: For Angk Ponnareay Pagoda, there were only about 30 monks. As for Tuek Chrum (phonetic) pagoda, nearby my village, there were more than 100 monks residing in that pagoda ... They remained at the pagodas until after 17 April ’75, when they began to disrobe and later on there was no longer any monk in the pagodas”]; **E3/9586** Van Soeun WRI, A147-148 [“I saw defrocking at Wat Angk Roka Pagoda, in Tram Kak District, perhaps in late 1975 ... They organized a meeting and the defrocking was carried out; about 30 or 40 Buddhist monks were defrocked”]; **E1/278.1** Riel Son, T. 15 Mar 2015, 09.45.39-09.47.32.

³¹⁴⁰ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.00.19-10.03.52 [“Q: When you left the monkhood, was there a ceremony for that process? Did you do it following the Buddhist practice? ... A: No, there was nothing. There was no ceremony at all”], 15.03.59-15.08.04 [“To leave the monkhood and in order to become a layman, there has to be a witness who would see the whole process of leaving the monkhood, so that in terms of religion it means that we would leave the monkhood and we would become an ordinary person and not become mentally disturbed.” Em Phoeung explained that, in his case, although the Khmer Rouge did not provide for any arrangements, the monks managed to act as witnesses for each other]; **E3/9586** Van Soeun WRI, A152 [“They did not defrock them in accordance with religious doctrine”].

³¹⁴¹ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.00.19-10.03.52 [“They then gave us clothing and shoes. And it was black in colour”]; **E1/278.1** Riel Son, T. 15 Mar 2015, 09.45.39-09.47.32 [“I saw a jeep car transporting black uniforms and entered into [Angk Roka] Pagoda. There were 100 monks or more there ... the car arrived with a load of black uniforms and the uniforms were unloaded from the car and they started defrocking the monks ... I didn’t witness the defrocking because I left the pagoda but later the former monks who were from the vicinity or nearby village were all wearing black uniform”]; **E3/9586** Van Soeun WRI, A152.

³¹⁴² **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.14.45-11.16.20 [“As for leaving the monkhood, all monks did not dare to refuse ... We were afraid because there were instructions from Angkar and if we didn’t follow it, that would be a matter that we had to concern about”], 13.35.06-13.37.55 [“at that time, we were under their instruction and we only did ... what we could in order to survive”]; **E3/507** Khiev Neou WRI, EN

to retribution. Ta Ich, head monk at the Angk Roka Pagoda, was beaten for protesting the abolition of Buddhism and for calling others to protest.³¹⁴³ Other monks were killed for their resistance.³¹⁴⁴

783. Yeay Khom enforced the destruction of pagodas and all religious statues and artefacts associated with Buddhism.³¹⁴⁵ As a result, some pagodas were dismantled or destroyed,³¹⁴⁶ and those that were not were used for purposes such as pigsties, meeting halls, warehouses, and commonly, prisons.³¹⁴⁷ As Civil Party Chou Koemlan aptly

00358141 [“some monks forced themselves to leave monkhood, including me”]; **E3/5832** Cheang Sreimom WRI, A16; **E3/9586** Van Soeun WRI, A153.

³¹⁴³ **E1/278.1** Riel Son, T. 17 Mar 2015, 09.49.10-09.54.37 [“Q: ... did you personally witness the head monk of Angk Roka pagoda [Ta Ich] be beaten with a club by the Khmer Rouge forces or is this something you were told? A: ... I didn’t witness it but I heard from other people and later he was defrocked. He was beaten for beating the drum to call people to protest against the Khmer Rouge ... [The beating] happened at the same time when the monks were defrocked ... I know [Ta Ich] for long time and I went to that pagoda very often to celebrate ceremonies over there”]; **E1/280.1** Riel Son, T. 19 Mar 2015, 09.38.47-09.41.30 [“At the time, I was actually there not far from where it happened ... Later on, I was chased away to go home so I left the place ... There were people standing there including a driver who was transporting cloth, and there was an elderly man who beat the monk with a club. I thought he joked when he beat the monk, but the monk said it hurt”].

³¹⁴⁴ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.09.20-10.12.07 [“My friend ... told me that ‘Master you are not aware that monks were mistreated and struck to death as they opposed to instructions by Angkar’”] 11.23.28-11.26.25 [“As for the event leading to the death of a monk at Angk Prey Pagoda in Samraong commune, I did not witness it myself but there was a fellow monk who was there. And when I met him, he told me about it, that they were cruel at the time and if they didn’t like it, then they would kill the monks. And I asked ‘who were they?’ And he told me it was the Khmer Rouge. And a monk was killed by Angkar and was buried near the vicinity of the pagoda compound. And that I was told I should not have any conflict with Angkar or Angkar instructions and that we all should be patient and follow their instructions, otherwise we would be killed by Angkar. Angkar only wanted people who did not dare to refuse or to make any protest against them”]; **E3/7982** Top De WRI, EN 00233142 [“A monk from Wat Badong [Trapeang Thum Khang Tboung commune] was killed by the Khmer Rouge after the fall of Phnom Penh in 1975”]; **E3/2818** Ian Harris, *Buddhism under Pol Pot*, EN 00703997 [“The chief monk of Takeo province, Ven. Son Sum of Wat Ratanaram, was forced to dig a canal as punishment [for refusing to disrobe]. Ten days later he was too sick to continue and was executed at a public meeting”]. In view of the evidence that the Khmer Rouge gathered monks from Takeo Province at Wat Angk Roka, Ven Son Sum was very likely among them.

³¹⁴⁵ **E1/291.1** Pech Chim, 23 Apr 2015, 15.54.-15.56.50 [“Q: Have you heard about [the demolition of Buddhist statues in pagodas]? A: Yes, I did ... in general it had to be demolished. Khom had announced this”]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416409 [Meng-Try interviewed a younger sister of Ta Mok, who told him: “Some Buddhists believe the destruction of a temple or Buddha image is a sin ... Ta Mok’s daughter Khom went insane because she ordered the destruction of a temple and one of its Buddha images”].

³¹⁴⁶ **E3/5825** Meas Sokha WRI, EN 00223495 [“The pagodas near our village were dismantled ... they only tore down the temple sanctuaries”]; **E3/7902** Thaong Seav WRI, EN 00223469 [in Kus Commune: “They tore down the pagoda, the monks’ dwellings, the temple, all of it. They did not allow any ceremonies”]; **E3/8298** Tentative Reports on Pol Pot Genocidal Crimes in Takeo Province, 28 Dec 1984, EN 00721335 [“Pagodas in Takeo province were completely destroyed, just like in other provinces throughout the country”].

³¹⁴⁷ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.26.25-11.30.28 [“Majority of the pagodas turned into prisons. The temples were also turned into prisons. They make holes along the temples’ walls and use a metal bar to shackle prisoners. And some of the temples had been turned into pig pens ... it was easier for them to transform pagodas into prisons because the temples in the pagodas were made of concrete, so they could make holes and then they could insert a metal bar of 20 millimetre diameter to shackle the prisoners inside”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.44.47 [“in Leay Bour Pagoda ... the pagoda

testified, “Pagodas were turned into prisons of innocents.”³¹⁴⁸ Sacred statues were dismantled, thrown into water, buried and destroyed, and holy texts and artefacts were defaced.³¹⁴⁹ Witness Sao Han recalled that “some of the Buddhist books were used to wrap tobacco as a smoke.”³¹⁵⁰ At Tuek Chrum pagoda, villagers were ordered by their unit chief to destroy a Buddhist statue in front of the temple.³¹⁵¹ The complete destruction of these foundations of Buddhism in Tram Kak left Buddhist villager Bun Sarouen feeling “completely deprived of any psychological base”.³¹⁵²

784. Throughout the district, there was a strict prohibition on all Buddhist ceremonies and rituals, including those performed for the dead,³¹⁵³ which compelled former monks and

became the prison”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.05.05-10.07.26 [“There was one Ayadom (phonetic) Pagoda in Tram Kak commune. It was turned into a workshop. And here I refer specifically to the monks’ dining hall in that pagoda. And also in Thma Kaev Pagoda, it was turned into a place where they worked”] *confirming* **E3/5518** Sao Han WRI, A45; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.04.35 [“From 1975, the monks were ordered to disrobe, and the pagodas were transformed into a fertilizer warehouse or meetings were also held at the pagodas”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.33.39-11.35.48 [“Buddhist temples were used as clinic and used as pigsty and security centres”]; **E3/5135** Pil Kheang WRI, EN 00233134 [“Wat Choek Chrum, was turned into a pig stall”]; **E3/7981** Mich Siphon WRI, EN 00233138 [in Trapeang Thum Khang Tboung Commune: “The pagodas were turned into pig stalls, ammunition warehouses or [dining] halls”]; **E3/5521** Nut Nov WRI, A110 [“Pagodas were used as [accommodations] of the collection unit or for storages of fertilizers/manures”]; **E3/7043c** Kim Ken Summary of Complaint, EN 00463355 [“Tnaot Chum Pagoda ... was turned into a dung storeroom”].

³¹⁴⁸ **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 15.26.15-15.28.06.

³¹⁴⁹ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 14.15.12-14.17.20 [“During the DK regime, everything was destroyed. The Buddhist manuscript, for example, that were made from palm tree leaves ... they tor[e] them apart and used them as hats. And I personally witnessed it being destroyed and used it. Even the Buddhist painting was torn away and destroyed or some were used ... as hats”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.47.32-09.49.10 [“there were about 10 or 20 [Khmer Rouge cadres] some of them demolishing the sculpture in the temple, other would remove Buddha shrine and throw them into the water and the small Buddha shrine and they buried them in the ground”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.03.07-10.05.05 [from 1975 to 1979: “I didn’t see [Buddhist statues] in the pagoda anymore as they were all taken away. So ... were the Buddhist books and disciplines”] *confirming* **E3/5518** Sao Han WRI, A45; **E3/5825** Meas Sokha WRI, EN 00223495 [“The pagodas near our village were dismantled and the Buddha images were buried ... they only tore down the temple sanctuaries”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.04.35-11.06.42 [“At Tuek Chrum (phonetic) pagoda the Buddha statues were thrown in to a pond. They did not maintain those statues in the temples anymore”], 14.14.54-14.16.29; **E3/7043c** Kim Keng Summary of Complaint, EN 00463355 [“in 1975 ... all Buddhist statues in Tnaot Chum Pagoda were destroyed.”].

³¹⁵⁰ **E1/265.1** Sao Han, T. 18 Feb 2015, 10.03.07-10.05.05.

³¹⁵¹ **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.14.54-14.16.29 [“The Buddhist statues at Tuek Chrum (phonetic) pagoda were thrown into the water by the villagers, and those villagers were instructed to do so by the unit chief, and in fact the Buddha statue was dropped into a pond just in front of the Buddhist temple.”].

³¹⁵² **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.38.36 [in Trapeang Thum Khang Cheung Commune: “I was absolutely torn because this was a sacred place and there were no longer any monks there and in the past there used to be celebrations, ceremonies but there were no longer any religious practice so I felt completely deprived of any psychological base.”].

³¹⁵³ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.56.17-13.58.20 [“Nobody was allowed to make such a ceremony for the dead because, at that time, Buddhist religion was prohibited”]. *See also* **E1/264.1** Phneu Yav, 17 Feb 2015, 11.29.24-11.31.20; **E3/5518** Sao Han WRI, A38.

lay civilians to attempt continued worship in secret.³¹⁵⁴ Even high-level cadres were forced to practise clandestinely.³¹⁵⁵ Anyone found to be observing or sympathising with the faith could be imprisoned or sent for reeducation,³¹⁵⁶ and acts as small as lighting incense were seen as defying *Angkar*.³¹⁵⁷ The CPK actively denounced the religion in meetings, ridiculing and humiliating members of the Buddhist faith. Monks were described as “tapeworms” and “leeches”,³¹⁵⁸ and Buddhism as mere “superstition”, likened to worshipping nothing but stone.³¹⁵⁹

4. KRAING TA CHAN SECURITY CENTRE

*When I entered [Kraing Ta Chan], when the door was opened,
I smelled the odour and saw all the people.
I had them close the door. I did not want to look any more.*

– District Youth Chairman Iep Duch³¹⁶⁰

- ³¹⁵⁴ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.33.38-13.35.06 [“they did not allow us to hold any rituals”], 09.54.22-09.57.30 [“we would do our prayer and our sermons quietly, without anyone noticing”]; **E3/7985** Chan Choeun WRI, EN 00233147 [in Ta Phem Commune: “Q: In that regime, were people allowed to practice religion or religious rituals? A: No”]; **E3/5136** Pol Moeun WRI, EN 00231816 [in Trapeang Thum Khang Cheung Commune: “During that time [religion] was prohibited. If one practiced religious rituals, he or she would be taken away to be educated”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.01.45-11.03.08 [“At that time, in each pagoda, there was no longer any monks. They were all disrobed. However, there were still some Buddha statues, and there was one big statue in that pagoda ... I secretly walked into that temple at night time, without anybody seeing it. I prayed to the Buddha. ... without letting anyone know about it”]; **E1/255.1** Cheang Sreimom, T. 2 Feb 2015, 09.45.45-09.48.29 [“I went to a quiet Buddhist temple in which there seemed to be no monks. They had been removed”].
- ³¹⁵⁵ **E1/273.1** Neang Ouch, T. 9 Mar 2015, 13.36.23-13.37.50 [“During the DK period, there was no place of worship. However, at my house, I actually pray[ed]”].
- ³¹⁵⁶ **E3/8424** Report from Leay Bour Commune, 31 Aug 1977 [“Pom Oeun talked with a male adolescent (unknown name) in ploughing unit that nowadays Angkar says that it demolishes only the capitalists and soldiers; however at the moment there is no Buddhism, monks, schools, teachers or markets. It might be better if *Angkar* allows Buddhism, monks, schools, teachers and [markets] to exist. NB: According to *Angkar*’s suggestion, Pom Oeun should be sent to *Bang Meng*’s place in Ang Roka [Angk Roka prison]. Now, we’ve sent him there”]; **E3/5136** Pol Moeun WRI, EN 00231816 [“If one practiced religious rituals, he or she would be taken away to be educated”].
- ³¹⁵⁷ **E3/7985** Chan Choeun WRI, EN 00233147 [“People would not even dare burn incense”].
- ³¹⁵⁸ **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.00.31-11.02.14 [“Q: ... can you tell us when you were told that monks were considered like tapeworms and leeches? ... A: It was heard during each meeting. It was well known during the meetings at the village or at the commune”] *confirming* **E3/5133** Em Phoeung WRI, EN 00223201 [“[Angkar] called meetings very frequently, and ... insulted us saying that for many thousand years the monks had been tapeworms, leeches, with crazy people on top and stupid ones at the bottom”].
- ³¹⁵⁹ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 [“It was said that there would not be religions, and they said that we worship ... only concrete, Buddha. ... We are instructed not to believe in such Buddhism because ... it was just a superstition ... After all of them had been disrobed, namely my younger brother-in-law, they were teased that they were being tricked by those Buddhist concrete stones”]; 13.48.23-13.56.33 [“[At district level meetings at Angk Roka and Angk Roleay] they emphasise ... not ... to pay respect to the Buddha statue which was just a piece of a concrete stone”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.07.26-10.10.05 [“At each meeting the group chief or the unit chief repeated the same message that we should not believe in superstition and that we should not pray to the statues”].
- ³¹⁶⁰ **E3/4627** Iep Duch WRI, EN 00223476 (*OClJ brackets removed*).

785. The District 105 Reeducation Office, better known as the Kraing Ta Chan Security Centre, was located in Kus Commune. Established in 1972,³¹⁶¹ Kraing Ta Chan served as Tram Kak's main prison both before and after 17 April 1975. Testimony and surviving documents demonstrate that the prison served an important role in implementing the CPK's enemy policy through the commission of the crimes against humanity of imprisonment, other inhumane acts (through attacks against human dignity), enslavement, torture, murder, extermination, and persecution on political and racial grounds.³¹⁶²

786. The charged crimes relating to political persecution of Lon Nol officials and racial persecution of the Vietnamese in Tram Kak are discussed in other sections of this Brief, as the Co-Prosecutors are of the view that the evidence of the Accused's conduct for these charges is better demonstrated when considered in conjunction with the legal and historical context addressed in those sections.³¹⁶³ Enforced disappearances relating to Kraing Ta Chan have already been discussed in the Tram Kak District section.³¹⁶⁴ The remaining charges are detailed below.

AUTHORITY STRUCTURE

787. The staff at Kraing Ta Chan totaled around 12-15 people.³¹⁶⁵ Several of these staff members testified in Court and/or gave statements to OCIJ investigators.³¹⁶⁶ A few

³¹⁶¹ **E3/4626** Pech Chim WRI, EN 00380132 ["That Center was created since 1972 by the Sector party and the District party"]; **E3/5837** Kev Chandara WRI, EN 00223452 ["Q: What year was the Kraing Ta Chan prison created? A: Since 1972 or 73"]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150089; *but see* **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.57.00-09.58.36 ["In mid-1973, the district decided to use the Krong Ta Chan to be a prison"]; **E3/10753** Hun Kimseng WRI, A22 ["it became a prison in 1973"].

³¹⁶² **D427** Closing Order, paras 1402 [imprisonment], 1434 [other inhumane acts (attacks against human dignity)], 1391 [enslavement], 1408 [torture], 1373 [murder], 1381 [extermination], 1415-1416 [persecution on political grounds], 1422 [racial persecution (Vietnamese)], and 1470 [other inhumane acts (enforced disappearances)].

³¹⁶³ Political persecution of Lon Nol officials is discussed in **Common Criminal Plan – Policy to Persecute and Kill Enemies – Former Khmer Republic Soliders and Officials – The Great Mass Movement to Attack and Smash: 1977-1979**; and racial persecution of the Vietnamese is discussed in the section **Crimes against the Vietnamese – Implementation of the Genocidal Policy Against the Vietnamese**.

³¹⁶⁴ See section **Tram Kak District Cooperatives – Enforced Disappearances**.

³¹⁶⁵ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 ["As for guards, there were 12 guards ... Pai An (phonetic) was the chief of the guards – the guard unit, and when Duch was there, he was the deputy chief"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.04.44-14.07.09 ["There were 12 soldiers and ... 3 chiefs. ... They would send more staff and soldier[s] to the prison when the [number of] prisoners increase[d]"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.10.18-15.12.37; **E3/5845** Van Soeun WRI, EN 00223210; **E3/9583** Saut Saing WRI, A54-58.

³¹⁶⁶ Phan Chhen [Trial Testimony: **E1/268.1** T. 24 Feb 2015 and **E1/269.1** T. 25 Feb 2015; WRIs: **E3/72**, **E3/5522**, **E3/5524**, **E3/9465**, **E3/9466**, and **E3/9585**]; Srei Than alias Duch [Trial Testimony: **E1/266.1** T. 19 Feb 2015, **E1/267.1** T. 23 Feb 2015, and **E1/268.1** T. 24 Feb 2015; WRIs: **E3/5834**, **E3/5852**, and **E3/9597**]; Saut Saing [Trial Testimony: **E1/281.1** T. 24 Mar 2015 and **E1/282.1** T. 25 Mar 2015; WRIs:

tended to be less forthcoming about events at the security office in public court sessions than they were when giving sworn statements to investigators, often minimising their own knowledge or role during public testimony. However, when the totality of evidence is considered, including that from former prisoners,³¹⁶⁷ a clear picture emerges of the horrors that regularly occurred at the Kraing Ta Chan Security Centre.

788. Phan Chhen was the first Chairman of the prison³¹⁶⁸ and Ta An was his deputy.³¹⁶⁹ In mid-1975, Phan Chhen was transferred,³¹⁷⁰ and An served as Chairman until the regime fell.³¹⁷¹ Duch Thom, or Big Duch, served as Ta An's deputy until he was replaced by

³¹⁶⁷ **E3/5864** and **E3/9583**; Van Soeun [Trial Testimony: **E1/270.1** T. 3 Mar 2015, **E1/271.1** T. 4 Mar 2015, and **E1/272.1** T. 5 Mar 2015; WRIs: **E3/5845** and **E3/9586**]; Iep Duch [WRIs: **E3/430** and **E3/4627**]; Saing Sim [WRI: **E3/5853**]; Sok Soth [WRI: **E3/5835**].

³¹⁶⁸ Meas Sokha [Trial Testimony: **E1/247.1** T. 8 Jan 2015, **E1/249.1** T. 21 Jan 2015 and **E1/250.1** T. 22 Jan 2015; WRI: **E3/5825**]; Say (Sory) Sen [Trial Testimony: **E3/256.1** T. 4 Feb 2015, **E1/257.1** T. 5 Feb 2015, **E1/258.1** T. 6 Feb 2015, **E1/282.1** T. 25 Mar 2015; WRIs: **E3/5129**, **E3/5214**, **E3/9589** and **E3/10801**]; Vong Sarun [**E1/300.1** T. 18 May 2015]; Kev Chandara alias Yav [Trial Testimony: **E1/255.1** T. 2 Feb 2015 and **E1/256.1** T. 4 Feb 2015; WRIs: **E3/5153**, **E3/5837**, **E3/7888** and **E3/9609**]; Hun Kimseng alias Yeay Nha [WRI: **E3/5826** and **E3/10753**]; Lim Hach [WRI: **E3/7984**]; Neang Dam [WRI: **E3/7904**]; [REDACTED] [WRI: **E3/9584**]; Kev Mao [WRI: **E3/7900**].

³¹⁶⁹ When Phan Chhen testified before this Court, he maintained that someone from the Tram Kak District Committee was in charge of the prison, that he never served as the Kraing Ta Chan prison chief, and that he left the area in 1974 [see **E1/268.1** 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 **E1/269.1** Phan Chhen, T. 25 Feb 2015, 14.15.13-14.18.10]. However, see **E3/5522** Phan Chhen WRI, A40-41. Moreover, witnesses with no reason to lie, including surviving prisoners and a former district chief, identified him as the first prison Chairman. See e.g. **E1/256.1** 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"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.58.24-10.59.35 ["Q: ... if I understood correctly, you said that before 1975, the person who led the security centre was called Chhen? Is that accurate? A: Yes, Chhen was the first chief of Krang Ta Chan office"]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: [W]hen you entered Krang Ta Chan in 1974, who were in the leadership or in the management of the prison at the time? A: ... When I initially arrived, there was Ta Chhen, that was prior to 1975; and after 1975, it was Ta An"]; **E3/5214** Say (Sory) Sen WRI, 00225503; **E3/4626** Pech Chim WRI, EN 00380134 ["Chhen was the chief of the Center, and An was Chhen's deputy ... [After 17 April 1975,] [t]he structure of the Kraing Ta Chan Security Center was not changed. The chief and the deputy were still the same persons"], EN 00380136-37 [Chhen was transferred to another position in about mid-1975]; **E3/401** Pech Chim WRI, EN 00381027; **E3/5786** Pech Chim WRI, A32; **E3/9583** Saut Saing WRI, A42; **E3/7900** Kev Mao WRI, EN 00163473 [former KTC prisoner, arrested in 1974: "Phan Chhen was the chief. The deputy was An"]; **E3/2062** Neang Vorn, *Brief History of Kraing Ta Chan Genocide Center*, EN 00301364 ["In late 1973, the prison in Pen Meas was moved to Kraing Ta Chan and was under the control of a group [of] people who used to be monks such as Achar Chhen, the head; Achar An; Achar Dam; and Achar Penh"].

³¹⁷⁰ **E3/4626** Pech Chim WRI, EN 00380134; **E3/5214** Say (Sory) Sen WRI, EN 00225503; **E3/7888** Kev Chandara WRI, A2 and A13 ["I overheard Ta Chhen talking to his vice-chairman of the prison, Ta An ... The three people were walking before me: Chhen, chief of the prison, An, deputy chief of the prison, and Nuon Chea"]; **E3/7900** Kev Mao WRI, EN 00163473.

³¹⁷¹ **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.58.24-10.59.35 ["[Chhen] told everybody and told the soldiers that he would be transferred to be in charge of Prison 204"]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["When I initially arrived, there was Ta Chhen, that was prior to 1975; and after 1975, it was Ta An"]; **E3/4626** Pech Chim WRI, EN 00380136-37 [Chhen was transferred to another position in about mid-1975].

³¹⁷¹ See e.g. **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.00.03-11.01.25, 11.24.11-11.25.49 ["An was the chief and Om Penh was his deputy, and below that there was Cheng"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb

Penh.³¹⁷² An, Duch and witness Saut Saing supervised the guards,³¹⁷³ who included witnesses Srei Than alias Duch (Duch Touch, or Little Duch), Van Soeun, and others.³¹⁷⁴ Chhoeun, Moeun and Van Soeun worked as messengers for the prison.³¹⁷⁵

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"]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: [W]hen you entered Krang Ta Chan in 1974, who were in the leadership or in the management of the prison at the time? A: ... When I initially arrived, there was Ta Chhen ... after 1975, it was Ta An"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.29.19-09.30.14 ["The chief of Krang Ta Chan office was Leng An and his deputy was Duch"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.03.28-15.06.19 ["Q: Once you got to Krang Ta Chan, who gave instructions to all staff at the centre? Who was in charge of discipline? And who chaired meetings at the centre? A: An and Penh ... Q: ... who headed the Krang Ta Chan [security] centre? A: It was Ta An"]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 15.26.50 [former Tram Kak District Committee: "I knew that Ta An was chief at Krang Ta Chan but I cannot recall whether I received any report from him"]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 11.04.56-11.08.35 ["I only heard that Ta An was chief of Krang Ta Chan Security Centre"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 14.33.48-14.36.12; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.33.59-09.36.57 ["The head of the security office was Ta An, Ta Penh, Ta Chhen. The three individuals were heads -- they were the leaders of the security office of Krang Ta Chan area"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.15.48-11.18.04 ["The chief was Ta An and Ta Penh was the one who interrogated me"], 11.47.53-11.50.00 ["[Ta An] was the chief of the prison"]; **E3/9480** Khoem Boeun WRI, A189, A201; **E3/4627** Iep Duch WRI, EN 00223476 ["I asked permission from the chairman Ta An to enter and look at the prison"]; **E3/5853** Saing Sim WRI, EN 00433574 ["Q: Who assigned people to dig the pits? A: Ta An the chairman"]; **E3/9472** [REDACTED] WRI, A118; **E3/9584** [REDACTED] WRI, A24; **E3/9605** 2-TCW-833 WRI, EN 00980269 ["Q: What was Ta An's position when you delivered letters to him? A: Ta An was Kraing Ta Chan Security Office Chairman"]. *Contra*: Phan Chhen asserted that Ta An was perceived by many to be in charge of the prison because he stepped in whenever Phy was at the district. While the Prosecution does not contest that Phy may have had oversight of the prison in his capacity on the district committee, the Prosecution disputes that he was the Chairman or chief handling day-to-day matters at the prison: that was Ta An. *See* **E1/269.1** Phan Chhen, T. 25 February 2015, 11.04.02-11.06.05, 13.45.41-13.47.02, 15.21.10-15.25.52 and **E3/72** Phan Chhen WRI, A3, A56 and A60; **E3/5522** Phan Chhen WRI, A22, A25, A37, A41, A44 and A47; **E3/5524** Phan Chhen WRI, A4, A30, A32-33 and A47; **E3/9465** Phan Chhen WRI, A40; **E3/9466** Phan Chhen WRI, A75 and A92-93; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.41.19-15.44.09 ["Ta Phy, the handicapped. I did not know about his actual role or position but he was overall in charge of Krang Ta Chan office"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.27.48-15.29.36 ["after Ta Chim, became a district committee in Kampong Cham, then he, the handicapped Ta Phy, became the district committee 105. And he would come to the Krang Ta Chan office about three to four times a week"]; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 14.12.09-14.14.13 ["Q: Do you recall the people in the management or in the management structure of Krang Ta Chan? A: Yes, there were Phy, An, Penh, Cheng, Chhon (phonetic)"]; 15.21.22-15.23.07 ["Q: ... It's correct that Phy was a member of the Tram Kak district committee? A: Yes. He was part of the Tram Kak district committee. Q: And was Phy one of the cadres who conducted interrogations at Krang Ta Cha? A: Yes, that is correct"]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 15.24.34-15.26.50 ["Q: Did you hear of a cadre called Kith (phonetic) Phy who was handicapped? He was lame. A: I heard of a name Phy. Q: What were Phy's functions? A: Phy worked in the same office with An. Q: What functions did he therefore fulfil? A: I did not know of his real function but he worked in the same office that An worked"].

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E1/282.1 Say (Sory) Sen, T. 25 Mar 2015, 14.36.10-14.37.55 ["Ta An was the chief ... Ta Penh actually was the member and Big Duch was the deputy"]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: ... who were in the leadership or in the management of the prison at the time? A: ... after 1975, it was Ta An and Ta Penh (phonetic) and Duch 'Thom' or big Duch"]; **E1/277.1** 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, and later he was sent to the North Zone"]; **E1/249.1** 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"]; **E3/5834** Srei Than WRI, A4; **E3/5214** Say (Sory) Sen WRI, EN 00225511 ["There were two [people] named Duch [at Kraing Ta Chan], Duch Thom (large) and Duch Touch (small). Duch Thom was the deputy chairman. Duch Touch was a subordinate ... Duch Thom was transferred out of the Kraing Ta Chan Office to work in Kampong Cham

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- during 1976. Later Penh fulfilled the duties of deputy chairman in place of Duch Thom”]; **E3/9589** Say (Sory) Sen WRI, A38 [“[Big] Duch, who was a security guard at Krang Ta Chan Prison, was later promoted to be the Deputy Chief of Krang Ta Chan Prison in 1975. Duch was sent to Kampong Cham in 1976 after having worked as the Deputy Chief for a year ... After Duch had been sent to Kampong Cham, Penh was promoted to Deputy Chief, replacing Duch”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.31.43-09.36.57 [“I started working at Krang Ta Chan office from 1977 ... The head of the security office was Ta An, Ta Penh, Ta Chhen”]. Note that Iep Duch denies ever having any role at Kraing Ta Chan and maintains that he never moved from Tram Kak District. See **E3/4627** Iep Duch WRI, EN 00223473.
- 3173 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 [“Pai An (phonetic) was the chief of the guards – the guard unit, and when Duch was there, he was the deputy chief”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.04.44-14.07.09 [“There were 12 soldiers and ... 3 chiefs. ... They would send more staff and soldier[s] to the prison when the [number of] prisoners increase[d]”]; **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 14.33.53-14.36.10 [“After [the guard unit] received the order from the chief of the security office, they were the one who arrested, transferred and executed prisoners”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.36.07-11.39.25 [“An and Duch were the leaders, and they would ask us to be on specific location and on guard, [but] only the commanders of my regiment could replace and remove us from our unit”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 14.33.24-14.35.07 [the witness, who was in the same six-person guard unit as Srei Than, testified: “In the Army, the Commander issued order but when I was at Krang Ta Chan office, we were no longer under the military command”], 11.34.29-11.36.28 [“When I was at Krang Ta Chan I would receive orders only from Ta An”]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.29.48-15.34.13 [“Q: ... Did Ta An or the other members of the committee ask members of your unit, that was therefore subordinate, to supervise the prisoners ...? A: Yes”], 15.12.37-15.14.27 [“Q: Do you know what would have happened during that period if you did not abide by these disciplinary measures handed down to you by the leadership of the Krang Ta Chan centre? A: If we did not comply with the disciplines or the order, we would be detained in the prison”]; **E3/9586** Van Soeun WRI, A163; **E3/9583** Saut Saing WRI, A51-53 [“Q: Was it because of the good friendship between Ta An and Ta Chem that you were appointed Head of Security Guards at Krang Ta Chan? A: Yes, that was the reason I was appointed Head of the Prison Guards ... No, I was just an ordinary guard. Q: Who supervised the guards? A: Ta An himself”], A86 [“Q: ... We also have information indicating that you were Head of Prison Guards, but your role was to report to the higher level ... In such circumstances, you must have [been under] moral pressure, is that correct? A: Yes”] but see **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.49.02-14.56.51 where he denied holding such a position.
- 3174 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 [“As for guards, there were 12 guards ... Moeun, Penh, Cheng, Chhoeun, Ouk, Sieng (phonetic) and there were a few more subordinates. I remember ... the names of some of these people. There were 1) Suon, 2) Sin, 3) Saing, 4) Duch, 5) Touch ... They were guards”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 [“Q: ... Can you tell us the name of the guard who killed the younger of these two girls? A: Yes, they were Sieng, Moeun, Saing and Duch Touch, or Small Duch. Together, there were four of them”]; **E1/268.1** Srei Than, T. 24 Feb 2015, 09.18.42-09.24.50 [confirmed that the guards in his unit who were assigned by the army to guard Kraing Ta Chan included Saing, Sim, Soan, and Touch]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.25.38-09.28.45 [“I was transferred to Krang Ta Chan -- that is, to provide security there, or simply, to guard Krang Ta Chan”], 10.44.05-10.45.55 [“I was transferred to the office in 1976”]; **E3/5845** Van Soeun WRI, EN 00223208-10 [worked as a guard at Kraing Ta Chan from late 1976 until the fall of the regime: “There were six in the guard unit. ... Duch, Sim, Saing, Touch, Uok, and me too”]; **E3/5853** Saing Sim WRI, EN 00433568-69 [“in 1976, when I was transferred to the Kraing Ta Chan office ... they had me guard prisoners, ... The others assigned like me to guard outside included 1 Duch; 2 Soan; 3 Saing; 4 Touch; and 5 Uok”]; **E3/9583** Saut Saing WRI, A54-58, A69 [“Sarat was called Duch. There were two persons named Duch, ‘small Duch’ (Sarat), who belonged to the military group ... and ‘big Duch’, who belonged to the youth group”].
- 3175 **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.33.36-14.36.58 [“My main task was to guard the office day and night, and also during ... the daytime, I had to be a messenger”], 15.44.09-15.45.18 [“Q: ... Were you the only one at Krang Ta Chan to travel to the district to deliver envelopes from the Krang Ta Chan centre or were there other people doing the same? A: There were two of us. One was Moeun, a Party member, and I, myself”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.59.37-10.01.49 [“Q: Who was in charge of playing that role as messenger after the 17th April 1975, up until 1979? A: It was Soan. I did not know the surname of Soan.”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.48.19-13.50.46 [“There was only one messenger ... but later when the soldiers were sent there ... Van Soeun who was assigned as messenger in addition to the existing one”]; **E3/9583** Saut Saing WRI, A72.

789. Kraing Ta Chan was the centre of Tram Kak District’s prison system during the DK regime, imprisoning “serious” offenders. None of the former prisoners who gave evidence to this Court at any time mentioned that they, or anyone else 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.³¹⁷⁶ Instead of having access to legal counsel or appropriate adjudication, prisoners were tortured to elicit “confessions” which allegedly formed the basis for their unlawful detention.³¹⁷⁷
790. Twelve surviving DK documents provide varying degrees of detail about the prisoners held at Kraing Ta Chan Security Centre.³¹⁷⁸ Some provide information about prisoner occupations before the regime, some state the prisoner’s alleged offences, and a few provide dates of incarceration and/or death. The Co-Prosecutors have compiled the information into a centralised spreadsheet in order to assist in determining what types of prisoners were arrested and imprisoned in Tram Kak District, particularly at Kraing Ta Chan.³¹⁷⁹ Eight graphs (Figures 1.1-1.8) which help provide better insight into the prison population at Kraing Ta Chan are included in **Annex G.2**.

³¹⁷⁶ **E3/4145** List of Prisoners Detained for Months or Years, EN 00762837: Iet Chin, Hun Seng [Hun Kimseng], Meas Sarat, Vorng Sanu [Vong Sarun], Uch Han; **E3/4145** 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; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.14.09 [“I was detained [at Kraing Ta Chan] with my mother from 1976 until August 1978 ... almost three years, just two more months and it would make three years period”]; **E1/256.1** 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]; **E1/300.1** 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]; **E3/7904** Neang Dam WRI, EN 00223517 [imprisoned at Kraing Ta Chan from 1977 until the regime fell]; **E3/10753** Hun Kimseng WRI, A32.

³¹⁷⁷ See section **Kraing Ta Chan Security Centre – Torture**.

³¹⁷⁸ See **E3/2046**; **E3/2107**; **E3/2427**; **E3/4083**; **E3/4092**; **E3/4095**; **E3/4122**; **E3/4145**; **E3/4164**; **E3/5827**; **E3/5860**; **E3/8407**.

³¹⁷⁹ 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 Co-Prosecutors 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 (**E3/4083**) 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 G.3**, providing only the portions of the list which could be reliably matched.

791. *New People/Base People and Ethnic Groups*: An overwhelming majority (75.9%) of people arrested and imprisoned at Kraing Ta Chan were New People.³¹⁸⁰ Also detained but in much smaller percentages were Base People³¹⁸¹ and CPK cadres.³¹⁸² Chinese,³¹⁸³ Vietnamese,³¹⁸⁴ Cham,³¹⁸⁵ and Khmer Krom³¹⁸⁶ were also part of the detainee population.
792. *Sex and age*: More than 80 percent of the prisoners at Kraing Ta Chan were male,³¹⁸⁷ but females were also detained there, including young girls, pregnant women, and wives of persons deemed enemies.³¹⁸⁸ Testimony and surviving documents also show there were prisoners of all ages, from the very young³¹⁸⁹ to the very old (87).³¹⁹⁰

³¹⁸⁰ See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.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 **E1/256.1** 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”]; **E3/4627** Iep Duch WRI, EN 00223476 [“Probably the majority [of Kraing Ta Chan prisoners] were the brothers and sisters who had been evacuated from the cities, those called the 17 April group”]; **E3/7901** Seang Soeun WRI, EN 00223463.

³¹⁸¹ See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**. In the Kraing Ta Chan Security Centre Prisoner List analysis, prisoners were identified as Base People based on available biographical information stating their birthplace, previous occupation, and last known residence. See also **E3/7901** Seang Soeun WRI, EN 00223463; **E3/4627** Iep Duch WRI, EN 00223476; **E3/9584** [REDACTED] WRI, A50.

³¹⁸² See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**.
³¹⁸³ **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/9604** Ry Pov WRI, A59; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366676 [Lim Tech Huo], 00366677 [Heng Huor], 00366692 [Ly Koun]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834809 [Lay Kiek], 00834818 [Chung Kim Chhe], 00834819 [Lim You], [Chung Chhorn]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064182 [Kim Savan], [Sok Nam], 01064183 [Leng Bunthan], 01064190 [Lip Liep], 01064195 [Sokha alias Seu]; **E3/8407** Kraing Ta Chan Prisoner List, EN 00276559 [Mao Tung]; **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290226-27 [Sok Teang]; **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866460 [Sam Soeung].

³¹⁸⁴ **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366681 [Yin Ting alias Long]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064165 [Thach Soeung]; **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290216 [De Yeun].

³¹⁸⁵ **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.46.43-09.49.36; **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/9604** Ry Pov WRI, A59.

³¹⁸⁶ **E3/4145** Kraing Ta Chan Prisoner List, EN 00762845-46 [Thach Vanna]; **E3/4095** Kraing Ta Chan Interrogator’s Notebook, EN 00747241 [Thach Saren], 00747279 [Thach Uk], 00747286 [Kem Khen], 00747289 [Chan Dara]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834816 [Khieu Phy], 00834816-17 [Phao Phan]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064171 [Tach Snguon]; **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290225 [Thach Oeng], 00290236 [Neang An], 00290237-38 [Kim Thy Saren], 00290238-39 [Tuon Hin]; **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866431 [Ly Lem], 00866438 [Sok Kao alias Kav], 00866447-48 [Kim Inh], 00866457-59 [Nang Horn alias Nhoung]; **E3/9596** [REDACTED] WRI, A33.

³¹⁸⁷ See **Annex G.2** Figure 1.3, *Male and Female Prisoners at KTC* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/267.1** Srei Than, T. 23 Feb 2015, 11.23.29; **E1/451.1** Henri Locard, T. 29 July 2016, 09.46.40-09.48.41 [“I think it’s extremely important to realize that at least 90 per cent of prisoners in all prisons in Cambodia were men, and that is why, at the end of the regime, there were so many widows in the new regime”].

³¹⁸⁸ See e.g. **E1/300.1** 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]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.42.38-13.45.31 [“Yes [I

793. *Occupations*: The Kraing Ta Chan Security Centre Prisoner List (**Annex G.1**) very clearly demonstrates that former Khmer Republic soldiers and officials were targeted for arrest and imprisonment, as an analysis of stated occupations reveals that almost 50 percent of the prison population had worked as soldiers, officials or police during the Lon Nol regime.³¹⁹¹ Students, teachers, monks and professionals comprised another 10 percent of prisoners, while approximately eight percent were former CPK cadres or combatants.³¹⁹² The evidence further demonstrates that family members of people

confirm], there were children and female prisoners”]; **E3/7901** 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”]; **E3/4095** Kraing Ta Chan Interrogator’s Notebook, EN 00747244-45 [Ieng Seab], 00747254 [Phoeuk Sok, Pich Savin], 00747284 [Seng Sitha], 00747295 [Kok Leng]; **E3/4145** Kraing Ta Chan Prisoner List, EN 00762837 [Hun Seng, Meas Sarat, Vorng Sanu, Uch Han].

³¹⁸⁹ See **Annex G.2** Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/300.1** 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]; **E1/281.1** 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”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.16.04-11.17.33 [“I did not remember how many children, male and female, were killed. But, actually, there were killing of children”]; **E1/249.1** Meas Sokha, T. 21 Jan 20125, 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”]; **E3/5826** Hun Kimseng WRI, EN 00223490 [“Q: [Your] two infants died too? A: They died from lack of breast milk”]; **E3/5853** Saing Sim WRI, EN 00433572-73; **E3/9586** Van Soeun WRI, A211; **E3/9484** [REDACTED] WRI, A40; **E3/9584** [REDACTED] WRI, A51; **E3/10753** Hun Kimseng WRI, A24-25.

³¹⁹⁰ See **Annex G.2** Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866442 [Nop Long, 87 years old]; **E3/8407** Kraing Ta Chan Prisoner List, EN 00276559 [Va Saophan, 82 years old]; **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290226 [Chao Tit, 79 years old]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834806 [Mak Hien, 75 years old]; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366686 [Chhoel Kiet, 70 years old].

³¹⁹¹ See **Annex G.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.38.17 [“The number of prisoners increased after ... they liberated Phnom Penh. Those former Lon Nol soldiers ... were taken there [to Kraing Ta Chan]”]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 11.08.47-11.10.37 [“Q: ... officials of the Lon Nol administration, as well as the Lon Nol servicemen, were these enemies still the same after 17th April 1975, were they still being tracked down? A: Yes, indeed”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.11.15-09.14.37 [his older brother, a former Lon Nol soldier, was killed Kraing Ta Chan]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 16.02.55-16.04.55; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416381-82 [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], EN 00416384 [“Among the 500 prisoners on the execution lists of the Tram Kak district reeducation center for 1977 and part of 1978, 252 were class/political trenders, Lon Nol officials, and escapees”].

³¹⁹² See **Annex G.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/298.1** Ek 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 17th April 1975, were they still being tracked down? A: Yes, indeed”]; **E3/5518** Sao Han WRI, A22.

linked to the Lon Nol regime were also arrested and often suffered the same fate as the former officials.³¹⁹³

794. *Alleged offences*: People in Tram Kak District were also arbitrarily arrested and sent to Kraing Ta Chan simply for scavenging for food,³¹⁹⁴ being perceived as educated or from the upper-class,³¹⁹⁵ complaining or criticising the Regime,³¹⁹⁶ or making any kind of

³¹⁹³ See **Annex G.2** Figure 1.7, *Imprisoned Relatives of Former Khmer Republic Officials* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.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. **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366680 [Nob Kea, 21: her father was a Lieutenant Colonel stationed at the General Staff in Phnom Penh]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973150 [Em Sambath, 24: father was a captain (already smashed)]; **E3/2107** Kraing Ta Chan Interrogator's Notebook, EN 00290211 [Nget Nel, 13: father was a colonel], 00290253 [Chea Pheakdei, 19: father was the Governor of Kampong Chhnang Province]; **E1/256.1** 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"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.18.02-09.20.07 ["one prisoner said he was accused of being connected with [the] 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"]; **E1/254.1** 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"]; **E1/247.1** Meas Sokha, T. 8 January 2015, 11.55.57 ["Five days after [my father's] arrest, they came to arrest my mother and my siblings and other villagers"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.36.58-14.41.39 *confirming* **E3/9586** Van Soeun WRI, A90-91; **E3/9745** 2-TCCP-235WRI, A187 ["Khmer Rouge soldiers reviewed his background and arrested him and his family to be detained at Kraing Ta Chan Security Office ... his family was arrested, detained, and tortured at Kraing Ta Chan Office. My eldest brother was an army captain during the Lon Nol era: All the members of his family were killed at that security office"]; **E3/5864** Saut Saing WRI, EN 00223551 ["Some had connections to [officials of] previous times, some had deserted the ranks ... I knew because when I took them to work, I secretly asked questions of those prisoners"].

³¹⁹⁴ See e.g. the evidence cited in fn. 3022; **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366684-85 [Sok Sorn: stole husked rice], 00366685 [Van Sarun: stole potatoes, chicken and chicken eggs], 00366687 [Nheb Ma: stole palm tree juice]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973150-51 [Suen Phy, Chak Ieb and Chum Thal: stole chickens]; **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747246-47 [Mak Mon alias Mit: stole cucumber and garlic], 00747265-66 [Chay Nha: stole husked rice and climbed palm trees to get juice for his children].

³¹⁹⁵ See e.g. **E3/4092** Kraing Ta Chan Interrogator's Notebook, EN 00834804-05 [Sin Sarath "was a senior student from the petty bourgeoisie"], 00834817 [Sok Huoy was a "capitalist" owner of eight car shops]; **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366695 [Ke Sav: "working at a civil aviation company at Pochentong in Phnom Penh as a capitalist"]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 13.58.50-14.00.46 ["The rich and bourgeoisie were also viewed very negatively, very unfavourably and they were led away and executed"]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 10.09.29-10.11.14 ["those who fell into the class of capitalist or of feudalism, or anyone who owned a rice mill or rice threshing machine, they would be arrested. And even someone who had a barn with rice stock would also be arrested as they were accused of being a middle class capitalist"]; **E3/5498** Bun Thean (Thien) WRI, EN 00384406 ["Ta Saom was arrested probably because he was a student belonging to a petty bourgeoisie class"].

³¹⁹⁶ See **Annex G.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2427** Kraing Ta Chan 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"]; **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747287 [Yang Kay complained about collectivism, rations, the new regime resembled the old regime in that high-ranking officers could eat anything as long as they way]; **E3/4092** Kraing Ta Chan Interrogator's Notebook, EN 00834802 [Hem Chantha: when the base people advised her to irrigate the fields, she

“mistake”.³¹⁹⁷ Those considered lazy or pretending to be sick,³¹⁹⁸ accused of stealing,³¹⁹⁹ or attempting (even planning) to flee the commune were also arrested.³²⁰⁰

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

795. *Inhumane conditions*: The conditions at Kraing Ta Chan were cramped and cruel. Up to four wooden buildings measuring approximately three to five metres by seven to 20

refused to do so and said she was in sorrow for her husband, whom Angkar had taken for execution; also refused to eat, throwing it away]; **E3/5860** Kraing Ta Chan 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* **E1/298.1** Ek Hoeun, T. 7 May 2015, 13.55.25-13.56.50 [“you couldn’t complain about what you were given, if you complained you would be led away immediately and considered as an opponent of the cooperative”]; **E1/247.1** Meas Sokha, T. 8 January 2015, 11.39.08-11.40.22 [“in 1976, he [my father] complained about insufficient food rations and they accused him of betraying the cooperative”]; **E3/10753** Hun Kimseng WRI, A27 [“Q: Why did the Khmer Rouge send you and your family to Kraing Ta Chan Prison? A: ... My husband complained that we worked very hard but did not have enough food”].

³¹⁹⁷ *See Annex G.2* Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366684 [Sok Sorn: he let the cattle eat rice plants]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973147 [Neang Dam: was “free-spirited and overjoyed, failing to respect organizational discipline”]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834812 [Chheng Ngaol: often had rows with his wife and wanted to run away from his family to Vietnam], 00834827 [Aom Chantha], EN 00834828-29 [Em Sambath: stole food and walked one of the cattle to fall down the bridge and it broke a leg]; **E3/5860** Kraing Ta Chan 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* **E1/256.1** 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 at that time when the situation became chaotic”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.00.11-14.03.05 [“They said that anyone who made a mistake in the village would be sent to their commerce office ... I did not know whether they were transferred to be imprisoned elsewhere in another detention centre, because they disappeared since”].

³¹⁹⁸ *See Annex G.2* Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290213 [Prak Un alias Ros: when called to thresh rice, “he evaded and slept, and he tried to resolve this by saying he was faint and did not have to work”], 00290233 [Ie Lim Touch: “He is lazy in his work and plays sick a lot”], 00290210 [Nget Rin: “he is bored and too lazy to work, and he walks around saying if there is an opening he won’t stay with these people”]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834826-27 [Pok Bunly: “never stopped stealing ... then [pretended] to be sick and was lazy to work in the Cooperative. He was often absent from work”]; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366685 [Van Sarun: “He is lazy at work and he is a major thief”]. *See also* the evidence cited in para. 752.

³¹⁹⁹ *See Annex G.2* Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366684 [Moeng San: “This person is a major thief. The commune was unable to re-educate him so they arrested him and sent him in”]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973148 [Kuy Ny: “This person was a doctor at the Russian Hospital. He stole a great deal. He cannot be re-educated”], 00973149 [Kong Vet: he “stole a great deal” and had been educated for three years but remained the same]; **E3/2107** Kraing Ta Chan Interrogator’s Notebook, EN 00290256 [Chea Sopha: “thief of thieves”, repeated reeducation has not worked]. *See also* **E1/296.1** 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”].

³²⁰⁰ *See Annex G.2* Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064190-91 [Val Than]; **E3/4095** Kraing Ta Chan Interrogator’s Notebook, EN 00747238 [Ly Phai]; **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866455 [Han Sou, Toeng Len]. *See also* **E3/4120** Reports from communes to District Office, 11 Oct 1977, EN 00322174, [“It was until 17 April when he moved to live in Trav Em village, Pepail Commune ... This youth had been fleeing back and forth ... Angkar to please be informed”].

metres³²⁰¹ held at least 20 to 200 prisoners at any given time.³²⁰² Men, women, and children were confined together in the same buildings with no privacy.³²⁰³ As there was no space for babies or young children, they had to lie on top of their mothers.³²⁰⁴

³²⁰¹ **E1/249.1** 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”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [“There were three buildings for keeping prisoners. One was located on the north of the entrance, another one, where the prison chief stayed, was located on the east and a bit further on the south of the chief’s building [were] located two other identical buildings”]; **E1/256.1** 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”]; **E1/268.1** Srei Than, T. 24 Feb 2015, 11.07.07-11.10.12 [“When I arrived, there were two prisoner’s buildings ... The buildings were made of wood, with wooden planks as walls and thatch roof. Each building [was] about 5 metres wide and about 7 metres long ... They were similar in size”]; **E3/5853** Saing Sim WRI, EN 00433572 [“Q: At the Kraing Ta Chan office, how many long buildings for holding prisoners were there? A: There were three buildings”]; **E3/5825** Meas Sokha WRI, EN 00223496 [“When we arrived they took me and my family into a building ... That building was about 20 meters long and five meters wide”]; **E3/10753** Hun Kimseng WRI, A36; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

³²⁰² **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.02.41-10.05.24 [“In the building that I was put I saw more than 20 prisoners, more than 10 on each side”], 10.20.50-10.23.47 [“the prison buildings could not hold more than 100 prisoners”]; **E1/256.1** 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”], 15.47.43 [“The number of prisoners varied from time to time. Sometime we have 20 today and some were removed and others were sent in, sometimes 30 prisoners at a time”]; **E1/257.1** 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”]; **E1/300.1** 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”]; **E1/266.1** Srei Than, T. 19 Feb 2015, 11.14.39-11.16.49 [“there were two buildings in Kraing Ta Chan compound. Each building could hold about 50 to 60 prisoners”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.25.10-09.27.22 [“Q: And, as later Duch said, were there times when more than 50 prisoners were detained in each of those buildings in Kraing Ta Chan? A: Out of the three buildings one building was very old, and for the other two buildings, yes, each building could accommodate that number of prisoners”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 14.37.16-1439H [when the witness went to the prison to spray insecticide: “I looked into one building. There were four rows ... of prisoners, so ... there were about 100 prisoners”]; **E3/5853** Saing Sim WRI, EN 00433572 [“There were about 20 people in one row ... There were three buildings [for holding prisoners]”]; **E3/7984** Lim Hach WRI, EN 00166453 [“While I was held in that detention building there were about 60 in a row, so there about were 120 in that building”], 00166454 [“Q: During what year did they arrest you and take you to Kraing Ta Chan? A: In 1977”]; **E3/9484** [REDACTED] WRI, A33.

³²⁰³ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.07.16 [“Q: Do I understand correctly then that there was not a separate place where babies or young children were kept ... they were in the same detention building as the parents? A: Yes, that is correct”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“During the war period, before the fall of Phnom Penh to the Khmer Rouge, in a building there were two rows of the prisoners ... one row for women prisoners and another for male prisoners. But after the liberation they detained mixing men and women prisoners in the same row, in the same building”], 13.42.38-13.45.31 [“there were children and female prisoners [detained in the buildings]”]; **E1/257.1** 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”]; **E1/300.1** 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”]; **E3/5826** Hun Kimseng WRI, EN

796. Upon their arrival at the security office, prisoners were shackled at their ankles by steel rings fastened to long iron bars, forming rows.³²⁰⁵ 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.³²⁰⁶ The tight restraints caused many prisoners to

3204 00223488; **E3/5825** Meas Sokha WRI, EN 00223501; **E3/5864** Saut Saing WRI, EN 00223551; **E3/5853** Saing Sim WRI, EN 00433572; **E3/7984** Lim Hach WRI, EN 00166453.

E1/249.1 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"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22 ["Q: Were there separation of children, babies or male and female prisoners in that area? A: During that time, the babies or children lived with their parents"]; **E3/5835** Sok Soth WRI, EN 00223507 ["Q: Where did they put the children? A: On the stomachs of the mothers"].

3205 **E3/5851** Photograph of iron shackles recovered at the site of the Kraing Ta Chan Security Office; **E3/5850** Photograph of an investigator indicating iron shackles recovered at the site of the Kraing Ta Chan Security Office; **E1/256.1** 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]; **E1/257.1** 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"]; **E1/268.1** Srei Than, T. 24 Feb 2015, 11.10.12 ["Prisoners were shackled to their ankles, they were put in a row and then they would use metal bar to shackle them"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.04.15 ["The way they were shackled was that they were made to sit on a wooden floor, about half a metre -- about 30 centimetres from the ground, and they used a round metal bar which was -- as long as the length of the building, about 12 metres long. And the prisoners had to put the metal into the shackles by themselves"]; **E1/250.1** Meas Sokha, T. 22 Jan 2015, 11.23.01-11.25.02 ["for the shackle the metal divider will be used ... to shackle five prisoners and then another five prisoners would be shackled within another segment of that metal bar"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.46.07-09.48.38 ["Inside the hall, I was asked to sit down with my legs laid before me, and then they put shackles around my ankles, and secured them by a metal bar"]; **E3/7984** Lim Hach WRI, EN 00166453 ["When I arrived [at Kraing Ta Chan], they put both my legs in shackles and they put a piece of steel in from below my feet and those of the other prisoners"]; **E3/5853** Saing Sim WRI, EN 00433571; **E3/5825** Meas Sokha WRI, EN 00223496; **E3/5845** Van Soeun WRI, EN 00223211; **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/5835** Sokh Soth WRI, EN 00223505; **E3/5524** Phan Chhen WRI, A26; **E3/7952** Moeng Chum Siev DC-Cam Statement, EN 00835962 ["victims were shackled foot-to-foot in two rows, sixty persons for each row"].

3206 **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 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"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.02.41 ["My mother and elder sister were cuffed, and I and my younger siblings were not cuffed"], 10.05.24 ["All prisoners, male and female, were shackled all day and night, and only when they were let out to work they would be released from the shackles"]; **E1/281.1** Saut Saing, T. 24 March 2015, 09.38.49 ["Upon arrival, prisoners would be put in a house and their ankles were shackled"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.46.07-09.48.38 ["Not only my ankles were shackled, but my hands were also cuffed"]; **E3/5853** Saing Sim WRI, EN 00433572 ["They shackled them day and night, except for when they had the prisoners go out to work, when they unshackled them ... There were adults and children, but the small children were not shackled"]; **E3/7984** Lim Hach WRI, EN 00166454; **E3/9472** [REDACTED] WRI, A346; **E3/10753** Hun Kimseng WRI, A32-33. See also **E1/256.1** Kev Chandara, T. 4 Feb 2015, 09.53.18-09.55.18 ["the prisoners were in shackle and cuff even though they are defecating or urinating"]. Although Kev Chandara was released either right before or right after 17 April 1975, his evidence is still corroborative of shackling practices at Kraing Ta Chan. Some prisoners were allowed outside to work during the daytime and then returned to their shackles. See also **Kraing Ta Chan Security Centre – Enslavement** section.

develop painful wounds,³²⁰⁷ and if a shackle came loose, the prisoner was harshly beaten, sometimes to death.³²⁰⁸

797. Prisoners slept next to each other, face up, on wooden floors, and when they wanted to turn to one side, they had to do so without noise.³²⁰⁹ They were also not allowed to communicate with each other.³²¹⁰ Former prisoner Lim Hach told investigators that if the guards heard a sound, “they would enter and beat all of us.”³²¹¹
798. Hygiene within the detention buildings was inhumane. The buildings were infested with lice, bedbugs, cockroaches, and rats.³²¹² Meas Sokha testified, “The detention building was filled with bedbugs. If you slapped the floor, you would kill a hand full of them.”³²¹³ Riel Son testified that he was once sent by the district secretary to spray

³²⁰⁷ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.26.26-15.28.11 [“Q: For certain prisoners, were the wounds that were caused by wearing these shackles prone to infection? A: Indeed, infections 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”]; **E1/300.1** 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”].

³²⁰⁸ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“The guards were rotating each other two at a time to guard the prisoners every hour. 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”].

³²⁰⁹ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“And 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”]; **E1/249.1** 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 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”]; **E3/7984** 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. If we answered that we all moved they would club each of us once and leave. But if we dared to implicate one person as having moved and been heard, they would beat that person to death ... I saw it with my own eyes ... The prisoners I saw them beat to death were named Phat, Uon and Hai”].

³²¹⁰ **E1/300.1** 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”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 14.23.50-14.25.36 [“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”].

³²¹¹ **E3/7984** Lim Hach WRI, EN 00166453.

³²¹² **E1/256.1** 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”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [“even the cockroaches and rats could not escape”]; **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527779 [“We couldn’t stay still because there were too many bedbugs and body lice that were biting us. I probably killed millions of bugs by just crushing the ground with the palm of my hand. It bit us so much that our skin became so numb. It wasn’t just me, we all suffered it”]; **E3/7984** Lim Hach WRI, EN 00166455; **E3/5825** Meas Sokha WRI, EN 00223497; **E3/5845** Van Soeun WRI, EN 00223212.

³²¹³ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.10.44.

insecticide because prisoners were dying of malaria but he sprayed only around the compound, not in the detention halls.³²¹⁴

799. *Inadequate sanitation*: Kraing Ta Chan detainees were not permitted to bathe.³²¹⁵ At night, they were forced to relieve themselves at the spot where they slept.³²¹⁶ They were provided no change of clothes, which forced Meas Sokha and Say Sen to secretly steal clothes no longer needed by dead prisoners.³²¹⁷ The smell was terrible — not only from unwashed bodies and clothing and waste, but also from the burial pits full of decomposing bodies that surrounded the compound.³²¹⁸ Former prisoner Vong Sarun testified that when she first entered the detainment building, she could “smell death”.³²¹⁹
800. Prisoners were also routinely humiliated and degraded. While shackled in mixed company, they had to publicly relieve themselves in a coconut shell or pot that was passed down the row from person to person, and they had nothing to clean themselves with afterward.³²²⁰ Those who spilled faeces or urine or made any sound during the

³²¹⁴ **E1/278.1** Riel Son, T. 17 Mar 2015, 14.31.45-14.36.12, 15.49.39-15.52.44; **E1/279.1** Riel Son, T. 18 Mar 2015, 10.55.40-11.01.32.

³²¹⁵ **E1/256.1** 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]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility were not allowed to clean themselves”]; **E3/5214** 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”]; **E3/7984** Lim Hach WRI, EN 00166454 [“Q: In general, did the prisoners get to bathe? A: No. For some people until they died. Light offense prisoners were released to work nearby, so we could bathe”], EN 00166455.

³²¹⁶ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24 [“at night-time, because people relieved themselves, in terms of urinating and having faeces, they had to do it there”].

³²¹⁷ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.42.59-11.45.20; **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527773 [“I did not witness it, but right after [my father’s] execution I went to see him. In less than an hour they had transfer[red] the body to the grave. I took my father’s cloths off, washed the blood out and kept it to wear and cover myself”].

³²¹⁸ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24, 15.41.43-15.43.36 *confirming* **E3/5214** Say (Sory) Sen WRI, 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”]; **E1/272.1** Van Soeun, T. 5 Mar 2015, 09.58.32-10.01.13 [“Q: While at Kraing Ta Chan, did you ever smell something out of the ordinary? A: Talking about this, because I was there, 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”]; **E3/4627** Iep Duch WRI, EN 00223476 [“When I entered [Kraing Ta Chan], when the door was opened, I smelled the odour and saw all the people. I had them close [the door]. I did not want to look any more”].

³²¹⁹ **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27.

³²²⁰ **E1/249.1** 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 still shackled. Then we would pass the shell from one prisoner to another in order to pour it into the container”]; **E1/256.1** 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”]; **E1/281.1** Saut Saing, T. 24 Mar 2015,

process were beaten by guards with a bamboo club.³²²¹ At the end of the row, the coconut shell was emptied into a container kept inside the cell.³²²² Prisoners were given minimal drinking water³²²³ and were expected to drink from the same coconut shell used for urine and faeces after simply rinsing the shell with water.³²²⁴

801. Inadequate food rations and medical care: Food rations were also woefully insufficient, consisting of a ladle of watery gruel containing a few grains of rice or small pieces of potato, and a little amount of water plant.³²²⁵ Prisoners became emaciated, and one former prisoner testified that they were being starved before they were killed.³²²⁶ Vong Sarun testified that she witnessed a fellow prisoner desperate for

09.44.22-09.47.03; **E3/5845** Van Soeun WRI, EN 00223212; **E3/7984** Lim Hach WRI, EN 00166454; **E3/5864** Saut Saing WRI, EN 00223551; **E3/5853** Saing Sim WRI, EN 00433572.

3221 **E1/256.1** 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”]; **E3/5825** Meas Sokha WRI, EN 00223497 [“They passed the urine and faeces from one to another to put into that can, and if a prisoner spilled the faeces or urine they would be beaten with a bamboo club”].

3222 See the sources cited in fn. 3220.

3223 **E1/249.1** 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”]; **E1/256.1** 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”]; **E3/7984** Lim Hach WRI, EN 00166454 [“they gave out water to drink in that coconut shell scoop too”], 00166455 [saw a prisoner killed for stopping during the digging of a pit to find water to drink].

3224 **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.02 [“they used the same coconut shell [into which prisoners had relieved themselves] and then just cleaned by water, and they used the same coconut shell for giving the water to the prisoners. So when I talk about this, it is hard for me to describe, I feel emotional on that. I do not wish to remember it again”].

3225 **E1/249.1** 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 two meals there were probably only about 20 to 30 grains of rice and about six small pieces of potato”]; **E1/250.1** 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]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.24.25-11.25.30 [“the rice they cooked was a very small quantity ... prisoners received only a few grains of rice in the water in the porridge”]; **E1/281.1** 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”]; **E1/267.1** 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”]; **E3/9484** [REDACTED] WRI, A22 and A31; **E3/7984** Lim Hach WRI, EN 00166454 [re. making of the gruel and there was no shortage of rice, they were being “tempered”]; **E3/5845** Van Soeun (Vann Soan) WRI, EN 00223212; **E3/5835** Sokh Sot WRI, EN 00223507.

3226 **E1/249.1** 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”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 1034H-10.36.57 [“Q: Yesterday, you testified that following the interrogations of prisoners, some of them would receive nothing to eat, and you even recounted the story of one prisoner who was starved for 18 days. Did Sim or another security guard from Krang Ta Chan ever explain to you

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.³²²⁷ Young children died from malnutrition, and “babies became skinny” because their starving mothers were unable to produce milk.³²²⁸ Even though prisoners were starving, they were forbidden from complaining.³²²⁹ In contrast, cadres who worked at Kraing Ta Chan were given a greater quantity and variety of food along with wine, which some drank with the dried gallbladders of executed prisoners.³²³⁰

802. There was no medical unit at Kraing Ta Chan and prisoners who were sick or wounded were left without treatment.³²³¹ Prisoners died daily of starvation, torture, and disease.³²³²

why the prisoners would be deprived of food following an interrogation? A: No, they didn't tell me anything. The only thing was that not to send the food to those prisoners”]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.32 [“I then asked my mother and other people to go to Krang Ta Chan and when we arrived there, 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 not even recognise him. He was wearing under drawers and I saw him from a distance and I had a hard time recognising him”]; **E1/300.1** 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 not even -- they could hardly walk”]; **E3/5826** Hun Kimseng WRI, EN 00223490 [“Q: What did they have the prisoners eat? A: They said it there was no need to let them eat their fill, let them be weak, and keep it for your own children to eat their fill”].

³²²⁷ **E1/300.1** Vong Sarun, T. 18 May 2015, 11.03.09-11.05.26 [“there were many mice running around and he caught a mouse alive and because of his hunger he ate that mouse alive and gave some meat to his one-year old child who was learning to walk ... About a month later, his body became swollen, so did his child and they were not given medical treatment, not at all, and as a result he died. His child also died”].

³²²⁸ **E1/249.1** Meas Sokha, T. 21 Jan 2012, 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”]; **E3/5826** Hun Kimseng WRI, EN 00223490 [“Q: [Your] two infants died too? A: They died from lack of breast milk”].

³²²⁹ **E1/249.1** 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”]; **E3/5826** Hun Kimseng WRI, EN 00223488 [“They forbid talking about not getting enough to eat. They did everything to frighten us”].

³²³⁰ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.54.17-11.59.04 [“as for cadres, they had four kind of dishes per day and they had rice for their meal ... some cadres had their own wine and they drank wine ... They made the white wine three times per year, and they also added some human gallbladders ... I could see many gallbladders were dried in the sun ... whenever there were killings, the guards would drink wine together with gallbladder”], 14.00.01-14.01.55 [“[Gallbladders were] put in the wine ... to make people brave”]. See also **E1/267.1** Srei Than, T. 23 Feb 2015, 13.36.56-13.39.20 [“we ate outside the compound and our food was not related to the food given to the prisoners. Although our food was not really sufficient, but it was better than the food ration given to prisoners”].

³²³¹ **E1/249.1** 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”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility ... were not provided with medicines”]; **E1/279.1** 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”]; **E1/300.1** 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]; **E3/9602** Riel Son WRI, A139-143, A160; **E3/7984** Lim Hach WRI, EN 00166455 [“There were deaths due to illness, no medicines”]; **E3/5845** Van Soeun (Vann Soan) WRI, EN 00223212 [“Q: When the prisoners fell ill, then what? A: There was no clinic there. The prisoners who were sick just laid there moaning and died, that's all”].

³²³² **E1/249.1** 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

Those who died in the detention buildings were sometimes left there for hours amongst the other prisoners before their corpses were removed.³²³³

ENSLAVEMENT

803. A small group of prisoners were assigned various tasks to keep the security centre in operation. Former prisoner Vong Sarun testified: “they needed to enslave us in order to provide them with the service within the compound.”³²³⁴ These select prisoners were unshackled each day to work outside of the detention rooms.³²³⁵ Their tasks included cooking and distributing gruel to other prisoners, digging burial pits for executions, dragging and burying corpses of prisoners who died in detention, carrying water, and emptying waste containers of urine and faeces.³²³⁶ They were guarded to make sure they

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”]; **E1/256.1** 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”]; **E3/7984** Lim Hach WRI, EN 00166455 [“There were deaths due to illness, no medicines, due to bedbug bits, because of the cut-off of water to drink and bathe”]; **E3/5845** Van Soeun WRI, EN 00223212 [They died from starvation, from having been tortured to get responses and being beaten excessively. When they were brought back to the detention buildings, they died. Some died from being bitten by bedbugs, but especially it was from starvation”]; *See also* fns 3227-3228.

³²³³ *See e.g.* **E1/256.1** 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”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.54.48-16.01.30 [describing how a prisoner who had been beaten during interrogation the day before was taken back to the detention hall and the next morning, when he (Meas Sokha) was ordered to open the door of the building, he saw that the prisoner was dead, shackled and lying amongst other prisoners]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416390 [“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”].

³²³⁴ **E1/300.1** Vong Sarun, T. 18 May 2015, 11.20.23-11.22.34.

³²³⁵ **E1/257.1** 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”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40 [“Some prisoners were allowed to work outside the detention buildings ... Some of them carried earth, or engaged in transplanting rice if it is the transplanting time”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.53.10-10.56.97 [“If prisoners had been brought to Krang 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, Aunty Phon, and Voeun. We were the type of prisoners who were allowed to work outside the prison”]; **E3/9586** Van Soeun WRI, A169 [“Fifteen to thirty prisoners were allowed to work outside of the detention rooms every day. Those prisoners were made to carry mound soil or the soil at the bottom of ponds on their shoulders to put on the rice fields. During that era, such labour was constantly assigned to them”]; **E3/10753** Hun Kimseng WRI, A23, A32.

³²³⁶ **E1/256.1** 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. And then we were told to grow coconut on the grave with Ta Chen”], 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 as part of the detention”]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14:15:02-14.20.02 [“Only Yeay Nha

did not escape,³²³⁷ and when their tasks were completed, they were re-shackled and placed back into their cells.³²³⁸

was the cook, and because she was rather old and then, and as I was young then two of us were assigned [to] carry rice and soup for the distribution ... It happened only occasionally, and it only happened when there were more prisoners in the building ... Yeay Nha would prepare the food there in coconut shells, at the kitchen hall. Then we were instructed to carry those meals to the prisoners, and I only did it once or twice”; 14.21.35-14.23.18 [“My regular work was to tend to water buffalos, and cows, and to plough the rice fields ... Ta Chin, he tended the horses, and another person tended the cows, it’s Kha. My work was also to plough ... after the ploughing work concluded, then we would be assigned to carry urine and faeces from the prison buildings. Ta Chin and I did that work together and carried this stuff to the rice paddy”]; **E1/249.1** 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, and I had to tender them in the field”], 15.54.48-15.56.14 [“Say Sen and Ta Chhen were ordered to dig a pit to bury that prisoner’s body”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27 [“Yeay Nha was a cook”], 10.53.10-10.56.97 [“If prisoners had been brought to Krang Ta Chan during the transplanting season, they would not have been killed immediately. Those prisoners would be asked to go and transplant seedlings with all of us”], 11.18.04-11.20.23 [“I was led out to work in the field with other inmates, including the children of Yeay Nha, Ta Dam, Pou Saem and Voeun. We were asked to carry soil and termite mound soil as well, and I became ill, physically ill as I worked so hard in carrying the soil at the time. I have suffered from the fallen uterus to the present. The soil-carrying baskets were huge that I had to use all my strength to lift them up”], 14.01.34-14.03.30 [“I was detained in a house while [Say (Sory) Sen] was allowed to work outside the house, as he 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] ... And during the plantation season, for example, water melon or cucumber, we also worked with him. He would make beds for the vegetation, and we would plant them”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 15.24.06-15.27.37 [“Yeay Nha cooked rice for the prisoners. However, sometimes the prison staff asked her to wash the dishes”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 10.59.28-11.01.28 [“Q: When a prisoner died ... who withdrew them from that building? Were they taken out by guards like yourself or other prisoners detained in those facilities? A: That was carried out by the people who worked inside the compound ... They organised people; for example, in the case of Sen. So they used the internal force there to carry out that task”]; **E1/272.1** Van Soeun, T. 5 Mar 2015, 09.24.10-09.25.30 [“Q: I understand that grandmother Nha was sometimes, or most of the times, cooking for other prisoners. Do you know if her daughter Rat (phonetic) assisted her with the cooking? A: Yes. Q: Do you remember whether she was busy with cooking all day or was it only part of the day? A: She was busy for one session in the morning and again for another meal session in the afternoon”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40 [“Some prisoners were allowed to work outside the detention buildings ... Some of them carried earth, or engaged in transplanting rice if it is the transplanting time”]; **E1/268.1** Srei Than, T. 24 Feb 2015, 09.55.38 [“Small children, the minors, they were asked to go to tend the cows and buffalos”]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.42 [the Civil Party was told his father had been taken to Kraing Ta Chan so he went to see him: “when we arrived there, 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 not even recognise him”]; **E3/5826** Hun Kimseng WRI, EN 00223490; **E3/5853** Saing Sim WRI, EN 00433572, 00433574; **E3/7984** Lim Hach WRI, EN 00166454; **E3/7904** Neang Dam WRI, EN 00223517; **E3/9586** Van Soeun WRI, A169; **E3/10753** Hun Kimseng WRI, A52, A68.

³²³⁷ **E1/281.1** Saut Saing, T. 24 Mar 2015, 10.50.45-10.54.55 [Ta An conducted monthly reeducation or “life view” meetings with the guards instructing them that their duty was to prevent escapes: “combatants were instructed to be in charge of their duty. If the prisoner could be able to escape, their life would end”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.50.44-13.52.33 [“It would be a serious offence if a prisoner attempted to escape even one step away, they would not be beaten. They would be shot. For example, two or three soldiers would escort five prisoners to go and work, and if any of them attempted to flee, then they would be shot”].

³²³⁸ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.23.13 [“During the daytime I was let out to tend cattle ... But I was also detained and shackled at night”], 11.25.30-11.27.35 [“I was considered to be the less serious offender and they spared my life and then they ordered me to come back to the detention building late in the evening. I had to shackle myself, but they were the ones who locked the door from the outside. But if

TORTURE

804. Interrogations incorporating the same methods of torture as those used at S-21 and other security centres in the DK network were carried out at Kraing Ta Chan pursuant to orders passed down from sector and district level authorities.³²³⁹
805. Interrogations were conducted in an open structure on the south side of the compound,³²⁴⁰ close to the guards' dining hall and approximately 50 metres from the detained prisoners.³²⁴¹ While surrounded by vegetation that mostly shielded interrogations from view, the interrogation room's open structure and proximity to other buildings meant that guards and prisoners often heard the cries of pain from

there's a dead body in the building, I had to remove and bury them before I come to the building to shackle myself as part of the detention"; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.05.24-10.07.16 ["only when they were let out to work they would be released from the shackles and after that, at lunch time, they would be returned and shackled again"], 10.18.34; **E3/5853** Saing Sim WRI, EN 00433572; **E3/5864** Saut Saing WRI, EN 00223551; **E3/10769** Hun Kimseng WRI, A33.

³²³⁹ **E3/5524** Phan Chhen WRI, A32-34 ["Phi was the interrogator and An was the recorder ... Phi was the person who received the instructions to interrogate the prisoners. Q: From whom did Phi receive instructions on interrogation methods? A: From the Sector and the district. Q: How do you know that? A: Because that was customary in their work"].

³²⁴⁰ **E1/249.1** 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"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.13.05-15.14.24 ["The front wall was made of wooden planks, and it was just low wooden planks, up to the height of the waist. For the other walls they used coconut tree leaves in-between bamboo sticks"]; **E1/257.1** 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. And as I said, there was a wall at the back where they hang their weapons and other equipment, but for the front wall of the interrogation building, we could see it. Q: So, there was no wall, no complete wall, at the front of the interrogation building? A: Yes, that is correct. There was a lower wall"]; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 14.43.51-14.45.59 ["Yes, that is correct" confirming **E3/5522** Phan Chhen WRI, A35-36 ["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"]; **E1/272.1** Van Soeun, T. 5 Mar 2015, 09.16.07-09.17.36 ["The interrogation room was to the south of the entrance. It was about 30 metres from the entrance"]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

³²⁴¹ **E1/249.1** 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 [guards'] kitchen"]; **E1/256.1** 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"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.11.38-09.12.47 ["Q: ... your estimated distance between the prisoner buildings and the interrogation site. Can you read for me your estimate of those distances ... ? A: The distance from one building to another is about 40 metres"], 09.12.47-09.14.54 ["The distance between the prison chief's room to the interrogation site was about 70 metres or a little bit above 70"]; **E3/5852** 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"]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

victims undergoing torture.³²⁴² Former prisoner Meas Sokha testified, “The building was filled with screams.”³²⁴³

806. The interrogations and accompanying acts of torture followed the premeditated, institutionalised pattern practiced throughout DK. The goal of the torture was to extract “confessions” which ranged from purported admissions about involvement with enemy networks such as the Khmer Republic, Vietnam, CIA, or KGB, to offences as minor as stealing a potato.³²⁴⁴ Every confession was recorded and summarised in a notebook,

³²⁴² **E1/267.1** Srei Than, T. 23 Feb 2015, 09.18.25-09.19.52 [“around the interrogation rooms, they grew vegetables and plants, including banana trees and cassava trees. So it seemed like a vegetation. We could not see through”], 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”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.25.38 [“The interrogation took place in the open where I could see while I walked around or when I went to pick up some vegetable ... It was an open place where people were interrogated and it was not far from the kitchen”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 [“One day I was tasked to feed pigs ... Although there was cassava plantation in-between, I could clearly hear what was being said in the interrogation house. They were interrogating people loudly. They did not care if I was listening to them as they knew that my life would come to an end there at that prison. They were interrogating a New Person from Phnom Penh ... Then I heard the sound of whipping.”]; **E1/281.1** 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”]; **E3/5825** 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”]; **E3/5826** 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”]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen [see cassava plantation, line of coconut trees]. See also **E3/9472** [REDACTED] WRI, A281-282 [the witness lived near KTC from 1975-1976 (see A2 and A3): “They tortured the prisoners while they were interrogating. Any prisoners who did not confess would be beaten or kicked, and so on ... I know this because I heard their screams and saw them through holes in the prison fence”].

³²⁴³ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.25.38.

³²⁴⁴ See e.g. **E3/4092** Kraing Ta Chan 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”]; **E3/4095** Kraing Ta Chan 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”]; **E3/5827** Kraing Ta Chan 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”], 00866447 [reports that two men “in the string of Pann Lieng Cheav and Kiet Neng” implicated two others during their confession]; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366687 [“As confirmed through intense interrogations to locate their connections”], 00366688 [“When we conducted an interrogation and investigation, [Puth Pen] confessed that he received instructions from his leader Trieng, a soldier from Takeo”]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064186 [“After having been questioned back and forth he finally confessed that he had received instructions from the three traitors ... who are the masterminds of all plans”]; **E3/2012** Report from An at Kraing Ta Chan Security Centre to Party, July-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”]; **E3/8417** 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 chief Kit directed An at KTC to “interrogate this spy in detail”]; **E1/300.1** 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

often by a senior cadre.³²⁴⁵ These summaries were then typed up as reports, signed by Chief An, and delivered to the district office.³²⁴⁶ This procedure was confirmed by

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"; **E1/249.1** 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 'Yvon' 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 'Yvon' 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 in or on other former civil servants"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.145 ["At the interrogation place, they would tie them up, and they would be blindfolded. 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"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.07.14-10.11.07 ["The purpose of the interrogation was ... in relation to CIA spies of Lon Nol or whether they had any connection with Prum San ... Based on my observation, if the prisoners were rather old or maybe they were alleged to have a connection with the former Lon Nol regime, then they would be tortured"]; **E3/5214** Say (Sory) Sen WRI, EN 00225504 ["While I was held in detention there, I knew that the other prisoners were only interrogated about the matter of Prum San ... he was the leader of the Front in the forest; later they said he was a traitor. Q: Do you know if the other prisoners were tortured during interrogation? A: There was serious torture"]; **E3/7984** Lim Hach WRI, EN 00166452-53 ["The interrogator threw a line over a beam up above, tied both my feet, and tied my arms behind my back and to a post. They covered my face with a rain cloth and covered my face to the post ... I heard them say it had been half an hour, and they loosened it. When they loosened it, I fell to the ground and pretended to be unconscious for fear they would beat me again ... They asked how many times I had bad involvement with the chairman. And they said that if I had actually been bad [sexually immoral] with him, had contact with him, to answer truthfully and they would not mistreat me"]; **E3/9584** [REDACTED] WRI, A52-53 ["I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used pincers to pinch my fingers in order for me to confess. They asked me if I was ever a spy for Lon Nol during the time I stayed in Phnom Penh ... They asked me that among people in Phnom Penh who military commanders were, and I did not know, so they tortured me"]; **E3/4627** Iep Duch WRI, EN 00223479 ["I even participated in the interrogations, I listened to the interrogations ... when [the prisoners] did not confess, they tortured them"].

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See e.g. **E3/2427** Kraing Ta Chan Interrogator's Notebook; **E3/4092** Kraing Ta Chan Interrogator's Notebook, Mar-Dec 1978; **E3/4095** Kraing Ta Chan Interrogator's Notebook; **E3/5827** Kraing Ta Chan Interrogator's Notebook; **E3/2434** Reports on Confessions from Kraing Ta Chan Security Office to the Party, Mar 1977-July 1978; **E3/5860** Kraing Ta Chan Interrogator's Notebook; **E3/4122** Kraing Ta Chan Interrogator's Notebook and Reports to the Party; **E3/2107** Kraing Ta Chan Interrogator's Notebook; **E1/451.1** Henri Locard, T. 29 July 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"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.30.05-15.31.48 [An interrogated while the deputy, Penh, used a pen to write down the prisoner's answers]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.29.12-11.33.27 [regarding her interrogation: "Yes, somebody was taking note and in fact 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"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.43.52-13.46.20 ["The interrogators would take note of their interrogation, but I was not around, up close, when they did that"]; **E3/5835** Sok Soth WRI, EN 00223506 [regarding his interrogation: "Q: Who did the interrogating? A: Duch, the deputy chairman ... Penh was the recorder. Cheng was the beater and torturer"]; **E3/5826** 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"]; **E3/5524** Phan Chhen WRI, A32; **E3/4627** Iep Duch WRI, EN 00223479 ["I even participated in the interrogations, I listened to

former prison chief Phan Chhen, the former cadre who typed the reports, a former messenger who delivered the reports, and a former district secretary who received them.³²⁴⁷ Their evidence and surviving documents also confirm that district and sector officials returned the documents to An with instructions for implementation, further demonstrating that Party leaders in Tram Kak District were aware of and authorised the use of torture at Kraing Ta Chan.³²⁴⁸

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- the interrogations. Q: Who were the interrogators? A: The unit chairman, deputy chairman, and a recorder ... (Duch) he wrote them, and later they typed them”].
- 3246 See e.g. **E3/4098** Report from An to the Party regarding the Confessed Statement of Prisoners, 4 Aug 1976, EN 00322114-15; **E3/2431** Report from An to the Party regarding Confessions of Prisoners, 14 Nov 1976; **E3/2012** Reports from An to the Party regarding the Confessed Statement of Prisoners, July-Aug 1977; **E3/4166** Report from An to the Party regarding Confessions of Prisoners, 25 Aug 1977; **E3/4126** Report from An to the Tram Kak District Committee, 26 Dec 1977, EN 00366714; **E3/2434** Reports from An to the Party regarding Confessions of Prisoners, Mar 1977-July 1978; **E3/2421** Reports from An to the Party regarding Confessions of Prisoners, 5 July 1978.
- 3247 **E1/267.1** Srei Than, T. 23 Feb 2015, 09.32.57-09.35.02 [“The statement was already in the handwritten notebook and the notebook was placed on the table and I was asked to do the typing from the statement in the written notebook”], 09.45.41-09.47.58 [witness confirms that “the format and typing nature” of E3/2421 is true to the type of document he typed while working at Kraing Ta Chan], 09.51.18 [“Q: What I’m asking you is, did you take the handwritten notes of confessions that were given to you on paper, and turn those into a typed report that would be signed by prison chairman An? A: Yes, that is true”], 09.53.03-09.54.15 [“Q: Did prison chief An or deputy Duch instruct you on how the reports – or who the reports should be addressed to, in this case, to the Party? A: Yes, that is true. The report was submitted and sent to the Party”], 09.56.50 [“Can you look at the end of the document, and tell me, do you recognize who it was that signed this report? A: This report was signed by An. Q: Were all the reports you typed at Krang Ta Chan signed by prison chief An, or were there other cadres who sometimes signed those reports? A: When I finished the typing, there was no one there to put the signature. In the group there were two or three people, and I did not know their names. These people were the ones who put the signatures”]; **E3/9586** Van Soeun WRI, A40 [former KTC messenger and guard: “Yes, [An] wrote the letters himself, and then he gave them to Duch, the typist”], A48-49 [“When you carried the letters to the district, what means of transport did you use? A: Sometimes I rode a bicycle, and sometimes I rode a horse. The distance between Kus Commune and *Angkar*’s office was about seven to eight kilometres ... Once I arrived at District Commerce, anyone there could accept [the letter]: then they took it to the district governor”], A55-56 [“after I had taken the letter to the district, and the district had delivered a letter back to Kraing Ta Chan. Only then did killings take place. Q: That means the letters could have been ... reports about the prisoners or their confessions. Is that correct? A: Yes, that is correct”]; **E3/4626** Pech Chim WRI, EN 00380132-33 [former Tram Kak District Committee Member and Secretary: “According to communication procedure ... the confessions of [the prisoners] who had been interrogated by the security police were placed in the envelope and sent to the District, and then the District sent them on to the Sector. After the Sector made the decision, it sent them through the District back to the Security Center”]; **E3/5524** Phan Chhen WRI, A13 [when shown document E3/2107: “Q: Did you ever see or know about the interrogation methods? Were the responses recorded? And were the responses sent to the upper echelon? A: Ordinarily they would make such records and send them to the upper echelon. The responses were like what is written in the document that you have shown me”], A20-22 [in regard to E3/2012: “This is a report that they made for the district, and the district then gave it to the Sector, and the Sector sent orders back. Q: When the Sector sent order back, how did they send those orders? A: They sent orders through the district. Q: And subsequently the district sent the orders to An, correct? A: Correct.”].
- 3248 See fn. 3247; **E3/2052** DK Order from Kit to An, 13 June [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”]; **E3/2447** DK Order from Kit to An, 6 Sept 1977, EN 00355474 [“Beloved Comrade An, Request that a thorough interrogation be conducted, because this person is an organized string of the CIA”]; **E3/2012** DK Order from Kit to An, 31 July 1977, EN 00276596 [instruction from District Secretary Kit to KTC chief An which states: “Concerning the issue of all the

807. The duration, frequency, and intensity of torture at Kraing Ta Chan demonstrate the intent to inflict severe harm on the prisoners. In the presence of senior prison officials,³²⁴⁹ torture occurred on a regular basis and was particularly inflicted on prisoners deemed uncooperative during questioning.³²⁵⁰ In preparation for torture, the interrogation rooms contained chains, clubs, whips, axes, and pliers.³²⁵¹

prisoners who were arrested from Cheang Torng commune ... they are to be interrogated in order to find out their whole networks, then smash them”]; **E3/2423** DK Order from San to An, EN 00322210 [instructions from San to An to interrogate Hul and Sean to find out their networks]; **E3/2451** 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 ... It is requested to the police to conduct an intense interrogation immediately”].

³²⁴⁹ See the evidence cited in fns 3239, 3245.

³²⁵⁰ See e.g. **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.34.52-15.37.07 [“It depends on prisoners responses. If they responded quickly, then they would not be suffocated with a plastic bag, but for those who refused to respond then they would be beaten and beaten again and the next thing they would be suffocated with a plastic bag”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.145 [“if they didn’t confess then they would be beaten until they confess”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 [“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”]; **E3/9584** ████████ WRI, A52-53 [“I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used pincers to pinch my fingers in order for me to confess ... They asked me that among people in Phnom Penh who military commanders were, and I did not know, so they tortured me”]; **E3/7904** Neang Dam WRI, EN 00223518 [“I saw them beat during interrogations. ... They used clubs, bamboo trunks ... Q: How many times did you see them give beatings? A: Innumerable times”]; **E3/4627** Iep Duch WRI, EN 00223479 [“when [the prisoners] did not confess, they tortured them”]; **E3/5852** 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. I heard the prisoners’ screams coming from the interrogation room”]; **E3/9472** ████████ WRI, A281-283 [the witness lived near KTC from 1975-1976 (see A2 and A3): “They tortured the prisoners while they were interrogating. Any prisoners who did not confess would be beaten or kicked, and so on ... I know this because I heard their screams and saw them through holes in the prison fence ... I saw them beat the prisoners and violently split open the mouths of prisoners who did not talk”]; **E3/5524** Phan Chhen WRI, A32 [“When Phi questioned and the prisoner did not respond, Phi was the person who used hot or cold methods to get the responses”], A35 [“Hot methods were when they were questioned but did not respond; then they would be beaten or tortured, they were beaten with whips”].

³²⁵¹ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.25.38 [“When prisoners were interrogated ... there were sticks, there were chains, there were axes, there were pliers used, during the investigation, prisoners would be tortured with bamboo stems and rattan. The building was filled with screams”], 10.27.54 [“Prisoners were beaten with the stem of bamboo and rattan during the interrogation, or sometimes they used a plier to pull the fingernails”]; **E1/257.1** 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 [interrogation] room”], 10.55.20-10.56.36 [in the KTC interrogation room: “there was a wall at the back where they hang their weapons and other equipment”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 10.35.52-10.38.31 [“the clubs and whips were kept at the place of the interrogation”], 11.13.40-11.15.14 [“Yes, there was torture during the interrogation because there were clubs, rattan whips and bamboo clubs, et cetera”], 11.23.55-11.25.38 [“My aunt was detained there for three years and they used a rope to hang the neck of the prisoners and my aunt still bears the mark on her neck at the present time”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.39.07-13.42.42 [“Q: Did you see any bamboo clubs and whips at the interrogation site? A: I saw only whips, but ... I didn’t see bamboo club. I saw only whips over there”]; **E3/5835** Sok Soth WRI, EN 00223508 [“Q: Did you see prisoners with wounds after interrogation? A: Yes! Bleeding wounds. I saw that every day ... 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. ... They beat them all. They beat them to make them weak so it was easy to throw them into the pits”].

808. Numerous former prisoners and guards testified about the types of torture used at Kraing Ta Chan. Prisoners were severely beaten, often to a state of unconsciousness or death.³²⁵² Pliers were used to pull fingernails out of their nailbeds, or to pinch body parts until prisoners confessed.³²⁵³ Prison officials hung detainees upside down by their feet, or up by their necks, and beat them.³²⁵⁴ Other prisoners were suffocated with plastic bags tied around their faces or were held under water.³²⁵⁵ Interrogated prisoners were

³²⁵² See e.g. **E1/257.1** 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”]; **E1/281.1** Saut Saing, T. 24 March 2015, 13.39.07-13.42.42 [“Prisoners were beaten by club and plastic sheet were used to cover their face and they tortured to extract their confession”]; **E1/249.1** 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 beat the prisoner. ... They actually wore [an] American made boot, to kick a prisoner during the interrogation”]; **E3/5825** 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”]; **E3/5835** Sok Soth WRI, EN 00223508 [“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”]; **E3/5853** Saing Sim WRI, EN 00433573 [“From what I could sneak a look at when cooking nearby, I saw them beating and interrogating and researching ... Some prisoners were beaten to death at the interrogation site”]; **E3/5845** Van Soeun WRI, EN 00223210 [“They tied up the prisoners, put them in shackles. They beat them to force the prisoners to answer during the interrogations ... They beat with clubs and rattan whips”]; **E3/9605** 2-TCW-833 WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC: “They used a one-metre-long club 5 cm. in diameter to have the prisoners confess.” He was then asked: “Q: You confirmed that you had seen the interrogators torturing prisoners; did you see this firsthand? A: Yes, I saw that with my own eyes”]; **E3/7483** Mann Seng CRC Statement, EN 00342741 [“They interrogated me once every 3 days, and I was beaten up and fell unconscious twice during each interrogation”].

³²⁵³ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.27.54 [“Prisoners were beaten with the stem of bamboo and rattan during the interrogation, or sometimes they used a plier to pull the fingernails”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.11.07-10.12.52 [“Pliers were used to extract or to hurt the breast or the nipples of female prisoners”]; **E3/9584** [REDACTED] WRI, A52 [“I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used ... pincers to pinch my fingers in order for me to confess”].

³²⁵⁴ **E1/271.1** Van Soeun, 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 of the prisoners and my aunt still bears the mark on her neck at the present time ... During the interrogations, as my aunt told me, they used a rope to hang at her neck”]; **E3/5835** 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”]; **E3/9605** 2-TCW-833 WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC, he saw: “Each detainee was blindfolded with black cloth and walked to the torture site, where they were hung upside down. The victim’s head hung downwards. They were beaten and interrogated by one or two security officers”]; **E3/7984** Lim Hach WRI, EN 00166452-53 [“The interrogator threw a line over a beam up above, tied both my feet, and tied my arms behind my back and to a post ... I heard them say it had been half an hour, and they loosened [the line]. When they loosened it, I fell to the ground and pretended to be unconscious for fear they would beat me again”]; **E3/7825** Phim Ram CRC Statement, EN 00434852-53 [Chairman of the (Kus) Commune Committee when interviewed in 1984: “I have conducted research with brothers and sisters who were tortured at [Kraing Ta Chan] ... There were deaths due to being hung by the neck during interrogation ... They tied a wooden pole up above. There were two wooden posts close together. They placed a horizontal pole high above the ground, and they brought the accused person and pulled them up by the neck; then they let them back down and asked their questions”].

³²⁵⁵ **E1/249.1** 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 [“Prisoners were beaten if they did not confess, and after beating ... the plastic bag would be put on their heads”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.14.33-15.16.21 [“what I saw was that ...

left with bleeding wounds and cried in pain when placed back in their cells.³²⁵⁶ Many died during or following interrogation.³²⁵⁷

809. Female detainees were also targeted for sexual abuses amounting to torture. Prison guards and officials raped female prisoners with impunity. On at least one occasion, guards inserted ammunition into the women's sexual organs.³²⁵⁸ One former prisoner

[prisoners'] arms were tied to their backs and they would use a plastic sheet to cover his face"; **E1/271.1** 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"]; **E1/281.1** Saut Saing, T. 24 March 2015, 09.38.49-09.42.10 ["Yes, the prisoners were interrogated, they were beaten up, and plastic bags were tied around their face – their eyes"]; **E3/5853** Saing Sim WRI, EN 00433573 ["I saw them beating and interrogating and researching. Sometimes they put plastic cloths over their faces and beat them as they interrogated"]; **E3/9584** [REDACTED] WRI, A52 ["I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate"].

³²⁵⁶ **E1/300.1** 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 ... During his interrogation he was severely beaten up. His entire body was wounded and throughout the night, he cried from the wounds, he cried for his parents, he cried for his mother to help him throughout the night"], 10.53.10-10.56.97 [after her friend Rom had been taken for interrogation: "Rom and I were kept in the same cell that night ... I staggered to her and touched her. My goodness, what's a pity! 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"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.26.33-09.30.49; **E3/5835** Sok Soth WRI, EN 00223508 ["Q: Did you see prisoners with wounds after interrogation? A: Yes! Bleeding wounds. I saw that every day ... 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"].

³²⁵⁷ **E1/249.1** 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"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14-13.58.37 ["Q: If they were not executed, for how long were the people able to survive under those conditions of detention? A: Prisoners who were tortured and detained there could not stay 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"]; **E3/5845** Van Soeun WRI, EN 00223210 [prisoners died "from having been tortured to get responses and being beaten excessively. When they were brought back to the detention buildings, they died"]; **E3/5853** Saing Sim WRI, EN 00433573 ["Some prisoners were beaten to death at the interrogation site"]; **E3/9605** 2-TCW-833 WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC: "Sometimes the prisoners died during interrogation, and sometimes they died when in leg shackles"]; **E3/10753** Hun Kimseng WRI, A52 ["Some prisoners died after torture. They dragged unconscious prisoners back into the detention cell and assigned me to feed those prisoners rice gruel; however, those prisoners later died there"].

³²⁵⁸ **E1/256.1** 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]; **E1/257.1** 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]; **E1/258.1** Say (Sory) Sen, T. 6 Feb. 2015, 14.24.52-14.30.49. *But see* **E1/267.1** Srei Than, T. 23 Feb 2015, 15.50.52-15.57.40 [denies Say Sen's rape evidence as a "fabrication" because rape was prohibited and anyone who committed sexual rape would not be spared]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 15.13.28-15.17.56 [admits there were killings at KTC, "but as for rape, I don't think there were rapes that happened there ... That statement is not true"]. *See also* **E3/9472** [REDACTED] WRI, A347-372 [heard from the messenger named Moeun that there were cases of violence and rape against women from Phnom Penh in the Kraing Ta Chan prison compound, perpetrated by Moeun's fellow workers, including Ta An and his deputy. There was no punishment for the rapes and the women who were raped were sent to be killed]; **E3/9584** [REDACTED], A83 ["Women who were accused of stealing things were arrested to Krang Ta Chan prison, but they were not detained in a common room; they were detained in a room with the windows closed. Then all those women were raped before they were killed. The killing of those

told investigators that she heard the screams of women pleading with the Khmer Rouge, “you can kill me, but please do not abuse me.”³²⁵⁹

810. 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. Meas Sokha and messenger Van Soeun were warned to be silent about the torture and killings they witnessed or they would meet a similar fate.³²⁶⁰ Numerous witnesses described hearing the agonised screams of prisoners being brutally tortured.³²⁶¹ [REDACTED] recalled trembling when she saw an executioner holding the organs of a freshly killed victim.³²⁶² 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.”³²⁶³

MURDER AND EXTERMINATION

1. Murder

811. Prisoners at Kraing Ta Chan died as a direct result of conditions that were completely under the control of their DK captors, who intentionally subjected them to inadequate food and water, poor sanitary conditions that spawned disease, and a complete absence of medical care.³²⁶⁴ Other prisoners died as a direct result of injuries inflicted during

women mostly took place at night. Moreover, they used a loudspeaker to prevent others from hearing those women screaming”, A84 [“The place where I was detained was near the place those women were killed; it was approximately ten metres away. The place where they raped those women was not far away. No woman could escape from that place. Those women were undressed before they were killed. Next morning I saw them fold skirts and clothes of those victims and took them to be distributed to base people”].

³²⁵⁹ E3/9584 [REDACTED] WRI, A84.

³²⁶⁰ E1/249.1 Meas Sokha, T. 21 Jan 2015, 10.25.38-10.27.54 [“the interrogation place was about five metres away from the kitchen. Of course I could see it ... but I was warned that I’d better not speak about what I saw there, or that prisoners were tortured and bled. That’s what they warned me”]; E1/271.1 Van Soeun, T. 4 Mar 2015, 14.26.24-14.28.03 [former KTC guard: “I was threatened and I [was] warned not to let anything out of my mouth and if I talk about it I would be in danger”].

³²⁶¹ As previously detailed in fns 3242-3243.

³²⁶² E3/9584 [REDACTED] WRI, A51 [“three days before the Vietnamese arrival, a woman who was pregnant and detained with me, was about to deliver a baby, and she was taken to outside by an executioner. When the executioner returned, I secretly looked through a [hole] at the door from the detention cell. I saw that executioner holder liver, gall bladder and heart with blood. I trembled when I saw this. I did not see that executioner kill that woman, but I did not see her return”].

³²⁶³ E1/300.1 Vong Sarun, T. 18 May 2015, 09.48.38-09.51.29. *See also* 10.59.19-11.01.19 [the guards also 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”].

³²⁶⁴ *See* section **Kraing Ta Chan Security Centre – Other Inhumane Acts – Attacks Against Human Dignity**.

brutal interrogations and torture.³²⁶⁵ Thousands more died at the hands of prison guards and officials in premeditated, violent executions.

812. The killings at Kraing Ta Chan were explicitly ordered by the higher levels of the DK hierarchy. Following interrogation and torture sessions, prison officials sent reports detailing the prisoners' confessions to the District and after review, the District forwarded them to the Sector.³²⁶⁶ The Sector then reviewed the confessions and decided who was to be 'swept clean' or 'smashed' and marked the confessions accordingly.³²⁶⁷ Neang Ouch testified that any order to execute had to be approved by the Zone.³²⁶⁸ Once approved, the orders to kill were sent back to the District, a District 105 messenger then carried the orders to the Kraing Ta Chan prison chairman, and the orders were quickly

³²⁶⁵ See **Kraing Ta Chan Security Centre – Torture** section, particularly fn. 3257.

³²⁶⁶ See **Kraing Ta Chan Security Centre – Torture** section, para. 806.

³²⁶⁷ **E3/2012** Reports from An at Kraing Ta Chan Security Centre to Party, July-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"]; **E1/257.1** 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]; **E1/290.1** 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 he would refer it to An ... This issue of the prisoner, it was under the exclusive control of the sector. It was the matter within the sector's responsibility"]; **E1/292.1** 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"]; **E3/401** Pech Chim WRI, EN 00381025 ["If there were some names in the confessions were crossed by the red ink, it meant that the sector level had decided that these names were to be purged. To purge meant to kill. The District then sent these names to Kraing Ta Chan Security Centre who was responsible for implementation. If the names in the confession were not crossed by red ink, it meant that the Sector level had decided to release them back to their village. The District did not have the right to cross any name in the confession with red ink. The District only had the right to receive the decision from and implement the decision of the Sector level"], 00381025 ["After the Kraing Ta Chan Security Centre had received the decision from the Sector to smash [someone], it had the right to smash that person as circumstances suggested"]; **E3/5853** Saing Sim WRI, EN 00433573 ["After the meetings, they had the lists that had been sent to the district. When those lists were returned, I looked and saw that the names lined through in red ballpoint pen were the names of those who had been taken away and killed. Q: How did you know the names lined through in red ballpoint had been killed? A: Because that's what they said. Those whose names had been lined through in red ballpoint had been taken away and killed"]. Note that sometimes the order to smash was conveyed by the District Secretary. See e.g. **E3/2012** DK Order from Kit to An, 31 July 1977, EN 00276596 [instruction from District Secretary Kit to KTC chief 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"].

³²⁶⁸ **E1/274.1** Neang Ouch, 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"].

implemented.³²⁶⁹ Former District Secretary Pech Chim believed that Ta Mok was kept informed about what happened at Kraing Ta Chan because at one sector level meeting, he overheard Ta Saom tell Ta Mok that a group “had been resolved,” which Pech Chim understood to mean a group of prisoners at Kraing Ta Chan had already been killed.³²⁷⁰

813. Say Sen testified that during the years he was detained at Kraing Ta Chan, all prison staff participated in killings, although they all denied it.³²⁷¹ Sometimes when the prison was at capacity, subsequent arrivals were killed immediately without interrogation.³²⁷²

³²⁶⁹ **E1/256.1** 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”]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.45.12-09.46.27 [“Q: So according to your observations, each time a message was delivered from the district to the Krang Ta Chan centre, would executions follow necessarily? A: Yes. Q: And on the contrary, would Ta An tell you during meetings that executions would take place without you having seen a messenger arrive before to Krang Ta Chan? A: No”] and **E3/9586** Van Soeun WRI, A54-55 [“Q: Did you ever see any strange occurrences when you were delivering letters from Kraing Ta Chan Security Office to the district? A: Yes, there were killings. Q: Each time there were killings, did they happen before or after you delivered a letter to the district? A: It happened after I had taken the letter to the district, and the district had delivered a letter back to Kraing Ta Chan. Only then did killings take place”]; **E1/290.1** Pech Chim, T. 22 April 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”]; **E3/9605** 2-TCW-833 WRI, EN 00980269 [former District 105 messenger: “My tasking was to courier letters to Kraing Ta Chan ... I had to deliver the letters to Ta An in person”]; **E3/400** Pech Chim WRI, EN 00379170 [“When the Sector level requested or instructed the District level to implement something, the District would not refuse but to follow it”]; **E3/401** Pech Chim WRI, EN 00381025 [“The confessions and reports, which were in the enclosed envelope and sent from the Kraing Ta Chan Security Centre to the Sector, had to go through the District first. The District then sent them to the Sector ... One or two days later, the Sector sent the decision writing on the confessions back to the District”]; **E3/5524** Phan Chhen WRI, A18, 20-23.

³²⁷⁰ **E3/4626** Pech Chim WRI, EN 00380137 *confirmed by* **E1/290.1** Pech Chim, T. 22 April 2015, 14.27.46-14.30.02 [“That word was said following the meeting, the congress and they talked to each other, only the sector and Ta Mok. ... They only said that the matter had already been resolved ... when there was approval, they would approve it orally”].

³²⁷¹ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.58.18; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.27.34-15.29.48; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.14.13-11.16.04; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.50.46; **E3/4627** Iep Duch WRI, EN 00223480 [“Q: You never saw them kill? A: Never. I only participated in interrogations”]. *See also* **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 [“Q: Yesterday you also talked about the massacre of two young girls ... Can you tell us the name of the guard who killed the younger of these two girls? A: Yes, they were Sieng, Moeun, Saing and Duch Touch, or Small Duch”]; **E3/9584** [REDACTED] WRI, A24, A65; **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527781 [“The guards were Sorn, Dim, Saing, Duch, and Ouk. Q: The biological brothers, right? A: Yes. Those were the executioners of Kraing Ta Chan Prison”], 00527772 [“The group of executioners have 12 people and I know all of them. The top leader’s name was Ta Chan, next was Ta An, following him was Ta Pen, there were 6 others that were under Ta Pen’s control. [Their names were] Duch Dorn, Sim Sang, Hoeun, Chouen, Ouk, Moeun”]; **E3/9586** Van Soeun WRI, A193.

³²⁷² **E3/5826** Hun Kimseng WRI, EN 00223488 [“Q: How many prisoners were there? A: Many. When it was full they took them to be killed”]; **E3/5834** Srei Than WRI, A69 [“Q: How many prisoners were taken to be killed in a day? A: I did not know how many prisoners had been taken to be killed, but when the prison was full the prisoners were taken to be killed”].

Most other prisoners, however, were executed after a few days or weeks of detention.³²⁷³

814. The prisoners selected for execution were told they were being returned to their cooperatives.³²⁷⁴ 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.³²⁷⁵ Former prisoner Vong Sarun testified that she saw knives being sharpened, people taken away to be executed, and executioners returning, soaked in blood.³²⁷⁶

³²⁷³ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14-13.57.04 [“Prisoners who were tortured and detained there could not stay longer than one month. They would be shackled all the time there”]; **E3/9472** [REDACTED] WRI, A156.

³²⁷⁴ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.16.05-11.17.21 [“first they were told that they would be sent back to their bases and that they had to listen to Angkar when they returned to their cooperative. They were told not to complain about this place. But, before that they had to meet with a big Angkar before they were allowed to return to their cooperative”]; **E1/256.1** 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”]; **E1/300.1** 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’”]; **E3/5214** Say (Sory) Sen WRI, EN 00225504-05 [“In general, the prisoners who were to be taken and killed, were cuffed, and then they called out their names, telling them they were going back to the cooperative. Those prisoners were taken away at night, at about 8 or 9 p.m. Two to five prisoners were taken away each time”], 00225509 [“First, they gave instructions to the prisoners, saying, ‘Sit. Before you return to the cooperative do not hold any grudge against Angkar.’ Then they killed them”].

³²⁷⁵ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14 [“Prisoners were walked ... near the pit. Then they were ordered to kneel and they would use a hoe to hit the back of their neck, they then kicked them down, and after that ... they use[d] the 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”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.17.21-11.20.06 [“And most of them had their throats slit rather than were beaten with a bamboo stump or a space, 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”]; **E1/281.1** Saut Saing, T. 24 March 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”]; **E1/300.1** 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”]; **E3/5826** Hun Kimseng WRI, EN 00223489 [“They threw crippled people into the pits still alive; they carried them in baskets to the pits”]; **E3/5853** Saing Sim WRI, EN 00433573 [“Q: When they killed people, what tools did they use? A: When they killed people they used hoes, bamboo trunks; there were also swords for cutting their throats”]; **E3/5826** Hun Kimseng WRI, EN 00223489-90 [“Q: When you saw them kill, what did you see? ... A: I saw ropes and clubs in carts and long swords”]; **E3/9586** Van Soeun WRI, A177; **E3/9472** [REDACTED] WRI, A255, A381.

³²⁷⁶ **E1/300.1** Vong Sarun, T. 18 May 2015, 11.10.00-11.13.44, 13.43.41-13.45.50, 15.03.28-15.06.20.

815. Children were often killed alongside their parents.³²⁷⁷ 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.³²⁷⁸ At trial, surviving prisoner Say Sen recalled the sound of children's bodies cracking against palm trees.³²⁷⁹
816. Loud music was played or firewood was chopped in order to mask people's screams as they were executed.³²⁸⁰ Prisoners were forced to dig burial pits and drag the dead bodies into the pits after execution.³²⁸¹ Others were forced to dig their own graves before they

³²⁷⁷ **E1/250.1** 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"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.07.36-14.10.08 ["Children and young babies were killed at Krang Ta Chan because from my personal ... observation, when the mothers disappeared, the children would also disappear along with the mother"].

³²⁷⁸ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.21.34-11.24.11 ["As for children, their throats were not slit. They would be used to thrown against the trees and then they would be dropped into the pits"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.16.04-11.17.33 ["I did not remember how many children, male and female, were killed. But, actually, there were killing of children"]; **E3/5826** Hun Kimseng WRI, EN 00223489 ["They beat the children against the trunk of a teal [tarminalia] tree. I saw that with my own eyes"]; **E3/5214** Say (Sory) Sen WRI, EN 00225510-11 ["The younger girl was about two years old. Duch Touch grabbed both of her feet and swung her head into the trunk of a tamarind tree"]; **E3/5835** Sok Soth WRI, EN 00223507; **E3/9472** [REDACTED] WRI, A155; **E3/9584** [REDACTED] WRI, A51; **E3/9583** Saut Saing WRI, A90; **E3/7825** Phim Ram CRC Interview, EN 00434853 ["the tamarind tree in front was a killing site. In those killings, they grabbed children that they had unreasonably charged without any factual basis; they grabbed those children by the legs and swung them, breaking their heads open against the large trees"].

³²⁷⁹ **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.35.47-13.37.33.

³²⁸⁰ **E1/249.1** 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"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.54.10-13.55.14 ["Then they were taken to the killing site, and 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"]; **E1/300.1** 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"]; **E3/5853** Saing Sim WRI, EN 00433573; **E3/7902** Thaong Seav WRI, EN 00223469 ["They played a loudspeaker [while] they hit [killed] the people"]; **E3/9472** [REDACTED] WRI, A36, A168; **E3/7903** Nhem Khan WRI, EN 00163542 ["I heard them playing loudspeakers. I asked them why they were playing the loudspeakers and they told me that they played the loudspeakers so they could kill people"]; **E3/10753** Hun Kimseng WRI, A59-60 ["When they killed prisoners, they played loudspeakers ... They played various types of songs, including *ayai* songs to prevent the sound of the killings from being heard. Sometimes they put dining tables nearby and hit the tables to prevent us from hearing the killings"].

³²⁸¹ **E1/256.1** 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. At that time there was a war going on near the Cambodia-Vietnamese border and the activity of the killing there was very active at the time"], 11.19.27-11.21.08 ["I was released to do labour work ... I was ordered to ... 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"]; **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 15.21.30-15.24.21 ["I and Ta Chhen were ordered to dig the pits ... we dug between 10 to 30 pits and in each pit they buried between 10 to 30 bodies of the prisoners who were executed"]; **E1/250.1** 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"]; **E3/7904** Neang Dam WRI, EN 00223518 ["They used me to dig the pits, two of us, [me] and Sen. They used us two or three times each month. Each pit held 50 to 60 persons"]; **E3/5853** Saing Sim WRI, EN 00433574; **E3/9472** [REDACTED] WRI, A159.

were killed.³²⁸² Dead bodies of all ages were piled on top of each other.³²⁸³ In some cases, executioners removed organs such as the liver and gallbladder from those executed, to be consumed.³²⁸⁴ Kraing Ta Chan officials then reported the number of deaths at the prison to the District Office.³²⁸⁵

817. A forensic analysis conducted on the osteological remains recovered from burial pits at Kraing Ta Chan was completed in December 2016.³²⁸⁶ Many of the remains had been looted or destroyed by animals, and the condition of the bones still at the site had decayed from decades of exposure to the elements.³²⁸⁷ Nonetheless, the forensics team was able to examine 1,904 pieces of bone to investigate torture that might have been used on victims and the means of death, all based on markings left on the bones.³²⁸⁸ The study's findings constitute a long list of painful torture and death:

1. **2,623** marks from breaking the nape of the neck with a wooden stick or bamboo.
2. **389** marks from being beaten with square wooden sticks.
3. **1,933** marks from being beaten by round iron (cartwheel iron with a diameter of 26 millimetres).
4. **530** marks from being cut with a knife (thin blade knife).
5. **449** marks from being beaten with [a] hoe.
6. **9** marks from being beaten with an axe.

³²⁸² **E3/7902** 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"].

³²⁸³ **E1/256.1** 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"].

³²⁸⁴ **E1/256.1** 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"]; **E1/249.1** 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"]; **E3/9584** [REDACTED] WRI, A51.

³²⁸⁵ **E3/4085** Report to the Party for the Month of July 1977 [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 **E3/2108** Report to the Party from An at Reeducation Office 105, undated, EN 00290205 [handwritten note stating "Up until today we have smashed 15,000 enemies. May the party be advised." Signed by An].

³²⁸⁶ **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 13.42.58-13.45.38.

³²⁸⁷ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35 [regarding excavations conducted in 1980 to search for clothes and gold], 16.03.30-16.06.07 [regarding dogs eating bones and cows eating dried remains], 16.12.50-16.15.08 ["The remains at Krang Ta Chan were left unattended longer than the remains at Choeng Ek Crime Centre because, at the time, no one really understood about the importance of the remains ... Krang Ta Chan ... was like a haunting place. That's why many remains were lost"].

³²⁸⁸ **E3/10769** Voen Vuthy, *Study on Kraing Ta Chan*, EN 01362854, 01362857.

7. 2 marks from being shot [to] death with a bullet.
8. 178 marks from being stabbed with a bayonet.
9. 2 marks from being slit across the throat.
10. 133 marks from being pushed against hard materials (For example, a wall or floor).
11. 4 marks from being stabbed with a steel nail.
12. 4 marks from having the ear cut off.
13. 315 marks from being stabbed with a rifle barrel.³²⁸⁹

818. Expert Voeun Vuthy, who directed and led the study, testified that, based on similar studies conducted at other DK security centres, “the main prisons used the same tools” to kill.³²⁹⁰

2. Extermination

819. Almost every prisoner who entered Kraing Ta Chan died either because of the inhumane living conditions inflicted upon them or by execution. Thousands died at the prison during the DK regime, although the exact number of victims will never be known due to a variety of factors. First, the prison was established in 1972³²⁹¹ 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.³²⁹² Other remains were taken away by animals, or significantly decayed from decades of exposure to the elements and lack of proper preservation.³²⁹³ 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, ample evidence demonstrates that killings at this site occurred on a massive scale after 17 April 1975.

820. Only a handful of people imprisoned at Kraing Ta Chan during the DK regime survived.³²⁹⁴ They and former prison guards gave extensive eyewitness evidence about

³²⁸⁹ **E3/10769** Voen Vuthy, *Study on Kraing Ta Chan*, EN 01362858-59 (*emphasis added*).

³²⁹⁰ **E1/512.1** Voen Vuthy, T. 13 Dec 2016, 13.42.58; **E1/513.1** Voen Vuthy, T. 14 Dec 2016, 16.16.58-16.18.20.

³²⁹¹ See the evidence cited in fn. 3161.

³²⁹² **E1/255.1** Kev Chandara, T. 2 Feb 2015, 14.13.50-14.15.44, 15.12.03-15.17.45; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 16.03.30-16.06.07; **E3/9258** DC-Cam Mapping Report, EN 00343165.

³²⁹³ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35, 16.03.30-16.06.07, 16.12.50-16.15.08; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 14.07.13-14.12.35; **E3/9258** DC-Cam Mapping Report, EN 00343165.

³²⁹⁴ As detailed in fn. 3167, this Court obtained evidence from survivors Meas Sokha, Say (Sory) Sen, Vong Sarun, Kev Chandara, Hun Kimseng alias Yeay Nha, Lim Hach, Neang Dam, [REDACTED] and Kev Mao. See also **E1/300.1** Vong Sarun, T. 18 May 2015, 14.19.43-14.21.07 [stating that Yea Nha [Hun Kimseng] and her relatives were allowed to return home while she, Ta Dam [Neang Dam], Sen [Say Sen], and Aunt

other prisoners' deaths from inhumane conditions and routine executions at the security centre.³²⁹⁵ Several witnesses corroborated that executions occurred on a regular basis,³²⁹⁶ and Meas Sokha, who was detained for nearly three years at Kraing Ta Chan, routinely saw executions involving 20 or more prisoners.³²⁹⁷ He also recalled that executions sometimes lasted over three hours.³²⁹⁸

821. 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.³²⁹⁹ Yin Neng, who lived near the security centre, recalled an incident where two groups of Khmer Krom, totaling 127 adults and children, arrived at the prison "to study" and were held for two days, then killed.³³⁰⁰ Vong Sarun testified that one night when the door to her detention building opened, she saw lines of people whose hands were tied being walked by a small boy armed with a rifle. She recalled that people could not sleep that night because the building was chaotic and overcrowded and babies were crying, but the next morning, she saw lines of people being "released to go home", which meant they were killed.³³⁰¹

Han stayed], 15.14.21-15.16.22 [Han and others escaped before Vong Sarun was released]; **E1/258.1** 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"] and **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527776 ["Those who survived that prison was Ta Chiin, Grandma Ngor, and Grandma Rath and her family"]; **E3/9583** Saut Saing WRI, A119; **E3/5845** Van Soeun WRI, EN 00223212 ["the majority of the males died of illness or were killed. Very few males survived"].

³²⁹⁵ See sections **Kraing Ta Chan Security Centre – Other Inhumane Acts – Attacks against Human Dignity**, and **Kraing Ta Chan Security Centre – Murder and Extermination – Murder**.

³²⁹⁶ **E1/249.1** 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 **E1/256.1** 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"]; **E3/5835** Sok Soth WRI, EN 00223507 ["Yes [they killed] many, almost every day. Whenever some came in, the next morning they killed"]; **E3/9472** [REDACTED] WRI, A385.

³²⁹⁷ **E1/249.1** 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"]; **E1/250.1** 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 prisoner were taken out once at a time until they collected all 100 -- all 100 prisoners to that pit"]; **E3/5853** Saing Sim WRI, EN 00433573 ["There were more than 100, up to 200 prisoners each time they took prisoners to kill them, both children and adults"]; **E3/10753** Hun Kimseng WRI, A37.

³²⁹⁸ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 12.00.10-12.02.45 ["Killing would -- took place from 2 p.m., until 5 p.m. and on some occasions, it would last until 8 p.m."].

³²⁹⁹ **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.20.50-10.23.47, 12.00.10-12.02.45; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.44.48-09.49.36.

³³⁰⁰ **E3/9472** [REDACTED] WRI, A129, 141-143, 147-156.

³³⁰¹ **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10.

822. 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 60.³³⁰² 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.³³⁰³ Also in 1977, prisoners were ordered to dig into a small pond to make more room for bodies.³³⁰⁴ Former guard and messenger Van Soeun told investigators that the number of people killed at Kraing Ta Chan was highest between 1977 and 1978.³³⁰⁵
823. As for physical remains, at least 11 burial pits have been exhumed at Kraing Ta Chan.³³⁰⁶ Kev Chandara testified that skulls found at the site numbered over 10,000.³³⁰⁷ Former District Youth Chairman Iep Duch told OCIJ investigators he agreed that the number reached tens of thousands because every village reported disappearances.³³⁰⁸ Expert Voeun Vuthy testified to the number possibly being higher, as six grave pits

³³⁰² **E1/258.1** Say (Sory) Sen, T. 6 Feb 15, 15.13.01-15.14.24 [“Q: What about the number of pits within the compound. How many pits were there altogether? A: I could not could all the pits because there were many pits. There were smaller pits and larger pits. One pit, for example, contained only two or three bodies”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 16.02.13-16.03.45 [“[E]xcept [when] the pits [they] used were very deep. For example, it is too deep for 30 corpses”]; **E3/7904** Neang Dam WRI, EN 00223518 [“They used me to dig the pits, two of us, [me] and Sen. They used us two or three times each month. Each pit held 50 to 60 persons”]; **E3/5214** Say (Sory) Sen WRI, EN 00225508 [“Thirty or more could be placed in one pit by placing them in alternating rows stacking them along the length or the width of the pit”]

³³⁰³ **E1/282.1** 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. 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”].

³³⁰⁴ **E1/256.1** 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.”].

³³⁰⁵ **E3/9586** Van Soeun WRI, A185.

³³⁰⁶ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 16.03.30-16.06.07 [“our team have found 11 mass grave pits. We did not count the pits outside of the fence where two or three people were buried in the rice field”]; **E3/5837** Kev Chandara WRI, EN 00223457 [“Q: How many pits were dug up? A: Eight pits”].

³³⁰⁷ **E1/256.1** Kev Chandara, T. 4 Feb 2015, 10.07.19-10.09.02 [former chief of one of the neighbouring communes and 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 [the] correct number of the skulls that we gathered”]; **E3/5837** 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 **E1/282.1** 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”].

³³⁰⁸ **E3/4627** Iep Duch WRI, EN 00223480.

were not yet exhumed³³⁰⁹ and many remains were lost during the time it took to begin the exhumation process.³³¹⁰

824. 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.³³¹¹ Former guard Srei Than testified that 99 percent of the prisoners held at the prison were executed.³³¹² Perhaps the best indicator of all is the undated, signed report from Prison Chief An advising the Party that over 15,000 enemies had been “smashed” at the prison.³³¹³ Whatever the exact number, it is clear that thousands were killed at Kraing Ta Chan Security Centre during the DK regime without due process as a direct result of the Party’s policy to kill all those deemed to be “enemies”. As one villager who lived near the security office told investigators, “They mistreated the people without pity, they killed the people without evidence.”³³¹⁴

5. AU KANSENG SECURITY CENTRE

[T]here was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells³³¹⁵

– Witness Mao Phat

³³⁰⁹ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35 [“So the figure of 10,042 was obtained from Mr. Yin Thoeun (phonetic), who used to be the head of the community over there. He received the figure when the remains were counted after the gravesites were excavated. In fact, based on my research that head of community obtained that figure from others. If we counted the actual individuals, the figure could arrive at a different one since there were still six remaining grave pits which were not yet excavated”].

³³¹⁰ **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 16.12.50-16.15.08 [“The remains at Krang Ta Chan were left unattended longer than the remains at Choeung Ek Crime Centre because, at the time, no one really understood about the importance of the remains ... Krang Ta Chan was first left behind and it was like a haunting place. That’s why many remains were lost.”].

³³¹¹ **E3/4085** Report to the Party for the Month of July 1977, EN 00276557 [during the month of July 1977, 39 of 81 prisoners were “swept away” and “[t]wo died from illness. 40 remained”]; **E3/2109** Report on Prisoners by late November 1977, EN 00276555 [this document reported that during the month of November 1977, 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].

³³¹² **E3/5834** Srei Than WRI, A53. *See also* **E3/5826** Hun Kimseng WRI, EN 00223491 [“Q: Not so many people survived that prison? A: Not so many, just Sen who they had stay with me like me child, so he lived”]; **E3/9472** [REDACTED] WRI, A207 [“Do you know if all the people sent to Kraing Ta Chan were killed? A: I never saw them come back again”]; **E3/7986** Chea Seoung WRI, EN 00231819 [“Yes, I saw they walked the new people along. I heard they were taken to be reeducated, but I did not know where they were taken. Later, I learned that those people were all killed in Kraing Ta Chan”].

³³¹³ **E3/2108** Report to the Party from An at Reeducation Office 105, undated, EN 00290205.

³³¹⁴ **E3/7902** Thaong Seav WRI, EN 00223469. *See also* her evidence at EN 00223470 [“I asked them [about killings at the office] and they said, ‘You don’t want to know. If you do want to know, your entire bloodline will be finished.’”]

³³¹⁵ **E3/9326** Mao Phat WRI, EN 00272580 [“there was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells”].

825. Au Kanseng Security Centre was located in the Northeast Zone. The prison was operated by Division 801, which was a part of the Centre army and reported directly to Son Sen and the Standing Committee. The prison formed part of the CPK's national security system and regularly sent reports to, and received instructions from, the Party Centre. The prison was created primarily to detain Division 801 soldiers but eventually detained hundreds of other prisoners branded "enemies" of the CPK including women, children, and ethnic minorities. The authorities executed prisoners regularly and dumped their bodies in nearby grave sites.
826. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes in relation to the Au Kanseng Security Centre: the crimes against humanity³³¹⁶ of murder, extermination, enslavement, imprisonment, persecution on political grounds, and other inhumane acts through attacks against human dignity; and grave breaches of the Geneva Conventions consisting of wilful killing, and deprivation of the right of a fair and regular trial.³³¹⁷ The evidence relating to persecution on racial grounds is discussed in *The Crimes Against the Vietnamese* as the Co-Prosecutors are of the view that the Accused's conduct is better considered in conjunction with the legal and historical context addressed in that section.

LOCATION AND OPERATION

827. Au Kanseng Security Centre ("Au Kanseng")³³¹⁸ was located in La Ban Siek Commune, Banlung District, Ratanakiri Province in the Northeast Zone.³³¹⁹ It began operations no

³³¹⁶ For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

³³¹⁷ **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1402 [imprisonment]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; 1495-1496 [wilful killing]; 1511-1514 [deprivation of the right of a fair and regular trial]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

³³¹⁸ Although the Introductory Submission refers to this Security Office as 'Phum 3', upon further review the OCP has determined that the more appropriate name to reference this particular Security Centre is Au Kanseng Security Centre.

³³¹⁹ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 14.05.10-14.07.20; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384804 ["In the Northeast Zone: Ratanakiri Province, there was a security center"]; **E3/405** Chhaom Se WRI, A6 ["Q: When was the re-education and corrections office at Au Kansaeng created? A6: ... This office was located in Ban Lung District, La Ban Siek Commune"]; **E3/3541** Site

earlier than late 1976 and operated until the fall of the regime.³³²⁰ The prison has been referred to by several names including the Boeng Kanseng Security Office,³³²¹ Au Kanseng Prison,³³²² O Kanseng Prison,³³²³ and Division 801 or 810 Reeducation School and Corrections Office.³³²⁴ At its largest, the security office covered more than three hectares,³³²⁵ and consisted of four detention buildings separating male and female prisoners,³³²⁶ two detention buildings for serious offence prisoners,³³²⁷ housing for security personnel,³³²⁸ as well as an interrogation site in the nearby forest.³³²⁹ As the

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- Form of O Kanseng DC-Cam, EN 00067958 [“khet: Ratanakkiri ... srok: Banlung ... khum: LaBan Siek ... phum: Thuoy”].
- 3320 **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 [“A. It was around late 1976 when it was established, when I was in control of the centre for about two years”]; **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.13.45–09.16.09 [“The security centre was established in around 1977”]; **E3/405** Chhaom Se WRI, A6; **E3/3984** Chhaom Se WRI, EN 00403574; **E3/7684** Khoem Peou WRI, EN 00250072 [“I was imprisoned from 1978 until the Vietnamese came to liberate us in 1979”]; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384805 [“The prison existed until early 79 with the arrival of the Vietnamese”]; **E3/2628** *Mapping Project 1999: Ratanak Kiri* DC-Cam Report, EN 00078145 [“The security office no longer exists. People demolished it ... and burned down the structure in 1979”].
- 3321 **E3/2628** *Mapping Project 1999: Ratanak Kiri* DC-Cam Report, EN 00078145 [“Security Office Boeng Kanseng ... Village number 6”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“that prison was located west of Boeng Kanseng”].
- 3322 **E3/405** Chhaom Se WRI, A4 [“Re-education and Corrections Office at Au Kansaeng”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“Jarai were in fact captured and brought to the Au Kansaeng Security Office”]; **E3/9326** Mao Phat WRI, EN 00272577 [“The prison where I was held was called Au Kanseng during the Khmer Rouge era”]; **E3/9328** Kheu Hun WRI, EN 00272625 [“I was never imprisoned at Au Kanseng prison”]; **E3/9357** Moeung Chandy WRI, A1 [“The persons who went to bring me carried rifles and transported me in the truck to be placed in a booth somewhere behind the Ratnakiri Hospital near Au Kanseng”]; **E3/9327** Sam Soem WRI, EN 00272620 [“they took me and put me in prison west of Au Kanseng”].
- 3323 **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384798 [“O Kanseng Security center was under the authority of Division 801”].
- 3324 **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.04.40 [“The official name was the re-education school”]; **E3/5173** Um Keo WRI, EN 00272661 [“They arrested me in September 1977, and they took me to Reeducation School 810 ... west of what is today the Provincial Hospital near a stream”]; **E3/9326** Mao Phat WRI, EN 00272577 [“The prison ... was called Au Kanseng ... sometimes they called it the Division Prison”]; **E3/5172** Phan Thol WRI, EN 00272585 [“Division 801 prison ... During the Khmer Rouge era, they called that site the Division 801 Re-education School”].
- 3325 **E3/405** Chhaom Se WRI, A11 [“The re-education and corrections office occupied over three hectares”].
- 3326 **E1/395.1** Phon Thol, T. 2 Mar 2016, 15.03.39-15.06.23 [“women were placed in a different building from men”]; **E1/396.1** Moeung Chandy, T. 3 Mar 2016, 10.52.58-10.55.26 [“the men were separated and put in another building, and women were put in a different building”]; **E3/405** Chhaom Se WRI, A11 [“there were four prisoner buildings ... Male and female prisoners were held in separate buildings”]; **E3/9327** Sam Soem WRI, EN 00272620 [“they separated the male and female prisoners from one another”].
- 3327 **E1/405.1** Chin Kimthong alias Chhang, T. 21 Mar 2016, 11.31.27 [“The building to house the serious-offence prisoners, yes there was such a building and that building was guarded day and night”]; **E3/405** Chhaom Se WRI, A11 [“there were two more buildings for holding special prisoners, serious offenders”].
- 3328 **E3/405** Chhaom Se WRI, A11 [“Inside the office ... there was a ... house for the security personnel”].
- 3329 **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 11.33.05 [“there was only forest to the sides of the interrogation house”]; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384805 [“There was also an interrogation building in the forest”]; **E3/9326** Mao Phat WRI, EN 00272577 [“there was an interrogation building in the forest almost half a kilometer from the prison”]. *See contra*: **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.19.44-14.21.25 [“It was about 50 metres away from one another ... from the

number of prisoners increased, three more detention buildings were constructed.³³³⁰ The prison was enclosed by bamboo spikes.³³³¹ Execution sites were located as close as 50 metres from Au Kanseng.³³³² The bodies of those executed were dumped in existing B-52 bomb craters just outside the compound.³³³³

AUTHORITY STRUCTURE AND COMMUNICATION

Above the Security Office

828. Au Kanseng was part of Division 801³³³⁴ which was under the direct authority of the Party Centre.³³³⁵ Until 1978, the Chairman of the security office reported to, and received orders from³³³⁶ Unit 806 (the transport unit of Division 801) Chairman Ta Smien and then his replacement Ta Mon, who would forward them to the Division 801 Office.³³³⁷ On important matters,³³³⁸ and from 1978,³³³⁹ the Chairman reported directly to

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- detention room to the interrogation room it was blocked by kapleath (phonetic) trees”].
- ³³³⁰ **E3/405** Chhaom Se WRI, A11 [“later on when the number of prisoners increased, three more prisoner buildings were constructed”].
- ³³³¹ **E3/7684** Khoem Peou WRI, EN 00250073 [“The prison compound was not fenced, but they planted bamboo spikes around it”]; **E3/5172** Phan Thol WRI, EN 00272586 [“it was a large prison ... surrounded by a bamboo fence with bamboo stakes emplaced”].
- ³³³² **E3/407** Chhaom Se WRI, A22 [“Q: How many meters from the killing pits to Au Kangseng? A-22: It was about 50 meters only”].
- ³³³³ **E3/3984** Chhaom Se WRI, EN 00403575 [“The majority of the bodies of ordinary people were taken to be buried in about 10 existing B[52] craters”]; **E3/405** Chhaom Se WRI, A16 [“they were buried in bomb craters near Phnom Svay”]; **E3/2628** *Mapping Project 1999: Ratanak Kiri* DC-Cam Report, EN 00078146 [“The Khmer Rouge used these two craters as mass graves for their victims. ‘Each of the craters is thirty meters in diameter and ten metres deep,’ he said. ‘About 600 victims were in these two craters’”].
- ³³³⁴ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 14.11.52-14.14.21; **E1/158.1** Ung Ren, T.10 Jan 2013, 11.46.44-11.49.00 [“The security centre at Au Kanseng was under the supervision of Division 801”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.04.40-11.06.20 [“It [Au Kanseng SC] was supervised by Division 801 located in Veun Sai District”]; **E3/3984** Chhaom Se WRI, EN 00403574 [“It seemed that the re-education centre belonged to the zone security centre but it, in fact, was Division 801 centre”]; **E3/405** Chhaom Se WRI, A6 [“This office ... in the vicinity of Au Kansaeng ... was subordinate to Division 801”]; **E3/5173** Um Keo WRI, EN 00272661 [“Reeducation Schools 810 and 809 were subordinate to Division 801”]; **E3/9326** Mao Phat WRI, EN 00272577 [“they called it the Division Prison”].
- ³³³⁵ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 10.06.55-10.08.49 [“Q: ... So, did you know if back then this practice of asking instructions from the Centre was something that was frequent on the part of Division 801? A: Yes, of course. We had to communicate. If we do not communicate, we cannot lead the unit. This is what I can tell you”], 11.06.37-11.09.24 [“after Phnom Penh was liberated: Division 14 changed to Division 801”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.04.00-10.06.30 [“Q: Do you recall when Division 14 was renamed a Centre Division 801? ... A: ... in around October or November”]; **E3/1664** Colm Sara and Sim Soriya, *Khmer Rouge Purges in the Mondul Kiri Highlands*, EN 00397698 [“Division 801, which was directly responsible to the Party Center for security in Ratanak Kiri”].
- ³³³⁶ **E3/5512** Chin Kimthong alias Chhang WRI, A7 [“I reported to Se, the office chairman, and Se reported to Ta Mon. Receiving orders from upper echelon was the same”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.25.51-15.28.00 [“There were different means of report concerning economy and other affairs. 06 used to be in charge of this section, and later on he did not ask me to report things to him and he asked me to report directly to the commander of the division”].
- ³³³⁷ **E3/3985** Chhaom Se WRI, A1 [“I reported through Ta Smien. I continued to do such reporting for another year, but reported to Ta Mon, Ta Smien’s deputy, who was promoted to replace Ta Smien”].
- ³³³⁸ **E3/3985** Chhaom Se WRI, A1 [“I made reports and sent them to 801 through Ta Smien ... throughout

Division 801 Commander Saur Saroeun³³⁴⁰ alias Ta 05.³³⁴¹ Prison Chairman Chhaom Se attended regular meetings with Saroeun, in addition to any urgent meetings that were required.³³⁴² Division 801 Commander Saroeun received regular reports on the prison³³⁴³ and personally ordered the arrest³³⁴⁴ and execution of prisoners.³³⁴⁵

829. Saroeun, in turn, made reports via radio communication to Son Sen,³³⁴⁶ who was Chief of the General Staff, the reserve Standing Committee member in charge of security, and

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- this period, the work concerned with important matters such as confessions that contained two or three pages, I also had to report directly to 801”].
- 3339 **E3/3985** Chhaom Se WRI, A1 [“During the last one year, I had to directly report about all works to 801 according to the direct instruction of commander Ta Son”].
- 3340 **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.09.24-14.11.08 [“I knew only the security guards at Au Kanseng Security Centre and they told me that the Commander of the Division was Saroeun”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.20.39-14.21.54 [“Who was the Secretary of Division 801 back then? A. Sou Saroeun was the commander”]; **E3/405** Chhaom Se WRI, A10 [“We did not have the right to decide to release any of the prisoners. Only upper-echelon, meaning division commander Saur Saroeun, could make those decision”]; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 [“In Rattanakiri province there was only Division 801, and Ta Saroeun was the Division commander”]; **E3/5173** Um Keo WRI, EN 00272662 [“The Commander of Division 801 was Sau Saroeun”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“The division chief named Saroeun”].
- 3341 **E1/157.1** Ung Ren, T. 9 Jan 2013, 14.22.33 [“Sou Saroeun and 05 is the same person”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 11.11.17-11.13.27 [“His [Sou Saroeun] code name was 05 ... Ta San was the deputy commander of Sou Saroeun. His code name was 06”].
- 3342 **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.42.11-09.45.48 [“Q: Did you ever have the opportunity to hold an individual meeting with Sou Saroeun and meet with him alone with respect to Au Kanseng Detention Centre or with respect to the confessions that were extracted there? A: Yes, there was. Whenever there was any issue relating directly to my office, particularly when he wanted to give a particular instruction or in-depth instruction, then we also - I also contacted with him. And there were also internal enemies attacking from inside against Sector 801, and at the time he tried to draw our attention to that particular issue”]; **E3/405** Chhaom Se WRI, A14 [“We attended work meetings with Saur Saroeun once every three to four months, and sometimes there were immediate and urgent meetings”]; **E3/3984** Chhaom Se WRI, EN 00403575 [“I chaired the meetings with the prisoners for every fortnight ... Before the meeting was held with the prisoners, I had a meeting with the upper echelon to have plans for disseminations.”]; **E3/407** Chhaom Se WRI, A5; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077.
- 3343 **E3/405** Chhaom Se WRI, A12 [“they took them and killed them during the night at pits inside the re-education and corrections office compound. The orders, the decision to do that, were orders from Zone Chairman level, but at that time Ta Lav, the Zone Chairman, discussed the matter with Ta SAUR Saroeun”], A14 [“When any prisoner who was an internal enemy was discovered, we prepared a written report to division commander SAUR Saroeun to request an opinion from him”].
- 3344 **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 [“People were arrested and sent to my office or centre through the regiment, under the decision made by the secretary of division. Reports could have been filed before people were sent gradually to the centre -- the correction centre”].
- 3345 **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.53.51-15.57.43 [“Separately, regarding the group of six people, I receive instructions from Sao Saroeun for them to be executed ... there were three other people”]; **E3/405** Chhaom Se WRI, A16 [“Ta Saroeun ordered them killed and gotten rid of”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“Ta Saroeun (Ta 05) ... told us that to sort out those Jarai. ... The term ‘sort out’ ... meant ‘to kill and get rid of’”].
- 3346 **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.34.54 [“I only knew that Ta Saroeun and Ta San were commanders and how he communicated to the upper echelon ... he made the report via radio communication to general staff headquarter in Phnom Penh. And that location was Son Sen’s office, who received the information”]; **E1/158.1** Ung Ren, T.10 Jan 2013, 15.46.16-15.48.58 [“Son Sen was also the upper level; Pol Pot was also the upper level ... when we had to make a report ... these two were the main figures that reports would be sent to; 05 also made a report to them”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.35.04 -15.36.58 [“Q: And do you know how Sou Saroeun himself received confessions from Phnom Penh? ...A: He had all kinds of radio communication at his disposal”].

Deputy Prime Minister for National Defence.³³⁴⁷ Son Sen worked daily at K-1,³³⁴⁸ where Pol Pot, **Nuon Chea**, and **Khieu Samphan** also had offices, and met with **Nuon Chea** daily.³³⁴⁹ Surviving documents demonstrate that Son Sen routinely passed on Division 801 reports to “*Angkar*”.³³⁵⁰

At the Security Office

830. Chhaom Se was the Chairman of the Au Kanseng Security Centre.³³⁵¹ Chhim Tim, the Deputy Chief, dealt with security and supervised the guards.³³⁵² Member Chin Kimthong alias Chhang led the interrogation of prisoners and prepared prisoner records.³³⁵³ Additional staff included nine security personnel.³³⁵⁴

³³⁴⁷ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150047 [“Son Sen was ‘in charge of the General Staff and security’”], EN 01149992 [“Son Sen, another deputy prime minister of his Democratic Kampuchea (DK) regime and its defense and security chief from 1975 to 1979”], EN 01149989 [graph showing Son Sen as part of the Standing Committee].

³³⁴⁸ **E3/70** Lonh Dos WRI, A14 [“Q: Can you tell us, did Son Sen go to work regularly at the General Staff or at some other places? A-14: Every day in the morning he left the General Staff with his wife to work at K-1”].

³³⁴⁹ **E3/70** Lonh Dos WRI, A15 [Son Sen and Nuon Chea “generally met and worked together and worked together every day”].

³³⁵⁰ **E3/70** Lonh Dos WRI, A35 [Explains that the reason a report to Son Sen had been forwarded to Angkar was that “every matter happening must be reported to Angkar”]. See e.g. **E3/1061** DK Report from Reuan to Uncle 89, KH 00231377-78; **E3/1060** DK Report from Reuan to Uncle 89, KH 00231674-76 [both reports contain handwritten annotations from Son Sen to Angkar].

³³⁵¹ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 [“It was around late 1976 when it was established, when I was in control of the centre for about two years”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 [“at Au Kanseng, Smien came to appoint Se to be chief”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.06.20 [“Se was the supervisor of that security centre and below him was Chhang and then Tim”]; **E3/405** Chhaom Se WRI, A7 [“I was the chairman in charge of leadership and general political affairs”]; **E3/5172** Phan Thol WRI, EN 00272585 [“The Chairman of the Division 801 prison was Se”].

³³⁵² **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 [“Tim was part of unit 806, became the deputy chief”], 10.54.41-10.56.28 [“Tim was in charge of security guards at Au Kanseng”]; **E3/405** Chhaom Se WRI, A7 [“Chhim Tim was deputy chairman in charge of techniques and arranging the guard and taking prisoners to work”]; **E3/5172** Phan Thol WRI, EN 00272585 [“Tim was responsible for Economics”]; **E3/7684** Khoem Peou WRI, EN 00250072 [“There were 3 interrogators: ... Tim in charge of logistic”].

³³⁵³ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 [“I was a member”], 10.54.41-10.56.28 [“I was a member in charge of compiling the confessions or answers from the detainees”] and 13.37.06 [“My actual role at Au Kanseng security centre was member”]; **E3/5512** Chin Kimthong alias Chhang WRI, A4 [“I, Chhang, was deputy chairman in charge of interrogation and preparation of prisoner documents”]; **E3/405** Chhaom Se WRI, A14 [“Comrade Chhang interrogated the prisoners in the presence of a guard. Next, Comrade Chhang made the reports on the prisoners and sent them to me for me to take measures of re-educate, correct, and monitor”]; **E3/9326** Mao Phat WRI, EN 00272580 [“There were two interrogators, Deputy Chairman Chhang and a recorder, and a guard”]; **E3/5172** Phan Thol WRI, EN 00272585 [“Division 801 Re-education School; it was under the supervision of Division 801 ... the Deputy Chairman responsible for the military was Chhang”]; **E3/7684** Khoem Peou WRI, EN 00250072 [“There were three interrogators. ... second, the deputy was Chhang, in charge of military”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 14.07.20 [“The other experts were in charge of questioning the detainees ... they had their own techniques ... Sometimes I also participate because I want to get more information”].

³³⁵⁴ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.17.38-09.21.02 [“The nine people I referred to ... were

Communication

831. Au Kanseng communicated constantly to the Party Centre through the RAK military structure. Reports detailing prisoner activities were regularly sent from Au Kanseng to the Division Commander,³³⁵⁵ including confessions.³³⁵⁶ Summary reports of interrogations were sent upwards through the heads of the transport Unit 806, Ta Smien³³⁵⁷ and Ta Monn,³³⁵⁸ who then forwarded the messages to the Division Commander.³³⁵⁹ Commander Saroeun sent back his related orders to Au Kanseng by a messenger.³³⁶⁰ The security office also received telegrams.³³⁶¹
832. Au Kanseng and the Party Centre exchanged communications about purges of internal and external enemies. Based on the information received from Au Kanseng and other sources, Division 801 formulated reports that were sent to Son Sen.³³⁶² These reports

those guards inside the compound”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.57.48-10.59.15 [“I can recall ... Lay and Chup and Nhok, and Ta Ouy, Chang, Set. And I cannot recall others’ names”]; **E3/405** Chhaom Se WRI, EN 00406213 [“In total ... the security personnel ... were nine persons”]; **E3/5512** Chin Kimthong alias Chhang WRI, A4 [“There were nine security personnel in this security office”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“There were 9 soldiers working there as guards”]; **E3/9027** Em Ren DC-Cam Statement, EN 01207933 [“if a platoon of soldiers were imprisoned, those soldiers were controlled by nine security guards”].

³³⁵⁵ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.25.51-15.28.00 [“There were different means of report concerning economy and other affairs ... [Au Kanseng] report[ed] directly to the commander of the division”]; **E3/3984** Chhaom Se WRI, EN 00403575 [“Q: In your position as a supervisor of the prisoners, were any records produced? A: ... Statistics reports were sent to the division on a daily basis”].

³³⁵⁶ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00 [“Q: regarding the reports you would send about the confessions, how often would you send these reports to the division commander, Sou Saroeun? A: ... it depends on the urgency of the matter. If it’s urgent, then it would be more frequent.”].

³³⁵⁷ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.21.02-09.22.15 [“Q: ... you also testified that the communication between the centre and Division 801 had to go through 806. It means it has to pass through Ta Smien. Is that correct? A: Yes, it is”]. See **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 15.27.04 [“After Ta Smien was removed from the unit, Ta Koy and Mon were in charge of the unit”].

³³⁵⁸ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.21.02-09.22.15 [“Q: And did it have to go through other individual before it reached Ta Saroeun? A: Yes, there was another person name Mon”].

³³⁵⁹ **E3/5512** Chin Kimthong alias Chhang WRI, A7 [“After the interrogations, we made summary reports to be sent through Ta Mon, the commander of Unit 806, to Ta Saroeun at division level”].

³³⁶⁰ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00-15.29.58 [“A. It was for him to make the decision whether the case was involved greatly in politics, or whether it became a systematic issue, or whether it was an isolated incident, and whether the person should be arrested or disciplinary actions shall be taken for that particular individual. That was the nature of the report.”]; **E3/407** Chhaom Se WRI, A6 [“Those confessions were not sent to my Au Kanseng Security Center directly. They were first sent to Ta Sau Saroeun, then forwarded to the units of those prisoners so that they could arrest them and sent them to the Au Kanseng Security Center I knew that they were the confessions from Phnom Penh through the Brigade and Ta Saroeun messenger who delivered the confessions to [me]”].

³³⁶¹ **E1/158.1** Ung Ren, T. 10 Jan 2013, 13.59.48-14.02.32 [“with regard to the telegram I received at Au Boeng Kanseng”].

³³⁶² **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516708-13 [at EN 00516711, comprises five measures regarding the security including the arrest of any person suspected of being an enemy or denounced by enemies and of those who are lazy or affiliated to political tendencies]; **E3/1079** DK Report from Reuan to Uncle 89, 25 Dec 1976, KH 00052340-41; **E3/9367** DK Report from Reuan to Uncle 89, 24 Mar 1977, EN 00184014-16; **E3/9380** DK Report from Reuan to Uncle 89, 29 Mar 1977, EN 00185554-57; **E3/1168** DK Report to Respected Uncle 89 from Reuan of the

mentioned the existence of “enemy links” in various regiments, and stated Division 801’s commitment to a policy of arresting anyone suspected of being an enemy.³³⁶³ Such communications also outlined how those affiliated with a political tendency were to be “gradually arrested” with the “good” being “temporarily kept”.³³⁶⁴ Additional communications from the Division 801 Committee requested decisions on whether to remove certain cadres for failing to implement the Party line properly.³³⁶⁵ Instructions from the Party Centre were communicated to the units through Division 801 Commander Saur Saroeun.³³⁶⁶ Saroeun would often ask the advice of the Party Centre.³³⁶⁷

833. The Chairman of Au Kanseng regularly led meetings at the security office to order to reeducate prisoners,³³⁶⁸ pass on reports and instructions from the upper echelon,³³⁶⁹ and strengthen the party line.³³⁷⁰

Division 801 Committee, 30 Mar 1977, KH 00052318; **E3/1198** DK Telegram from Sam-un to Reuan, copied to Brother 89, 5 April 1977, KH 00052313; **E3/876** DK Telegram from Leu to Reuan, copied to Brother 89, 23 Apr 1977, EN 00183714.

³³⁶³ **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reaun, 25 Nov 1976, EN 00516711 [“Anyone who is suspicious of being an enemy must absolutely be arrested”].

³³⁶⁴ **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reaun, 25 Nov 1976, EN 00516711 [“To impose a measure to remove and put into a group for surveillance anyone who ... repeatedly violated the disciplines after education”].

³³⁶⁵ **E3/1168** DK Report to Respected Uncle 89 from Reuan of the Division 801 Committee, EN 00916974 [“I request the withdrawal of a number of cadres from the unit because those cadres carry out the line mostly in a contradictory manner”].

³³⁶⁶ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 09.37.07-09.39.55 [“Q: You said just now that he relayed instructions from Phnom Penh. And each time that Sou Saroeun travelled to Phnom Penh, would he summon or call a meeting upon his return from Phnom Penh in order to issue the instructions that he would have received from the Centre, in Phnom Penh, and from the leaders there? A: Yes, there was. There was a plan from the upper authority, and it was to be disseminated to the lower level, as I mentioned earlier on”], 09.42.11 [Instructions from the Party Centre relayed to Chhaom Se by Saur Saroeun included measures to handle the internal enemies who sabotaged or opposed the forces]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 09.23.42 [“We knew of the instructions from the Upper Echelon through him [Saroeun], only through the meetings that he relayed those instructions to us”].

³³⁶⁷ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 10.06.55-10.08.49 [“Q: ...in this document, E3/240, it is stated that ‘the definite and immediate decision was proposed to the Centre by 801 and by the Northeast Zone’, but that ‘extra instructions’ were expected from Angkar. So, did you know if back then this practice of asking instructions from the Centre was something that was frequent on the part of Division 801? A: Yes, of course. We had to communicate. If we do not communicate, we cannot lead the unit. This is what I can tell you.”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.38.22-10.40.23 [“The divisional report to general staff consisted of letters ... in the report ... he requested for advice and suggestions from the upper echelon”].

³³⁶⁸ **E3/9326** Mao Phat WRI, EN 00272582 [“there were meetings once in a while ... Those meeting were to indoctrinate the spirit of the prisoners to strive to build [reeducate] themselves and to believe in the Party leadership. The Prison Chairman led those meetings”].

³³⁶⁹ **E3/3984** Chhaom Se WRI, EN 00403575 [“Before a meeting was held with the prisoners, I had a meeting the upper echelon to have plans for disseminations”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“These three cadres went to attend meetings regularly with the division chief in Veun Sai ... After returning back from the meeting, cadres always called on prisoners to a meeting, in which they talked about nation, food production and fighting the Vietnamese”].

IMPRISONMENT AND WILFUL DEPRIVATION OF A FAIR AND REGULAR TRIAL

834. An estimated 600 prisoners were arbitrarily imprisoned at Au Kanseng.³³⁷¹ None were afforded a trial or any judicial process reviewing their arrest or eventual punishment. Au Kanseng held many kinds of arrested CPK “enemies”, but was primarily “created during the situation of the internal enemy movement” to detain Division 801 soldiers.³³⁷² The number of prisoners present at one time varied, but the compound had a capacity of over 200 prisoners.³³⁷³ During 1976, there were 40 to 60 prisoners,³³⁷⁴ in 1977, there were between 70 and 200 prisoners,³³⁷⁵ and by 1978 there were at least 100 prisoners.³³⁷⁶ However, Au Kanseng could also accommodate large intakes of prisoners,

³³⁷⁰ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.36.35-09.38.50 [“There were meetings every 10 days to explain the prisoners about the socialist revolution. Q. Who was in charge of presiding over ... those meetings? A. It was Se”], 15.45.05 [“The main purpose of the meetings was to build up the socialist revolution and agricultural production, and it also the meetings also discussed the love of the party and the loyalty towards the Party”]; **E3/3984** Chhaom Se WRI, EN 00403575 [“I chaired the meetings with the prisoners for every fortnight. The objectives of the meetings were to raise awareness on the country situations, life educations in my centre, emotional education, and corrections of mistakes which were committed in their bases and reported by their units”].

³³⁷¹ **E3/5173** Um Keo WRI, EN 00272661 [“At 810 there were approximately 400 to 600 prisoners”]; **E3/7953 Bun** Vann Tha DC-Cam Statement, EN 00843457 [“Some prisoners were the workers of the rubber plantation, others were just ordinary people, and some others were from the [military] division. In total there were about 600 prisoners”].

³³⁷² **E3/405** Chhaom Se WRI, A6 [“This office was created during the situation of the internal enemy movement occurring throughout the country ... to hold prisoners who were Division 801 soldiers”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.29.45-14.31.11 [“A. When I came to control that centre initially, I did not have the authority to receive those from the cooperatives or from the union. I was authorized to control those within Division 801”], 15.03.24-15.07.34 [“they had to make sure that a system was in place to discipline those people who were free and ill-disciplined. Each division had to properly manage this, and that's why a centre was set up, so that the bad elements -- irregular elements could be contained and detained at the centre ... within the unit, people had been removed, people who were holding the ranks of the colonel and other senior people had to be removed ... enemy could take advantage of this opportunity to make the situation worse. That's why the centre was set up”], Chhaom Se testified that high-ranking Division 801 cadres were sent to Phnom Penh for “study purposes”: **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.25.56-14.29.45, 15.09.05-15.12.00, 15.41.00, 15.50.12; **E3/407** Chhaom Se WRI, A18 [“After the leaders of the Northeast Zone had been removed ... the prisoners who had been arrested were sent to the Au Kanseng Security Center”].

³³⁷³ **E3/5512** Chin Kimthong alias Chhang WRI, A12 [“the number of prisoners had risen to more than 200”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“At the beginning there were about 200 prisoners, but later it was down to about 100, and at the end [of the regime] there were about 20 to 30 prisoners left”].

³³⁷⁴ **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.32.06 [“they were about [50] to 60 prisoners and later on the number increased”]; **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.32.45-09.35.31 [“At the beginning, there were not many prisoners. One month later, the number increased”]; **E3/3984** Chhaom Se WRI, EN 00403574 [“in late 1976 ... about 40 prisoners were detained there”].

³³⁷⁵ **E3/3984** Chhaom Se WRI, EN 00403574 [“The number of prisoners was increased to about 70 in 1977”]; **E3/5512** Chin Kimthong alias Chhang WRI, A12 [“By late 1977 when the situation was in turmoil, the number of prisoners had risen to more than 200”].

³³⁷⁶ **E3/3984** Chhaom Se WRI, EN 00403574 [“In 1978, there were about 100 prisoners”]; **E3/5512** Chin Kimthong alias Chhang WRI, A12 [“In 1978 and up until we fled from the Yuon, there were only 100 or more prisoners”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.32.06 [“the situation developed from bad to worse and the purges operation was intensified and for that, more and more people were sent to the re-education centre. And this also coincides with the intensifying situation at the border areas”].

as occurred when about 200 ethnic Jarai were briefly detained at the security office before being executed.³³⁷⁷

835. Those arrested were accused of making critical comments that allegedly resulted in a negative impact on the party.³³⁷⁸ The Au Kanseng prison population expanded over time to include civilian workers from cooperatives and rubber plantations from within Sector 101 who were first arrested by their cooperative or union chairmen.³³⁷⁹ Some prisoners were arrested and detained for minor offences such as being suspected of stealing food.³³⁸⁰ Some were arrested on a suspicion of being an “enemy” to the party,³³⁸¹ including those thought to be in the CIA network,³³⁸² while others were accused of having been part of the “upper class”.³³⁸³ Prisoners were also detained because they were perceived as having some connection to Vietnam or the Vietnamese.³³⁸⁴ Many

³³⁷⁷ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.56.00-15.58.50 [“When I received them at the security centre, there were less than 200 people”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border. ... Those soldiers brought the prisoners in and left them with the office for only one night. Then they took them and killed them”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“Jarai were ... captured and brought to the Au Kansaeng Security Office ... There were more than 100 of those Jarai”]; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“209 Yuon troops ... All of them are of Jarai national”].

³³⁷⁸ **E3/405** Chhaom Se WRI, A6 [“This office was created to hold prisoners who were Division 801 soldiers who were free elements and who had inclinations and who had been implicated in responses ... and used critical words that had a negative impact on the Party”].

³³⁷⁹ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.35.12-14.39.00 [“Civilians were sent to me in around 1977 -- that is, mid-'77 ... the base sent those people from the cooperative and from the union ... it was the decision of Sou Saroeun ... instructing me to receive them... I did not have the capacity to receive them but ... with Sou Saroeun's instructions, then I agreed to receive them temporarily”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.15.56 [“some people were sent from Sector 101 to this centre ... by late 1977 ... base people ... workers in the union”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 13.55.44-13.58.37 [“Those who were detained at Au Kanseng ... were workers from unions and cooperatives ... as well as soldiers”]; **E3/405** Chhaom Se WRI, A9 [“As for the prisoners who were ordinary people or workers, their cooperative or union chairmen made the arrests and sent them in to my corrections office”].

³³⁸⁰ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.29.18-09.31.33 [“As for the offences that they were allegedly made were mostly that they were accused of stealing food or fruit ... without seeking permission”]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 11.46.44-11.49.00 [“they just stole some sweet potatoes, and by that they were arrested and detained at Au Kansaeng Security Centre”]; **E3/9327** Sam Soem WRI, EN 00272620 [“When we arrived at the prison, Chhang questioned me, ‘Why did they bring you here?’ I answered that ... I was pregnant and had pregnancy sickness and had ... picked a mango which I had planted at my house. They had accused me of stealing mangoes”].

³³⁸¹ **E3/9027** Em Ren DC-Cam Statement, EN 01207929 [“they were angry with me and reported to the regiment that I was in the network of the enemy ... They arrested me to be detained in the division prison”].

³³⁸² **E3/5173** Um Keo WRI, EN 00272660 [“Q: Why did they arrest and imprison you in the 810 prison? ... A: ... They accused me of being in a CIA network”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“They accused us of being CIA [agents]”].

³³⁸³ **E1/395.1** Phon Thol, T. 2 Mar 2016, 10.55.13-10.56.18 [“the reason that I was arrested and brought to the re-education school was because I belonged to the upper class”].

³³⁸⁴ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 11.09.02-11.11.05 [“it was difficult for me to record any responses from Vietnamese prisoners because I do not speak Vietnamese, and since Lai spoke Vietnamese; he was used to interpret the responses”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 [“Jarai were in fact captured and brought to the Au Kansaeng

prisoners were not informed why they were arrested³³⁸⁵ and sometimes even the prison officials were given no indication of the prisoners' alleged wrongdoing.³³⁸⁶ Large groups of prisoners would sometimes be arrested at once, and they were brought to the prison to be detained together regardless of their alleged crime.³³⁸⁷

836. One witness described how he was “imprisoned for three months in a cell locked from the outside ... chained day and night”.³³⁸⁸ Prisoners were rarely released back to their villages following interrogation,³³⁸⁹ even those who were found to have no “enemy” connection were prevented from leaving and forced to work within the compound and sleep in cells at night.³³⁹⁰ However, some prisoners were transferred to Reeducation School 809, which held light offenders.³³⁹¹ The principal interrogator at Au Kanseng drafted reports and sent them to the head of the security office. The head of the security office then sought the advice of the Division Commander when a purported internal “enemy” was discovered and he needed his superiors' permission to release a prisoner.³³⁹²

Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well”].

³³⁸⁵ **E1/395.1** Phon Thol, T. 2 Mar 2016, 10.55.21-10.55.13 [“When I was arrested, I did not know what – whether I had any wrongdoing. Only when I arrive at Pol Pot’s prison, they interrogated me and they told me that I had a specific wrongdoing”].

³³⁸⁶ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.10.00-14.13.35 [“Q. ... could you rely on a written document that explained why those persons had been arrested? A. I never had any specific proof when they were brought into the centre”].

³³⁸⁷ **E1/396.1** Moeung Chandy, T. 3 Mar 2016, 10.48.40 and 10.52.58-10.55.26 [“There were two or three families in the truck. There were three families going with me from the union. ... they required us to disembark the truck and walk to the building with tile roof. ... And then they locked the door and required all three families of us to stay there”]; **E3/7684** Khoem Peou WRI, 26 Aug 2008, EN 00250074 [“in one night they arrested 105 prisoners from the border”].

³³⁸⁸ **E3/9326** Mao Phat WRI, EN 00272577.

³³⁸⁹ **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.24.15-14.27.03 [“After the interrogation no one in re-education school were – was freed”]; **E3/405** Chhaom Se WRI, A10 [“We did not have the right to decide to release any of the prisoners. Only upper-echelon, meaning division commander Saur Saroeun, could make those decisions. ... if it was seen that their offenses were not as serious as what had been charged, we made reports to ask for opinion and decision from division level”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 16.01.07.

³³⁹⁰ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 13.46.29-13.48.42 [“Regarding the release, in that period, they were released to work within the compound of Au Kanseng Security Centre”]; **E3/9326** Mao Phat WRI, EN 00272577 [“I was imprisoned for three months in a cell locked from the outside where I was chained day and night. After three months, they released me to do work outside the prison like growing potatoes, but at night they put me back in a cell”].

³³⁹¹ **E3/405** Chhaom Se WRI, A8 [“we sent prisoners that had undergone re-education and correction well to the re-educations and corrections office in the vicinity of Au Tang that was known as Re-education and Corrections Office 809 ... Office 809 was also subordinate to Division 801. It was only for holding minor offenders”]; **E3/5173** Um Keo WRI, EN 00272661 [“I was in the Reeducation School until January 1978, when they sent me to Reeducation school 809. ... Reeducation School 809 was for minor offenders who had been reeducated already”].

³³⁹² **E3/405** Chhaom Se WRI, A14 [“When any prisoner who was an internal enemy was discovered, we prepared a written report to division commander Saur Saroeun to request an opinion from him”];

837. Prisoners were held arbitrarily for up to two years³³⁹³ without any judicial process or trial. New inmates arrived daily.³³⁹⁴ People were at times arrested solely on the basis that they had been implicated in “confessions”, often from S-21 in Phnom Penh.³³⁹⁵ An interrogator named Nau from General Staff office in Phnom Penh personally transferred confessions extracted in Phnom Penh to Au Kanseng.³³⁹⁶ Nau was authorised to participate in the interrogation and torture of Au Kanseng prisoners.³³⁹⁷ In addition, confessions from Phnom Penh were sent to Division Commander Saroeun,³³⁹⁸ who then forwarded them to the units of the implicated individuals.³³⁹⁹ Those confessions contained annotated instructions in red ink identifying the implicated cadres who were to be arrested “because they were the agents in the network”.³⁴⁰⁰ Once arrested, the

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- ³³⁹³ **E3/5512** Chin Kimthong alias Chhang WRI, A7 [“After the interrogations, we made summary reports to be sent through Ta Mon, the commander of Unit 806, to Ta Saroeun at division level”].
- ³³⁹⁴ **E3/9327** Sam Soem WRI, EN 00272621 [“My husband and I were held there all along, for a period of approximately 13 months”]; **E3/5172** Phan Thol WRI, EN 00272588 [“while I was imprisoned there during the two years, I never broke the rules”]; **E3/9326** Mao Phat WRI, EN 00272579 [“I was imprisoned from 1977 until 1979”].
- ³³⁹⁵ **E3/7684** Khoem Peou WRI, EN 00250074 [“New prisoners were arriving every day”].
- ³³⁹⁶ **E3/405** Chhaom Se WRI, A6 and 8 [“The office was created to hold prisoners who were Division 801 soldiers ... who had been implicated in responses. ... they were, for instance, people who had been involved in responses and had been implicated in Phnom Penh”]; **E3/407** Chhaom Se WRI, A6 [“The confessions-implications were from Phnom Penh, meaning that they were the confessions of the prisoners who had been interrogated in Phnom Penh. ... Those confessions were marked with the red ink pen, saying that [the prisoners] with this name or that name must be examined because they were the agents in the network”].
- ³³⁹⁷ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.33.35 [“a person named Nau -- coming from the General Staff, coming down ... to my location for a while, asking about the people who were implicated and those people who were within Division 801”], 15.36.58 [“[Nau] brought along some documents ... as those documents were related to the work at my place ... [the confessions from Phnom penh] all came from Division 801, as some people had been removed”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.25.43 [“Q. Did [nau] present to you any letter certifying that he was actually sent from general Staff? A. Yes, he did give me the letter and I also called to the chief of the division”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.21.44-15.23.22 [“only Nau had in his hand a confession document from Phnom Penh, and Nau himself was the one who interrogated the prisoner”]; **E3/407** Chhaom Se WRI, A9; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404078 [“I saw No carrying a bunch of the prisoner confession which was about 20 pages”]; **E3/407** Chhaom Se WRI, A9.
- ³³⁹⁸ **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.23.11-11.27.40; **E3/5512** Chin Kimthong alias Chhang WRI, A13 [“Nau arranged the interrogations of company-level cadre Pheng Phay and platoon-level cadres like Pot, Thea, Samrin”]; **E3/407** Chhaom Se WRI, A9 [“No participated in the interrogation of 4 prisoners who were the high rank officers of Brigade 801”].
- ³³⁹⁹ **E3/8359** Confession of Sour Tuon Mao of Division 502, Note for Comrade Roeun from Khieu, EN 00224628; **E3/407** Chhaom Se WRI, A6 [“Those confessions ... were first sent to Ta Sau Saroeun”].
- ³⁴⁰⁰ **E3/407** Chhaom Se WRI, A6 [“Those confessions ... were first sent to Ta Sau Saroeun, then forwarded to the units of those prisoners so that they could arrest them”]; **E3/5512** Chin Kimthong alias Chhang WRI, A13 [“In late 1977 there was a meeting with Ta Saur Saroeun, and Smien, the chairman of Battalion 806 ... He told them that Koy Thyon and Teanh had been arrested in Phnom Penh”].
- E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.00.13-14.03.47 [“Soldiers ... who were sent were those who were implicated in the responses from Phnom Penh”]; **E3/407** Chhaom Se WRI, A6 [“Those confessions were marked with the red ink pen, saying that [the prisoners] with this name ... must be examined because they were the agents in the network”].

individuals were brought to Au Kanseng, along with the confessions, by the military brigade that carried out the arrest.³⁴⁰¹

838. Like all others detained at Au Kanseng, Vietnamese nationals including about 200 ethnic Jarai who had crossed into Cambodia from Vietnam were detained at Au Kanseng without any due process and denied any trial.³⁴⁰² As nationals of the opposing state in an armed conflict, these were protected persons under the GC IV, and the failure to provide them with a fair and regular trial constitutes a grave breach of the Geneva Conventions.³⁴⁰³

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

839. *Inhumane living conditions*: The living conditions at Au Kanseng were horrific. Prisoners were shackled and detained in overcrowded cells; received inadequate food, hygiene facilities, and medical care; and were subjected to interrogation and torture which led to illness, injury, disease, and death. The detention cells were approximately four by six metres³⁴⁰⁴ and were heavily overpopulated.³⁴⁰⁵ Guards cuffed prisoners' hands upon arrival,³⁴⁰⁶ and many were shackled by their ankles and connected to up to 10 prisoners.³⁴⁰⁷ Prisoners were left two or three days in a cell before being

³⁴⁰¹ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.33.35 [“A. I received the [Phnom Penh] confessions, in fact, usually through a message from 05's office. It would be the names of people who had been implicated in a confession of this person or that person”], 15.35.04 Q. Did it happen that the messenger from Ta Saroeun came and gave you the confessions, or the confessions were conveyed to you in a different manner? ... A. Sometimes it was hand delivered, and some other times I was called to receive the confessions from his place”]; **E3/407** Chhaom Se WRI, A6 [“The confessions were also sent along with the prisoners to the Au Kanseng Security Center. I knew that they were the confession from Phnom Penh through the Brigade ... who delivered the confessions to [me]”].

³⁴⁰² **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“while on patrol, the production unit of 801 stationed in 107 captured 209 Yuen troops ... All of them are of Jarai nationality and speak Khmer with an accent. They have been transferred to holding”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.58.45-10.00.44 [“Q: You said that there were more than 100 people who were Jarai who were arrested. So, was it a number between 100 and 200 people, or could this mean more than that even? A: There were more than 100”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 [“Jarai were in fact captured and brought to the Au Kanseng Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“in one night they arrested 105 prisoners from the border ... I knew that they were Jarai because I heard them speaking the language”]; **E3/8024** Site Identification Report for O Kanseng, 21 June 2009, EN 00384806 [“there were about 100 prisoners and about 250 Jarai ethnic minority prisoners”].

³⁴⁰³ See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

³⁴⁰⁴ **E3/405** Chhaom Se WRI, A11 [“Inside the office there were four prisoner buildings, each 4 by 6 meters”]; **E3/5512** Chin Kimthong alias Chhang WRI, A6 [“The detention cells were 4 by 6 meters”].

³⁴⁰⁵ **E3/5173** Um Keo WRI, EN 002726061 [“They put me in a small cell with 30 prisoners ... That cell was a square about four meters on each side, and was small and confined”].

³⁴⁰⁶ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.29.59-14.32.16 [“After they got off the trucks then they would be cuffed”].

³⁴⁰⁷ **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.53.51 [“those people who committed serious offence ... were

interrogated.³⁴⁰⁸ During interrogations, they were shackled³⁴⁰⁹ and often beaten with clubs and whips or tortured by electrocution³⁴¹⁰ in order to coerce “confessions”.³⁴¹¹

840. Some prisoners were chained for as long as three months and were not allowed to stand, walk, or exercise,³⁴¹² especially those who were accused of committing serious offences.³⁴¹³ Sleeping conditions were unbearable; prisoners slept on bare bamboo

shackled”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.02.17-11.04.40 [“And when we arrived in the prison, the security guards took the chain and locked us in rows”], 13.52.01-13.53.54 [“there were three types of shackles and cuffs. One was that they were chained and locked, and, second, we were shackled with a metal bar and, thirdly, they were shackled with a wood bar”], 13.52.01-13.53.54 [“Any detainees who arrived, they would be placed in a wooden press shackle”]; **E3/7684** Khoem Peou WRI, EN 00250072 [“they chained my ankles and put me in a long room ... the guarding soldiers chained the prisoners’ ankles and put them together in a row of 10 persons”].

³⁴⁰⁸ **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.59.45-15.02.13 [“Immediately when I arrived they did not interrogate me. They simply shackled me and two or three days later that they interrogated me”]; **E3/405** Chhaom Se WRI, A14 [“When the prisoners they had arrested arrived at the office, they were not immediately interrogated. They were left to rest in their cells for two or three days first so that we could read the documents in which the arresting units reported their activities”]; **E3/5512** Chin Kimthong alias Chhang WRI, A9 [“We did not interrogate the prisoners immediately upon their arrival; we put them in detention cells”]. See **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 11.20.42-11.22.52 [“Sometimes I received information from their respective unit when those people were sent to my – to the security centre”].

³⁴⁰⁹ **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.42.19-13.43.39 [“my hands were tied and my feet were shackled when I was being interrogated”].

³⁴¹⁰ **E3/405** Chhaom Se WRI, A14 [“There was some torture; hut, not all of them were tortured. Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully ... prisoners were beaten ... with whips and were electrically shocked”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.42.19- 13.43.39 [“when they were interrogated, they were beaten and electrocuted with the power from a manual phone”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 11.05.20-11.07.15 [“I saw a whip and I saw electricity cable in that room”]; **E3/5512** Chin Kimthong alias Chhang WRI, A8 [“There was equipment to apply electric shock ... There were clubs too”].

³⁴¹¹ **E1/177.1** Chhoam Se, T. 8 Apr 2013, 14.05.10-14.09.59 [“Q: At that correction centre in Au Kanseng, before questioning the detainees, did they use any torture? Did they beat the detainees in order to get the confessions? A. There were techniques. At first, we could not force - we could not torture and question the detainee because the answer would not be correct. So, first, we had to ask them repeatedly in order to identify the tactics or the strategies of the detainees. Later on, we invite them - we asked them again and again, and if they do not tell us, we may do it”]; **E3/405** Chhaom Se WRI, A14 [“Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully”]; **E3/5512** Chin Kimthong alias Chhang WRI, A8 [“The interrogation of the prisoner ... was to have him reveal CIA networks”]; **E3/5173** Um Keo WRI, EN 00272661 [“The interrogators responded, “If you had not done wrong, they would not have brought you here. You are in a CIA network”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“There were some torturing [during an interrogation] if an interrogator thought the prisoner didn’t tell the truth”]. See also **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516710, FR 00532752 [“These accounts are based on the statements of the combatants arrested from Division 83”]. The French translation mentions “aveux” (confessions) and not “statements”].

³⁴¹² **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.09.51-11.12.37 [“I was not allowed to walk freely --- to move freely and at that time, my ankle was shackled”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“Some prisoners were chained in the room for 2 to 3 months straight”].

³⁴¹³ **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 15.11.05-15.12.20 [“Q. I also understood that the people undergoing harsher treatments were locked up in a room. However, the people who were there for smaller offences could move about freely in the security centre. ... A. Yes, that is correct”].

floors,³⁴¹⁴ in their shackles, and with limited space.³⁴¹⁵ The constant shackling caused prisoners serious bodily harm including ailments such as numbness and swollen legs.³⁴¹⁶

841. *Inadequate food rations*: The food rations provided at Au Kanseng were inadequate. Prisoners were emaciated and suffered from malnutrition.³⁴¹⁷ In one instance, a starving prisoner driven to cannibalism used a bamboo stick to cut a dead prisoner's flesh for sustenance.³⁴¹⁸ Many prisoners died from starvation and other preventable resulting diseases³⁴¹⁹ such as glucose insufficiency.³⁴²⁰ Despite their awareness that prisoners were malnourished, the prison authorities reduced the food rations provided to the prisoners.³⁴²¹
842. *Inadequate medical care*: Due to the lack of medical care at Au Kanseng, prisoners consistently died from preventable and treatable diseases such as dysentery.³⁴²² Herbal treatments were the only medicine provided to the prisoners.³⁴²³ Prison authorities did not make further treatment available to those in need under any circumstances.³⁴²⁴

³⁴¹⁴ **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 10.58.55-11.00.41 ["we slept on the bamboo floor"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["Prisoners slept on bamboo floor"]; **E3/9357** Moeung Chandy WRI, A3 ["The booth was built on the ground, had bamboo roof and wall made of bamboo, and loose bamboo plank floor which stood at waist height from the ground"].

³⁴¹⁵ **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.02.17-11.04.40 ["We were sleeping foot-to-foot and there were two rows of prisoners in that room"]; **E3/2628** *Mapping Project 1999: Ratanak Kiri Province* DC-Cam Report, EN 00078145 ["Every night, all the prisoners had to sleep with their legs shackled to a long wooden bar ... with an iron chain. Some prisoners had no comfort in their sleeping every night"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["Every night [we] were not able to sleep because if someone needed to relieve himself, every one in the row had to get up also since their ankles were chained together"].

³⁴¹⁶ **E3/7684** Khoem Peou WRI, EN 00250074 ["most of them became weaker and weaker and were affected by diseases like limbs numbness and swollen leg"].

³⁴¹⁷ **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.02.05-14.06.22 ["We received a bowl of – meal. The bowl was small and a bowl of soup was for four people at the time. ... it was not the place that we were given supplementary food or enjoyed sufficient food to eat"]; **E1/396.1** Moeurng Chandy, T. 2 Mar 2016, 14.24.50-14.26.15 ["We were given a food ration – that is, a bowl each and whatever soup that was given to us ... although I had just delivered a baby, I ... did not receive any special food rations at all. ... Of course it was not sufficient"]; **E3/8024** Site Identification Report for O Kanseng, EN 00384806 ["Prisoners had inadequate food"]; **E3/5173** Um Keo WRI, EN 00272661 ["we got little to eat and the prisoners were skinny"]; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 ["As for the chained prisoners, they became emaciated, fell sick and died as a consequence of malnutrition"].

³⁴¹⁸ **E3/7684** Khoem Peou WRI, EN 00250073 ["a prisoner used a bamboo [stick] to cut a piece of flesh from a dead prisoner to grill and eat it"].

³⁴¹⁹ **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 ["There were also many prisoners dying from illnesses and malnutrition in that Center"]; **E3/7684** Khoem Peou WRI, EN 00250073 ["Some prisoners died from starvation and diseases"].

³⁴²⁰ **E3/5172** Phan Thol WRI, EN 00272588 ["Prisoners died from diseases, like ... glucose insufficiency"].

³⁴²¹ **E3/2628** *Mapping Project 1999: Ratanak Kiri Province* DC-Cam Report, EN 00078145 ["The Khmer Rouge permitted the prisoners to eat very little in 1975. By 1977, prisoners were given even less to eat"].

³⁴²² **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.55.03-13.57.56 ["another case of a detainee who also had dysentery and died while he was still being chained in the room"]; **E3/9326** Mao Phat WRI, EN 00272578 ["many prisoners died from diseases like dysentery"].

³⁴²³ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.02.05-15.04.26 ["As for the medicine, usually it was

843. *Psychological harm*: Prisoners were forced to urinate into bamboo tubes, and to defecate in ash-filled pots in their cells.³⁴²⁵ Light offenders had to endure the humiliation of bathing in a nearby stream with “guards standing and watching”.³⁴²⁶ Prisoner Mao Phat described suffering “mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells”.³⁴²⁷
844. Psychological abuse was prevalent in the prison; prisoners were taken from their cells and systematically interrogated and tortured.³⁴²⁸ Those locked in their cells were regularly forced to hear the prisoners’ screams and in some circumstances witness the interrogation of others.³⁴²⁹ Prisoners returned to their communal cells with visible blood stains and scars.³⁴³⁰ Other deliberate tactics were used to frighten the prisoners. Guards cut open the back of one female prisoner, removed her gallbladder and hung it in the kitchen for all to see.³⁴³¹ At times, remaining prisoners were ordered to bury the bodies of those executed under the strict supervision of guards.³⁴³²

homemade. It was in the form of a rabbit drop pallets and the ingredients were herbal”]; **E3/9326** Mao Phat WRI, EN 00272578 [“When sick, there was no medicine, and many prisoners died ... because there was no medicine to treat them”]; **E3/7684** Khoem Peou WRI, EN 00250072 [“in the prison, there were not enough ... medicines”]; **E3/9326** Mao Phat WRI, EN 00272578 [“When sick, there was no medicine, and many prisoners died”]. *Contra* **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 14.19.02-14.21.24 [“if my child got sick then I could ask for medicine for her treatment”].

³⁴²⁴ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.04.26 [“where the medicine was not effective ... the illness became more serious until the prisoners died”].

³⁴²⁵ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.42.00 [“At night time, they were told to urinate into the bamboo tube”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.53.54 [“If we needed to urinate we had to relieve ourselves in a bamboo tube and then we had to empty it by ourselves when we were let out”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“Guards would hand us a bamboo tube for urinating and a pot with ash at the bottom for defecating”].

³⁴²⁶ **E3/5172** Phan Thol WRI, EN 00272588 [“we bathed together at Au Kanseng, with guards standing and watching”]; **E3/9326** Mao Phat WRI, EN 00272577 [“When it was time to bathe, they let us bathe together under guard in the stream”]; **E3/9327** Sam Soem WRI, EN 00272620 [“They let the prisoners bathe in the nearby stream”]; **E3/5173** Um Keo WRI, EN 00272662 [“The prisoners bathed in the steam”].

³⁴²⁷ **E3/9326** Mao Phat WRI, EN 00272580 [“there was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells”].

³⁴²⁸ **E3/405** Chhaom Se WRI, A14 [“Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully”].

³⁴²⁹ **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.21.25 [“They asked and interrogated detainees very softly, but on some occasions I could hear the screaming from that place”]; **E3/9326** Mao Phat WRI, EN 00272580 [“Those Jarai included men, women, and children. I personally hear their screams”]; **E3/5173** Um Keo WRI, EN 00272661 [“One day while I was walking to work, I heard a prisoner screaming, because I saw the interrogators torturing [him]”]. *See* **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 15.42.01-15.43.39 [“There was only one interrogation room. It had a roof and closed walls ... the distance between my holding cell and the interrogation room were not far from each other”].

³⁴³⁰ **E3/7684** Khoem Peou WRI, EN 00250073 [“I saw blood stains and scars on prisoners after they had been interrogated and were brought back into the room”].

³⁴³¹ **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.37.04 [“He hacked her back opened and removed her gallbladder

ENSLAVEMENT

845. Prison officials treated inmates as commodities and exploited their labour to benefit the Party. They exercised complete control over every facet of the prisoners' lives and denied them all fundamental rights. They controlled their confinement and movement, their physical and psychological living and working conditions. Prisoners were unable to move freely,³⁴³³ with many chained and locked in the cells. Further instances of enslavement included backbreaking labour such as carrying heavy wood,³⁴³⁴ working in a rice paddy, building dams and dykes,³⁴³⁵ and planting potatoes and other vegetables.³⁴³⁶ Prisoners worked seven days a week from as early as 5 am and not being allowed to conclude until the evening.³⁴³⁷ Prisoner Moeurng Chandy testified to being made to return to work shortly after giving birth.³⁴³⁸ Armed guards always supervised prisoners whilst they were working.³⁴³⁹ Prisoners worked hard and did not dare to walk without permission for fear of "being shot dead".³⁴⁴⁰ They were confined by the bamboo spikes that surrounded the prison and prevented escape.³⁴⁴¹

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- and hang it at the kitchen hall"]; **E3/9326** Mao Phat WRI, EN 00272578 ["I heard prisoners say that they took that woman, tied her hands and feet, had her sit down, and then took a hatchet and hacked her back [open] to get her bile bladder"].
- 3432 **E1/395.1** Phon Thol, T. 2 Mar 2016, 15.57.00-15.59.34 ["After he was shot dead, Tin called me to go to help bury the body"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["When a prisoner died, other prisoners took the body to bury outside the compound while soldiers were guarding constantly"].
- 3433 **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.09.51-11.12.37 ["I was not allowed to walk freely --- to move freely and at the time, my ankle was shackled"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["Some prisoners were chained in the room for 2 to 3 months straight"].
- 3434 **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 14.21.24-14.23.17 ["I was asked to sort of carry wood planks and the distance was rather far. And at the time I had just delivered my baby and I could not carry it"]; **E3/5172** Phan Thol WRI, EN 00272586 ["The hardest work was shoulder-carrying wood from Au Kanseng to the prison"].
- 3435 **E3/7684** Khoem Peou WRI, EN 00250072 ["they sent me to help other units working on rice paddy and building dams and dikes"].
- 3436 **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.59.05 ["The work in the re-education centre was that, number one to plant potatoes and, number two, to plant vegetables"]; **E3/5512** Chin Kimthong alias Chhang WRI, A5 ["They had the prisoners grow vegetables"]; **E3/9326** Mao Phat WRI, EN 00272577 ["they released me to do work outside the prison like growing potatoes"].
- 3437 **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 15.01.14-15.02.50 ["at that time we worked every day, so seven days a week"]; **E3/9326** Mao Phat WRI, EN 00272578 ["They had me work from 5 until 11a.m. Then I ate, and continued working from 2 until 5p m. ... Then they locked me in a cell, and put me in leg shackles. We worked seven days a week, without rest"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["In the morning we worked from 7 am to 11am, and in the afternoon from 1pm to 5pm"].
- 3438 **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 14.05.04 ["Q. And how long after your daughter's birth were you required to begin working again? A. After I had some strength then I was sent to cook rice in the kitchen ... And after that, I was sent to sort of carry woods"], 14.21.24 – 14.23.17 ["I was asked to sort of carry wood planks and the distance was rather far. And at that time I had just delivered my baby and I could not carry it"].
- 3439 **E3/5512** Chin Kimthong alias Chhang WRI, A5 ["They had prisoners grow vegetables ... all this under guard by the security personnel"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["While we were working, there were 2 armed soldiers guarding us all the time"].
- 3440 **E3/7684** Khoem Peou WRI, EN 00250074 ["Prisoners were all frightened. Everyone was working and

MURDER, EXTERMINATION, AND WILFUL KILLING

846. It is estimated that hundreds of prisoners died at Au Kanseng.³⁴⁴² Generally, the security office requested the permission of the Division Commander before executing a prisoner.³⁴⁴³ After sending requests for decisions on particular prisoners,³⁴⁴⁴ the security centre Chairman received authorisation from the Division Commander to execute prisoners.³⁴⁴⁵ The prisoners selected for execution were taken away with their hands tied and/or blindfolded,³⁴⁴⁶ usually at night time.³⁴⁴⁷ Cadres carried out executions at nearby killing and grave sites such as in the jackfruit plantation³⁴⁴⁸ and in existing B-52 bomb craters.³⁴⁴⁹ Pits were dug as close as 150 metres from one of the prisoner work sites.³⁴⁵⁰ OCIJ identified at least two suspected grave sites in close proximity to Au Kanseng³⁴⁵¹ and prisoners estimated that nearly 10 grave sites existed in the compound.³⁴⁵²

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- tempering themselves hard. No one dare walking [without permission] because they were afraid of being caught and shot dead or killed”].
- 3441 **E3/7684** Khoem Peou WRI, EN 00250073 [“The prison compound was not fenced, but they planted bamboo spikes around it”]; **E3/5172** Phan Thol WRI, EN 00272586 [“it was a large prison ... surrounded by a bamboo fence with bamboo stakes emplaced”].
- 3442 **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.19.15-15.21.44 [“there were hundreds of them who died, that included those who were smashed as well as those who died in the detention centre from illnesses”]; **E3/406** Chin Kimthong WRI, EN 00404077-78 [“the total number of the prisoners died in the Center was in hundreds, but not in thousand”].
- 3443 **E3/405** Chhaom Se WRI, A16 [“Generally speaking, the re-education office had no right to decide to kill any prisoner ... As for deciding to arrest them and send them in, that was the right of upper echelon and the chairmen of the prisoner’s units”]. *See also* **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00-15.29.58 [“It was for him [the division commander] to make the decision whether the case was involved greatly in politics, or whether it became a systematic issue, or whether it was an isolated incident, and whether a person should be arrested or disciplinary actions shall be taken for that particular individual”].
- 3444 **E3/405** Chhaom Se WRI, A16 [“As for those prisoners ... I requested an opinion and decision from the division commander on what was to be done”].
- 3445 **E3/405** Chhaom Se WRI, A16 [“Ta Saroeun ordered them killed and gotten rid of”]; **E3/5512** Chin Kimthong alias Chhang WRI, A12 [“We reported ... to Ta 05, and then Ta 05 decided to sort them out”].
- 3446 **E3/9326** Mao Phat WRI, EN 00272578 [“I saw guards take on prisoner to be killed ... his hands were tied, and he was blindfolded with a shirt”]; **E3/5172** Phan Thol WRI, EN 00272586 [“I saw lines of prisoners, men and women, their hands tied”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“They were Khmer and Jarai men, women and children, who were tied up together”].
- 3447 **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.34.35-15.36.49 [“when prisoners were taken to be killed, mostly they took them out at night time”].
- 3448 **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.29.47-11.32.07 [“While I was sitting on a jackfruit, I could see three or four had been killed. Some people ... could not even walk; they were carried to that execution site and then they were smashed and killed and buried in the grave. Q. And who were the perpetrators; who was it that was carrying out these killings that you saw? A. Security guards at that security – that education centre”].
- 3449 **E3/405** Chhaom Se WRI, A16 [“Most of the killings of prisoners that could not be re-educated and corrected were in late 1978; they were buried in bomb craters”]; **E3/3984** Chhaom Se WRI, EN 00403575 [“The majority of the bodies of ordinary people were taken to be buried in about 10 existing B[52] craters”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“As for the location where those Jarai were killed, they were taken to approximately three B-52 craters and pits under breadfruit trees”].
- 3450 **E3/3984** Chhaom Se WRI, EN 00403575 [“The pit was dug ... about 150 meters from the work site”].
- 3451 **E3/8024** Site Identification Report for O Kanseng, EN 00384799 [“The current Ratanakiri police officer described to OCIJ team the location of two grave sites”], EN 00384814 [“OCIJ findings should manifest

847. Once at the execution site, prisoners were killed by either a blow to the back of the head with a hoe, or a gunshot.³⁴⁵³ The execution of prisoners was constant, with old prisoners disappearing daily at the same time as the arrival of new prisoners arrived.³⁴⁵⁴
848. Killing of prisoners took place for various reasons at Au Kanseng. Other than executions permitted by the Division Commander, guards had the ability to execute any prisoners breaking the rules, such as those attempting to escape or stealing food.³⁴⁵⁵ This was perpetrated on at least one occasion when a guard fatally shot a prisoner attempting to escape.³⁴⁵⁶ The Division Commander also ordered the killing of those who had been unsuccessfully reeducated.³⁴⁵⁷ Prisoners were also targeted and killed if they were believed to be political enemies such as CIA or KGB agents.³⁴⁵⁸
849. The desperate living conditions at Au Kanseng led multiple prisoners to commit suicide by hanging themselves.³⁴⁵⁹ The inaction of the security office officials and their superiors to provide medicine, adequate food and humane conditions as outlined above resulted in the death of many prisoners from disease and starvation.

of two suspected grave sites in close proximity to the O Kanseng prison"], EN 00384818 ["Suspicious material found at suspected grave site 1 – possible of human origin"], EN 00384812, 17-19.

3452 **E3/3984** Chhaom Se WRI, EN 00403575 ["In the centre compound, there were about 10 pits"]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 ["Inside the security office compound there were less than ten pits for burying the corpses of prisoners. They were old trench positions and B-52 craters and pits under breadfruit trees"].

3453 **E3/5172** Phan Thol WRI, EN 00272587 ["one division prisoner being carried away by two guards and then being struck with a hoe, splitting open his skull ... I also saw a guard shoot and kill one prisoner"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["Another incident was about a prisoner who was trying to escape but was shot dead by the guards"].

3454 **E3/7684** Khoem Peou WRI, EN 00250074 ["New prisoners were arriving every day and, at the same time, old prisoners were disappearing and the number was decreasing"].

3455 **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.53.54-13.55.03["The regulations were that, first, do not attempt to flee; second, do not steal. ... Another was another detainee ... he stole a durian seed ... At night-time he was taken away and killed"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["disciplines were ... Don't steal [vegetables/fruits] ... If a prisoner tries to escape, s/he will be shot dead ... Guards could do whatever they wanted to any prisoner who had not followed the disciplines"]; **E3/9326** Mao Phat WRI, EN 00272578 ["If prisoners broke the rules ... they were taken away and killed"].

3456 **E1/395.1** Phon Thol, T. 2 Mar 2016, 15.57.00 ["They didn't see him running away, but after they did their head-counting, one person was missing. So then they deployed their forces to surround the re-education centre and ... he walked back into the centre and that's when he was fatally shot"].

3457 **E3/405** Chhaom Se WRI, A16 ["As for this problem, sometimes Ta Saroeun said to keep them for further re-education and correction, and if after being kept for a period of time they still had not reformed, Ta Saroeun ordered them killed and getting rid of"].

3458 **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.48.50-13.52.01 ["Usually people who were ... taken away and killed because they were accused of being agents for KGB or CIA. ... The guards said most of the people who were killed were the secret agents of KGB or CIA"].

3459 **E3/5512** Chin Kimthong alias Chhang WRI, A5 ["Later Hoem hung himself to death. In the past, three prisoners had hung themselves"].

850. Executions occurred in massive numbers³⁴⁶⁰ as evidenced by the execution of the group of ethnic Jarai prisoners.³⁴⁶¹ As the Jarai prisoners were Vietnamese nationals and perceived by the CPK to be aligned with the opposing party in the armed conflict,³⁴⁶² they are protected people under GC IV.³⁴⁶³

PERSECUTION

851. Prisoners at Au Kanseng were specifically targeted on political and racial grounds. Those the CPK authorities viewed as political enemies such as those perceived to be CIA or KGB agents, those perceived to be associated in any way with Vietnam, those belonging to the “upper class” and those seen as critical of the CPK were targeted, arrested, and killed at Au Kanseng for discriminatory political reasons.³⁴⁶⁴ One prisoner testified, “the guards said most of the people who were killed were the secret agents of KGB or CIA”.³⁴⁶⁵

852. Similarly, Vietnamese and Jarai prisoners were arrested, detained, and executed because of their race and perceived links to Vietnam.

6. PHNOM KRAOL SECURITY COMPLEX

*When I was arrested, my wife was arrested along as well. And at that time, we had no hope of surviving.*³⁴⁶⁶

– Chan Toi

³⁴⁶⁰ **E3/405** Chhaom Se WRI, A16 [“Most of the killings of prisoners that could not be re-educated and corrected were in late 1978”].

³⁴⁶¹ **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.36.49-15.39.08 [“There was a pit used to put the Jarai people who had been killed. That pit was the result of a B-52 bombing”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 13.40.13-13.41.56 [“I was picking up the vegetables in a nearby place. From that location, I could see Jarai people were smashed and then thrown into the pit”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.20.17-11.22.47 [“I could recognize their clothing – traditional clothing. The clothing remained in the grave”]; **E3/407** Chhaom Se WRI, A21 [“Those prisoners were taken away to be killed and buried in the B [B52] craters”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“As for the location where those Jarai were killed, they were taken to approximately three B-52 craters and killed”].

³⁴⁶² **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“The assessment is that these contemptibles are external enemies who have come to go undercover on our soil”].

³⁴⁶³ See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

³⁴⁶⁴ **E1/395.1** Phon Thol, T. 2 Mar 2016, 10.55.13-10.56.18 [“the reason that I was arrested and brought to the re-education school was because I belonged to the upper class”]; **E3/5173** Um Keo WRI, EN 00272660 [“Q: Why did they arrest and imprison you in the 810 prison? ... A: ... They accused me of being in a CIA network”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“They accused us of being CIA [agents]”].

³⁴⁶⁵ **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.48.50-13.52.01 [“The guards said most of the people who were killed were the secret agents of KGB or CIA”].

³⁴⁶⁶ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.06.20-10.07.22.

853. Phnom Kraol, located in Sector 105, was a security complex comprised of multiple interrelated detention sites. The complex was operated by the leadership of Sector 105, which, as an autonomous sector, reported directly to the Party Centre. Established to implement CPK enemy policy, Phnom Kraol formed part of the national security system in the DK. As such, Phnom Kraol's prison population consisted primarily of perceived political opposition: namely, purged cadres and those in their professional and personal circles. Entire families were detained at Phnom Kraol, with children as young as two incarcerated alongside their parents.
854. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity³⁴⁶⁷ in relation to Phnom Kraol: imprisonment, enslavement, torture, murder, extermination,³⁴⁶⁸ persecution on political grounds, and other inhumane acts through attacks on human dignity and through enforced disappearances.³⁴⁶⁹

LOCATION AND OPERATION

855. The Phnom Kraol security complex was located in Sre Sangkum Commune, Koh Nhek District, Monduliri Province, and was part of Sector 105 during the DK period.³⁴⁷⁰ Phnom Kraol operated between April 1975 and December 1978.³⁴⁷¹

³⁴⁶⁷ For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

³⁴⁶⁸ In considering the element of massiveness required to prove extermination, the Co-Prosecutors take the position that the killings at all security centres and execution sites, including Phnom Kraol Security Complex should be aggregated. All of sites formed part of one national security system implementing the policy to persecute and kill enemies promoted by the same words and actions of the Accused.

³⁴⁶⁹ **D427** Closing Order, paras 1402 [imprisonment]; 1391 [enslavement]; 1408 [torture]; 1373 [murder]; 1381 [extermination]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity); 1470 [other inhumane acts (enforced disappearances)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

³⁴⁷⁰ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.27.55-09.29.45 [“The Sector 105 office] was located at Phnom Kraol, or Kraol mountain”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 15.55.35-15.58.06 [“K-17 (a detention site) was located in Phnom Kraol ... in [Koh Nhek] district”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.07.20-10.10.25 [noting that security centre K-11 was located in Koh Nhek district at Phnom Kraol]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.02.11-11.04.01 [“So, around Phnom Kraol areas, [K-17 and K-11] were located, and the prison itself was located in the centre near the stream”]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [describing K-11's location as “close to Phnom Kraol”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22, 28-29 [showing that K-17, K-11, and Phnom Kraol prison were all located approximately one kilometre from each other in Koh Nhek district, “which served as the administrative, political center of the Khmer Rouge [Monduliri] called region 105”]; **E3/5178** Chan Bun Leath (Bun Loeng Chauy) WRI, EN 00274101;

856. Phnom Kraol contained several interconnected security centres, including Phnom Kraol prison. The prison was located at the headquarters of Battalion 2 of the sector army, near the Phnom Kraol dam.³⁴⁷² A second security centre, K-11, was located less than one kilometre from Phnom Kraol prison,³⁴⁷³ at the Sector 105 military office.³⁴⁷⁴ Office K-11 served as a temporary detention facility, with prisoners cycled in and out every two to three days.³⁴⁷⁵ In late 1977, during the height of the Sector 105 purges, K-17, the office of the Sector Secretary,³⁴⁷⁶ was likewise used to detain prisoners.³⁴⁷⁷ K-17 was approximately one kilometre from both Phnom Kraol prison and K-11.³⁴⁷⁸ In addition to

E3/7703 Uong Dos WRI, EN 00242170-71; **E3/1650** San Lan WRI, EN 00244336; **E3/7705** Nou Sauy WRI, EN 00239506.

³⁴⁷¹ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.05.15-11.07.53 [“[K-17] was relocated to Phnom Kraol, together with [K-11] and the security centre. These buildings were erected after one another after 1975”]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.43.18-11.44.48 [noting that he left with his father, Sector Secretary Laing, for Phnom Kraol and K-17 in 1975, immediately before the “liberat[ion]” of Phnom Penh]; **E3/1650** San Lan WRI, EN 00244336 [“[Phnom Kraol prison] was created since 1975-1976 until 1979”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365622.

³⁴⁷² **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 14.26.24-14.29.31 [“In Phnom Kraol there was only one dam there ... The prison was located nearby that area”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.50.19-10.53.00 [“that prison was located to the dam”]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.34.38-09.39.06 [confirming that Battalion 2 was based at the Phnom Kraol dam], 10.41.41-10.44.00 [confirming that there was a prison based at the Phnom Kraol dam and that Battalion 2 was responsible for the operation of the prison]; **E3/5178** Chan Bun Leath WRI, EN 00274101; **E3/1650** San Lan WRI, EN 00244336 [“the base of Battalion 2 was at the Phnom Kraol dam”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365628-29.

³⁴⁷³ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.59.00-11.02.11 [stating that Phnom Kraol prison was several hundred metres from K-11]; **E3/5178** Chan Bun Leath WRI, EN 00274099-101 [noting that Phnom Kraol prison was located about 300 metres from K-11]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-24.

³⁴⁷⁴ **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [noting that K-11 was the office of Sophea (the Sector 105 Military Chief)]; **E3/1650** San Lan WRI, EN 00244336 [Ta Sophea, who was the chief of military for the entire Sector, was in charge of [K-11]”]; **E3/5222** Sal Ra WRI, EN 00242157 [“Ta Sophea governed the Sector 105 Military which had an office called Office [K-11]. Inside the Office [K-11] compound there was a prison”]; **E3/7700** Aum Mol WRI, EN 00239532.

³⁴⁷⁵ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.33.15-10.36.22 [confirming that K-11 was a temporary detention center from which prisoners would be sent to Nang Khilik worksite and Phnom Kraol prison]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [“I saw about 30 people transported in and out every two or three days”], 00274101 [“K-11 was a temporary detention center”]; **E3/5222** Sal Ra WRI, EN 00242157 [“The prison guards (there was a prison inside the Office [K-11] compound) told me that those they arrested were put in that prison for only two or three days”]; **E3/5636** Chan Bun Leath WRI, EN 00711226 [stating that the wives of a group of cadres that had fled to Vietnam were held at K-11 for one night].

³⁴⁷⁶ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.41.58-09.44.54 [“K-17 office was the sector's -- was the office of Sector 105”]; **E1/416.1** Phan Van alias Kham Phan, T. 7 Apr 2016, 09.11.56-09.15.29 [“K-17 was called the sector office”].

³⁴⁷⁷ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.49.28-09.50.30 [“I was detained [at K-17] for one month”], 09.59.58-10.01.02 [“From my recollection, that happened in 1977 ... It was probably in November”], 13.54.06-13.56.12 [“the detention facility or centre was located in the office -- in the sector's office ... called K-17”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“My relatives, my children, my nieces and my nephews and children and I were all arrested and detained [in K-17] for one month”], 10.37.55-10.39.45 [stating that Bou Lay, chief of the sector hospital, was detained with him in K-17 for half a month]; **E3/7695** Neth Savat WRI, EN 00239486 [“On the 1st November 1977, they arrested and detained me at K-17 for one month”].

³⁴⁷⁸ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.02.11-11.04.01 [noting that K-17 was approximately 500

Phnom Kraol prison, K-11, and K-17, other buildings in the surrounding area³⁴⁷⁹ periodically functioned as provisional detention sites.³⁴⁸⁰

857. Prisoners to be executed within the Phnom Kraol security complex were generally taken to Trapeang Pring, also referred to as Tuol Khmaoch, Trapeang Toeun, and Au Krieng.³⁴⁸¹ Trapeang Pring was located approximately four kilometres from Phnom Kraol, on the road to Kratie.³⁴⁸²

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metres from K-11 and Phnom Kraol prison]; **E1/84.1** Sao Sarun, T. 11 June 2012, 11.50.36-11.54.12 [“From K-17 to K-11, it was about 100 metres away”]; **E1/85.1** Sao Sarun, T. 12 June 2012, 09.17.13-09.19.56 [stating that the Phnom Kraol prison was approximately 100 metres from K-17]; **E3/7705** Nou Sauy WRI, EN 00239506 [stating that K-17 was located several hundred metres from Phnom Kraol prison]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22.

³⁴⁷⁹ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.19.22-15.22.11 [stating that he was detained near Ou Chbar stream, about half a kilometre from the Division 920 headquarters in Koh Nhek], 15.51.41-15.54.09 [stating that the prison was approximately 500 metres from the Division 920 headquarters]; **E1/82.1** Sao Sarun, T. 6 June 2012, 13.55.59-13.58.22 [noting that Division 920’s headquarters were close to K-17]; **E3/9100** Map, “Srok Koh Nhek” [the stream referenced by Sun Vuth runs right into the Koh Nhek District HQ].

³⁴⁸⁰ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.05.03-14.07.37 [stating that he was detained in a three room building that was approximately 10 metres long and five to six metres wide], 15.44.13-15.47.16 [stating that the prison was manned by three to four guards], 15.49.39-15.54.09 [stating that the prison was not well built and seemed like a place where prisoners were detained temporarily, such as a “provisional centre”].

³⁴⁸¹ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.51.09-10.55.13 [stating that he saw pits at Trapeang Pring and was told by a sector soldier that bodies were buried there]; **E3/2070** DC-Cam, *Mapping Project 1999: Mondulakiri Province*, EN 00078123 [recording the discovery of four burial pits and hundreds of victims in the area of Trapeang Pring]; **E3/5178** Chan Bun Leath WRI, EN 00274096 [stating that at Trapeang Pring, “a tractor was used to dig big pits and they were covered up [with dirt] after the killing”], 00274097 [stating that he saw “about 200 male and female victims buried inside the pit” at Trapeang Pring], 00274103 [“everybody knew it was a killing site ... Most of the victims at the Trapeang Pring were from the different districts of Sector 105”]; **E3/5222** Sal Ra WRI, EN 00242157 [prison guards at K-11 told him that detainees were taken to be killed at Trapeang Pring], 00242158 [stating that his cousin, who had driven detainees to their executions, told him that “the people who were transported [by] trucks from various locations in that Sector were mostly brought to Trapeang Pring”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was known as a place where people were killed]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [exhumations at Trapeang Pring resulted in the discovery of approximately 200 victims]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365630.

³⁴⁸² **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.45.07-10.48.20 [Trapeang Pring was “on the way to Kratie,” about 3-4 kilometres from Roya worksite in Koh Nhek]; **E3/5178** Chan Bun Leath WRI, EN 00274096 [“The killing site called [Trapeang] Pring was about 4 kilometres from Koh Nhek and it was on the road from Koh Nhek to Kratie province”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was on the road to Kratie]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating that the Trapeang Pring killing site was approximately 3-4 kilometres from Koh Nhek, “along the Trapeang Pring road which leads to Kratie”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22, 30.

858. The sector military and sector security offices reported to the Secretary of Sector 105,³⁴⁸³ who in turn reported to the Party Centre.³⁴⁸⁴ Ta Ham alias Laing was Sector Secretary until October 1977, when he was purportedly murdered in Phnom Penh by Sector 105 Deputy Secretary Kham Phoun.³⁴⁸⁵ Laing was replaced by Sao Sarun, who was assigned the position following a meeting with Pol Pot, **Nuon Chea**, and Son Sen.³⁴⁸⁶

At the Security Office

859. The Sector 105 Military Chief Huot Ke alias Sophea, was responsible for sector security and supervised the sector army.³⁴⁸⁷ In this role, he served as Chairman of Office

³⁴⁸³ **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.14.52-11.17.05 [stating that the Sector Secretary had “overall supervision of [the] army,” including Sector Military Chief (and head of K-11) Ta Sophea]; **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 09.21.46-09.31.10 [describing the chain of command in Sector 105 and stating that the Sector Secretary had authority over the sector army battalions and Sector Military Chief Ta Sophea]; **E3/367** Sao Sarun WRI, EN 00278697 [“The Sector Com was the one who supervised the Sector military chiefs and the Sector military chiefs supervised the security offices”]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [“The Security Section was under the military. The Sector chief or Sector secretary had the right and power over the military”].

³⁴⁸⁴ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.18.48-14.19.49 [confirming that Sector 105, as an independent sector, reported “directly” to the Centre, not through a zone]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.46.51-11.51.51 [stating that Sector 105 was an autonomous sector that reported to Office 870].

³⁴⁸⁵ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.29.45-09.33.49 [stating that Ta Ham was the chief of Sector 105 for a period and was later killed in Phnom Penh]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.17.49-11.19.07 [stating that his father (Sector Secretary Laing) died after being called to attend a training session in Phnom Penh]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.01.03-10.02.54 [stating that his Battalion commander told him “that Kham Phoun killed Ham with a metal bar”]; **E1/82.1** Sao Sarun, T. 6 June 2012, 15.45.45-15.48.33 [confirming that in late 1977 or early 1978, Chuon, the Sector 105 Chairman of Commerce, told him that Kham Phoun had killed Secretary Laing]; **E3/44** Sovan Han WRI, EN 00295164 [noting that his father (Sector 105 Secretary Laing) was called to Phnom Penh in October 1977, after which he learned that Laing had been killed there by Kham Phoun]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250090 [stating that he “received an urgent typewritten letter in an ordinary writing from Nuon Chea” ordering his father (Sector Secretary Laing) to “go to study in Phnom Penh,” and that he subsequently found his father dead in Phnom Penh]; **E3/5178** Chan Bun Leath WRI, EN 00274097-98 [noting that Kham Phoun, the Sector 105 Deputy Secretary for economic affairs, killed Sector Secretary Laing in late 1977].

³⁴⁸⁶ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.54.45-09.58.19 [stating that in late 1977 or early 1978, one or two months after Secretary Laing’s death, Sao Sarun “was promoted to replace Laing”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.26.55-14.30.32 [confirming that in late 1977, after Laing’s death, he was appointed by Pol Pot as Laing’s replacement and stating that in early 1978, after a meeting with the Party Centre, a “majority approved” his appointment as Sector Secretary]; **E3/367** Sao Sarun WRI, EN 00278695 [stating that in late 1977 or early 1978, after the death of Laing, he was called to Phnom Penh to meet with Pol Pot, Nuon Chea, and Son Sen. At the meeting, Pol Pot asked Sao Sarun to replace Laing as Sector 105 Secretary and several months later, Sarun was formally appointed Sector Secretary]; **E3/1650** San Lan WRI, EN 00244338 [stating that Sao Sarun became Sector Secretary following Laing’s death].

³⁴⁸⁷ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.41.09-10.45.07 [stating that Ta Sophea was the “high-ranking commander,” with authority over the leadership at Phnom Kraol prison]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.01.30-11.02.55 [“Sophea was the member of the sector committee and in charge of the security”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 14.24.55-14.26.15 [stating that Ta Sophea was “the superior” of Ta Leng, who was “in charge of the security” (including as head of Phnom Kraol prison)]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.26.20-09.28.44 [identifying Ta Sophea as the Sector Military Chief]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.55.58-11.58.07 [confirming that Sophea led the sector

K-11.³⁴⁸⁸ In late December 1978, Ta Sophea flew to Phnom Penh for a meeting with Pol Pot, **Nuon Chea**, and Son Sen.³⁴⁸⁹ At the meeting, Sophea was instructed to stay behind to “work on ... military affairs”.³⁴⁹⁰ Subsequently, he was arrested, taken to S-21, and executed.³⁴⁹¹

860. The army of Sector 105 was comprised of two Battalions.³⁴⁹² The Commander of Battalion 2, Khven Ngok alias Leng, supervised Phnom Kraol prison.³⁴⁹³ Ta Leng’s deputy was Lep Vieng alias Kham, and the third member of the committee was Sao

troops], 14.06.02-14.08.24 [“Sophea was the military commander in charge of security”]; **E3/1650** San Lan WRI, EN 00244336-37 [noting that Ta Sophea “was the person who gave the assignment and orders to the all soldiers including those of the Battalion 2, [K-11] soldiers, or the district soldiers; this means that Ta Sophea was really the person to give orders and know about [prison]”].

³⁴⁸⁸ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.04.01-11.05.15 [confirming that Ta Sophea was the head of K-11]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [stating that K-11 was “Sophea’s office”]; **E3/7697** Kang Sien WRI, EN 00239500 [stating that K-11 was “supervised by Ta Sophea”]; **E3/7700** Aum Mol WRI, EN 00239532 [noting that K-11 was under the control of Sophea].

³⁴⁸⁹ **E3/367** Sao Sarun WRI, EN 00278696 [recalling that shortly before the arrival of the Vietnamese, he accompanied Ta Sophea and other cadres to Phnom Penh for a meeting with Pol Pot, Son Sen, and Nuon Chea]; **E3/1650** San Lan WRI, EN 00244338 [describing accompanying Sophea and Sao Sarun to Phnom Penh in 1978].

³⁴⁹⁰ **E3/367** Sao Sarun WRI, EN 00278696 [stating that at the aforesaid meeting, Ta Sophea was asked to “stay and work on the military affairs,” after which he “disappeared forever”]; **E3/1650** San Lan WRI, EN 00244338 [stating that Ta Sophea “disappeared” after the aforesaid meeting].

³⁴⁹¹ **E1/416.1** Phan Van, T. 7 Apr 2016, 14.23.33-14.26.15 [referencing Sophea’s “removal”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.08.13-10.10.03 [referencing Sophea’s arrest]; **E3/342** OCP Revised S-21 Prisoner List, EN 00329715; **E3/2593** S-21 Confession of Huot Ke alias Sophea, 31 Dec 1978.

³⁴⁹² **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.05.29-11.07.10 [“there were only two battalions in Mondolkiri”]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.28.42-09.31.20 [“in Sector 105 in Mondolkiri province, there were two battalions”]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.16.58-09.21.46 [stating that the Sector 105 army contained two regiments (he refers to the battalions as regiments), which were then further subdivided]; **E3/1650** San Lan WRI, EN 00244335-36 [noting that there were two battalions stationed in Sector 105]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490-91 [referencing the two battalions of the Sector 105 army].

³⁴⁹³ **E1/491.1** Sov Maing, T. 27 Oct 2016, 10.41.41-10.44.00 [confirming that Ta Leng, commander of Battalion 2, was responsible for the operation of Phnom Kraol prison]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.14.20-15.17.22 [noting that the security centre at Phnom Kraol was “under the supervision of Leng”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 14.24.55-14.26.15 [Leng was “in charge of the security”]; **E3/1650** San Lan WRI, EN 00244336 [Leng “was the one who [was] permanently stationed at the Office of Battalion 2 which [was] located at the Phnom Kraol dam”]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490 [noting that Leng was the chief of Battalion 2 and in charge of Phnom Kraol prison].

Champi alias Maing.³⁴⁹⁴ When Ta Leng was arrested and disappeared in early 1978,³⁴⁹⁵ Maing took over as Commander of Battalion 2 and head of Phnom Kraol prison.³⁴⁹⁶

Communication

861. On matters of security, there was a continuous line of communication between Sector 105 and Phnom Penh, with Sector 105 reporting directly to **Nuon Chea** and the Party Centre,³⁴⁹⁷ and receiving instructions directly from **Nuon Chea** and the Party Centre.³⁴⁹⁸ Phnom Penh determined who was to be arrested and killed.³⁴⁹⁹ As Phan Van, son of Sector Secretary Laing, testified, “the decision had to come from the Centre”.³⁵⁰⁰
862. The Centre informed the Sector 105 leadership of general categories of suspect individuals, such as “imbedded enemies (who contacted the Vietnamese)”,³⁵⁰¹ and

³⁴⁹⁴ **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.21.46-09.24.18 [confirming that Vieng was the Battalion 2 deputy and that he was the Battalion 2 member]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490; **E3/1650** San Lan WRI, EN 00244336; **E3/7705** Nou Sauy WRI, EN 00239506.

³⁴⁹⁵ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.08.13-10.10.03 [referencing Leng’s arrest]; **E1/84.1** Sao Sarun, T. 11 June 2012, 11.26.42-11.27.56 [confirming Leng’s arrest]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244491 [“Ta Leng was called to study and disappeared for ever about one year before the arrival of the Vietnamese”]; **E3/342** OCP Revised S-21 Prisoner List, EN 00329761; **E3/1653** S-21 Confession of Khven Ngok alias Leng, 27 Feb 1978; **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Mondulhiri Highlands*, EN 00397723 [Leng was arrested on 13 January 1978, entered S-21 on 15 February 1978, and was executed on 10 June 1978].

³⁴⁹⁶ **E3/367** Sao Sarun WRI, EN 00278696 [“I know Maing, my younger brother in Battalion 2 ... and later he came to replace Leng at Phnom Kraol Dam Office”].

³⁴⁹⁷ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.18.48-14.19.49 [confirming that Sector 105, as an independent sector, reported “directly” to the Centre, not through a zone]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.46.51-11.51.51 [stating that Sector 105 was an autonomous sector that reported to Office 870]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250089 [“At that time, Sector 105 was autonomous and had the rights to report directly to the Center. As for military matters, the Sector reported directly to the Center,” with typewritten documents regarding security sent to Nuon Chea]; **E3/365** Sovan Han WRI, EN 00251009 [stating that Ta Sophea reported to the Centre about military and security matters].

³⁴⁹⁸ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.51.01-15.52.16 [stating that as Sector Secretary, he received regular telegrams from Office 870]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.00.19-11.04.01 [recalling that the Sector 105 office received instructions on security issues from Nuon Chea], 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams about “security matters” from Office 870 and that “most of the time, I could see the name of Uncle Nuon”]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250089 [stating that Nuon Chea “regularly instructed” Sector Secretary Laing via telegram about “security matters such as to be vigilant of Vietnamese enemy or insider enemy”]; **E3/383** Sao Sarun WRI, EN 00350263-64 [Pol Pot and Nuon Chea responded to telegrams sent by Sector 105 to Office 870]; **E3/365** Sovan Han WRI, EN 00251009 [stating that as telegram decoder for his father, Sector 105 Secretary Laing, he received telegrams from Pol Pot and Nuon Chea].

³⁴⁹⁹ **E1/416.1** Phan Van, T. 7 Apr 2016, 10.56.24-10.58.31 [stating that in regard to arrests, “it was the instruction issued from above and [Sector 105 Secretary Laing] simply followed that instruction”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.03.57-14.06.49 [stating that Sector 105 leaders could not “make or create” policies, as they were “set out by the Party Centre”]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.56.11-10.00.26 [stating that in regard to arrests and the targeting of categories of individuals, “the sector did not have any discretion to decide on this -- or such instruction. It had to come from the Centre ... the decision had to come from the Centre”]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.29.20-11.30.46 [confirming that only the Centre could decide how to proceed with regard to political prisoners and persons accused of betraying the Party]; **E3/384** Sao Sarun WRI, EN 00348373.

³⁵⁰⁰ **E1/152.1** Phan Van, T. 12 Dec 2012, 09.58.04.

³⁵⁰¹ **E1/416.1** Phan Van, T. 7 Apr 2016, 10.55.14-11.00.19 [confirming that the Party Centre in Phnom Penh

specific individuals identified as traitors, including those implicated in S-21 confessions.³⁵⁰² In April 1978, for example, the Centre notified Sector 105 that “Comrade Sot” had been named in the S-21 confession of Phan Khon alias Chuon,³⁵⁰³ a purged Sector 105 official.³⁵⁰⁴ As confirmed by Sector Secretary Sarun, Sot was subsequently arrested and detained.³⁵⁰⁵ In late 1978, even Sarun was implicated in a confession, with Pol Pot calling the Sector Secretary to Phnom Penh to tell him in person.³⁵⁰⁶

863. The Centre relayed its orders either by telegram³⁵⁰⁷ or by summoning the sector leadership to Phnom Penh for meetings with Pol Pot, Son Sen, **Khieu Samphan**, and

issued instructions for the arrest of certain categories of individuals, such as those who had committed immoral offenses or those who were affiliated with the former regime]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.53.08-09.58.04 [stating that the Centre provided criteria for determining which groups of individuals were traitors or bad elements]; **E3/366** Ham Ansi WRI, EN 00250751 [stating that the Sector 105 committee received “the word from the Center-level” to “track-down the imbedded enemies (who contacted the Vietnamese) and the enemy traitors”].

³⁵⁰² **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.23.00-14.26.55 [stating in regard to orders for people to attend study sessions, that “the names were provided from Phnom Penh,” including from Nuon Chea, and that “when they went to study, they disappeared and never returned”]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30 [confirming that as Sector 105 Secretary, he received a telegram from Pol Pot informing him that the confession of a Sector 105 official had identified “Comrade Sot” as a traitor]; **E3/366** Ham Ansi WRI, EN 00250750 [stating in reference to the arrests of Division 920 soldiers in Sector 105 that “Ta Sophea let me read confessions from the Center in which [soldiers of] Division 920 had implicated persons they knew and fellow soldiers”].

³⁵⁰³ **E1/83.1** Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30; **E3/384** Sao Sarun WRI, EN 00348372-73 [stating that he received a telegram from Pol Pot telling him that “Sot had appeared in the responses of Chuon”]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [stating that Sot “was previously implicated in the confession of the traitor A Chuon”]; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809636; **E3/342** OCP Revised S-21 Prisoner List, EN 00329917; **E3/2391** S-21 Confession of Phan Khon alias Chuon, 31 Dec 1977.

³⁵⁰⁴ **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.41.10-09.44.10 [stating that Chuon worked at a sector economics office]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.05.42-11.07.30 [confirming that Chuon was head of the Sector commerce office]; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809636 [identifying Phan Khuon alias Chuon, as a “State Commerce member in Sector 105”].

³⁵⁰⁵ **E1/83.1** Sao Sarun, T. 7 June 2012, 11.04.09-11.07.30 [stating that Sot was “detained”]; **E3/384** Sao Sarun WRI, EN 00348373 [noting that Sot was arrested approximately 10 days after Secretary Sarun received the telegram from Pol Pot regarding Chuon’s confession]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [stating that the sector “monitored” Sot’s activities following his incrimination and subsequently “arrested and detained” him].

³⁵⁰⁶ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.31.23-15.35.50 [confirming that at a September 1978 meeting in Phnom Penh, Pol Pot showed him a confession in which he and other top Sector 105 cadres were implicated]; **E3/367** Sao Sarun WRI, EN 00278697 [stating that during the Party anniversary in Phnom Penh in September 1978, Pol Pot asked him to read a confession that implicated Sarun and Maing, among others].

³⁵⁰⁷ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.51.01-15.52.16 [stating that as Sector Secretary, he received regular telegrams from Office 870]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.58.31-11.02.15 [stating that messages about security matters “came through telegrams advising on specific -- on certain issues”], 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams about “security matters” from Office 870 and, specifically, Nuon Chea].

Nuon Chea, among others.³⁵⁰⁸ Subsequently, Sector 105 would convene meetings with district committees and the sector military to pass on the Centre's orders.³⁵⁰⁹

864. Sector 105 Secretaries Laing and Sarun sent Office 870 regular reports via telegram,³⁵¹⁰ apprising the Centre of both general issues³⁵¹¹ and security issues.³⁵¹² These telegrams included updates on interrogations and confessions,³⁵¹³ as well as requests for

³⁵⁰⁸ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.11.34-15.17.56 [stating that a couple months after Laing's death, he attended a meeting in Phnom Penh with Nuon Chea, Khieu Samphan, and Pol Pot, at which he received instructions about Vietnamese "invasions"]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.02.15-11.05.12 [stating that Sector Secretary Laing would go to Phnom Penh "whenever he was called," and confirming that he would receive instructions accordingly]; **E3/367** Sao Sarun WRI, EN 00278695 [stating that in late 1977 or early 1978, soon after the death of Laing, he was called to Phnom Penh to meet with Pol Pot, Nuon Chea, and Son Sen], 00278696 [stating that a couple months after the death of Laing, he, Sophea, and other cadres were called to Phnom Penh for a meeting with Pol Pot, Son Sen, Nuon Chea, and Khieu Samphan (the meeting referenced in **E1/410.1**) and that several months later, he, Sophea, and other cadres were again called to Phnom Penh, this time for a meeting with Pol Pot, Son Sen, and Nuon Chea]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244492 [Sector 105 leaders Laing and Sarun attended meetings in Phnom Penh, from which they returned with updates on "Angkar policies"]; **E3/5178** Chan Bun Leath WRI, EN 00274104 ["I just noticed that the people in the Provincial Committee flew to Phnom Penh for meeting[s] once a week or month"]; **E3/1650** San Lan WRI, EN 00244337 ["Ta Sophea and Ta Laing went to attend meetings in Phnom Penh"].

³⁵⁰⁹ **E1/416.1** Phan Van, T. 7 Apr 2016, 11.04.01-11.05.12 ["After his return from Phnom Penh, [Sector Secretary Laing] called other concerned people from the districts to attend the training session ... held at K-17"]; **E3/366** Ham Ansi WRI, EN 00250751 [stating that Sector leaders "went to meetings at the Center" and that "once every month, in meetings attended by the Sector Com, the Sector Army, and the District Coms, the Sector Com brought the word from the Center-level," including about "imbedded enemies" and "enemy traitors"]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244492 [at monthly sector-level meetings, the Sector 105 leadership discussed the policies of the Party Centre (Pol Pot, Nuon Chea, Khieu Samphan, and others), including "resisting [the] Vietnamese enemy"]; **E3/1650** San Lan WRI, EN 00244336 [Laing and Sophea discussed "the traitorous network hiding in Angkar" at monthly meetings with the sector army].

³⁵¹⁰ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.48.52-15.51.01 [stating that as Sector 105 Secretary, he had to send reports to Office 870, his "superior," on a regular basis]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.11.46-11.13.15 [stating that Sector Secretary Laing generally used telegrams to report to the upper level].

³⁵¹¹ **E3/1191** DK Telegram from Laing to Doeun, 12 Oct 1976 [advising Office 870 about the use of new alias Chhan]; **E3/1192** DK Telegram from Laing to Nuon Chea, 12 Oct 1976; **E3/1189** DK Telegram from Laing to Brothers No. 1 and 2, 12 October 1976 [inquiring about the opening of Party Political School]; **E3/1193** DK Telegram from Chhan to Doeun, 15 Oct 1976; **E3/1194** DK Telegram from Chhan, 19 Oct 1976 [confirming receipt of instructions regarding the Centre's Four Year Plan]; **E3/1102** DK Telegram from Chhan to Dor, 20 Oct 1976; **E3/1195** DK Telegram from Laing to Pang, 25 Nov 1976 [notifying the Centre about political education courses]; **E3/9404** DK Telegram from Sarun to Respected Brother, 24 Apr 1978.

³⁵¹² **E1/83.1** Sao Sarun, T. 7 June 2012, 11.19.05-11.24.26 [stating that as Sector 105 Secretary, he sent the Centre a telegram asking what measures he should take in regard to Sot, who had been detained]; **E3/1196** DK Telegram from Chhan to Office 870, 26 Nov 1976 [reporting on the measures taken against Vietnamese "Group 7"]; **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [reporting on the problem of the "contemptible Yuon" and internal enemies in Division 920]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [reporting on the interrogation and execution of 9 Yuon]; **E3/1078** DK Telegram from Sarun to M-870, 9 Apr 1978 [reporting on the interrogation and arrest of implicated persons]; **E3/155** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [reporting on the arrest of Sot and requesting further instruction].

³⁵¹³ **E3/1078** DK Telegram from Sarun to M-870, 9 Apr 1978 [reporting on the arrest of a potential enemy identified by the "Sector's examination" of two detainees]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [referencing the interrogation of nine Vietnamese, who had confessed that "the Yuon

instruction on how to handle specific detainees. Writing to Office 870 about the aforesaid “Comrade Sot”, for example, Sector Secretary Sarun asked *Angkar* to “please help with [an] opinion on the level at which this must be kept or be sent”.³⁵¹⁴ Sot has not been seen or heard from since,³⁵¹⁵ making it likely that the answer of Pol Pot, **Nuon Chea**, and Ieng Sary, all copied on the telegram, was not in his favour. Sector 105 notified Office 870 when targeted individuals were eliminated.³⁵¹⁶

865. District offices reported directly to Sector 105, sending regular updates on dam construction, crop production, healthcare, “good or bad elements”, and “traitorous” elements.³⁵¹⁷ In response, the sector leadership disseminated instructions to the districts³⁵¹⁸ and assembled relevant information into “district performance report[s]”, which were sent to the Party Centre on a daily basis.³⁵¹⁹

IMPRISONMENT

866. Hundreds of individuals, including women and children, were arbitrarily imprisoned within the Phnom Kraol security complex. There was no judicial authorisation for, or review of, arrests and detention. As was the case throughout DK, courts and criminal laws did not exist.
867. Many of the detainees who survived Phnom Kraol prison and K-11 and who were interviewed by the Co-Investigating Judges passed away before being able to testify at trial.³⁵²⁰ Therefore, information regarding conditions at the two sites is largely based on their WRIs. In contrast, information concerning K-17 and associated detention sites in Phnom Kraol is primarily based on the trial testimony of surviving prisoners.

had assigned them to come to spy inside Kampuchea].

³⁵¹⁴ **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978.

³⁵¹⁵ **E1/399.1** Chan Toi, T. 10 Mar 2016, 11.25.44-11.28.27 [stating that he has “not heard” about Sot since 1978]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 13.42.19-13.48.20 [noting that he has not seen or heard about Sot since April 1978, the date of Sot’s arrest].

³⁵¹⁶ **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [reporting that “a Yuon was smashed” and that “the problem of these contemptible Yuon has already been decided”]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [reporting that nine Vietnamese had been captured, interrogated, and “swept” away].

³⁵¹⁷ **E1/416.1** Phan Van, T. 7 Apr 2016, 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams from the districts]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

³⁵¹⁸ **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

³⁵¹⁹ **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

³⁵²⁰ **E390** Co-Prosecutors’ Request to Call Additional Witnesses During the Phnom Kraol Security Centre Trial Segment, 16 Mar 2016, para. 2.

868. At Phnom Kraol prison, the number of detainees ranged from 80 to several hundred at any given time.³⁵²¹ During the purge of Division 920, a division of the Centre's army stationed in Sector 105,³⁵²² the prison population neared 400.³⁵²³ Detainees were held at the prison for varying lengths of time, some for almost a year,³⁵²⁴ and others for a week or less.³⁵²⁵
869. Office K-11 served as a "temporary detention center",³⁵²⁶ housing 20 to 30 prisoners³⁵²⁷ who were transported in and out every two to three days.³⁵²⁸ Detainees considered "correctible" were typically sent to tempering worksite Nang Khilik, while those considered "heavy prisoners" were sent to Phnom Kraol prison³⁵²⁹ or for execution.³⁵³⁰

³⁵²¹ **E3/7702** Sok El WRI, EN 00239510 ["In the Phnom Kraol prison, I saw about 80 male prisoners"]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that approximately 200-300 prisoners could be detained in Phnom Kraol prison]; **E3/7703** Uong Dos WRI, EN 00242171 [stating that the number of prisoners "reached 385"].

³⁵²² **E1/151.1** Phan Van, T. 11 Dec 2012, 11.55.58-11.58.07 [confirming that Division 920, a division within the RAK, was stationed in Sector 105 from mid-1975 onwards]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.15.35-15.18.15 [confirming that Division 920 was headquartered in Koh Nhek].

³⁵²³ **E3/7703** Uong Dos WRI, EN 00242171 [stating that at one point, the prison held 385 detainees, the majority of whom were soldiers from Division 920].

³⁵²⁴ **E3/7702** Sok El WRI, EN 00239510 ["I was in the Phnom Kraol prison for seven months before they released me"]; **E3/7703** Uong Dos WRI, EN 00242170-71 [Uong Dos was brought to Phnom Kraol in September 1977 and released in April 1978].

³⁵²⁵ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.36.22-10.39.39 [stating that his relatives detained at Phnom Kraol prison were "placed in the detention for one week"]; **E3/7703** Uong Dos WRI, EN 00242171 [Division 920 soldiers were "transported in during the morning, and at night they were taken away"].

³⁵²⁶ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.33.15-10.36.22 [confirming that K-11 was a temporary detention centre]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [describing K-11 as a "temporary detention center"].

³⁵²⁷ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.56.16-10.58.50 [confirming that he saw trucks transporting approximately 30 people in and out of K-11 on a regular basis]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that he saw groups of "about 30 people" being transported in and out of K-11]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that she was detained at K-11 with approximately 20 other prisoners].

³⁵²⁸ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.56.16-10.58.50 [confirming that he saw groups of prisoners being transported in and out of K-11 every two to three days]; **E3/5178** Chan Bun Leath WRI, EN 00274099 ["I saw about 30 people being transported in and out [of K-11] every two or three days"]; **E3/5222** Sal Ra WRI, EN 00242157-58 [noting that K-11 prison guards told him that detainees were transported in and out every two to three days]; **E3/5636** Chan Bun Leath WRI, EN 00711226 [stating that the wives of a group of cadres who had fled to Vietnam were held at K-11 briefly, then transported out].

³⁵²⁹ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.07.20-10.08.56 ["[K-11] was simply a prison where people were detained, and there was a re-education centre located in [Nang Khilik]. Those who committed minor offenses would be sent for re-education at that centre"], 10.33.15-10.36.22 [confirming that prisoners detained at K-11 were soon thereafter transferred to Nang Khilik or Phnom Kraol prison]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [stating that detainees at K-11 would "be sent to [Nang Khilik], if they were considered as correctible prisoners and to Phnom [Kraol], if they were considered as heavy prisoners"]; **E3/7695** Neth Savat WRI, EN 00239487 [noting that the worksite at Nang Khilik was a place for "the prisoners to re-educate themselves"].

³⁵³⁰ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.20.55-11.32.11 [identifying several women on S-21 list **E3/1645** as the wives of Sector 105 officials who had attempted to flee to Vietnam. Per Chan Bun Leath's WRI **E3/5636** at EN 00711226, "the wives were first detained at K-11"]; **E3/5178** Chan Bun

In late 1977, as the purge of Division 920 intensified, coinciding with the purge of those associated with Kham Phoun, some prisoners were detained at K-17.³⁵³¹ K-17 was a two-story building³⁵³² that could house approximately 80 detainees,³⁵³³ with higher-ranking prisoners kept on the upper floor.³⁵³⁴ Detainees were typically held at K-17 for a month or less.³⁵³⁵

870. The prison population within the Phnom Kraol security complex consisted primarily of purged cadres, including the aforementioned Division 920 soldiers. The Division 920 “wave of a purge” was precipitated by the fall of former Division Secretary Men Meng alias Chhin, who was arrested on 21 February 1977 and sent to S-21 on 16 March 1977.³⁵³⁶ Sector 105 Secretary Laing (using the alias Chhan) referenced the elimination

Leath WRI, EN 00274099 [noting that detainees at K-11 were regularly “transported out for execution”]; **E3/5222** Sal Ra WRI, EN 00242157-58 [noting that prison guards at K-11 told him that detainees were transported out for execution every couple of days].

³⁵³¹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.59.58-10.01.02 [“From my recollection, [detention at K-17] happened in 1977 ... It was probably in November”], 13.54.06-13.56.12 [“the detention facility or centre was located in the office -- in the sector’s office ... called K-17”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“My relatives, my children, my nieces and my nephews and children and I were all arrested and detained [in K-17]”], 10.37.55-10.39.45 [stating that Bou Lay, chief of the sector hospital, was detained at K-17 during that same time period]; **E3/7695** Neth Savat WRI, EN 00239486 [“On the 1st November 1977, they arrested and detained me at [K-17]”].

³⁵³² **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 [“it was [a] two-storey building”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.53.40-10.55.56 [stating that K-17 had two floors]; **E1/416.1** Phan Van, T. 7 Apr 2016, 09.14.00-09.15.29 [“The upper floor was wooden. The ground floor was concrete”]; **E3/7695** Neth Savat WRI, EN 00239486 [stating that K-17 “was a two stories building with a concrete ground floor and a wooden first floor”].

³⁵³³ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 [“To the best of my recollection, more than 80 people were detained within the building”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.05.21-10.06.55 [“all together, there were about 80 people who were arrested and detained at where I was detained”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that he was put in a “large communal room which held up to 88 persons”].

³⁵³⁴ **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.03.44-11.08.20 [stating that the prisoners held on the upper floor were higher-ranking officials, such as the leadership of the sector economics office and members of the Koh Nhek district committee]; **E3/7695** Neth Savat WRI, EN 00239486 [naming higher-ranking officials held on the upper floor of K-17, such as Ra, Deputy Secretary of Koh Nhek district]; **E3/2070** DC-Cam, *Mapping Project 1999: Monduliri Province*, EN 00078119 [“the prisoners were divided into two groups. High ranking Khmer Rouge prisoners ... were placed on the wooden top floor; while ordinary people were held on the ground floor”].

³⁵³⁵ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.49.28-09.50.30 [“I was detained there for a period of one month”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“My relatives, my children, my nieces and my nephews and children and I were all arrested and detained for one month. For one month. And then we all -- we were all released”], 10.37.55-10.39.45 [Bou Lay, chairman of the sector hospital, “was detained there for half a month, and then this individual was transported out while I was still being detained within that centre”]; **E3/7695** Neth Savat WRI, EN 00239486 [“they arrested and detained me at K-17 for one month”].

³⁵³⁶ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.32.04-09.33.57 [stating that Division 920 soldiers in Sector 105 were “arrested during a wave of a purge” starting in late 1976 or early 1977]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.57.44-14.01.20 [describing the arrests of Division 920 leadership, including Secretary Chhin, and the subsequent purge of lower-ranking soldiers in the Division], 15.22.11-15.28.41 [recalling the arrests of various Division 920 soldiers following Chhin’s arrest]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.35.22-10.38.29 [recalling that the “upper echelon” in Phnom Penh ordered the arrests of

of Chhin's cadres in a 20 May 1977 telegram to Office 870, reporting that although the sector had been making "arrest after arrest" of "unit 920s", enemy "activities continue one after the other".³⁵³⁷ Secretary Laing blamed these "activities" on "henchmen" of the "contemptible Chhin".³⁵³⁸ The Division 920 purge continued through March 1978, with over 400 Division 920 soldiers arrested and then transferred to S-21.³⁵³⁹ Many Division 920 soldiers passed through Phnom Kraol, including company chief Sun Vuth, who was imprisoned at a provisional detention site within the security complex.³⁵⁴⁰

871. Other prisoners at Phnom Kraol included officials from the former regime, ethnic Vietnamese, persons alleged to have connections to Vietnam, and persons accused of being spies.³⁵⁴¹ People were also arrested and detained for perceived misbehaviour, such

Division 920 leadership, including Secretary Chhin]; **E3/2594** S-21 Confession of Men Meng alias Chhin, 23 Mar 1977, EN 00766872; **E3/342** OCP Revised S-21 Prisoner List, EN 00329818; **E3/7695** Neth Savat WRI, EN 00239484.

³⁵³⁷ **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [S-21 records show that almost 100 Division 920 soldiers were arrested and sent to S-21 in the 30 day period preceding this 20 May 1977 telegram]; **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397715-17; **E3/2590** S-21 Prisoner List, May 1977, EN 01191256; **E3/2592** List of Prisoners from Division 920, EN 00887713-17.

³⁵³⁸ **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977.

³⁵³⁹ **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397712-00397726 [list of over 400 Division 920 soldiers who entered S-21 between 12 January 1977 and 11 March 1978. Many were subsequently executed]; **E3/366** Ham Ansi WRI, EN 00250750 ["I personally saw Ta Sophea arrest many soldiers of [Division] 920 and send them to the Center"].

³⁵⁴⁰ **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.59.47-11.01.55 [stating that one month before his own detention, in September/October 1977, he accompanied Secretary Laing to K-17 and saw soldiers from Division 920 detained there]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.52.36-13.55.57 [stating that "after the liberation of Phnom Penh," he was appointed to be chief of a company in Division 920 by Ta Chhin], 14.08.59-14.13.30 [stating that he was accused of having betrayed *Angkar* as part of his commanders' "network"], 15.19.22-15.22.11 [stating that he was detained near Ou Chbar stream, about half a kilometre from the Division 920 headquarters in Koh Nhek], 15.23.52-15.28.41 [stating that he was detained several months after the arrest of Ta Chhin, in late 1977], 15.49.39-15.54.01 [stating that the prison was not well built and seemed like a place where prisoners were detained temporarily, such as a "provisional centre"]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.14.20-15.17.22 [noting that cadres from Division 920 were detained at Phnom Kraol]; **E3/7703** Uong Dos WRI, EN 00242171 [noting that during his detention at Phnom Kraol prison (September 1977 to April 1978), the number of detainees "reached 385, the majority of whom were soldiers from Division 92[0]"].

³⁵⁴¹ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.51.14-09.55.19 [stating that groups subject to arrest in Sector 105 included "former soldiers in the previous regime" and those accused of being part of "Khmer Sar, KGB, CIA and Vietnamese Network"], 10.33.15-10.36.22 [stating that "heavy prisoners" sent to Phnom Kraol prison were "those who joined with the Vietnamese"], 14.03.45-14.08.20 [noting that people in Sector 105 were arrested because they had relatives living in Vietnam or they "were suspected of having communication with Vietnam," such as the case of two soldiers arrested on Ta Laing's orders for engaging in friendly relations with the Vietnamese army]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.56.11-09.58.04 [noting that "targets of removal" in Sector 105 included officials of the former regime]; **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.53.46-09.56.36 ["they said we were all traitors"], 11.29.33-11.31.51 [noting that his father-in-law, a Lon Nol soldier who lived in Koh Nhek, was arrested because the DK regime had a policy of arresting "soldier[s] of the former regimes" or anyone "accused of being sp[ies]"]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 14.21.13-14.25.14 [describing the arrests in Sector 105 of various individuals "accused of having a connection with Vietnam"]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that K-11 detainees were accused of things such as "being a

as stealing, evading work, committing “immoral acts”, beating cattle, misspeaking, and practising black magic.³⁵⁴² The subordinates of implicated persons were likewise arrested and imprisoned.³⁵⁴³

872. Just as individuals associated with implicated persons in a professional capacity were arrested and detained, so too were the family members of accused cadres.³⁵⁴⁴ For

Vietnamese, spy, or white Khmer network”]; **E3/7702** Sok El WRI, EN 00239509 [stating that he was told at the time of his arrest that “they were rounding up former soldiers and policemen to assemble them in Koh Nhek district” (Sok El is a former policeman who was arrested and detained at Phnom Kraol prison in 1978)]; **E3/7695** Neth Savat WRI, EN 00239487 [stating that many prisoners detained with him at K-17 were there based on allegations of “connections with Vietnam”]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that she was arrested and detained at K-11 based on “the accusation of being a CIA agent” or in contact with “the Yuon” and noting that detainees at Phnom Kraol prison had also been accused of affiliations with the “CIA’s or traitor’s networks”]; **E3/7703** Uong Dos WRI, EN 00242171 [noting that during his detention at Phnom Kraol prison, “every single afternoon after the meal, they always held a meeting and accused all of us of being CIA”]; **E3/5222** Sal Ra WRI, EN 00242156 [stating that fellow prisoners at K-11 “had been accused of being enemies”]; **E3/1650** San Lan WRI, EN 00244337 [noting that members of the sector military were arrested and disappeared, ostensibly because they had been “accused of having connections with Vietnam”]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244491-92 [stating that at monthly meetings with the sector military, the Sector 105 leadership declared that people who made “any contact with Vietnamese” were enemies]; **E3/5221** B’look Lam WRI, EN 00239491 [stating that in 1977, Nhun, chief of K-16, attended a meeting and was told by Sector Secretary Laing that Kev Sima people “were all Vietnamese heads on Khmer bodies and they all betrayed Angkar”].

³⁵⁴² **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.33.32-09.40.47 [noting that his uncle Kasy, secretary of Kev Sima district, was removed from office and subsequently arrested and killed for failing to “report a member in the district who committed ... an immoral offense”], 13.42.19-13.48.20 [confirming that an individual named Sot was arrested for committing immoral acts with a woman]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.40.59-15.44.55 [confirming that Sot was detained for “committing immoral acts with a lady”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.55.14-10.58.31 [confirming that individuals were arrested and detained at Phnom Kraol prison for stealing, work evasion, and immoral offenses]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that people detained at K-11 had been arrested for “beating cattle” and misspeaking]; **E3/57** Phan Van (Kham Phan) WRI, EN 00290508 [stating that many prisoners arrested and brought to Phnom Kraol were “accused of practicing black magic and incantation (witchcraft)”]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250088 [“Those who were brought for re-education in Phnom Kraol Dam Security Office included those who broke disciplines, committed immoral offense, stealing/robbery and work evasion”]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [noting the arrest and detention of Comrade Sot for “immoral acts”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274118-19 [stating that Kasy was detained within the Phnom Kraol security complex].

³⁵⁴³ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.36.45-09.39.14 [stating that he and others were arrested and detained because of their “link” to purged Sector 105 Deputy Secretary Kham Phoun], 09.45.48-09.46.49 [“the leaders in the upper line disappeared and, later on, subordinates or people below them were also arrested”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.06.55-10.09.38 [stating that the majority of people detained with him at K-17 were Kham Phoun’s “workers or his subordinates”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.03.50-10.05.21 [“To my knowledge, when there was a commander and his subordinates, that is, group chief or squad chiefs, those chiefs would be arrested and killed if their commander was arrested and killed ... usually the purge was conducted through the line or chain of command”], 10.59.57-11.03.50 [stating that 80 of his former co-workers in the Kev Sima district office were arrested and detained as part of “the network of Kasy”]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.13.30 [stating that he was accused of being part of his purged commanders’ traitorous “network”].

³⁵⁴⁴ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“during the Pol Pot regime, when the father was arrested, his wife, his children and his parents would also be arrested”], 11.15.48-11.19.40 [stating that when cadres Phan Khon alias Chuon and Ra were arrested and disappeared, their families also

example, in October 1977, after Sector 105 Deputy Secretary Kham Phoun allegedly killed Sector Secretary Laing and then himself,³⁵⁴⁵ the “upper level” denounced him as a traitor³⁵⁴⁶ and purged his “network”.³⁵⁴⁷ In November 1977, approximately 80 people connected to Kham Phoun were rounded up, arrested, and detained at K-17.³⁵⁴⁸ Many of

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- disappeared]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.17.14-11.19.40 [noting that the day after a group of cadres fled Kev Sima district for Vietnam, their wives and children were arrested], 11.29.19-11.32.11 [identifying several entries on S-21 list **E3/1645** as the wives of the cadres who fled to Vietnam]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.40.58-10.41.53 [stating that “if it was announced that [cadres] were traitors, their wives and children would be taken away as well,” as was the case with purged Division 920 leaders Ta Chhin and Ta Soy]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.56.35-09.58.06 [“in that regime, if any member of your relatives committed wrongdoings ... there would be something wrong with other members”].
- ³⁵⁴⁵ **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.01.03-10.02.54 [stating that his Battalion commander told him that Kham Phoun killed Laing and then committed suicide]; **E1/82.1** Sao Sarun, T. 6 June 2012, 15.45.45-15.48.33 [confirming that in late 1977 or early 1978, Chuon told him that Kham Phoun had killed Secretary Laing and then himself].
- ³⁵⁴⁶ **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“they said Kham Phoun ... had betrayed the regime” and had a “link to the Vietnamese”], 10.41.38-10.44.06 [stating that following Kham Phoun’s death, Chuon made public announcements about the “treason committed by Kham Phoun”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 13.56.32-13.59.26 [stating that after Kham Phoun killed Sector Secretary Laing, “they announced that he was a traitor” and a “spy for the Vietnamese”]; **E3/5220** Thit Ya WRI, EN 00242163 [stating that officials from the “upper level,” including Ta Sophea, came to her house and announced that Kham Phoun was a traitor]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that interrogators at K-17 referenced Kham Phoun “betraying the Party”].
- ³⁵⁴⁷ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.33.49-09.39.14 [noting that there was “chaos in the sector” following the deaths of Ta Laing and Kham Phoun, with mass arrests of individuals linked to Kham Phoun], 09.45.48-09.46.49 [in regard to the Kham Phoun purge, stating that “the leaders in the upper line disappeared and, later on, subordinates or people below them were also arrested”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14 [stating that after the deaths of Laing and Kham Phoun, the “situation was chaotic,” with hundreds of individuals from the “network of Kham Phoun” arrested], 10.06.34-10.08.13 [recalling the arrest of about 30 individuals from Kham Phoun’s “network” at Roya worksite]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [noting that following Kham Phoun’s death, approximately 80 people from his “network” were arrested]; **E3/5220** Thit Ya WRI, EN 00242163 [“the Kham Phoun network was arrested and killed because Kham Phoun was accused of being a traitor”]; **E3/7695** Neth Savat WRI, EN 00239485-86 [referencing various individuals arrested as part of the Kham Phoun purge, including Lap alias Bopha, Kham Phoun’s wife; Sonthan, the chairman of the economics unit under Kham Phoun; Ra, the Deputy Secretary of Koh Nhek district; and Bou Lay, the chairman of the sector hospital and Ra’s wife]. During this period, Ta Laing’s network was also purged. *See e.g.* **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14; **E3/8749** Chan Bun Leath WRI, EN 00715750.
- ³⁵⁴⁸ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.36.45-09.43.16 [stating that after the deaths of Laing and Kham Phoun, he and approximately 80 others with connections to Kham Phoun were arrested], 09.45.48-09.49.28 [stating that after he was arrested, he was brought to the sector’s office and held there with the aforesaid 80 others], 13.44.22-13.46.25 [stating that he was arrested and detained in November 1977], 13.54.06-13.56.12 [“That detention centre was called K-17”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.03.41-10.09.38 [noting that about one week after Kham Phoun’s death, he was arrested and detained at K-17 with approximately 80 individuals, some of whom were related to Kham Phoun but the majority of whom worked in Kham Phoun’s office], 11.03.44-11.08.20 [stating that various leaders within Sector 105, including members of the district committee and economics office, were detained at K-17 with him]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that one month after Ta Laing and Kham Phoun killed each other in Phnom Penh, he and his wife were arrested and detained at K-17 and that a total of 88 people were arrested and brought to K-17 that same day]; **E3/7695** Neth Savat WRI, EN 00239486 [recalling his arrest in November 1977 and subsequent detention at K-17 alongside purged Sector 105 officials (all connected to Kham Phoun)]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [stating that after Kham Phoun’s death, approximately 80 individuals from his “network” were arrested].

these prisoners were women and children.³⁵⁴⁹ Former detainee Chan Toi, who served as a messenger for Ra, Kham Phoun's nephew,³⁵⁵⁰ was held at K-17 with his wife and mother.³⁵⁵¹ Former detainee Neth Savat, who worked under Kham Phoun,³⁵⁵² was imprisoned at K-17 with his wife and five children, the youngest of whom was two years old.³⁵⁵³ As stated by Chan Bun Leath alias Bun Loeng Chauy, former district official in Sector 105,³⁵⁵⁴ "if the husband was accused of betrayal, then the wife and the children would not be spared".³⁵⁵⁵

873. The method of arrest in Sector 105 varied. In some cases, Battalion 2 soldiers, pursuant to Sophea's orders and "report[s] from the base", conducted arrests, including of soldiers from Division 920.³⁵⁵⁶ In other cases, security cadres from K-11 carried out arrests.³⁵⁵⁷ Meanwhile, Division 920, which "had the right to arrest both the civilians and military at the Sector [level]", handled the arrests of Sector 105 cadres.³⁵⁵⁸

³⁵⁴⁹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 ["there were both women and children detained with us"], 13.42.16-13.44.22 [stating that he saw children as young as six detained at K-17]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.05.21-10.06.55 [noting that detainees at K-17 included women and children], 13.44.02-13.45.57 [stating that there were between four to 10 children at K-17 between the ages of one and two years old]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that "a total of 88 men, women, and children ... were arrested that same day" and sent to K-17].

³⁵⁵⁰ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.40.33-09.43.16 [stating that he was arrested because he worked as the messenger of Ra, who was the nephew of Kham Phoun].

³⁵⁵¹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.01.02-10.03.22 ["All the members of my family [were] arrested, including my siblings and my mother"], 10.06.20-10.07.22 ["When I was arrested, my wife was arrested along as well"].

³⁵⁵² **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.42.18-09.46.38 [stating that he worked at K-21, an office under the control of K-16, the sector economics office headed by Kham Phoun].

³⁵⁵³ **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 ["My relatives, my children, my nieces and my nephews and children and I were all arrested and detained"], 11.30.40-11.35.12 [stating that he was imprisoned at K-17 alongside his five children, the eldest of whom was approximately 17 or 18 years old and the youngest of whom was two years old]; **E3/7695** Neth Savat WRI, EN 00239486 ["On the ground floor with me there were my wife, children, brothers/sisters, nephews/nieces"].

³⁵⁵⁴ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.27.09-09.36.35 [describing his various roles within the Kev Sima district office].

³⁵⁵⁵ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.34.57.

³⁵⁵⁶ **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.58.06-10.01.03 ["when members of Division 920 committed wrongdoing, the sector force would go and arrest them"]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490 [stating that Ta Leng, head of Battalion 2 of the sector army, "had his subordinate soldiers arrest people" on the basis of Ta Sophea's orders and reports from the base]; **E3/10578** Chin Saroeun WRI, EN 01249765 [stating that Battalion 2 of the sector army was used to arrest people and, more specifically, that "if Division 920 had any problems, they would use the 105 soldiers to conduct arrests"].

³⁵⁵⁷ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.59.58-10.03.22 [stating that Kam and Sot, members of the sector security force, arrested him]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 13.38.47-13.46.35 [noting that sector cadres, including Sot, carried out an arrest at Roya worksite in Koh Nhek district]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [noting that Kam and Sot, security cadres who worked at K-11, were among the group that arrested him].

³⁵⁵⁸ **E1/84.1** Sao Sarun, T. 11 June 2012, 11.26.42-11.27.56 [confirming that Division 920 had the right to arrest sector level civilian officials and soldiers]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.49.08-10.53.40 [stating that soldiers from Division 920 were assigned to guard him and his fellow K-17 detainees. Neth Savat, like many imprisoned at K-17, was a sector-level cadre], 11.10.16-11.12.20

874. People were usually arrested in groups and transported to security offices by truck, with their arms tied behind their backs.³⁵⁵⁹ Some cadres employed threats and physical violence while conducting arrests.³⁵⁶⁰ Describing the arrest of members of Kham Phoun's "network" at Roya worksite, district official Chan Bun Leath recalls children being "thrown into the truck", with the result that "their legs and arms were broken".³⁵⁶¹
875. Individuals sent to Phnom Kraol were not given reasons for their arrests or even notified that they were on their way to prison.³⁵⁶² Once detained, prisoners were without redress.³⁵⁶³ As K-17 detainee Chan Toi testified, "there were no courts, no lawyers ... people thought that they would die".³⁵⁶⁴

[noting that he was interrogated by soldiers from Division 920], 15.42.35-15.46.43 [stating that fellow detainees told him that the soldiers guarding K-17 were from Ta San's division, Division 920]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.58.06-10.01.03 ["whenever members of the sector force committed wrongdoing, it was Division 920 who had the responsibility to make arrests"]; **E3/367** Sao Sarun WRI, EN 00278697 [stating that "Division 920 was one of the Center's Divisions that had the right to arrest both the civilians and military at the Sector [level]" and that Division 920 arrested Battalion 2 commander Ta Leng]; **E3/10578** Chin Saroeun WRI, EN 01249765-66 ["If 105 had any problems, they would use 920" to conduct arrests].

³⁵⁵⁹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.40.33-09.43.16 ["I was arrested together with others. Perhaps more than 80 of us had been arrested"], 14.36.49-14.38.50 [security cadres "drove a vehicle to arrest me together with my family members"]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.16.40-10.39.45 [stating that after his arrest, he was put in a vehicle with others and driven to K-17]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34-10.08.13 [stating that at Roya worksite, he witnessed an incident in which 30 people in Kham Phoun's "network" were arrested and "transferred by truck"]; **E3/7703** Uong Dos WRI, EN 00242170-71 [noting that after his arrest, he was transported to Phnom Kraol prison by truck with a group of about 17-18 people]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that on the same day that he and his wife were arrested, a total of 88 people were arrested and transported to K-17 in "different vehicles" and that their hands were tied behind their backs]; **E3/7702** Sok El WRI, EN 00239509 [stating that he was brought to Phnom Kraol prison in a group of 18 people, with their arms tied behind their backs].

³⁵⁶⁰ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.01.20-14.03.13 [stating that the soldiers who arrested him pointed guns at him, ordered him to raise his hands, then blindfolded him]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34-10.08.13.

³⁵⁶¹ **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34.

³⁵⁶² **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.45.44-10.48.10 [stating that he received a "letter of invitation" to attend a meeting at K-17, at which time he was put in a vehicle and brought to Phnom Kraol]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.30.32-14.33.16 ["people were called for study sessions and disappeared without any reasons provided"]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.01.20-14.03.13 ["At the beginning, I, myself, was not aware at all of the reason for the arrest"]; **E3/7702** Sok El WRI, EN 00239509 [stating that at the time of his arrest, he was merely told that authorities were assembling former policemen and soldiers]; **E3/7703** Uong Dos WRI, EN 00242170 [noting that he "did not know the reason" for his arrest].

³⁵⁶³ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.56.36-09.57.54 ["They did it arbitrarily ... I did not have lawyers, and there was no court"]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.29.21-14.33.16 [stating that he never heard of "any judgment that somebody was accused of this or that," as "there was no such system"].

³⁵⁶⁴ **E1/399.1** Chan Toi, T. 10 Mar 2016, 11.31.51.

OTHER INHUMANE ACTS – ATTACKS AGAINST HUMAN DIGNITY

876. *Inhumane living conditions*: Prisoners within the Phnom Kraol security complex lived in appalling conditions, unable to meet their basic needs and stripped of all human comfort. At Phnom Kraol prison, detainees were pinned down by wooden shackles, in rows of four to 20 persons per shackle.³⁵⁶⁵ At the K-11 security office, prisoners were restrained by long shackles made of iron and wood, in rows of five prisoners per shackle.³⁵⁶⁶ Detainees at both sites were shackled while they slept, released only for daytime work.³⁵⁶⁷ At Phnom Kraol prison, those designated “serious offense” prisoners were shackled permanently.³⁵⁶⁸ Though crammed together in rows, detainees were prohibited from speaking to one another.³⁵⁶⁹
877. At K-17, detainees on the upper floor were shackled³⁵⁷⁰ and those on the ground floor were tied down in rows with string.³⁵⁷¹ Prisoners’ feet and hands were bound while they slept.³⁵⁷² During the day, K-17 guards untied detainees’ feet so they could “stomp the

³⁵⁶⁵ **E3/7703** Uong Dos WRI, EN 00242171 [“they put us in leg shackles next to one another, with about 20 people in each row”]; **E3/7702** Sok El WRI, EN 00239509-10 [noting that there were rows of “different” shackles and that they put him in “a long wooden leg shackle which held four persons”]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that detainees in Phnom Kraol prison “could not flee” because they were shackled]; **E3/7695** Neth Savat WRI, EN 00239486-87 [stating that detainees in Phnom Kraol prison were “shackled at the ankles”]; **E3/7705** Nou Sauy WRI, EN 00239506 [“All the prisoners were placed in wooden leg shackles”].

³⁵⁶⁶ **E3/7700** Aum Mol WRI, EN 00239533 [stating that prisoners at K-11 were “shackled by wooden shackles in a row of 5 prisoners per shackle” and that when new guards arrived, “they would tighten up the shackles”]; **E3/7697** Kang Sien WRI, EN 00239500 [stating that after the Vietnamese arrived in 1979, he was detained at K-11 and saw “long wooden shackles left from the Pol Pot era,” which his captors used to “leg-shackle” five people]; **E3/5222** Sal Ra WRI, EN 00242156 [stating that prisoners detained at K-11 were “placed in long leg shackles which held approximately 20 persons” (he was released two to three days before 17 April 1975)], 00242158 [noting that after 1979, he revisited K-11 and saw some shackles made of iron and others of wood].

³⁵⁶⁷ **E3/7703** Uong Dos WRI, EN 00242172 [stating of Phnom Kraol prison that “when we slept, they had us sleep with our arms and legs shackled”]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that detainees at Phnom Kraol prison were shackled “24 hours [a day],” except when they needed to use the toilet]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that at K-11, she was unshackled only when she went to work]; **E3/7705** Nou Sauy WRI, EN 00239506 [stating of Phnom Kraol prison that “during the daytime they released the light offense prisoners to work under guard”].

³⁵⁶⁸ **E3/7705** Nou Sauy WRI, EN 00239506 [stating that those “designated as serious offense prisoners” at Phnom Kraol prison “were not let out [to work]”].

³⁵⁶⁹ **E3/7703** Uong Dos WRI, EN 00242172.

³⁵⁷⁰ **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.53.40-10.55.56 [stating that while detained on the ground floor of K-17, he heard the sounds of shackles being released or unlocked on the upper floor], 10.57.22-11.01.55 [stating that one month before he himself was detained at K-17, he accompanied Sector Secretary Laing to the upper floor of the building and saw detainees restrained by the ankle with wooden shackles].

³⁵⁷¹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“they used a string to tie us up and attach us to a row of chair[s]”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.55.56-10.59.47 [stating that K-17 detainees were tied down in rows with “hammock string”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [“During that period, they tied my legs to a bench and tied my arms behind my back”]; **E3/7695** Neth Savat WRI, EN 00239486 [“Just as I arrived at [K-17], they arrested me and tied me up”].

³⁵⁷² **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“during the nighttime, our feet were ... tied”],

jute seeds”, but did not remove the hand restraints.³⁵⁷³ Prisoners at other sites within the complex were similarly fettered.³⁵⁷⁴

878. *Inadequate food and medical care*: Detainees throughout Phnom Kraol “did not have enough food to eat”.³⁵⁷⁵ At Phnom Kraol prison, for example, detainees received meagre servings of gruel twice a day.³⁵⁷⁶ Weak and thin from malnutrition, prisoners were not given the necessary medicine.³⁵⁷⁷ At K-17, rations were also insufficient, with prisoners eating and drinking water only once a day.³⁵⁷⁸ Sun Vuth, held at a makeshift prison in Phnom Kraol, did not receive any food the first day he was detained and thereafter received daily portions of rice “the size of [his] wrist”.³⁵⁷⁹
879. *Inadequate sanitation*: Hygiene within the Phnom Kraol security complex was poor. As described by Chan Bun Leath, who passed by Phnom Kraol prison on his way to work,³⁵⁸⁰ the site was “not better than a place to keep the cattle”.³⁵⁸¹ Detainees were required to urinate and defecate into an ammunition case and “there were no changes of clothing”.³⁵⁸² Unsanitary conditions created a rank odour in the prison cells.³⁵⁸³

13.42.16-13.44.22 [“At night times, our ankles were tied to the string and during the day time, only our hands were tied”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.55.56-10.57.22 [stating that detainees’ hands were tied behind their backs and that their ankles were also tied up “the entire time” he was at K-17].

³⁵⁷³ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [stating that detainees’ feet were untied during the day so that they “could stomp the jute seeds”], 13.42.16-13.44.22.

³⁵⁷⁴ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.05.03-14.07.37 [noting that one hand was cuffed and one ankle restrained by wooden shackles], 14.15.52-14.17.43 [noting that another detainee was also shackled].

³⁵⁷⁵ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42.

³⁵⁷⁶ **E3/7703** Uong Dos WRI, EN 00242172 [stating that prisoners were fed gruel twice a day, which was “insufficient”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274119 [“The detainees had a bowl of gruel at midday and another one in the evening, and that was all”]; **E3/5181** Chan Bun Leath DC-Cam Statement, EN 00274127 (Summary) [“The prisoners were given watery rice soup in the afternoon and in the evening”].

³⁵⁷⁷ **E3/7703** Uong Dos WRI, EN 00242172 [“All the prisoners were in a weakened state and were thin and pale due to lack of food, and they fell ill and there was no medicine to treat them”].

³⁵⁷⁸ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42 [stating that detainees at K-17 did not have enough food to eat, as they were given just a bowl of rice with pumpkin every day], 11.39.25-11.40.29 [“Sometimes, we were given only a meal at noon and we were not given in the evening and sometime[s], we were given in the evening, but not at noon time”], 13.39.13-13.41.10 [“I could only have water to drink in the morning or, on other occasion[s], only in the afternoon”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [noting that “the food condition was very bad – was [the] worst,” with detainees generally receiving a “small bowl” of rice and pumpkin every day]; **E3/7694** Chan Toi (Tauch) WRI, ERN 00242143 [“They fed the prisoners one meal per day, but the times varied ... Each person got only one small plate”].

³⁵⁷⁹ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.13.30-14.15.52.

³⁵⁸⁰ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.41.09-10.43.32 [stating that he could see the Phnom Kraol prison from the road that he walked to work, which was approximately “50 or 100 metres away from that location”].

³⁵⁸¹ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.39.39-10.41.09.

³⁵⁸² **E3/7703** Uong Dos WRI, ERN 00242172.

³⁵⁸³ **E3/7703** Uong Dos WRI, ERN 00242172.

Meanwhile, the bamboo floor of the prison was infested with fleas.³⁵⁸⁴ At K-17, conditions were likewise foul. The centre contained just one toilet for the 80 plus prisoners.³⁵⁸⁵ Detainees were not provided a change of clothing³⁵⁸⁶ and, if lucky, were allowed to bathe once a week in dirty water.³⁵⁸⁷ Some prisoners developed skin diseases but were denied medication.³⁵⁸⁸ As detainee Chan Toi testified, “there was no hygiene at all”.³⁵⁸⁹

ENSLAVEMENT

880. Prison officials at Phnom Kraol exercised control over every facet of detainees’ lives. Prisoners were unable to move freely, with heavy prisoners shackled 24 hours a day.³⁵⁹⁰ Even prisoners let out to work were denied freedom of movement, supervised by armed guard and/or partially bound while they toiled.³⁵⁹¹ Authorities at Phnom Kraol used prisoners to undertake rigorous tasks, such as beating jute seeds, clearing grass, planting rice, and building dams.³⁵⁹² Even pregnant detainees were forced to work.³⁵⁹³

TORTURE

881. DK cadres routinely interrogated prisoners within Phnom Kraol, inflicting severe physical and psychological suffering to get detainees to “confess” to their crimes and

³⁵⁸⁴ **E3/7702** Sok El WRI, ERN 00239510.

³⁵⁸⁵ **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [“there was only one toilet for all of us, no hygiene, no sanitation”].

³⁵⁸⁶ **E1/399.1** Chan Toi, T. 10 Mar 2016, 13.42.16-13.44.22 [“We wore our clothes [from] when we were arrested”].

³⁵⁸⁷ **E1/399.1** Chan Toi, T. 10 Mar 2016, 13.39.13-13.41.10 [“I was not allowed to bathe within that one month”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [“At the beginning, we were allowed and walked to take a bath once a week. The water was not clean”].

³⁵⁸⁸ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.52.42-09.53.46; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [“all the prisoners both young and old itched all over their bodies. The children in particular itched and their cries filled the cell”].

³⁵⁸⁹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42.

³⁵⁹⁰ **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that some detainees at Phnom Kraol prison were shackled 24 hours a day]; **E3/7705** Nou Saury WRI, EN 00239506 [stating that individuals designated as “serious offense prisoners” remained shackled indoors all day long].

³⁵⁹¹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.57.54-09.59.58 [stating that at K-17, prisoners’ hands were “tied up” while they worked]; **E3/7700** Aum Mol WRI, EN 00239533 [noting that at K-11, she was unshackled when she went to work but was supervised by armed guard and had her “hands tied with hammock strings”]; **E3/7705** Nou Saury WRI, EN 00239506 [stating of Phnom Kraol prison that “during the daytime they released the light offense prisoners to work under guard”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that during work at K-17, prisoners’ hand restraints were loosened but not removed]; **E3/7702** Sok El WRI, EN 00239510 [stating that prisoners “worked in handcuffs” at Phnom Kraol prison].

³⁵⁹² **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.57.54-09.59.58 [stating that prisoners at K-17 were give jute seeds to stomp on]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 11.00.44-11.04.19 [stating that he saw prisoners at Phnom Kraol prison clearing grass]; **E3/7705** Nou Saury WRI, EN 00239506; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143; **E3/7700** Aum Mol WRI, EN 00239533.

³⁵⁹³ **E3/7700** Aum Mol WRI, EN 00239533

implicate others.³⁵⁹⁴ Interrogations centred on prisoners' alleged "betrayal" of *Angkar*,³⁵⁹⁵ whether as spies for the Vietnamese, spies for the CIA, persons who had made contact with the Vietnamese, persons who wanted to flee the country, or a combination of the above.³⁵⁹⁶ Prisoners arrested because of their connections to perceived traitors were asked about these individuals.³⁵⁹⁷ Interrogations occasionally took place offsite, with detainees removed from their holding areas for questioning.³⁵⁹⁸

882. The sector level leadership was directly involved in interrogations. Ta Sophea, for example, took part in the questioning of detainees.³⁵⁹⁹ Even Sector Secretary Sao Sarun admitted that during his tenure, he interrogated a detainee to determine if the person had "betrayed the Party".³⁶⁰⁰

883. Torture was a frequent companion to interrogation.³⁶⁰¹ Division 920 soldier Sun Vuth, held at a provisional detention site in Phnom Kraol, was repeatedly interrogated over several months,³⁶⁰² sometimes multiple times a day.³⁶⁰³ Threatened that "[he] would die"

³⁵⁹⁴ **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.59.00-16.00.11 [noting that during Sector Secretary Laing's tenure, prisoners at Phnom Kraol were regularly interrogated].

³⁵⁹⁵ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.42-14.13.30 [stating that he was questioned about "whether [he] had betrayed Angkar," but did not know how to respond because he "did not know anything about betrayal"]].

³⁵⁹⁶ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.42-14.13.30 ["They put questions to me [about] whether I had betrayed Angkar ... or that I colluded with the Vietnamese side. They accused me of being a Khmer body with a Vietnamese head"]; **E3/7703** Uong Dos WRI, EN 00242171 [stating that at Phnom Kraol prison, "[e]very single afternoon after the meal, they always held a meeting and accused all of us of being CIA," and that he witnessed one interrogation in which the detainee was accused of wanting to flee to the Vietnamese and/or of being a CIA agent]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that at K-11, she was questioned by Ta Sophea and Ta Kam about whether she had been contacted by the Vietnamese or was part of a Vietnamese or CIA "network"].

³⁵⁹⁷ **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.08.20-11.12.20 [stating that at K-17, all detainees were questioned and that he was asked about Ta Kham Phoun inducting him into the party]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.52-14.13.30 [stating that he was questioned about whether he had "followed" his purged Division 920 commanders in betraying *Angkar*].

³⁵⁹⁸ **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.10.16 ["I was taken out of the detention room and questioned"]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.11.42 ["I was taken out from that prison to a secret hut where I was interrogated"].

³⁵⁹⁹ **E3/7700** Aum Mol WRI, EN 00239533.

³⁶⁰⁰ **E1/83.1** Sao Sarun, T. 7 June 2012, 11.07.30-11.09.11 ["When Sot was detained, we questioned him"]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.40.59-15.42.34 ["later on, when I met Sot, I checked [the allegations]"]; **E3/384** Sao Sarun WRI, EN 00348373 [stating that he "questioned" Sot, who had been implicated in Chuon's confession, about whether he betrayed the Party].

³⁶⁰¹ **E3/5222** Sal Ra WRI, EN 00242156 [stating that at K-11, he was hung "upside down" by his feet during an interrogation (this incident took place before 17 April 1975)]; **E3/7703** Uong Dos WRI, EN 00242171-72 [stating that at Phnom Kraol prison, he saw guards interrogating and repeatedly hitting a shackled detainee with a half metre long wooden club].

³⁶⁰² **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.42.26-15.47.16 [stating that he was detained for several months], 15.54.09-15.59.38 [confirming that he was interrogated on multiple occasions].

³⁶⁰³ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.54.09-15.59.38 ["sometimes I was interrogated two times a day, sometimes I was interrogated three times a day, and sometimes I was interrogated once a day" and "sometimes there was no interrogation"].

if he did not confess,³⁶⁰⁴ Vuth was shocked with electric cables and beaten with “big clubs”, causing him to lose consciousness.³⁶⁰⁵ In certain cases, prison authorities abused inmates outside of interrogations, hanging detainees upside down and administering severe beatings.³⁶⁰⁶ Children within Phnom Kraol were not exempt from torture. A K-11 detainee recalls guards hanging an eight year old boy upside down until his eyes bled, forcing his mother to watch the entire episode.³⁶⁰⁷

MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

884. Hundreds of prisoners within Phnom Kraol were killed or taken away and never seen again, with scant information provided about their disappearances. As district official Chan Bun Leath told investigators in a sworn statement, “the chance of survival [was] very rare for those who were sent to Phnom [Kraol]”.³⁶⁰⁸
885. Authorities regularly “transported” groups of detainees out of the security complex.³⁶⁰⁹ Such individuals subsequently went missing.³⁶¹⁰ The higher-ranking cadres held on the

³⁶⁰⁴ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.58.12-15.59.38 [“If I did not confess, I would die. And they said if I was willing to answer, I would survive”], 16.02.30-16.04.31 [“They said, ‘If I don’t respond to the questions, they will beat me to death’”].

³⁶⁰⁵ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.11.42 [“First they actually shocked me with electricity cables and I lost consciousness. And I thought that I died after I fell unconscious. And when I regained consciousness they shocked me again. After that relapse, they actually beat me up and interrogated me”], 15.54.09-15.55.22 [stating that his interrogators administered multiple rounds of electric shock, after which he fell unconscious and they beat him], 16.02.30-16.04.31 [stating that he was repeatedly beaten with “big clubs,” to the point that he lost consciousness].

³⁶⁰⁶ **E3/7702** Sok El WRI, EN 00239509 [“When we initially reached Phnom Kraol, they hung me upside [down] in leg shackles separate from the others for one night and one day”]; **E3/7700** Aum Mol WRI, EN 00239532-533 [stating that at K-11, she saw guards beat the eight year old son of a female prisoner and hang him upside down for so long that his eyes bled and he lost consciousness. The guards forced the boy’s mother to watch].

³⁶⁰⁷ **E3/7700** Aum Mol WRI, EN 00239532-533.

³⁶⁰⁸ **E3/5178** Chan Bun Leath WRI, EN 00274101.

³⁶⁰⁹ **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.13.02-10.14.09 [stating that fellow detainees were “taken out at that time”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.37.55-10.41.38 [stating that Bou Lay, chief of the sector hospital, was “transported out” of K-17 and that he has “never seen her since”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [describing prisoners, including “large” groups, being “transported by a vehicle” out of Phnom Kraol prison], 10.56.16-10.58.50 [confirming that he saw trucks transporting groups of approximately 30 people out of K-11 every two to three days]; **E3/7703** Uong Dos WRI, EN 00242172 [“many prisoners were transported away,” never to be seen again in their villages]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [“K-11 office was at the current military fort. When I was at the worksite, I saw about 30 people transported in and out every two or three days”]; **E3/7705** Nou Sauy WRI, EN 00239506 [stating that “serious offense prisoners” were transported out of Phnom Kraol prison on trucks].

³⁶¹⁰ **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.37.55-10.41.38 [stating that he has never seen Bou Lay, chief of the sector hospital, since their detention together at K-17], 11.03.44-11.08.20 [stating that some of his fellow detainees at K-17 “disappeared since”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39 [stating that “many” of his relatives who were sent to Phnom Kraol prison “never returned” to their home villages]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14 [“Perhaps 80 individuals in Kham Phoun’s network disappeared”]; **E3/5222** Sal Ra WRI, EN 00242158 [“Prisoners were taken to [K-11] and after a night or two they disappeared”]; **E3/5181** Chan Bun Leath DC-Cam

upper floor of K-17, for example, were “taken out ... by vehicle” and have “disappeared since”.³⁶¹¹ Entire families vanished in this manner, including eight siblings and nephews of Kham Phoun, also detained at K-17,³⁶¹² and Chan Bun Leath’s extended family, detained at Phnom Kraol prison.³⁶¹³ More of Chan Bun Leath’s relatives than he can count “never returned” to their home villages.³⁶¹⁴

886. Authorities took measures to hide the fates and whereabouts of those who disappeared. Prisoners were often transported out at night, under the cover of darkness.³⁶¹⁵ Uong Dos, held at Phnom Kraol prison, recalls the guards announcing, “Comrades, do not be afraid. Those who were taken away were sent back to live in their villages.”³⁶¹⁶ The many who “never returned” and the killing site at Trapeang Pring, however, suggest otherwise.
887. Phnom Kraol prisoners subject to execution were generally brought to Trapeang Pring, located approximately four kilometres from the security complex in the direction of Kratie.³⁶¹⁷ At Trapeang Pring, prison authorities clubbed detainees to death, after which

Statement, EN 00274127 (Summary) [stating that at Phnom Kraol, “some people who became ill because of hard work or malnutrition were accused of pretending to be sick and were labelled as lazy or malingering. They often disappeared without a trace”].

³⁶¹¹ **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.03.44-11.08.20 [stating that the higher ranking prisoners held on the upper floor of K-17, including members of the district committee and members of the Sector 105 economic unit, were “taken out and transported by vehicle” and have “disappeared since”].

³⁶¹² **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.13.02-10.14.09 [stating that fellow K-17 detainees were “taken out at that time,” presumably to be killed, and that, specifically, Kham Phoun’s relatives have “disappeared since”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242144 [“Twice I saw prisoners taken to be killed. The first night there were five of them, and the second night there were three ... Those eight were the direct siblings and nephews of Ta Kham Phoun”].

³⁶¹³ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39 [stating that “[o]nly one or two” of his relatives who were sent to Phnom Kraol prison returned].

³⁶¹⁴ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39.

³⁶¹⁵ **E3/7703** Uong Dos WRI, EN 00242172 [“many prisoners were transported away during the night”]; **E3/7705** Nou Sauy WRI, EN 00239506 [stating that prisoners at Phnom Kraol prison were sometimes transported out at night]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242144 [stating that at K-17, he saw groups of prisoners being taken away at night].

³⁶¹⁶ **E3/7703** Uong Dos WRI, EN 00242172.

³⁶¹⁷ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [vehicles would transport large groups of detainees from Phnom Kraol prison in the direction of Kratie to be killed], 10.51.09-10.55.13 [confirming that a sector soldier told him that Trapeang Pring was a killing site]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.12.20-11.17.03 [confirming that he heard detainees at Phnom Kraol were killed along the way to Kratie]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [stating that “everybody knew [Trapeang Pring] was a killing site”; that Bun, a sector soldier under Sophea and Sarun, told him it was a killing site; and that “most of the victims at [Trapeang Pring] were from the different districts of Sector 105 or from Division 920”]; **E3/5222** Sal Ra WRI, EN 00242157 [stating that prison guards at K-11 told him that detainees were taken to be killed at Trapeang Pring], 00242158 [stating that his cousin, who drove people to Trapeang Pring for execution, told him that “people who were transported [by] trucks from various locations in that Sector were mostly brought to Trapeang Pring”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was known as a place where people were killed].

they threw the bodies into pits and used tractors to fill the pits with dirt.³⁶¹⁸ Initial exhumations unearthed 200 corpses in a “hole”,³⁶¹⁹ as well as mounds containing hoes and knives.³⁶²⁰ In 1999, the Documentation Centre of Cambodia identified four burial pits in the area, with an estimated “hundreds” of victims interred therein.³⁶²¹

888. While prisoners were usually killed at Trapeang Pring, a range of other locations also served as execution sites. Detainees at Phnom Kraol prison, for example, recall guards beating prisoners to death on the spot.³⁶²² If the group of prisoners to be executed was relatively small, guards killed prisoners in the immediate vicinity of the prison.³⁶²³ Some prisoners were sent from Phnom Kraol directly to S-21.³⁶²⁴ After a group of Sector 105 cadres fled from Kev Sima District to Vietnam, their wives were arrested, detained at K-11, then transferred to S-21 for execution.³⁶²⁵

³⁶¹⁸ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.45.07-10.55.13 [stating when he worked at Roya worksite and traveled in the Koh Nhek area, he saw freshly bulldozed earth and pits at Trapeang Pring]; **E3/5178** Chan Bun Leath WRI, EN 00274096-97 [stating that at Trapeang Pring, “a tractor was used to dig big pits and they were covered up [with dirt] after the killing”], 00274103 [“I saw [them] using a tractor to [carry dirt to] bury the victims”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating that at Trapeang Pring, he saw the remains of people “clubbed to death”], 00274119-20 [stating that detainees within Phnom Kraol were clubbed to death, thrown into pits, then covered with dirt by a tractor].

³⁶¹⁹ **E3/5178** Chan Bun Leath WRI, 00274097 [stating that he saw “about 200 male and female victims buried” inside a pit at Trapeang Pring and that the victims were Khmer Rouge cadres, civilians, and soldiers from Division 920]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating that he saw approximately 200 bodies piled in a “hole” at Trapeang Pring].

³⁶²⁰ **E3/5222** Sal Ra WRI, EN 00242158 [stating that after 1979, locals dug at Trapeang Pring and found hoes and knives].

³⁶²¹ **E3/2070** DC-Cam, *Mapping Project 1999: Monduliri Province*, EN 00078123.

³⁶²² **E3/7702** Sok El WRI, EN 00239510 [stating that at Phnom Kraol prison, he “personally saw Phai beat a prisoner to death ... because fellow prisoners had told Phai that he spoke an ethnic language”]; **E3/7703** Uong Dos WRI, EN 00242171-72 [stating that at Phnom Kraol prison, he saw guards repeatedly beat a shackled detainee with a half metre long wooden club and then stab the detainee to death with a bayonet].

³⁶²³ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [stating that at Phnom Kraol prison, “sometimes if [prisoners] were in a small group, they were not sent far away for execution”]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [“If they had a few people to be executed, they did not take the victims to [Trapeang Pring] but they killed them in the prison’s vicinity”].

³⁶²⁴ **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397712-00397726 [documenting the entry and execution dates of hundreds of Division 920 soldiers].

³⁶²⁵ **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.17.14-11.32.11 [noting that the wives of a group of Sector 105 officials who fled to Vietnam were arrested soon thereafter and “disappeared since,” and identifying several women on S-21 list **E3/1645** as said wives]; **E3/5636** Chan Bun Leath WRI, EN 00711223, 00711226 [stating that the wives of a group of cadres that fled to Vietnam were held at K-11]; **E3/5178** Chan Bun Leath WRI, EN 00274102; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809634-00809639 [recording the entry into S-21 of Nhoeng Houen, wife of Sector 105 official Lang; Duong Saran, wife of Sector 105 official Pa Hou; Kim Nget, wife of Sector 105 official Bun Noeun; Seng Prin, wife of the chief of K-16 Sroes Nhon; Srev Ble, wife of K-16 combatant Klak; Te Hot, wife of K-16 combatant Vet; Srun Li, wife of K-11 combatant Lam; and Nhang, wife of K-11 combatant Lang. All of these women were wives of the aforementioned Sector 105 officials who fled to Vietnam].

PERSECUTION

889. At Phnom Kraol, authorities imprisoned and killed individuals they perceived to be political enemies: in other words, those perceived to be opposed to CPK rule. As discussed above, the majority of prisoners within the security complex were purged cadres and those in their professional and personal circles. From Sun Vuth, detained and tortured because of his status as a Division 920 soldier, to Aum Mol, detained at K-11 and interrogated about whether she belonged to a Vietnamese and/or CIA network, to Chan Toi and Neth Savat, imprisoned at K-17 because of their connections to Kham Phoun, individuals were targeted based on the notion that they were politically disloyal.

7. CRIMES AGAINST THE VIETNAMESE

*[T]he evil Yuon race will be wiped off the face of the earth. And we, Kampucheans, will be a happy people.*³⁶²⁶

– Pol Pot

890. The Khmer Rouge's nationwide genocidal campaign against Vietnamese resulted in killings on a massive scale, with murders committed throughout the country. This policy encompassed the gross deprivation of the fundamental rights of ethnic Vietnamese at various locations.

891. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes in relation to the treatment of the Vietnamese, the evidence for which is detailed below: genocide through killings; the crimes against humanity of murder, extermination, deportation (in Tram Kak, Prey Veng, and Svay Rieng) and persecution on racial grounds (in Tram Kak, S-21, Kraing Ta Chan, Au Kanseng, Prey Veng, and Svay Rieng), and, the grave breaches of wilful killing (S-21 and Au Kanseng), torture (S-21), inhumane treatment (S-21), wilfully causing great suffering or serious injury (S-21), wilful deprivation of a fair trial (S-21 and Au Kanseng), unlawful deportation (S-21), and unlawful confinement (S-21).³⁶²⁷

³⁶²⁶ **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394.

³⁶²⁷ **D427** Closing Order, paras 1335, 1343-1349 [genocide through killings]; 1373 [murder]; 1381 [extermination]; 1397 [deportation (in Tram Kak, Prey Veng, and Svay Rieng)]; 1415, 1422 [persecution on racial grounds]; 1491-1495 [wilful killing]; 1498-1500 [torture]; 1501-1503 [inhumane treatment (S-21)]; 1504-1506 [wilfully causing great suffering or serious injury (S-21)]; 1507-1514 [wilful deprivation of a fair trial (S-21 and Au Kanseng)]; 1515-1517 [unlawful deportation of a civilian (S-21)]; 1518-1520 [unlawful confinement of a civilian (S-21)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

GENOCIDAL POLICY AGAINST THE VIETNAMESE

892. From the beginning of the DK regime, the party leaders planned to eliminate ethnic Vietnamese from Cambodia. The strategy to eradicate the Vietnamese from Cambodian soil took two forms and evolved over time: deportation³⁶²⁸ and killing. The Khmer Rouge expelled up to 150,000 ethnic Vietnamese civilians in approximately the first year of the DK regime,³⁶²⁹ some of whom were massacred en route to Vietnam.³⁶³⁰ An estimated 20,000 persons of Vietnamese or mixed Khmer-Vietnamese ethnicity remained in Cambodia after the expulsions. Almost all of these people were killed by the end of the DK regime.³⁶³¹
893. As noted by Expert Alexander Hinton, “everybody suffered [during the DK regime] but there were certain groups that suffered more and certain groups that were explicitly targeted for destruction.”³⁶³² Ethnic Vietnamese were constantly portrayed by the Khmer Rouge as enemies who were a threat to Cambodia. However, simply being ethnically Vietnamese was reason enough for CPK cadres to kill a man, woman, or child.³⁶³³

³⁶²⁸ While deportation is not charged as a genocidal act, it is relevant to the assessment of *mens rea* for genocide in this case.

³⁶²⁹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“The demographic data is very revealing in this regard that, after an initial period of expulsions that took part -- that took place immediately after the beginning of DK, people weren’t sure -- maybe there were 200,000 ethnic Vietnamese or so, roughly, left in Cambodia, maybe 150,000 or more left the country, were expelled”].

³⁶³⁰ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155, *citing* three members of the DK navy who reported the slaughter in Kampot of Vietnamese who were trying to leave Cambodia in June 1975; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“maybe there were 200,000 ethnic Vietnamese or so, roughly, left in Cambodia, maybe 150,000 or more left the country, were expelled. Some were thought to have been killed”].

³⁶³¹ **E3/2413** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, 30 Sept 2009, EN 00385311 [“Kiernan’s figures of 20,000 Vietnamese still living in Cambodia around April 1975 are likely a good estimate; and so is his estimate that all 20,000 of them died from the hands of Khmer Rouge during the years from April 1975 to January 1979”]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“But by and large, with the demographic estimates, you know, it’s thought that perhaps there were then, after this period of expulsions, 20,000 ethnic Vietnamese left in the country. And by the end of DK, virtually all of them are thought to have been killed”].

³⁶³² **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 13.51.38-13.53.24.

³⁶³³ **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548857 [“Although a few Vietnamese did survive the KR period, they represent the exception and not the rule. In fact, the overwhelming majority of informants expressed the personal opinion that, if Khmer Rouge knew someone was Vietnamese, he or she would disappear or be killed without question”], 00548858 [“Informants also asserted that if the Khmer Rouge found out someone was Vietnamese, he or she would surely be killed. These examples illustrate how ‘ethnic Vietnamese who remained in Cambodia suffered more of an immediate threat to their livelihood because the policies enacted towards them did not tolerate even their mere physical existence.’ Duong elaborates on this point by writing that ‘The regime did not give ethnic Vietnamese the option to relinquish their ethnic identity as a mechanism for survival. One Khmer Rouge cadre stated, ‘If a person was ethnic Vietnamese, it was certain that they wouldn’t survive. Once they were discovered, that was it’”].

1. The Vietnamese as a Distinct Ethnic Group

894. The Vietnamese are a separate ethnic group in Cambodia,³⁶³⁴ distinguished from other groups by traits such as physical features, language, and customs.³⁶³⁵ Witnesses testified that individuals of Vietnamese ethnicity were said to have different facial features,³⁶³⁶ and a lighter complexion.³⁶³⁷ Similarly, Vietnamese were said to speak with a different accent from Khmer people³⁶³⁸ or to not speak Khmer clearly.³⁶³⁹
895. Their distinct cultural features include the Vietnamese language, different traditional dress and cuisine, and a historical heritage and faith different from the Khmer.³⁶⁴⁰ From their original arrival in the country, the Vietnamese community identified itself as a distinct ethnic group in Cambodia, and has been recognised as such by the mainstream Khmer society.³⁶⁴¹

³⁶³⁴ The Closing Order refers to the Vietnamese as an ethnic, racial or national group, see **D427** Closing Order paras 791, 1343. The OCP considers that the evidence of the Vietnamese being an ethnic group is equally applicable to a determination that the Vietnamese constituted a “racial group” for the purposes of the crime against humanity of persecution on racial grounds.

³⁶³⁵ **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489828, 00489845; **E3/2119** Henry Kamm, *Cambodia: Report from a Stricken Land*, EN 00394394.

³⁶³⁶ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01; **E1/357.1** Sean Song, T. 27 Oct 2015, 15.16.42-15.18.58; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.10.18-09.12.27; **E1/393.1** Sieng Chanthy, T. 29 Feb 2016, 15.45.29-15.48.05.

³⁶³⁷ **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548858 [“The Vietnamese in Democratic Kampuchea had few personal means to evade execution ... some ethnic Vietnamese possessed obvious physical differences from ethnic Khmer people, such as lighter skin and different accents when speaking Khmer. Such physical conditions were more difficult to hide than something intangible such as the new people's class status or previous employment. Vietnamese people's ethnic difference, thus, made it more likely that they would be identified by the Khmer Rouge and more easily exterminated”]; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.24.41-11.27.26; **E1/393.1** Sieng Chanthy, T. 29 Feb 2016, 15.45.29-15.48.05; **E1/394.1** Sieng Chanthy, T. 1 Mar 2016, 09.34.42-09.36.28. See also **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489833.

³⁶³⁸ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01; **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.45.54-13.50.45; **E1/370.1** Thang Phal, T. 5 Jan 2016, 16.02.43-16.06.56; **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.07.25-15.09.05; **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.06.12-16.07.30; **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.02.58-14.05.55; 15.56.14-15.58.00; **E1/394.1** Khoy Muoy, T. 1 Mar 2016, 13.40.22-13.42.20. See also **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548858; **E3/10748** [REDACTED] WRI, 12 Jan 2016, EN 01207442; **E3/9795** [REDACTED] WRI, 9 May 2014, EN 01055577.

³⁶³⁹ **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 11.17.27-11.19.04. See also **E3/5544** Khoy Muoy WRI, 11 Sept 2009, EN 00377835.

³⁶⁴⁰ **E1/368.1** Y Vun, T. 15 Dec 2015, 09.36.55-09.39.24; 09.45.15-09.47.21; **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489832-35; **E243.1** Francois Ponchaud, *Cambodia Year Zero*, EN 00862093-94.

³⁶⁴¹ **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489828.

2. Deport and Smash: The CPK Policy to Destroy the Vietnamese

896. The plan to remove all Vietnamese from Cambodia was announced to Khmer Rouge leaders at the 20-25 May 1975 mass meeting in Phnom Penh.³⁶⁴² Pol Pot “stressed the importance of evacuating all of the Vietnamese people out of Cambodian territory”, with **Nuon Chea** being heard to say “We cannot allow any Vietnamese minority” to live in Cambodia.³⁶⁴³
897. Sann Lorn, Ta Mok’s brother-in-law,³⁶⁴⁴ testified that it was Khmer Rouge policy to round up and deport the Vietnamese in 1975³⁶⁴⁵ 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.³⁶⁴⁶ He was subsequently ordered by the Tram Kak District committee to collect thousands of Vietnamese from communes in the district for transport to Vietnam.³⁶⁴⁷ Similarly, Toat Thoeun testified to transporting a group of Khmer Krom people from Battambang to Phnom Penh on to Vietnam at the end of

³⁶⁴² **E1/82.1** Sao Sarun, T. 6 June 2012, 11.24.43-11.27.21 [“That’s what I heard at the time, that the Vietnamese were sent back to their country”] *confirming* **E3/384** Sao Sarun WRI, 30 June 2009, EN 00348375 [“Q. Did they talk about driving all of the Yuon from Cambodia? A. That was said, and the speaker was Pol Pot. Later on, I heard my lower-level cadres say that trucks transported the Vietnamese from the provinces of Kampong Cham and Kratie back to their country”]; **E3/5593** Chea Sim Interview, 3 Dec 1991, EN 00651867 [“Pol Pot spoke a lot about the question of Vietnam. He stressed the importance of the issue of evacuating all of the Vietnamese people out of Cambodian territory”], EN 00651868 [“We heard it said that Vietnam was an enemy all over the place bit by bit ... It was only Pol Pot and Nuon Chea who said this, in speeches to political schools ... The conflict became antagonistic in 1975 ... Because at that time the Vietnamese residents were expelled from Cambodian territory. So it became antagonistic”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [list of 8 key points made at 20-25 May 1975 meeting, based on interviews of multiple attendees, includes: “(7) Expel the entire Vietnamese minority population”]. *See also* **E1/52.1** Kaing Guek Eav alias Duch, T. 21 Mar 2012, 11.23.28-11.25.02 [“Pol Pot had ordered the removal -- or had ordered the repatriation of Vietnamese people to Vietnam”].

³⁶⁴³ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150026 [“The party secretary did make one strong, specific point. According to Chea Sim, ‘Pol Pot spoke a lot about the question of Vietnam. He stressed the importance of the issue of evacuating all of the Vietnamese people out of Cambodian territory.’ Heng Samrin recalls Nuon Chea’s adding, ‘We cannot allow any Vietnamese minority’ to live in Cambodia”]. *See also* **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422 [“An example: The fighting in Banam in 1973. We took everyone in Banam Town expelling the ethnic Vietnamese the ethnic Chinese the military the police we took everyone taking away the people from the enemy”]. This speech was given by **Nuon Chea**, *see* **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168465 [“Excerpts of speech by Nuon Chea, chairman of Cambodian People’s Representative Assembly Standing Committee and acting prime minister at 16 January ‘mass rally’ in Phnom Penh marking ninth anniversary of Cambodian Revolutionary Army”]. The meeting was attended by **Khieu Samphan**, *see* **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168464 [“Among Democratic Cambodian loaders attending this meeting were Comrade Khieu Samphan”].

³⁶⁴⁴ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 09.26.10-09.29.28.

³⁶⁴⁵ **E1/384.1** 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”].

³⁶⁴⁶ **E1/384.1** 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.

³⁶⁴⁷ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 10.44.25-10.46.57, 10.48.40-10.52.08.

1975.³⁶⁴⁸ “The important thing”, according to Meas Voeun, who was Deputy Commander of RAK’s Division 1,³⁶⁴⁹ “is that ‘Yuon’ were not allowed to live in Kampuchea.”³⁶⁵⁰ The April 1976 *Revolutionary Flag* charted the progress of the removal of the Vietnamese from Cambodia, noting that the Khmer Rouge had “swept hundreds of thousands of these foreigners clean and expelled them from our country”.³⁶⁵¹

898. Killings occurred in tandem with expulsions.³⁶⁵² In the period April to May 1975, a commander’s request to the hierarchy in Kompong Som sought “guidance on the disposition of” more than 10 captured Vietnamese refugees.³⁶⁵³ In response, “[t]he High Command in Kampong Som ordered the commander to kill the refugees. The Commander and his deputy carried out the order.”³⁶⁵⁴ In 1976, local authorities began taking away Vietnamese under pretexts such as reeducation, relocation, work, or arrest — with the Vietnamese disappearing thereafter.³⁶⁵⁵ Meas Voeun confirmed that between 1975 and 1979 “[the Vietnamese] had to be gathered up and sent to the upper

³⁶⁴⁸ **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.13.47-16.18.22 [“I transported Kampuchea Krom people once. Actually, I did not transport them but I escorted Vietnamese people to return to Vietnam. And it was not a land transportation, it was by river from Sala Takon (phonetic) in Battambang through Tonle Sap River. And that would lead to Phnom Penh. Then I went to receive a letter from Pang and we continued our boat journey to K’am Samnar. And then with the note -- handwritten note from Pang, I handed over the Vietnamese people as well as the Vietnamese boat to the Vietnamese authority there. In fact, when we took or escorted those Vietnamese on their boat, we towed our boat and when we returned, we returned with our towed boat”]; **E3/9610** Toat Thoeun WRI, 10 Sept 2013, EN 00974046-47 [“I have no idea I only know that Nhim had told me to take the Khmer Kampuchea Krom to see Pang, and to follow what Pang told me to do ... It was at the end of 1975 As I remember after I had collected guns and completed building the weapon warehouse, I was delegated to send them to Vietnam; after my return from Vietnam, I was assigned a new task as deputy chief of general staff in charge of the economy of the zone military”].

³⁶⁴⁹ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 13.54.29-13.57.50.

³⁶⁵⁰ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.27.18.

³⁶⁵¹ **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853.

³⁶⁵² **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“During 1977 and ’78, there were no Vietnamese people living inside Kampuchea. Those who had lived in Kampuchea before either had left for Vietnam or they had all been killed since 1975”].

³⁶⁵³ **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

³⁶⁵⁴ **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

³⁶⁵⁵ **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548856-57 [“according to informants, starting around 1976 or 1977, the Khmer Rouge began collecting the Vietnamese in their village. Informants said that when KR cadres took the Vietnamese away, they used a variety of different excuses, such as reeducation, relocation, work, and arrest. People were generally transported from the village by horsecart and never returned. Informants who attested to the disappearance of Vietnamese people in their villages said that by the end of 1977 or 1978, most if not all of the Vietnamese had disappeared”].

echelon.”³⁶⁵⁶ Witnesses testified that those “gathered up” were killed pursuant to the CPK’s policy.³⁶⁵⁷

899. By 1977, killings became the principal means of cleansing Democratic Kampuchea of all ethnic Vietnamese.³⁶⁵⁸ Meas Voeun testified: “we were instructed that Vietnamese had to be smashed because they did not return to their country.”³⁶⁵⁹ Pak Sok, a member of the DK navy,³⁶⁶⁰ provided further evidence corroborating the instruction to kill all Vietnamese that remained in DK. He stated that there were mandatory trainings³⁶⁶¹ in all battalions in Division 164 in early 1977³⁶⁶² at which: “We were instructed to kill [the Vietnamese], even if it was a baby, because they are our hereditary enemy, so we must kill them.”³⁶⁶³
900. The Vietnamese policy was disseminated through meetings, speeches, and written material. *Revolutionary Flag*, written in large part by **Nuon Chea**,³⁶⁶⁴ was delivered to zones and then onto sectors.³⁶⁶⁵ Its contents were brought to the lowest echelons and were instructed to be studied collectively and individually.³⁶⁶⁶ The Centre received

³⁶⁵⁶ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26, 09.15.00-09.17.06 [“we had to gather all those ‘Yvon’ who had lived in Kampuchea and they should be gathered in one place”].

³⁶⁵⁷ See e.g. **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.08.41-15.10.21, 15.24.11-15.26.03.

³⁶⁵⁸ **E1/476.1** 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”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155 [“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 **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

³⁶⁵⁹ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.57.30-15.58.47 (*emphasis added*). See also **E3/5260** Khoem Samon WRI, 11 Dec 2008, EN 00327160.

³⁶⁶⁰ **E1/369.1** Pak Sok, T. 16 Dec 2015, 09.50.18-09.58.05.

³⁶⁶¹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23 [“Yes, it was the policy of the Communist Party of Kampuchea. They announced that all soldiers in division 164 needed to attend the training”]

³⁶⁶² **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23; **E1/370.1** Pak Sok, T. 5 Jan 2016, 14.16.24-14.19.00.

³⁶⁶³ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

³⁶⁶⁴ **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.20.03-14.21.58 [“The ones who made the “*Revolutionary Flag*” were the Standing Committee, especially the Secretary of the Party. And me, myself, were the one who wrote it”].

³⁶⁶⁵ **E3/9610** Toat Thoeun WRI, 10 Sept 2013, EN 00974042.

³⁶⁶⁶ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478506 [Every base area and every unit must organize the study of this document ... primarily collectively; then there must be additional study by group or

regular updates of the implementation of the policy.³⁶⁶⁷ Telegrams received by **Nuon Chea** and **Khieu Samphan** detailed the capture, interrogation, and killing of Vietnamese.³⁶⁶⁸ For example, on 1 April 1978, Commander Meas Muth sent a report copied to **Nuon Chea** and others detailing the capture and execution of 120 “Yuon” in a three day period at the end of March 1978.³⁶⁶⁹ By contrast, the same report details the release of individuals from Thailand who had been arrested.³⁶⁷⁰

901. The CPK guided the development of the policy’s implementation. In May 1978, Ros Nhim requested advice from Office 870 on what to do with “Yuons with Khmer spouses and the half-breed [Khmer-Yuon]?”³⁶⁷¹ While awaiting *Angkar*’s instructions on how to deal with these people, Rhos Nhim notes that “[i]f any of them make some [suspicious] activities, we will decide to take them out.”³⁶⁷² And “take them out” was what the CPK did.³⁶⁷³ Heng Lai Heang testified that there was a policy disseminated to

individually”].

³⁶⁶⁷ **E3/890** Telegram 59 from Chhon to Office 870, 29 Oct 1977, EN 00185187 [“On October 27 [1977] one enemy [Vietnamese soldier] panicked and hid in a villager’s house. Totally three enemies were found and caught by Villagers. Now they are being interrogated”]; **E3/501** Telegram 95 from Yi to Office 870, 11 May 1977, EN 00143562 [“Externally as in our previous reports, Vietnamese people have fled [into our country]. Actually, we have arrested five more—two arrested on Route 14 and other three caught in Sambok Sub-District. We are in pursuit of other four in Sre Chih Sub-District. News on the pursuit of enemies at Prek Bao has not heard as yet”]; **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00324809 [“We would like to report nine Yuon people fleeing from their country. According to their interrogations, they said the Yuon had assigned them to come to spy inside Kampuchea and live with the Kampuchean people in order to grasp the Kampuchean people. Now we have swept them away”]; **E3/915** Telegram 00 from Muth to Committee M-870, 31 Dec 1977, EN 00184995 [“to defend the socialist Kampuchean motherland by sweeping cleanly away and without half-measures the undercover elements of the enemy, whether the Yuon or other enemies”].

³⁶⁶⁸ **E3/871** Telegram 21 from Chhon to Brother Pol, 21 Mar 1976, EN 00185241; **E3/892** Telegram 60 from Chhon to M-870, 29 Oct 1977, EN 00185189; **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00324809.

³⁶⁶⁹ **E3/928** DK Report, 1 Apr 1978, EN 00183357 [“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”]. *See also* **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.25.05-11.28.52.

³⁶⁷⁰ **E3/928** DK Report, 1 Apr 1978, EN 00183357 [“There has been in delay as regards the Siamese who are to be released, and it has not been achieved according to schedule, the reason for which is the existence of mistakes about names ... contact for providing comment also has not been achieved as wished as we cannot hear each other by field telephone. We’re reliant on telegrammes from Comrade Launh”].

³⁶⁷¹ **E3/863** DK Report, 17 May 1978, EN 00321962 [“The meeting raised a question about how to decide on the elements of soldiers [from previous regime] and the Yuons with Khmer spouses and the half-breed [Khmer-Yuon]? Regarding this issue, the meeting would like to ask Angkar 870 what to do with them? Whatever Angkar decides, please give instruction”]. *See also* **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977, EN 00322141.

³⁶⁷² **E3/863** DK Report, 17 May 1978, EN 00321962 [“Generally speaking, these groups are scared of the situation and worried about their fate, but there is not yet any sign of opposing activities. If any of them make some [suspicious] activities, we will decide to take them out. Some people suggested that we should round them up and keep them in one place. I know it is not difficult to do that. The important thing is that we must be able to grasp them continuously. If they show any suspicions, we must be able to master the situation right away”].

³⁶⁷³ *See. e.g.* **E3/9468** Thann Thim WRI, 2 July 2014, EN 01035007; **E3/9543** [REDACTED] WRI, 29 Apr 2014, EN 01067930; **E3/9582** Ek (UI) Hoeun WRI, 19 Mar 2014, EN 00983572; **E3/9783** Pak Sok WRI, 21

the district and then commune and village level³⁶⁷⁴ that “those who were half-blood Vietnamese had to be smashed.”³⁶⁷⁵ Uch Sunlay testified that his children were killed because they were considered Vietnamese descendants and the policy of the Khmer Rouge was “to uproot the grass.”³⁶⁷⁶ He understood this to mean that “they had to eradicate everything.”³⁶⁷⁷ Expert Alexander Hinton explained that Pol Pot’s use of the word “seed” in his April 1978 speech to describe the expulsion of Vietnamese was “a root metaphor” for “the destruction of what might be called a race”.³⁶⁷⁸

902. The methodical implementation of the CPK’s genocidal policy against the Vietnamese is evident in two 1978 Sector 37 reports to the Centre leaders. In July, Office 401 reported to *Angkar* that it was “conducting searches for Yuon spies”.³⁶⁷⁹ The following month, Office 401 reported to *Angkar* that it had applied the Party’s “line to routinely remove, screen, and sweep clean” enemies, by screening for “Yuon aliens”.³⁶⁸⁰ The result of this screening: “Smashed 100 ethnic Yuons: included small and big adults and children.”³⁶⁸¹
903. The CPK continued to pursue its Vietnamese policy to the end of the regime. An Office 870 report of 1 January 1979 instructed that the CPK, the RAK, all cadres, and the Kampuchean people must continue to “track down and search out Yuon enemy agents and not allow them to hide anywhere at all, to eliminate them”.³⁶⁸²

Oct 2013, EN 00977835.

³⁶⁷⁴ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32 [“Q. And you said this morning that there was a policy that had been put into place regarding the Vietnamese and, if I understood correctly, your family was a victim of this policy because certain people in your family were arrested and disappeared. Can you tell us exactly what this policy consisted of when it was established? And if you know, who initiated this policy? A. The policy was initiated at the sector level and the instruction was disseminated to the district level and further on district levels disseminated them to the commune level and village level”]. See also **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41.

³⁶⁷⁵ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32.

³⁶⁷⁶ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00. See also **E3/9801** [REDACTED] WRI, 8 May 2015, EN 01111933.

³⁶⁷⁷ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00.

³⁶⁷⁸ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.00.45-11.02.08.

³⁶⁷⁹ **E3/1093** Report from Office 401 to Angkar, 23 July 1978, EN 00295171 [“In addition, we have also been conducting searches for Yuon spies”].

³⁶⁸⁰ **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315368 [“2. The activities of the hidden enemy burrowing from within ... Those elements were screened out from various units and military, as well as the elements of the 17 April including former civil servants and some Chinese and Yuon aliens. But the above activities of the enemy do not seriously affect us because their activities of all forms have been grasped subsequently by our people, our male and female combatants, and our cadres. However we have had plans in place to apply the Party’s assignment line to routinely remove, screen, and sweep clean them”].

³⁶⁸¹ **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315374.

³⁶⁸² **E3/722** Office 870 Report, 1 January 1979, EN 00183666.

3. Not a Military Target: The Destruction of the Ethnic Vietnamese

904. The DK regime's policy to kill Vietnamese was aimed at all ethnic Vietnamese, military or civilian. Pol Pot's April 1978 speech leaves no doubt that he regarded all people of Vietnamese ethnicity, both in DK and in Vietnam, as life and death enemies. Referring to the total populations of Vietnam and DK he asked, "the Yuon have a population of 50,000,000 and Kampuchea has only 8,000,000 ... can 8,000,000 fight 50,000,000 aggressors?"³⁶⁸³ Pol Pot described a "people's war ... to defeat the enemy", wherein "The Party made the determination to fight and smash large numbers of the enemy's life forces and to protect our forces to the maximum."³⁶⁸⁴ The forces in question being smashed are civilian and not military forces, as is clear from the repeated reference to the entire Vietnamese population: "Up until today we have implemented 1 against 30, meaning we lose 1, the Yuon lose 30 ... So when we have 2,000,000 we already have more than we need to fight them because they only have 50,000,000."³⁶⁸⁵ The speech emphatically concludes that this is not a war between military adversaries, but a war between peoples: "*1 against 30*. If we cannot implement this slogan, we cannot seize victory. This issue does not just apply to the Army: the entire Party, the entire Army, *the entire people absorb this line and view and stance*."³⁶⁸⁶ Expert Alexander Hinton characterised this speech as indicative of "genocidal incitement" and noted that the term "Yuon" was "being used both against

³⁶⁸³ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519833 ["Regardless, I say that there may be some views that the Yuon are very large, the Yuon have a population of 50,000,000 and Kampuchea has only 8,000,000, so how can we win? That would be hard, as they have nearly 1,000,000 troops. I want to tell you about our Army. Our regular forces are less than 100,000 in strength. Ordinarily, they maintain military secrecy, but I want to tell you this because even if I did not, they already know it. Our troops number less than 100,000. So then, can 8,000,000 fight 50,000,000 aggressors? Can less than 100,000 troops fight nearly 1,000,000? If we are talking numbers, we see that we are fewer than they are. So then, we pose the question: How can we win? Fighting and winning, let me tell you, comes from our having to fight and win. That's the first thing"].

³⁶⁸⁴ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519833-34 ["This stance is the winning stance, not the stance of surrender, not the stance of defeat: it is the winning stance. This is the first thing. Taking this stance, we prepared the combat line of implementing people's war, implementing an effective combat line to defeat the enemy. The Party made the determination to fight and smash large numbers of the enemy's life forces and to protect our forces to the maximum. We the few who attack the many must protect their own forces to the maximum and smash"].

³⁶⁸⁵ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519834; EN 00519837 ["This is what is called contradiction resolution, using the small to fight and win against the big. For small to win against big, the small, the few must know how to use a small force to attack and win against a big force. As I told you a moment ago, 1 against 30. When it is 1 against 30, one can fight for 700 more years and still not win. However, if we don't fight this way we will not win, and if it is seen as there are 50,000,000 Yuon and we have only 8,000,000 and we give in, we cannot win, as this is already losing to them"].

³⁶⁸⁶ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519834 (*emphasis added*). See also **E3/2812** Henri Locard, *Pol Pot's Little Red Book*, EN 00394807.

people from the country of Vietnam, but as well against people who are identified as ethnic Vietnamese”.³⁶⁸⁷

905. Those listening to Pol Pot’s speech, which was also broadcast on DK radio on 11 May 1978,³⁶⁸⁸ understood it as a call to war against ethnic Vietnamese civilians, not just a military war against Vietnam. Meas Voeun testified that all Vietnamese people regardless of their status or age were “considered [as] enemies.”³⁶⁸⁹ The notion of one Khmer killing 30 Vietnamese echoes **Khieu Samphan**’s 30 December 1977 statement, in which he spoke of various incidents throughout 1975, 1976, and 1977 “when 100 of the enemy were killed or wounded [and] we suffered from 3 to 5 killed or wounded”.³⁶⁹⁰ **Nuon Chea** underlined that the Vietnamese being targeted were not soldiers coming across the border. In July 1978, **Nuon Chea** told a visiting delegation that “Vietnam, in particular is trying to undermine our party by military, political, economic and ideological means. *The Vietnamese also try to infiltrate our party. We are not worried about the external military aggression. We worry most of all about the enemy inside.*”³⁶⁹¹

4. Evidence of the CPK’s Animus towards the Vietnamese as an Ethnic Group

906. Expert Alexander Hinton testified that a “pre-existing animus” towards ethnic Vietnamese “was mobilized almost from the start”³⁶⁹² of the DK regime and “led toward their targeting and elimination”.³⁶⁹³ Various CPK documents classify the Vietnamese as “enemies”.³⁶⁹⁴ Prak Khan testified that, between 1977 and 1978, S-21 staff were told by

³⁶⁸⁷ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 10.56.47-10.57.56.

³⁶⁸⁸ **E3/1722** FBIS, *Past Year’s National Defence Efforts Reviewed*, 12 May 1978, EN 00294787-88 [“as we mentioned earlier -- that is to say 1 against 30. If we can use one against 30, we will certainly win, even if this fight lasts 700 years or more. But, if we do not adopt this line, we will not win”].

³⁶⁸⁹ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.56.22-09.58.15. *See also*, **E319/23.3.44** Pak Sok WRI, 18 Oct 2013, EN 00977535 [“Yes, because the Thais had not have much conflict with Cambodians throughout history, unlike the Vietnamese, who had had much conflict with the Cambodians; that’s why the Vietnamese were considered the Hereditary Enemy and Enemy Number One”].

³⁶⁹⁰ **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166070.

³⁶⁹¹ **E3/196** Nuon Chea *Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark*, 30 Jul 1978, EN 00762398-9. *See also* **E3/807** *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 1 Mar 1977, EN 00933843 [“Are the Yuon able to attack us? If they have no forces on the inside, they will be unable to attack us. They will be unable to attack us militarily, because we, too, are experienced in fighting, as long as they are unable to bore into us”].

³⁶⁹² **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42 [“you have this threat of long-standing animosity and vitriol towards ethnic Vietnamese in Cambodia that was mobilized almost from the start”]. *See also* **E3/20** *Elizabeth Becker*, *When the War Was Over*, EN 00237839-40.

³⁶⁹³ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.22.47-14.23.42.

³⁶⁹⁴ **E3/805** *Minutes of the meeting of Division 920*, 16 Dec 1976, EN 00923160 [“Enemy situations: Internally, there have been no changes since *Angkar* decided there should be a purge. There was no

Duch and Son Sen at a political study session that the Vietnamese were “the hereditary enemy” of the CPK.³⁶⁹⁵ The July 1978 *Revolutionary Flag* declared that the “Yuon” “have been our national enemy from the beginning up through the present, and will be our enemy in the protracted future as well.”³⁶⁹⁶ In September 1978, **Nuon Chea** referred to “Vietnamese enemy’s acts” against “the Kampuchean people” in a speech.³⁶⁹⁷ The propagation of such statements was effective. Meas Voeun testified that people described Vietnam as the number one enemy of Democratic Kampuchea,³⁶⁹⁸ “Everyone heard of it, that they were hereditary enemies.”³⁶⁹⁹

907. Characterisation of the Vietnamese as enemies was coupled with the CPK continuously calling for their destruction. Pak Sok testified that soldiers were instructed to kill all Vietnamese, even children, “because they are our hereditary enemy”.³⁷⁰⁰ **Khieu Samphan** told attendees at a 1977 meeting that “We must wipe out the enemy”.³⁷⁰¹ At

guarantee that a regimental cadre named UI, who had once been in a Vietnamese unit of organization, lacked a spirit of responsibility and is in poor health, could serve the unit of organization. It was decided to gather to gather in one place almost 100 persons who came out of Vietnamese units of organization, at Moeng Mang village near the Ou Te rapids”, EN 00923161 [“Problems inside units of organization: On the matter of those who used to be with the Vietnamese: do not allow them to concentrate. They must be split up and sent to be carpenters and water jar makers and the like, interspersed with forces belonging to us whose stance is solid”].

³⁶⁹⁵ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“And now I am referring to the war between Kampuchea and Vietnam between ’77 and ’78. We, staff at S-21, were told that Vietnamese were the hereditary enemy of the Communist Party of Kampuchea, that we intended to retake the part of the Cochinchine, that is, Kampuchea Krom. And these instructions were relayed by Son Sen and Duch to us at S-21 during a political study session”]. See also **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.55.47-10.58.13; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00238040.

³⁶⁹⁶ **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“The Yuon enemy has committed aggression against us and swallowed our territory and committed genocide against our Kampuchean race from one generation to the next. They have been our national enemy from the beginning up through the present, and will be our enemy in the protracted future as well”].

³⁶⁹⁷ **E3/76** FBIS, *Nuon Chea Hosts Banquet*, 18 Sept 1978, EN 00170388 [“We are deeply moved by the vigorous and active support which the CCP, NPC, the PRC Government and the Chinese people are giving our Kampuchean people’s just struggle against the Vietnamese enemy’s acts of territorial expansion annexation and aggression, its Indochina federation strategy and its expansionist plan and that of the expansionist power in Southeast Asia. We are deeply moved by the Chinese support for Kampuchea’s efforts in defending, preserving, strengthening and developing its revolutionary gains and in defending and preserving its independence, sovereignty and territorial integrity and the right of the Kampuchean people to determine their own future”].

³⁶⁹⁸ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.54.58-09.56.22.

³⁶⁹⁹ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.54.58-09.56.22. See also **E3/8404** DK Government Statement, 2 January 1979, EN 00419728 [“we carry out a protracted people’s war, because the whole Kampuchea’s people are against Vietnam which is a hereditary enemy”]; **E3/9801** [REDACTED] WRI, 8 May 2015, EN 01111933.

³⁷⁰⁰ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23, 13.36.35-13.38.32; **E1/370.1** Pak Sok, T. 5 Jan 2016, 14.16.24-14.19.00.

³⁷⁰¹ **E3/200** Khieu Samphan’s Speech at Anniversary Meeting, 19 Apr 1977.

an April 1978 meeting addressed by **Khieu Samphan**,³⁷⁰² attendees pledged “to exterminate the enemies of all stripes. Particularly the expansionist, annexationist Vietnamese enemy, in order to preserve the nation and Cambodian race forever”.³⁷⁰³

908. Repeated reference to the struggles of the “Kampuchean race”³⁷⁰⁴ and “Kampuchean nation” reflects CPK dogma that there could only be a single race in DK,³⁷⁰⁵ and its strategy to eliminate all ethnic Vietnamese in the country. The CPK frequently attempted to stoke fears and racial hatred by trying to make people believe that the entire Khmer race was threatened with extinction by the Vietnamese.³⁷⁰⁶ In April 1976, *Revolutionary Flag* declared that:

Our people are called the ‘Kampuchean people.’ However, there were many foreigners, hundreds of thousands, and one type of foreigner that was very strongly poisonous and dangerous to our people. These people have what is called a poisonous composition since they came to wolf us down, came to nibble at us, came to swallow us, came to confiscate and take away everything, and came to endanger our nation and our people.³⁷⁰⁷

³⁷⁰² **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010558.

³⁷⁰³ **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010563; EN S 00010563 [“To exterminate resolutely all agent of the expansionist, annexationist Vietnamese aggressors from our units and from Cambodian territory forever”].

³⁷⁰⁴ **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519837 [“To defend Kampuchean territory means to defend the Kampuchean race. If the Yuon are able to take it, the Kampuchean race will be gone within 30 years”], EN 00519842 [“We make our Army clean, our Party clean, our people clean, so that they can fight the enemy and defend Kampuchean territory, that is, defend the Kampuchean race. Otherwise our race will disappear. Do we want to lose our race? We will lose our territory and then lose our race too if we do not defend them. The Yuon will keep coming, 1,000,000 a year, 2,000,000, and will be out of territory and will have lost our race”]; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862 [“In these episodes of disparate treatment, both ethnic and political factors were at play. As soon as the Khmer Rouge took power, it publicly announced that there was to be only a Khmer race and began the regime’s pursuit for an ethnically pure Democratic Kampuchea”].

³⁷⁰⁵ **E3/8404** DK Government Statement, 2 Jan 1979, EN 00419726; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150139 [“After Chan’s late 1975 promotion, Ouch Bun Chhoeun joined the Region 21 Party Committee. Chhoeun’s 1980 account avoided mention of the 1975 violence, but admitted the very inadequate living conditions of the people of Krauchhmar ‘the toughest area of all.’ Asked about the Chams, Chhoeun replied: ‘There was no policy of [allowing] minority nationalities Everyone was mixed together There was only one race—the Khmer from liberation in 1975 Pol Pot was very close to the Jarai and other minorities but he scattered the Islamic race’”]; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237947-8.

³⁷⁰⁶ See e.g. **E3/2671** Telegram from French Ministry of Foreign Affairs, 19 Jun 1978, EN 00743306.

³⁷⁰⁷ **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853;]. See also **E3/726** *Revolutionary Youth*, Jan-Feb 1978 EN 00278717; **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333.

909. Alexander Hinton testified that this document relates to “ethnic Vietnamese who were living in Cambodia at the time the DK regime took power”,³⁷⁰⁸ and suggested that the CPK were “talking about a purification”³⁷⁰⁹ of the ethnic Vietnamese.
910. Such messages were repeated throughout the DK regime. In September 1978, **Nuon Chea** praised the RAK for crushing the Vietnamese strategy of “exterminating the Kampuchea’s race”.³⁷¹⁰ **Khieu Samphan** evoked similar images while referring to the need for Cambodians to unite to “smash the acts of aggression, expansion and anti-Kampuchean genocide” by Vietnam.³⁷¹¹ According to David Chandler, this pitting of Khmer against Vietnamese was part of the CPK’s policy of a “race war against the Vietnamese”.³⁷¹² The July 1978 *Revolutionary Flag* made it “[t]he national duty of all of us” to “fight to eliminate our aggressive, expansionist, territory-swallowing and genocidal Yuon enemy”, the “genocidal Yuon enemy of the Kampuchean race.”³⁷¹³
911. The Vietnamese were also portrayed as “traitorous”, with the May-June 1978 *Revolutionary Flag* detailing that “traitorous networks” within Cambodia needed to be attacked and that “Our sharpest attack is on the aggressive, territory-swallowing Yuon”.³⁷¹⁴ The necessary treatment for “traitors” and “enemies” was outlined by Lach Mean.³⁷¹⁵ He testified that S-21 staff were instructed by the upper echelon “that anyone

³⁷⁰⁸ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.24.58-09.27.32.

³⁷⁰⁹ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42.

³⁷¹⁰ **E3/199** Nuon Chea Speech, 3 Sept 1978, EN 00065915 [“Through this, the people and the Revolutionary Army of Kampuchea have also crushed the Vietnamese strategy of ‘Indochina Federation’ aiming at swallowing the Kampuchea’s territory and exterminating the Kampuchea’s race, and thus inflicted an ignominious defeat on the Vietnamese strategy ‘lightning attack, lightning victory’”].

³⁷¹¹ **E3/296** FBIS, Khieu Samphan Speech, 2 Jan 1979, EN 00169295.

³⁷¹² **E1/93.1** David Chandler, T. 20 July 2012, 16.02.14-16.03.42 [“By the end of 1978, they had a policy of eliminating the Vietnamese ... their public statements began to refer to the ‘puch’ – or the race, the Cambodian race. It was not a word they’d used much before ... It’s a term that was meant to encourage the Cambodian citizens to pursue, engage and win a race war against the Vietnamese and, by extension, not against the Cham, but against anyone else in the country who was not Khmer”].

³⁷¹³ **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“The national duty of all of us its to struggle to fight to eliminate our aggressive, expansionist, territory-swallowing and genocidal Yuon enemy. Just like the Kampucheans of our current generation, absolutely no Kampucheans of any subsequent generation will lay down arms and stop fighting the aggressive and expansionist/territory-swallowing and genocidal Yuon enemy of the Kampuchean race”].

³⁷¹⁴ **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“To sum things up. on the other side in the contradiction with us are the CIA, the Yuon and the KGB, and among these the Yuon are the most noxious and acute. Proceeding from such an analysis of this acute life-and -death contradiction, what are our attack measures? 1.Our sharpest attack is on the aggressive, territory-swallowing Yuon. 2. At the same time, we attack the CIA and KGB. We attack simultaneously, but we pay most attention to attacking the Tuon [sic] because they are the most noxious and acute”].

³⁷¹⁵ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.13.34-15.15.11 [“I worked as an interrogator in around September or October 1978 -- that is, for about two or three months during the last part of the regime”].

brought into S-21 were considered as traitor of the nation.”³⁷¹⁶ And every traitor and enemy “needed to be smashed.”³⁷¹⁷

912. Through this constant demonising, the CPK actively sought to incite animosity against ethnic Vietnamese. Norodom Sihanouk recalled **Khieu Samphan** telling him that to unite the people “the best thing we could do was incite them to hate the Yuons more and more every day.”³⁷¹⁸ This is exemplified in **Khieu Samphan** invoking the “national hatred” occasioned by the Vietnamese at a mass meeting in 1978.³⁷¹⁹ On 3 January 1978, Office 870 (at which time **Khieu Samphan** was the only committee member, Doeun having been arrested) disseminated instructions emphasising that: “It is imperative ... to constantly stir up national and class anger among the people toward the Yuon enemy invader in order to turn such anger into material anger, to carry out all types of concrete activities”.³⁷²⁰ These instructions were distributed down the echelons of the Party.³⁷²¹ If implemented well, the document concluded, then “the Yuon invader will definitely leave piles of their bones on our soil.”³⁷²²
913. The term “Yuon” was ubiquitous in CPK propaganda,³⁷²³ and often used by **Nuon Chea** and **Khieu Samphan**. The *Black Paper*, published in 1978, defined “Yuon” as meaning “savage”.³⁷²⁴ Meas Voeun testified that “Yuon” referred to the Vietnamese regardless of their status as civilians and soldiers.³⁷²⁵ Expert Alexander Hinton added that the term

³⁷¹⁶ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.56.09 [“Q. Mr. Witness, does that refresh your recollection that you were told that once an individual was brought to S-21, they were inherently an enemy? A. Yes, that is correct. We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon”], 15.56.09-15.58.17.

³⁷¹⁷ **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.56.09-15.58.17 [“Q. Did you know what the Khmer Rouge policy was regarding enemies? A. It was their policy -- it was their policy that enemy needed to be smashed. Every enemy needed to be smashed”], 15.58.17-16.00.00.

³⁷¹⁸ **E3/1819** Norodom Sihanouk, *War and Hope*, EN 00349591.

³⁷¹⁹ **E3/169** Khieu Samphan Speech, 17 Apr 1978, EN 00280396 [“In particular, the fight against Vietnam the aggressor that wants to grab and annex our territory, further raised the political awareness and patriotism of our people and again stirred up their national hatred and class hatred. Consequently, our people’s political and ideological awareness was further developed”].

³⁷²⁰ **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296007.

³⁷²¹ **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296008 [“distributed in the Zone, Sector and District Party Committees, in the cooperative committees, in the battlefield committees, divisions, committees, regiments, battalions, companies, platoons, squads, combatants, and the command committees in each target area for them to absorb again and again, to constantly draw experience, and to constantly improve implementation”].

³⁷²² **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296009.

³⁷²³ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 15.54.30-15.55.47.

³⁷²⁴ **E/23** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082517

³⁷²⁵ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.54.15-15.57.30 [“Cambodians referred to them as ‘Yuon’. Everybody knew about it. Usually we did not refer to them as Vietnamese and we refer to them as ‘Yuon’”]; **E1/404.1** Alexander Hinton, T. 17 Mar 2016, 09.56.06-09.57.16 [“When you use the word ‘Yuon’, it has two valences. It can refer to people from Vietnam, Vietnamese troops, but it also stirs up

signals “hatred of the Vietnamese”,³⁷²⁶ is “a word that can incite hatred and violence and in the context of DK it was an incitement to genocide.”³⁷²⁷ Nuon Chea’s chosen biographer Thet Sambath noted that Nuon Chea “always” used the term “Yuon” to refer to the Vietnamese.³⁷²⁸

914. CPK internal propaganda emphasised highly emotive and negative descriptions of Vietnamese. The April 1977 *Revolutionary Flag* referred to CIA, KGB, and “‘Y[uan]’ agents” as “the cheap running dogs of the enemy” who 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.”³⁷²⁹ The document instructed cadres that: “[w]e must continue to strike them and trample them ... and must constantly be on the offensive against them during 1977 to smash them even more so they cannot raise their heads.”³⁷³⁰
915. Terms such as eradicate,³⁷³¹ smash,³⁷³² sweep away,³⁷³³ wipe out,³⁷³⁴ exterminate,³⁷³⁵ liquidate,³⁷³⁶ chop up,³⁷³⁷ and annihilate³⁷³⁸ were frequently used in CPK documents to

incitement against ethnic Vietnamese who also are referred to as ‘Yuon’, often in strong racist terms, in Cambodia or DK at that time as well”], 09.57.16-09.58.05 [And to use the word isn’t a sort of singular directive. It’s something that inspires, incites hate towards ethnic Vietnamese in general, even when it’s directed, in some contexts, some parts of this, towards the military troops of Vietnam”]; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862 [“Informants also attested to the Khmer Rouge’s almost exclusive use of word ‘yuon’ to refer to Vietnamese people”].

³⁷²⁶ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.15.50-09.17.13 [“And of course, there’s the term that’s frequently invoked, which is the term ‘Yuon’ ... often is used and almost somewhat spat out as the only way to say it, with emotion, of the hatred of ‘the Yuon’. And that term itself is one that signals this hatred of the Vietnamese other”]. See also **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.01.44-16.03.41.

³⁷²⁷ **E1/404.1** Alexander Hinton, T. 17 Mar 2016, 12.10.24-12.11.14.

³⁷²⁸ **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757508 [“Even now, Nuon Chea always refers to the Vietnamese as ‘Yuon’, a racist term used by Cambodians”]. See e.g. **E3/26** Nuon Chea Interview, Oct 2006, EN 00329513 [“The evil groups ... There were Khmer Serei, the CIA, the KGB, the Yuon”]; **E3/108** Nuon Chea Interview, 10 June 2006, EN 00000934 [claiming that the “Yuon” set up Tuol Sleng to “blame us for killing our own people”]; **E3/3** Nuon Chea Statement, May 1998, EN 00184657 [“the Yuon withdrew a large number of soldiers, taking along with them to Hanoi about 2,000 Cambodians ... for training as Yuon cadres to continue implementing the Indochina Federation strategy ... a number of the Yuon who had led in Kampuchea and who had been secretly imbedded in the Yuon ethnic minority to continue carrying out their political line of the Indochina Federation”], 00184672 [“Right after the coup, the Yuon had no place to stay because America was attacking ... The Yuon had to depend on us. The bitch Nguyen Thi Binh, the female commander, came to meet Phim”], 00184674 [after completing presentation on pre-75 period: “Attacking the Yuon, attacking whatever, that was later”], 00184676 [“The experience about the Yuon, that many were smashed”].

³⁷²⁹ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496.

³⁷³⁰ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496, EN 00478501 [“imperative to indoctrinate and whip-up the masses into a force to seek out the enemy, assess the enemy, analyze the enemy, track the enemy, pressure the enemy, capture the enemy, to smash the enemy, and to make the enemy be like a rat surrounded by a crowd of people beating and smashing it”].

³⁷³¹ **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478500 [“They, the ‘CIA’ part, the ‘KGB’ part, and the ‘Y[uan]’ part still strive to struggle free to continue their criminal activities. This is a view that we must be constantly clear on in order to have a high-level spirit of revolutionary vigilance to resist and eradicate

describe what cadres should do to the Vietnamese. CPK documents used derogatory and dehumanising descriptions of the Vietnamese, with terminology such as the “[t]he Yuon stunk to high heaven and are degradingly despised as nothing”,³⁷³⁹ that they were “evil”,³⁷⁴⁰ “criminal”,³⁷⁴¹ “noxious”,³⁷⁴² “greedy”,³⁷⁴³ “savage”,³⁷⁴⁴ “oppressors”,³⁷⁴⁵

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- the enemy in advance with constant mastery”]; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464065 [“Beloved Comrades, Seeing our great victories over the Yuon aggressor, With the entire Party in monolithic unity to lead the fight to eradicate the enemy”].
- 3732 **E3/742** *Revolutionary Flag*, Apr 1977, 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 throughout the whole Party, throughout the whole Army, and throughout the people and attacking and breaking the enemy politically and preventing them forever from sneaking into our Party, our Army, and our people. As for their old roots, some of whom still remain after we have smashed them to bits, it is imperative to whip-up the people to sweep more of them clean and make things permanently clean”].
- 3733 **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00975143 [“We would like to report nine Yuon people fleeing from their country. According to their interrogations, they said the Yuon had assigned them to come to spy inside Kampuchea and live with the Kampuchea people in order to grasp the Kampuchean people. Now we have swept them away”]; **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315375 [“Our measures for the above enemy activities: Continuing to search for all kinds of networks of the hidden enemy burrowing from within, and sweep them clean continuously and absolutely from the bases, units, offices and various departments”].
- 3734 **E3/1285** FBI, *DK Media Report*, 4 Jan 1978, EN 00169539 [“6. Struggle to eliminate all kinds of private, individualist concepts from ourselves as well as from the ranks of the entire Revolutionary Army and strive to build ourselves and our units into constantly strong bodies in line with the party’s proletarian collectivist stand in order to fight and exterminate the annexationist Vietnamese enemy and other enemies of all stripes so that they will be completely wiped out from our Cambodian territory and country and so that the nation’s honor will be preserved and the country’s building efforts can be carried out well and rapidly at a great-leap-forward speed”].
- 3735 **E3/1285** FBIS, *DK Media Report*, 4 Jan 1978, EN 00169538 [“After hearing the statement of the Government of Democratic Cambodia broadcast on 31 December and repeated on 1 and 2 January 1978, appealing to the entire party and army as well as all the people to uphold revolutionary vigilance and raise high the militant banner in order to counter and exterminate the annexationist Vietnamese enemy, our male and female combatants and the cadres of the three Revolutionary Army services--ground, naval and air forces--both at the front and in the rear area, held a meeting, as did all the Cambodian people throughout the country, to support this statement in a firm, determined, but calm and enthusiastic manner. During this meeting they expressed their seething anger and indignation at the annexationist Vietnamese enemy”].
- 3736 **E3/765** *Revolutionary Youth*, Oct 1978, EN 00539998 [“even more importantly, it is to ready food supplies to feed the combat forces of our Revolutionary Army on the forward battlefields so there will always be plenty of food to prepare to break and smash the dry season invasion plan of the expansionist territory swallowing genocidal Yuon enemy and defeat and scatter them even more seriously up to the point that they are completely defeated and liquidated”].
- 3737 **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“It is to lure them to our country, give them the impression that they have won military victory. And once they are inside Democratic Kampuchea, we the men and women of Kampuchea will hack them to pieces (sic!) We will chop them up (sic!) Back home in Vietnam when they (the Yuon), realize that their soldiers are not returning, they will send us more divisions. We the people of Kampuchea will continue to chop them up”].
- 3738 **E3/8404** *DK Government Statement*, 2 Jan 1979, EN 00419729 [“Surely the Vietnamese will suffer bitter defeats and will be annihilated like all aggressors have been so in the history”].
- 3739 **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“Our country our people have honour and a well-known name because we have striven to build up the country by self-support and by mastery independence. The Yuon stunk to high heaven and are degradingly despised as nothing, because the Yuon think only of carrying around a begging bucket and walking around with a cane to beg for charity in every nook and cranny”].
- 3740 **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“POL

“rats”,³⁷⁴⁶ “running-dogs”,³⁷⁴⁷ “germs,”³⁷⁴⁸ and invoking the image of parasites, describing the Vietnamese as “enemies boring from within”.³⁷⁴⁹ The Vietnamese were also depicted as sexually deviant, being accused of raping Cambodian girls³⁷⁵⁰ and selling Vietnamese girls in order to achieve their annexationist ambitions.³⁷⁵¹

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- 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”].
- 3741 **E3/169** Khieu Samphan, Speech at 3rd Anniversary Meeting, 17 Apr 1978, EN 00280397 [“The fact that we successfully defended our country by smashing the destructive activities of the American imperialists and their lackeys, the fact that we successfully shattered the destructive activities of the expansionists annexationists and reactionary forces of all sorts, especially the criminal acts of the aggressor, Vietnam, which wants to grab and annex our territory”].
- 3742 **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“The forces that have been opposing our revolution were organized as traitorous networks in Kampuchea by CIA organs representing American imperialism and other reactionary forces and the Yuon and Soviets. They had already organized such forces, they are organizing them now, and they will continue to organize them. All such opposition forces are CIA, Yuon and Soviet espionage agents, and it is these forces that we must attack. To sum things up. on the other side in the contradiction with us are the CIA, the Yuon and the KGB, and among these the Yuon are the most noxious and acute”].
- 3743 **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010558 [“the greedy Vietnamese [who] have the evil intention of swallowing up our Cambodian territory”].
- 3744 **E/23** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082517 [“Yuon is the name given by Kampuchea's people to the Vietnamese since the epoch of Angkor and [which] means ‘savage.’ The word ‘Vietnam’ and ‘Vietnamese’ are very recent and not often used by Kampuchea’s people”]. *See also* **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237827.
- 3745 **E3/5720** Pol Pot, Public Statement, 5 Jan 1979, EN S 00017564-65 [“The whole people of Kampuchea are determined not to accept to be lackey of the Vietnamese, not to lose their own nation, not to let the Vietnamese oppress, exploit and plunder them at will. The Vietnamese enemy have increased and are increasing contradictions between them and the whole Kampuchea’s nation and people. These contradictions are very deeply rooted and more and more increasing from day to day”].
- 3746 **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496 [“‘Y[uan]’ agents ... 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”].
- 3747 **E3/746** *Revolutionary Flag*, July 1978, EN 00428303-04 [“CIA agents, Yuon running-dog agents and KGB agents have spread the fire of the quick-burning flames of national and class hatred have been broadly transformed into a great mass movement to eliminate the aggressive, expansionists, territory-swallowing Yuon enemy”].
- 3748 **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519842 [“Enemies from near and far come to make propaganda and deceive and defraud us and frighten us, to make us fear the enemy. They must be eradicated. Do not let those germs bore inside among our people, our Party, our Army. We make our Army clean, our Party clean, our people clean, so that they can fight the enemy and defend Kampuchean territory, that is, defend the Kampuchean race”].
- 3749 **E3/746** *Revolutionary Flag*, July 1978, EN 00428303-04 [“national and class hatred have been broadly transformed into a great mass movement to eliminate the aggressive, expansionists, territory-swallowing Yuon enemy and to sweep cleanly away the concealed enemies boring from within”].
- 3750 **E3/266** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082543 [“The population of Kampuchea seethed with deep hatred towards the Vietnamese so that it was not necessary to conduct campaigns to arouse it. The Vietnamese who raped girls were punished. They kept on creating incidents. The high levels of the Communist Party of Kampuchea have always strived to smoothe things over as much with the Vietnamese as with the population”].
- 3751 **E3/266** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082516 [“The Vietnamese have often resorted to these sordid methods consisting of selling their girls in order to achieve their annexationist ambitions. Today they still do not hesitate to carry out the same repugnant methods to swallow the other country’s territories”].

916. The CPK also targeted civilians within Vietnam.³⁷⁵² Shortly after **Khieu Samphan**'s April 1977 speech about wiping out the "enemy",³⁷⁵³ Khmer Rouge units attacked villages and towns in An Giang and Chau Doc provinces, burning houses and killing hundreds of civilians.³⁷⁵⁴ **Khieu Samphan** would later describe these attacks as "medieval-type cruelties",³⁷⁵⁵ 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."³⁷⁵⁶
917. Murderous forays in Vietnamese territory continued, with CPK units making no distinction between Vietnamese soldiers and ordinary civilians.³⁷⁵⁷ 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.³⁷⁵⁸ The notebook of an S-21 interrogator covering January 1978 to July 1978 details how "[w]e attacked inside the Yuon territory" and claimed that Khmer Rouge units "[a]chieved the principle of 1 - 30",³⁷⁵⁹ demonstrating that CPK forces sought to implement Pol Pot's policy that each Khmer should kill 30 Vietnamese.
918. Norodom Sihanouk recalled that Pol Pot had told him that the CPK army were sent "to Kampuchea Krom ... with the mission to kill as many men women and children as possible of the evil race."³⁷⁶⁰ Pol Pot planned greater attacks, claiming that "in the final

³⁷⁵² See e.g. **E3/376** Lay Ien WRI, 7 Jan 2009, EN 00278691.

³⁷⁵³ **E3/200** *Khieu Samphan's Speech at Anniversary Meeting*, 19 Apr 1977, EN S 00004164.

³⁷⁵⁴ **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-66.

³⁷⁵⁵ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

³⁷⁵⁶ **E3/18** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

³⁷⁵⁷ See e.g. **E3/1269** International Media Report, 3 Mar 1978, EN S 00009871 ["Kampuchean troops were ordered to 'Kill all, burn all, destroy all!' in their attacks on Vietnamese territory, five captured Kampuchean soldiers told French reporters in Vietnam's Tay Ninh Province last month"]; **E3/9384** SRV Ministry of Foreign Affairs, Facts and Documents, Jan 1978, 00187275, 00187288.

³⁷⁵⁸ **E3/1075** Telegram 18 from Brother Van, 8 Apr 1978 ["The enemy that struck into Sector 24 at Trapeang Pream and Baray has been attacked and totally broken by us, and has withdrawn to the rear. We hit and burned all of their five tanks. Their forces were killed and wounded in large numbers. We attacked and entered the Dong Thap population center and the market south of Trapeang Pream and Tan Chau; we killed and wounded many hundreds of them and burned hundreds of houses"].

³⁷⁵⁹ **E3/833** Notebook by Man Nai alias Chan, EN 00184607.

³⁷⁶⁰ **E3/7478** 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"].

phase, we will enter their territory, Annam and Tonkin, after liberating our Kampuchea Krom, and kill their women and children (boys, girls and infants).’’³⁷⁶¹

919. **Nuon Chea** continued to describe the “Yuong” as “evil” long after the fall of the DK regime.³⁷⁶² **Khieu Samphan**’s animus also continued after 1979, telling journalists that Vietnam was “the enemy and aggressor, swallower of territory and exterminator of our race.”³⁷⁶³ Repeating the notion of a race war, **Khieu Samphan** accused the Vietnamese of carrying out “a special war of racial extermination”.³⁷⁶⁴

IMPLEMENTATION OF THE GENOCIDAL POLICY AGAINST THE VIETNAMESE

1. Deportation of the Vietnamese

920. The CPK plan to cleanse DK territory of all Vietnamese inhabitants resulted in some 150,000 being deported in the early part of the DK regime.³⁷⁶⁵ After the Khmer Rouge defeated the Lon Nol regime, Sann Lorn, Tram Kak District committee messenger and brother-in-law of Ta Mok,³⁷⁶⁶ “saw a huge number of Vietnamese people were gathered and deported back to Vietnam.”³⁷⁶⁷ In 1975, he was ordered by the Tram Kak District committee to transport large numbers of Vietnamese bound for Vietnam.³⁷⁶⁸ He testified that it was Khmer Rouge policy to round up and deport the Vietnamese.³⁷⁶⁹ The task of collecting the rounded up Vietnamese from communes in Tram Kak took four days.³⁷⁷⁰

³⁷⁶¹ **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394. See also **E3/8170** Letter from Vietnam’s UN ambassador to UN Security Council, 8 Jan 1979, EN 00078306.

³⁷⁶² **E3/26** Nuon Chea *Interview between Nuon Chea and Japanese Journalist*, EN 00329513.

³⁷⁶³ **E3/617** Khieu Samphan Interview, Sept 1979, EN S 00721500-501.

³⁷⁶⁴ **E3/601** Kampuchea Newsletter, *Khieu Samphan Meets Journalists*.

³⁷⁶⁵ **E3/1690** Ben Kiernan, *The Pol Pot Regime*, EN 00104205, 00104207, 00104231; **E3/384** Sao Sarun WRI, 30 June 2009, EN 00348375.

³⁷⁶⁶ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 09.31.03-09.33.54, 09.26.10-09.29.28.

³⁷⁶⁷ **E1/384.1** 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 [“I witnessed the deportation of the Vietnamese, but I was not involved”].

³⁷⁶⁸ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 09.58.14-10.01.47 [“Q. ... one of his WRIs that you were involved in the transportation of about 9,000 Vietnamese families or Vietnamese people. Is that correct, that the transport of people that you discussed earlier, referred to earlier, was it a transport of about 9,000 Vietnamese? A. Yes, that is correct. But the transportation took place on the order from the district level. The district gave the order to me to transport those people”], 10.44.25-10.46.57, 10.48.40-10.52.08, 14.21.05-14.24.24 [“It happened in 1975. I was instructed to transport those Vietnamese people. That’s the -- that was the time that I realized about the Vietnamese”]; **E319.1.32** Ek (Ul) Hoeun WRI, 19 Mar 2014, EN 00983574 [“Lan alias Muoy, Ta Mok’s younger brother in law currently living in Cheang Tong commune was the one who went around arresting Vietnamese nationals and took them to be killed. Lan arrested Vietnamese nationals from some communes including Angk Ta Saom, Popel, Leay Bour, and Srae Ronoung. I do not know how many Vietnamese nationals were in Tram Kak. District I knew only the number of Vietnamese nationals in these four communes because Lan told me that he had brought along trucks to transport only 9,000 Vietnamese families from these four communes”].

³⁷⁶⁹ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 14.24.24-14.25.06.

³⁷⁷⁰ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 11.02.40-11.10.48.

The district level was responsible for the lists of Vietnamese to be deported.³⁷⁷¹ One large truck was used that carried 50 to 60 people on each trip.³⁷⁷² When Sann Lorn delivered his human cargo, the chief of the district militia received these people.³⁷⁷³

921. In 1976, the Vietnamese and DK governments implemented an exchange, whereby Vietnamese living in Cambodia would be sent back to Vietnam, and Khmers living in Vietnamese territory would be sent back to DK.³⁷⁷⁴ Former Tram Kak District Secretary Pech Chim testified that the programme represented a solution to the issue of the Vietnamese.³⁷⁷⁵
922. Ry Pov, Yem Khonny, and other Cambodians who had previously fled to Vietnam returned to Cambodia, unaware of the dire situation under the DK regime.³⁷⁷⁶ Ry Pov testified that approximately 1,500 families, comprising thousands of people, were then gathered to be returned to Cambodia.³⁷⁷⁷ An equal number of Vietnamese were expelled to Vietnam from Tram Kak and elsewhere under the exchange.³⁷⁷⁸
923. DK officials in Tram Kak dictated who could leave.³⁷⁷⁹ Mixed families, including parents and children, were often split apart, with those considered Vietnamese sent

³⁷⁷¹ **E1/384.1** Sann Lorn, T. 28 Jan 2016, 14.28.23-14.30.16 [“No, I did not receive any list. There were other individuals who were responsible for that. In fact there were people at the district office who were in charge of that affair and I, myself, was not aware of that”].

³⁷⁷² **E1/384.1** Sann Lorn, T. 28 Jan 2016, 11.10.48-11.12.30, 11.16.44-11.19.11.

³⁷⁷³ **E1/384.1** Sann Lorn, T. 28 January 2016, 11.08.35-11.10.48.

³⁷⁷⁴ **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33 [“I left Kampuchea Krom when there was the exchange program”]; **E1/287.1** 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”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.36.50-09.39.15 [“there was a swap between Vietnamese and Cambodians”]; **E1/298.1** 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 ‘Yuen’s’ who lived in Cambodia”]; **E1/262.1** 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”]; **E3/9604** Ry (Peou) Pov WRI, A82; **E3/5832** Cheang Sreimom WRI, A14.

³⁷⁷⁵ **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.08.15-10.10.50.

³⁷⁷⁶ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.21.01-09.22.53; **E1/288.1** Yem Khonny, T. 3 Apr 2015, 09.11.53-09.13.40.

³⁷⁷⁷ **E1/262.1** 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”].

³⁷⁷⁸ **E3/9604** Ry (Peou) Pov WRI, A12, A14. *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; **E3/2917** Confirmation Report from Phan in Popel Commune to District Angkar, 8 May 1977 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **E3/4083** Name List of People who Have Just Come from Srok Yuen (Vietnam), EN 00323977-78 [list of 18 Khmer Krom families in Cheang Tong commune].

³⁷⁷⁹ **E3/4104** DK Report on Enemy Situations, 3 May 1977, EN 00322088.

away and those considered Khmer staying behind.³⁷⁸⁰ Though Pech Chim testified that “they all agreed to return to Vietnam”,³⁷⁸¹ the opposite is true. The Vietnamese living in Tram Kak and elsewhere had no genuine choice when the alternative was death.

924. Deportations occurred throughout the country. Toat Thoeun testified that he was instructed by Pang, of the Centre office, to transport a group of Khmer Krom people to Vietnam towards the end of 1975.³⁷⁸² Heng Lai Heang saw Vietnamese being transported by vehicles, during the day and at night, after 1975 at Kantout village in Kratie.³⁷⁸³ He understood that the CPK policy was first to deport and subsequently to smash the ethnic Vietnamese in DK.³⁷⁸⁴ In Prey Veng, many ethnic Vietnamese were forced to move to Vietnam in 1975 and 1976.³⁷⁸⁵ Sao Sak testified that the Vietnamese in her area of Prey Veng, including mixed families, were continuously gathered up and sent to Vietnam.³⁷⁸⁶ This happened gradually starting even before 1975.³⁷⁸⁷ Sao Sak

³⁷⁸⁰ **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.08.15-10.10.50 [“when the husbands were Vietnamese, some of them decided to return to Vietnam and left behind their wives. Or, both husbands and wives could go back to Vietnam together. And in other instances they would share the children, for example one child would return to Vietnam with the husband and another child would remain in Cambodia with the wife”]; *See also* **E3/2435** Report to District Angkar from Ang Ta Saom, 26 April 1977 [asking district authorities to decide whether Cambodian spouses of Vietnamese people in Angk Ta Saom Commune should be authorised to go to Vietnam].

³⁷⁸¹ **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.10.50-10.12.52.

³⁷⁸² **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.13.47-16.18.22 [“I transported Kampuchea Krom people once. Actually, I did not transport them but I escorted Vietnamese people to return to Vietnam. And it was not a land transportation, it was by river from Sala Takon (phonetic) in Battambang through Tonle Sap River. And that would lead to Phnom Penh. Then I went to receive a letter from Pang and we continued our boat journey to K’am Samnar. And then with the note -- handwritten note from Pang, I handed over the Vietnamese people as well as the Vietnamese boat to the Vietnamese authority there. In fact, when we took or escorted those Vietnamese on their boat, we towed our boat and when we returned, we returned with our towed boat”]; **E3/9610** Toat Thoeun WRI, EN 00974046-47 [“I have no idea I only know that Nhim had told me to take the Khmer Kampuchea Krom to see Pang, and to follow what Pang told me to do ... It was at the end of 1975 As I remember after I had collected guns and completed building the weapon warehouse, I was delegated to send them to Vietnam; after my return from Vietnam, I was assigned a new task as deputy chief of general staff in charge of the economy of the zone military”].

³⁷⁸³ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 15.35.58-15.36.50 [“At that time, I was at Kantuot village of Kantuot commune”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 15.54.28-15.56.23 [“Relating to the sending of Vietnamese people back to their country, I learnt about this in 1972-’73, in 1973. As for the elimination of the mixed-blood children, it was after the liberation of Phnom Penh. The deportation of Vietnamese to their country took place before the liberation of Phnom Penh. For the elimination of the remaining mixed-blood Vietnamese children took place after the liberation of Phnom Penh. That is what I can recall. I cannot recall the date”].

³⁷⁸⁴ **E1/476.1** 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”].

³⁷⁸⁵ **E3/7760** Em Bunnim WRI, 4 Apr 2009, EN 00322930; **E3/7811** Bun Reun WRI, 15 Jan 2009, EN 00282554.

³⁷⁸⁶ **E1/362.1** Sao Sak, T. 3 Dec 2015, 15.18.57-15.21.41.

³⁷⁸⁷ **E1/362.1** Sao Sak, T. 3 Dec 2015, 15.22.56-15.23.59.

heard that they were evacuated to Vietnam³⁷⁸⁸ and were not allowed to live in Cambodia.³⁷⁸⁹

925. The nationwide deportation was effective. The April 1976 *Revolutionary Flag* declared that “our democratic revolution swept hundreds of thousands of these foreigners clean and expelled them from our country, got them permanently out of our territory.”³⁷⁹⁰ The same document described these forced removals as having “sorted this issue out cleanly and sorted it out entirely”.³⁷⁹¹
926. Nevertheless, expulsions continued. Prak Doeun testified that, having been forcibly relocated to Ta Mov island in 1977, the unit chief announced that the Vietnamese were subject to be returned to Vietnam and if anyone wished to go — they should.³⁷⁹² This was no real choice, however, as the alternative was to stay and be killed. Prak Doeun witnessed 20 to 30 Vietnamese people³⁷⁹³ being rounded up and put into a covered boat.³⁷⁹⁴ He testified that one Vietnamese woman remained in the cooperative but was beaten by cadres for speaking Vietnamese and she too was subsequently sent to Vietnam.³⁷⁹⁵
927. Witness Choeung Yaing Chaet was deported from Kampong Chhnang to Vietnam via Prey Veng in exchange for rice.³⁷⁹⁶ Two months earlier his family had been killed.³⁷⁹⁷ He travelled on a boat to Phnom Penh, with 50 or 60 other boats carrying Vietnamese.³⁷⁹⁸ Then he transferred to a motorboat with 60 other Vietnamese people which travelled on to Prey Veng.³⁷⁹⁹ When they arrived at Neak Leung, cadres counted the people on the ferry and in exchange, the Vietnamese provided salt and rice.³⁸⁰⁰ In Svay Rieng, Sin Chhem testified to hearing of deportations of mixed-Vietnamese in

³⁷⁸⁸ **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.44.10-09.46.08.

³⁷⁸⁹ **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.46.08-09.48.00 [“I heard from my fellow villagers that those people were evacuated to Vietnam because the Vietnamese were not allowed to live in Cambodia that's what I heard from fellow villagers”].

³⁷⁹⁰ **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517854.

³⁷⁹¹ **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853.

³⁷⁹² **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

³⁷⁹³ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.04.02-14.05.45.

³⁷⁹⁴ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

³⁷⁹⁵ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.05.45-14.07.50.

³⁷⁹⁶ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 13.54.00-13.57.57 [“Ta Ly was able to send us to Vietnam when there was an exchange of rice with Vietnam. At that time, I was able to hide in the boat”]. See also **E3/5260** Khoem Samon WRI, 11 Dec 2008, EN 00327160.

³⁷⁹⁷ **E1/364.1** Choeung Yaing Chaet, T. 8 Dec 2015, 10.41.22-10.43.32.

³⁷⁹⁸ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 15.15.45-15.20.00.

³⁷⁹⁹ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 13.57.57-14.03.22.

³⁸⁰⁰ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 14.11.57-14.15.56.

1978.³⁸⁰¹ She saw members of mixed-Vietnamese families being arrested and forced to flee.³⁸⁰²

928. Some of those rounded up and told they were being sent to Vietnam were, in fact, killed.³⁸⁰³ Uch Sunlay's Vietnamese mother-in-law boarded a truck with other Vietnamese persons in Kratie having been told they would be sent to Vietnam.³⁸⁰⁴ Uch Sunlay testified that the driver of the truck told him that these people were executed.³⁸⁰⁵ Similar reports of individuals being killed instead of being transported to Vietnam come from Sector 37.³⁸⁰⁶ Author Ben Kiernan conducted interviews during which he recorded reports of massacres of Vietnamese who volunteered for repatriation in 1977.³⁸⁰⁷

2. Killings of the Vietnamese

929. Even while deportations were ongoing, from the beginning of the DK regime, the CPK also killed Vietnamese to ensure that the group was eradicated from Cambodian territory. In April-May 1975, Division 164 requested information from higher echelons on how to deal with detained Vietnamese:

[U]nit captured a boat carrying more than 10 Vietnamese refugees, including women and children ... The 408th Commander contacted Kampong Som for guidance on the disposition of the refugees. The High Command in Kampong Som ordered the Commander to kill the refugees. The Commander and his Deputy carried out the order.³⁸⁰⁸

930. Following the mass expulsions, there were many Vietnamese who had not returned to Vietnam and who, in line with CPK policy,³⁸⁰⁹ had to be smashed.³⁸¹⁰ Individuals of Vietnamese ethnicity were sought out and executed throughout the country.³⁸¹¹

³⁸⁰¹ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.51.30-10.54.58.

³⁸⁰² **E1/367.1** Sin Chhem, T. 14 Dec 2015, 15.17.07.27-15.21.27.

³⁸⁰³ See e.g. **E3/5506** Sau Khon WRI, 25 Oct 2009, EN 00398865.

³⁸⁰⁴ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.26.15-09.29.10.

³⁸⁰⁵ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.23.44-09.26.15.

³⁸⁰⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155 ["On the coast of Region 37, officials again called on 'Vietnamese' to volunteer for repatriation. Two groups of volunteers assembled in 1977, including Chinese 'and even some Khmers who did not want to stay,' hoping to pass themselves off as Vietnamese. Both groups were allegedly massacred in turn"].

³⁸⁰⁷ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

³⁸⁰⁸ **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

³⁸⁰⁹ **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274730; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.08.41-15.10.21, 15.24.11-15.26.03; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.08.20-11.10.02 ["Q. ... Who -- in terms of entity or body, who was leading that campaign? Where was that coming from, in general? A. The standing -- the CPK Standing Committee would be the

a) *Searching Out the Vietnamese Population*

931. Ros Saroeun, a mechanic interviewed by Expert Ben Keirnan, was in the district office in Oudung on 1 April 1977 when he read a “Directive from 870” that 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.³⁸¹² Witness testimony and documents have demonstrated that this policy was implemented.
932. In July 1977, Meas Voeun attended a congress of the West Zone with senior CPK leaders.³⁸¹³ He testified that the purpose of the meeting was to instruct attendees about smashing enemies including the “Yuon” and that the CPK “wanted to search out the infiltrated enemies that were within the army or cooperatives.”³⁸¹⁴ This instruction from senior leaders was carried out at the lower echelons. Lists of Vietnamese families were compiled at the village and district level, as well as reports of arrests of Vietnamese, and forwarded to the upper echelons.³⁸¹⁵ Such lists were prepared “from the group to the

apex of control in terms of disseminating the Party line propaganda, ideology and giving orders that would go down and run throughout the country. And also mobilizing the army, of course”].

3810 **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.58.47-16.00.12; **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 14.22.36-14.24.28; **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41 [“Anyone who was related to Vietnamese origin would be taken away and killed”]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.07.20-11.08.20 [“Q. ... in your opinion, based on interviews you have had, the propaganda you have reviewed and the research you have done, were Vietnamese civilians living in Cambodia targeted for killing during the DK regime? A. Yes, the case seems strong and compelling”].

3811 See e.g. **E3/375** Ban Seak WRI, 6 July 2009, EN 00360759; **E3/5246** Saom Ruos WRI, EN 00234112; **E3/7793** Chuy Kimva, EN 00231651; **E3/5512** Chin Kimthong WRI, EN 00403583; **E3/5511** Riel Son WRI, EN 00412172; **E3/9780** [REDACTED] WRI, EN 00986183; **E3/7721** Srei Saphon WRI, EN 00347714; **E3/5587** Dou Yang Aun WRI; **E3/7761** Van Mao WRI, EN 00234119; **E3/7815** Chan Roeun WRI, EN 00284772; **E3/9745** 2-TCCP-235WRI, EN 01074610; **E3/9776** [REDACTED] WRI, EN 00985204-05; **E3/405** Chhaom Se WRI, EN 00406215; **E3/10756** [REDACTED] WRI, EN 01213403; **E3/5248** Tem Kimseng WRI, EN 00235146; **E3/9547** [REDACTED] WRI, EN 00935608; **E3/9562** [REDACTED] WRI, EN 01059955; **E3/9450** Long Sokhai WRI, EN 00804710; **E3/9606** [REDACTED] WRI, EN 00983633; **E3/9489** Tak Boy WRI, EN 00842065.

3812 **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237947.

3813 **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.27.47-14.31.25.

3814 **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

3815 **E3/2443** DK Report from Chorm to local Angkar of Tram Kak District, 5 June 1977; **E3/861** DK Report, May 1978, EN 00184010-11; **E3/2435** DK Letter from Ang Ta Saom to District Angkar, 26 Apr 1977; **E3/2438** DK Communication by Yi, *List of Kampuchea Krom people from Kus Commune*, 29 Apr 1977; **E3/2424** DK Report from Chorm to Tram Kak Commune, 22 Sept 1977; **E3/2424** DK Report from Chhoeun to District Police, 27 July 1978; **E3/2441** DK Report from Saen to Angkar, 14 May 1977. See also, **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.36.48-09.38.48 [“I thought that the village chief also did some report about the ethnicity of the villagers but for me in my village, I knew those who had Vietnamese wives or Vietnamese husbands but in Angkar in the village chief I think they may have done some report about the ethnicity of the villagers, that’s why people in the higher ranking, in the Angkar, they knew something about the ethnicity of the people in the village”], 09.40.10-09.41.28 [“When they did the report, they did about the ethnic Khmer, I did not know about the ethnic Vietnamese”]; **E1/394.1** Sieng Chanthay, T. 1 Mar 2016, 09.36.28-09.38.32, 09.51.22-09.53.00; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

village and the village to the commune and commune to the higher up.”³⁸¹⁶ Meas Voeun testified that villagers knew who the “Yuon” were and gave this information to soldiers.³⁸¹⁷

933. Both military and civilian cadres were tasked with identifying Vietnamese in their midst.³⁸¹⁸ Prum Sarun, chief of a platoon in Banan District after 1975,³⁸¹⁹ testified that his battalion chief told him to report any Vietnamese in his unit, and the battalion chief would then pass the report on to the upper echelon — meaning the chief of the district.³⁸²⁰ Prum Sarun was told that the upper echelon would “handle” the Vietnamese, meaning they would kill them.³⁸²¹
934. Office 401 reported to *Angkar* in August 1978 that it had screened for “Yuon aliens” pursuant to the Party’s policy³⁸²² and executed them.³⁸²³ Hieng Lai Heang testified that screenings to find people with Vietnamese origin took place in Kratie District, Special Sector 505.³⁸²⁴ Likewise, Prak Doeun testified that when he and his family were moved to Ta Mov island in 1977,³⁸²⁵ he was asked by CPK cadres if his wife was Khmer or Vietnamese.³⁸²⁶ He further testified that the cadres were aware of who was

³⁸¹⁶ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52.

³⁸¹⁷ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.06.12-16.07.30 [“The first thing that I differentiated is that they spoke with accent, they spoke Khmer with accent and, secondly, through their neighbours. They knew them and how long they had lived in the area. Because for them, although they speak the Khmer language fluently, the local villagers would know that they were ‘Yuon’. And they told us”].

³⁸¹⁸ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.51.45-15.53.08.

³⁸¹⁹ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.30.52-13.34.00.

³⁸²⁰ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.45.34-13.48.08.

³⁸²¹ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.48.08-13.50.19 [“‘To handle’ means ‘to have them killed’”].

³⁸²² **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315368 [“2. The activities of the hidden enemy burrowing from within: Based on an overall examination during this 1 month, the hidden enemy burrowing from within carried out all forms of their activities to stir up and cause conflicts, to attack and oppose, and to smash us continuously and more profoundly. These are caused by a small number of the not good elements who are the henchmen of the enemy or who are implicated by the enemy. Those elements were screened out from various units and military, as well as the elements of the 17 April including former civil servants and some Chinese and Yuon aliens. But the above activities of the enemy do not seriously affect us because their activities of all forms have been grasped subsequently by our people, our male and female combatants, and our cadres. However we have had plans in place to apply the Party’s assignment line to routinely remove, screen, and sweep clean them”].

³⁸²³ **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315374 [“About the screening of the Yuon elements CIA agents and the not good elements: 1-Smashed 100 ethnic Yuons included small and big adults and children”]. See also **E3/9562** [REDACTED] WRI, 18 Dec 2014, EN 01059963.

³⁸²⁴ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.24.32-14.26.44 [“Q. Do you know if there were orders that residents needed to write their biographies and if there were lists of people who had Vietnamese origins? A. Yes, there was. At that time they called it ‘chumrouen’ (phonetic) or census. Q. And what did this word ‘chumroeun’ (phonetic) mean? A. The word ‘chumrouen’ (phonetic) means to do the screening or gathering”]. See also **E3/9779** Hang Song WRI, 7 Dec 2012, EN 00876143.

³⁸²⁵ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.52.34-13.53.48.

³⁸²⁶ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

Vietnamese,³⁸²⁷ and that this information probably came from someone within his unit.³⁸²⁸ He was also questioned whether there were any Vietnamese in his cooperative.³⁸²⁹ **Nuon Chea**, in a speech to Danish communists in 1978, claimed credit for using informants among the population to turn in their Vietnamese neighbours. He said that in the search for “Vietnamese and KGB agents ... [w]e also sought the opinion of the masses. We have thus been able to uncover enemy agents step-by-step.”³⁸³⁰

935. People of Vietnamese descent sought to hide their ethnicity in fear for their lives.³⁸³¹ Prak Doeun, whose wife was Vietnamese, testified that he did not use the Vietnamese name of one of his daughters from mid-1976,³⁸³² as he was afraid she would be killed if her Vietnamese name was known.³⁸³³ Despite his efforts, Prak Doeun’s daughter was subsequently killed.³⁸³⁴ The campaign against people of Vietnamese ethnicity was so blatant and brutal, Khmer people feared speaking to ethnic Vietnamese, fearing that they too would be taken away and killed.³⁸³⁵
936. Cadre in the provinces sought directions from *Angkar* in Phnom Penh as to what to do with Vietnamese once they had been detained. A telegram sent by Division 801 on 15 June 1977 reported the capture of a group of Jarai who had come from Vietnam, whom the telegram described as “209 Yuon troops, among whom there were nine women”. The telegram, copied to **Nuon Chea** and others, requested a decision from “the highest level” on the individuals.³⁸³⁶

³⁸²⁷ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.59.48-14.01.32.

³⁸²⁸ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.59.48-14.01.32.

³⁸²⁹ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.49.07-15.50.44.

³⁸³⁰ **E3/196** Nuon Chea *Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark*, 30 July 1978, EN 00762402.

³⁸³¹ See e.g. **E3/9666** Leng Ra WRI, 23 Apr 2014, EN 01072507.

³⁸³² **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.40.59-11.43.40, 13.36.27-11.38.55.

³⁸³³ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.40.59-13.43.40 [“I would like to tell the Chamber that the reason was because I was so afraid that I would lose my daughter if I was using her original name. If I kept using her original name at the time, she would have been killed. For this reason, I asked children in the children unit of the genocidal regime to help me by referring to her as Mi Kabak (phonetic) or Mi Kapuk (phonetic)”]; 13.36.27-13.39.55. See also **E1/381.1** Doung Oeum, T. 25 Jan 2016, 09.28.34-09.30.16; 09.56.30-09.59.14 [“I was afraid that they would take my child away to be killed. For that reason, I named my child Kamean and I was told not to name her Kim Va, but to use Kamean. Accordingly, I adopted that name for her according to their suggestion”], 10.45.49-10.48.20 [“The child was not arrested since the child was the offspring of Cambodian mother; only the father was taken. If the mother was a genuine Khmer, the child would be spared”].

³⁸³⁴ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46; **E1/362.1** Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

³⁸³⁵ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.58.37-15.59.45.

³⁸³⁶ **E3/240** *Telegram 07 to Respected Brother*, 15 June 1977, EN 00182771.

b) Digging the Root: The CPK's Matrilineal Targeting of Vietnamese

937. Lower echelons sought guidance from the CPK centre on the policy towards families where Vietnamese and Khmer had wed or had children together. A request from the Ang Ta Som Commune to the Tram Kak District Office in April 1977 asks what to do with families in which one spouse was Vietnamese.³⁸³⁷ In May 1978, Ros Nhim made a similar request, asking Office 870 what to do with “Yuons with Khmer spouses and the half-breed [Khmer-Yuon]?”³⁸³⁸ Pursuant to its policy to “dig up the root” in order to forever destroy its enemies, the CPK targeted the children of such mixed marriages if the mother was Vietnamese, believing that ethnicity was matrilineal.³⁸³⁹ Thus, where the wife was Vietnamese, she and the children would be taken away and killed.³⁸⁴⁰ If the husband in a mixed marriage was Vietnamese, the husband would be taken away but the children were often allowed to live.³⁸⁴¹ Uch Sunlay’s wife and three children were killed during the DK regime. He testified that his children were killed because they were considered Vietnamese descendants.³⁸⁴² Doung Ourn, whose Vietnamese husband was killed, testified that their daughter was not taken away because she was the offspring of a Cambodian mother.³⁸⁴³ Witnesses repeatedly attested to this practice,³⁸⁴⁴

³⁸³⁷ **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977.

³⁸³⁸ **E3/863 DK Report**, 17 May 1978, EN 00321962 [“The meeting raised a question about how to decide on the elements of soldiers [from previous regime] and the Yuons with Khmer spouses and the half-breed [Khmer-Yuon]? Regarding this issue, the meeting would like to ask Angkar 870 what to do with them? Whatever Angkar decides, please give instruction”]. See also **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977.

³⁸³⁹ **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548857-58 [“Firstly, informants from Pochen Dam noted a pattern in how their local Khmer Rouge collected Vietnamese families, all of which consisted of Khmer and Vietnamese spouses. Informants said that they observed the Khmer Rouge collecting the mother and children of a family if the mother was Vietnamese but only the father of the family if father was Vietnamese. Informants observed this pattern in the Khmer Rouge’s collection of all four Vietnamese families in Pochen Dam, and said that KR cadres did not make such a distinction when they collected other people from the village. Informants from other villages, however, said that the Khmer Rouge in their village collected only the Vietnamese parent (and not his or her children), and still other informants said that KR cadres collected the entire family if they found out that even one member was Vietnamese. All of these patterns were observed by informants and never publicly announced as a policy of the Khmer Rouge. The pattern observed in Pochen Dam village, though it raises a possible distinction between the Khmer and Vietnamese experience, requires more investigation”].

³⁸⁴⁰ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56 [“Those who had Vietnamese wives and children, their wives were taken away to be killed. I felt pity for them; at least they should have kept their children alive”]; 10.40.45-10.42.56 [“Their children were also taken away to be killed. It was so brutal”].

³⁸⁴¹ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00 [“If the husband was Vietnamese, only the husband would be taken away, not the wife. But if the wife was Vietnamese, the wife together with the children would be taken away”].

³⁸⁴² **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00.

³⁸⁴³ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 10.45.49-10.48.20 [“The child was not arrested since the child was the offspring of Cambodian mother; only the father was taken. If the mother was a genuine Khmer, the child would be spared”].

and signaled that it was widely known amongst the population.³⁸⁴⁵ Khmer men whose Vietnamese wives were killed were also forced to remarry with a Khmer woman.³⁸⁴⁶ Targeting very young children who were believed to carry Vietnamese ethnicity and ensuring that Khmer married Khmer was a manifestation of the Party leaders' intent to erase future generations of Vietnamese or part-Vietnamese and to destroy the group as such.

3. Killings in the North Zone

938. In late 1978,³⁸⁴⁷ individuals of Vietnamese ethnicity were taken to Khsach Pagoda in Chi Kraeng District, Sector 106 and killed. Three witnesses testified to seeing the massacre take place.³⁸⁴⁸ Um Suonn, who lived in the village neighbouring Khsach pagoda, clarified that there were a number of Vietnamese families living in the area before 1975, but very few by late 1978.³⁸⁴⁹ There had also been a Vietnamese temple close to the Khsach pagoda but it disappeared.³⁸⁵⁰

³⁸⁴⁴ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56 [“Those who had Vietnamese wives and children, their wives were taken away to be killed. I felt pity for them; at least they should have kept their children alive”]; 10.40.45-10.42.56 [“Their children were also taken away to be killed. It was so brutal”]; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00 [“If the husband was Vietnamese, the husband would be taken away, not the wife. But if the woman was a Vietnamese, the woman together with the children would be taken away”]; **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 10.48.20-10.49.42 [“The Vietnamese would be taken away, all of them would not be spared in that regime. Since my child belonged to a Cambodian mother, only the husband was taken away”]; **E1/394.1** Khoy Muoy, T. 1 Mar 2016, 11.23.01-11.24.36 [“the children of a ... a Vietnamese woman, were taken away and killed after the mother was taken away and killed and that I should be careful and that I should stop weeping; otherwise, I would be taken away and killed”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.28.32-14.30.44 [“During that period of time, only half-blood Vietnamese people were smashed. For example, if the mother was Vietnamese the mother would be arrested and smashed and later on the half-blood children were arrested and then half-blood grandchildren were also arrested”]; 14.30.44-14.33.06 [“Q. So if I understand you correctly, in some families, insofar as there would be one grandparent who was of Vietnamese origin, the rest of the lineage would be eliminated. Is that what you are telling the Chamber? A. Yes”].

³⁸⁴⁵ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.31.00-14.32.55 [“It was widely known to villagers, including me. If the husband was Khmer and the wife was Vietnamese, she together with the children were taken away. If the husband was Vietnamese and the wife was Khmer, only the husband was taken, not a single child was taken”].

³⁸⁴⁶ **E1/379.1** Lach Kry, T. 20 January 2016, 14.17.55-14.21.15. *See also*, **E1/361.1** Prak Doeun, T. 2 December 2015, 15.38.35-15.41.03.

³⁸⁴⁷ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.10.05-15.12.10; 15.12.10-15.14.25; **E1/368.1** Y Vun, T. 15 Dec 2015, 09.57.12-09.59.50 [“In 1978, there were executions of ethnic Vietnamese, including Ta Khut”]; 10.03.34-10.04.55 [“It happened after the harvest season ended”]; **E1/366.1** Um Suonn, T. 11 Dec 2015, 09.13.06-09.15.43; **E3/5540** Long Mary WRI, 30 Aug 2009, EN 00384420.

³⁸⁴⁸ **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.15.53-11.19.31; **E1/357.1** Sean Song, T. 27 Oct 2015, 15.05.22-15.07.52; **E1/368.1** Y Vun, T. 15 Dec 2015, 09.27.50-09.30.10.

³⁸⁴⁹ **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.27.18-11.29.22.

³⁸⁵⁰ **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.27.18-11.29.22.

939. There were two Vietnamese families living in the vicinity of Khsach pagoda. Sean Song testified that Neary Chantha was in his mobile unit³⁸⁵¹ and was told that she was being transferred to study tailoring in Phnom Penh.³⁸⁵² She was born in Cambodia³⁸⁵³ but people in the village knew her family was Vietnamese.³⁸⁵⁴ In fact, Neary Chantha³⁸⁵⁵ and two of her grandparents³⁸⁵⁶ were taken to Khsach pagoda and killed.³⁸⁵⁷ The other family included a female spouse named Hong. Y Vun testified that Hong's mother was Vietnamese and her father ethnic Chinese.³⁸⁵⁸ She was executed at Khsach Pagoda along with her three children who ranged in age from one week to three years old.³⁸⁵⁹
940. People were brought to Khsach pagoda from various villages, communes, and districts.³⁸⁶⁰ A large library next to the pagoda was full of people detained.³⁸⁶¹ Um Suonn could hear those detained in the library talking and from their accents knew that they were Vietnamese.³⁸⁶² Witnesses' estimates of the number of persons detained ranged from dozens to hundreds.³⁸⁶³
941. Sean Song testified that he heard guards asking whether individuals were Vietnamese or Chinese. When people said they were Vietnamese, they were killed at the pit.³⁸⁶⁴

³⁸⁵¹ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.14.25-15.16.42. *See also* **E1/368.1** Y Vun, T. 15 Dec 2015, 09.27.50-09.32.10; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274728.

³⁸⁵² **E1/357.1** Sean Song, T. 27 Oct 2015, 15.14.25-15.16.42. *See also* **E1/368.1** Y Vun, T. 15 Dec 2015, 14.08.50-14.11.48; **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.57.15-13.59.41; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274728.

³⁸⁵³ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.16.42-15.18.58; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.10.18-09.12.27; **E1/368.1** Y Vun, T. 15 Dec 2015, 09.35.20-09.39.24.

³⁸⁵⁴ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.08.12-09.12.27; **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.23.40-11.25.26; **E1/368.1** Y Vun, T. 15 Dec 2015, 09.36.55-09.39.24.

³⁸⁵⁵ **E1/368.1** Y Vun, T. 15 Dec 2015, 09.59.50-10.01.07. *See also* **E3/7778** Um Sun WRI, 10 Oct 2008, EN 00235152.

³⁸⁵⁶ **E1/368.1** Y Vun, T. 15 Dec 2015, 09.32.10-09.35.20.

³⁸⁵⁷ **E1/365.1** Um Suonn, T. 9 Dec 2015, 11.21.05-11.23.40.

³⁸⁵⁸ **E1/368.1** Y Vun, T. 15 Dec 2015, 09.39.24-09.43.25 ["The mother was an ethnic Vietnamese, while her husband was an ethnic Chinese, but he was known by the name of Sea and he spoke only Chinese"].

³⁸⁵⁹ **E1/368.1** Y Vun, T. 15 Dec 2015, 10.49.25-10.51.46 ["All of them were killed at Wat Khsach"], 09.40.58-09.43.25 ["Due to my poor memory, I'm not sure whether she had one child or three children but I remember her name well, Hong"]; **E3/7686** Launh Khun WRI, 26 August 2008, EN 00275406 ["I remember that my husband's younger brother Kea, his younger sister Hong and Hong's husband Chai along with three of Hong's children and my mother in law Nheav were killed. All three of Hong's children: one was three years old; one was just learning to walk; and another had been born the week before"].

³⁸⁶⁰ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.23.31-09.25.35, 14.37.15-14.39.01; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.12.05-10.13.00.

³⁸⁶¹ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.12.10-15.14.25; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.27.20-09.28.35.

³⁸⁶² **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.47.35-13.50.45.

³⁸⁶³ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.25.35-09.28.35; **E1/365.1** Um Suonn, T. 9 Dec 2015, 15.09.13-15.11.20; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.41.31-10.42.49.

³⁸⁶⁴ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.33.22-15.35.48 ["For those who said they were Vietnamese, they were killed at the pit"]; **E1/358.1** Sean Song, T. 28 Oct 2015, 11.06.19-11.10.18. *See also* **E3/7890**

Those who said they were Chinese were walked out of the killing site and sent back to their villages.³⁸⁶⁵ Y Vun told the Court that he knew of a Chinese person who survived the executions at Khsach pagoda.³⁸⁶⁶ Um Suonn testified to hearing the executioners accuse people of being “Yuon” before executing them one by one.³⁸⁶⁷

942. The killings took place in the evening³⁸⁶⁸ and lasted between two and four hours.³⁸⁶⁹ Sean Song watched the executions for about an hour³⁸⁷⁰ and saw between 60 and 80 people being killed.³⁸⁷¹ Sean Song testified that Vietnamese mobile unit worker Chantha had her abdomen cut open and her gallbladder removed.³⁸⁷² Her gallbladder was put in a container of wine which the killers drank.³⁸⁷³ Those killed included children and babies.³⁸⁷⁴ Some children were killed using bamboo clubs or were thrown into a pit alive.³⁸⁷⁵ Babies were executed by being smashed against a tree.³⁸⁷⁶

Sean Sung WRI, 26 Nov 2009, EN 004422314.

³⁸⁶⁵ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.38.41-15.41.00; 15.53.00-15.55.06.

³⁸⁶⁶ **E1/368.1** Y Vun, T. 15 Dec 2015, 10.12.05-10.13.00 [“Amongst those who were brought in, only one was alive. However, I cannot recall her name, and she was asked about her origin and she said she was Chinese”], 10.34.53-10.38.48.

³⁸⁶⁷ **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.23.05-14.25.02 [“They were referring to those people of ‘the ‘Yuon’, the fish head’. They were not being referred to as the ‘Vietnamese’, but the ‘Yuon’. Just after that, I then heard the sound of beating. The victims were walked to be killed one at a time”].

³⁸⁶⁸ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.20.21-15.22.35.

³⁸⁶⁹ **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.45.54-13.47.35; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.46.42-10.49.25.

³⁸⁷⁰ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.27.20-15.29.54; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274730.

³⁸⁷¹ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.18.43-09.20.31, 09.21.42-09.23.31 [“I was there for about an hour. And the figure I provided is just my personal estimation. The numbers could range between 60, 70 and 80. Of course, I did not count individual victims; I am only providing you with my estimate; however, the incident happened before my very eyes”]. *See also* **E1/365.1** Um Suonn, T. 9 Dec 2015, 15.09.13-15.11.20; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274729.

³⁸⁷² **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12 [“A. When they walked her out, they mentioned her name -- that is, Chantha. And I followed -- I actually saw them walk into the pit, but she was not killed there. She was dragged away about 10 metres from the pit. And then they actually bent her head down under her legs, and then they removed her gall bladder, placed it in a container of wine and drank it”]. *See also* **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274729; **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.35.08-14.38.06; **E1/366.1** Um Suonn, T. 11 Dec 2015, 09.25.57-09.28.44.

³⁸⁷³ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12.

³⁸⁷⁴ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.35.48-15.38.41.

³⁸⁷⁵ **E1/357.1** Sean Song, T. 27 Oct 2015, 16.01.25-16.03.29 [“To my observation, some children were killed to death, and some others were thrown into the pit ... After the children arrived at the killing site, some of them were killed and some other were thrown up into the air. And when they fell down into the pit, they fainted and collapsed, and perhaps they died afterwards”]; **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.30.36-14.33.35 [“As for older children, they were beaten to death with a bamboo club. As for toddlers, they were held by their legs and smashed against coconut trees. Five-year-old or six-year-old children were beaten to death with a bamboo club”].

³⁸⁷⁶ **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.30.36-14.33.35 [“I want to tell the Court that babies or children were held by their legs, and smashed against coconut trees, and thrown on to the existing pile of bodies. I saw that with my own eyes”], 14.30.36-14.33.35.

943. All of those killed, adult and children, were thrown into the pit after being executed.³⁸⁷⁷ Dead bodies filled the pit,³⁸⁷⁸ which was approximately five metres by five to ten metres, and three metres in depth.³⁸⁷⁹ The pit was partially covered in dirt and limbs were sticking out.³⁸⁸⁰ Y Vun noticed clothes scattered around the pagoda site³⁸⁸¹ and a bamboo trunk club with blood stains on it.³⁸⁸² Um Suonn saw Chantha's dead body³⁸⁸³ and gallbladders which had been removed from victims.³⁸⁸⁴
944. Sean Song testified that his village chief told him there was an order from a higher echelon to kill the Vietnamese.³⁸⁸⁵ Y Vun was told by other villagers that the village chief received his orders from the upper echelon.³⁸⁸⁶ No people of Vietnamese origin in the villages or communes of the area survived these executions.³⁸⁸⁷

4. Killings in the Northeast Zone

945. Amongst the prisoners detained at Au Kanseng Security Centre because they were perceived as having some connection to Vietnam or the Vietnamese,³⁸⁸⁸ a large group of ethnic Jarai arrested by Division 801 soldiers after crossing the border from Vietnam were imprisoned and executed.³⁸⁸⁹ A 15 June 1977 telegram addressed to Pol Pot, **Nuon**

³⁸⁷⁷ **E1/357.1** Sean Song, T. 27 Oct 2015, 15.07.52-15.10.05; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12.

³⁸⁷⁸ **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.10.01-14.11.25, 15.11.20-15.20.58; **E1/368.1** Y Vun, T. 15 Dec 2015, 11.03.14-11.05.18.

³⁸⁷⁹ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.28.35-09.31.50; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.59.30-11.01.10.

³⁸⁸⁰ **E1/358.1** Sean Song, T. 28 Oct 2015, 09.28.35-09.31.50; **E1/368.1** Y Vun, T. 15 Dec 2015, 11.03.14-11.05.18.

³⁸⁸¹ **E1/368.1** Y Vun, T. 15 Dec 2015, 10.55.36-10.57.30.

³⁸⁸² **E1/368.1** Y Vun, T. 15 Dec 2015, 10.57.30-10.59.30.

³⁸⁸³ **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.59.41-14.01.10

³⁸⁸⁴ **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.38.06-14.40.06.

³⁸⁸⁵ **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20. *See also* **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274730.

³⁸⁸⁶ **E1/368.1** Y Vun, T. 15 Dec 2015, 14.07.00-14.08.50 ["I heard from others that only after they had received the order from the upper echelon did they dare to do something"].

³⁸⁸⁷ **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.28.42-14.30.36 ["They disappeared and never returned. They were all executed. No one was spared. And the names of those whom I knew never returned as well. They were all killed in that pit"]; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.54.12-10.55.36.

³⁸⁸⁸ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 11.09.02-11.11.05 ["it was difficult for me to record any responses from Vietnamese prisoners because I do not speak Vietnamese, and since Lai spoke Vietnamese; he was used to interpret the responses"]; **E3/405** Chhaom Se WRI, A12 ["In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border"]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 ["Jarai were in fact captured and brought to the Au Kansaeng Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well"].

³⁸⁸⁹ **E3/405** Chhaom Se WRI, A12 ["In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border because the Vietnamese had driven these Jarai from Vietnamese territory"]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 ["Jarai were in fact captured and brought to the Au Kansaeng Security Office ... There were more than 100 of those Jarai"]; **E3/7684** Khoem Peou

Chea, and Ieng Sary from Zone Secretary Vi detailed how Division 801 had captured and detained 209 “Yuon soldiers”, all of whom were Jarai and at least nine of whom were women, and requested orders on what action to take.³⁸⁹⁰ Although the evidence indicates that these were opponents of the Hanoi government seeking refuge in Cambodia, the paranoid DK authorities nevertheless targeted them as an “enemy”.³⁸⁹¹ The American weapons and backpacks they possessed suggested that among their ranks were former combatants who had fought against the communist forces in Vietnam, as does the fact that they reported having been ambushed by Vietnamese forces.³⁸⁹² However, the fact that most were unarmed and there were children in the group establishes that the great majority were simply civilians.³⁸⁹³

946. Au Kanseng did not have the capacity to detain the Jarai prisoners so they were placed in a tiny space because the door could be locked.³⁸⁹⁴ Torture methods such as electrocution were specifically used on the Jarai prisoners.³⁸⁹⁵ The order to execute the group came from the Zone office.³⁸⁹⁶ After the mass execution of the Jarai prisoners,

WRI, EN 00250074 [“in one night they arrested 105 prisoners from the border ... I knew that they were Jarai because I heard them speaking the language”].

³⁸⁹⁰ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.56.00-15.58.50 [“When I received them at the security centre, there were less than 200 people”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 11.19.45-11.22.26; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771-72.

³⁸⁹¹ **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00897667 [“When asked they replied that they were ordinary people who came to defect to Cambodia ... It is not true that they came along with many others from Dak Keu but were ambushed by the Vietnamese”]; *Note* Apparently the Jarai had said that they had been part of a larger group that was ambushed by Hanoi forces as the telegram claims. *See* **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.58.50 [“A. They were not accused of being Vietnamese soldiers. From the information I received from the battlefield, they were considered as Thieu-Ky soldiers in the war before 1970”]; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“The assessment is that these contemptibles are external enemies who have come to go undercover on our soil”].

³⁸⁹² **E3/240** Ry’s telegram no. 07 reported to Brother about arrested of 207 Vietnamese enemies, 15 June 1977, EN 00897667.

³⁸⁹³ **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“while on patrol, the production unit of 801 stationed in 107 captured 209 Yuon troops ... All of them are of Jarai nationality and speak Khmer with an accent. They have been transferred to holding”]; **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.44.40-15.47.57 [“When I received those ethnic Jarai at my centre, I did not receive any information that they were armed. They just delivered ethnic Jarai to us. And some of them were in their thirties, some others below 25 and there were elderly people in their forties, in late forties; one or two of them”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“They were Khmer and Jarai, men, women and children, who were tied up together and brought from the border”]; **E3/9326** Mao Phat WRI, EN 00272580 [“Those Jarai included men, women, and children. I personally heard their screams”].

³⁸⁹⁴ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.39.08.

³⁸⁹⁵ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.31.44 [“From my recollection, those electrical shocks were used when Jarai were sent into the security centre”].

³⁸⁹⁶ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 16.04.18-16.07.20 [“I can recall the instruction of Ta Saroeun ... about ethnic Jarai after the report of Se ... he summed it up by saying that, “Please solve it.” “Solve it” is the term they used. And from what we understood, the word “solve it” meant to kill”]; **E3/405** Chhaom Se WRI, A12.

including women and children,³⁸⁹⁷ their bodies were thrown into pits formed by B-52 bomb craters.³⁸⁹⁸

5. Killings in the Northwest Zone

947. Killings of those with Vietnamese ancestry in the Northwest Zone were widespread, with reports that individuals with “any Vietnamese blood” were killed from mid-1977.³⁸⁹⁹

Banan District

948. Prum Sarun, a member of Battalion 1 in Phnom Sampov Commune,³⁹⁰⁰ testified that there were three or four Vietnamese families in Battalion 2.³⁹⁰¹ He witnessed four Vietnamese family members being arrested and walked to a termite mound at Tuol Ta Trang.³⁹⁰² The cadres who made the arrests returned without those people who had been arrested.³⁹⁰³ Approximately two days later, the witness saw four dead bodies at Tuol Ta Trang.³⁹⁰⁴ After these killings, no Vietnamese remained in Prum Sarun’s village.³⁹⁰⁵ The Vietnamese within other battalions were also killed at Tuol Ta Trang.³⁹⁰⁶

6. Killings in the Southwest Zone

Kampong Som Province

³⁸⁹⁷ **E3/406** Chin Kimthong alias Chhang WRI, EN 00404078.

³⁸⁹⁸ **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.36.49-15.39.08 [“There was a pit used to put the Jarai people who had been killed. That pit was the result of a B-52 bombing”]; **E1/396.1** Moeurm Chandy, T. 3 Mar 2016, 13.40.13-13.41.56 [“I was picking up the vegetables in a nearby place. From that location, I could see Jarai people were smashed and then thrown into the pit”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.20.17-11.22.47; **E3/407** Chhaom Se WRI, A21; **E3/5512** Chin Kimthong alias Chhang WRI, A11; **E3/9326** Mao Phat WRI, EN 00272580.

³⁸⁹⁹ **E3/1593** Ben Kieman, *The Pol Pot Regime*, EN 01150155 [“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* **E3/5187** Prum Sarun WRI, 18 June 2008, EN 00274177-78; **E3/7737** Im An WRI, 17 June 2008, EN 00274160; **E3/9508** [REDACTED] WRI, 20 Jan 2014, EN 00980543; **E3/7869** Hak Nheum, SOAS/HRW Interview, 12 Oct 2005, EN 00352000; **E3/9051** Khor Mot DC-Cam Interview, 17 June 2011, EN 00987554-56; **E3/9068** Lat Bandet DC-Cam Interview, 15 June 2011, EN 00969798-99; **E3/9101** Pheach Ruos DC-Cam Interview, 17 June 2011, EN 00969843-44.

³⁹⁰⁰ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.36.02-13.40.05.

³⁹⁰¹ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.05.55-14.09.30. The witness initially testified to seeing two Vietnamese being arrested and taken away, *see* 13.52.33-13.55.00.

³⁹⁰² **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.55.00-13.58.47, 14.05.55-14.09.30, 15.55.30-15.56.14 [“I said between three and four Vietnamese individuals. They were taken away to be killed at Tuol Ta Trang”].

³⁹⁰³ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.05.55-14.09.30.

³⁹⁰⁴ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.01.04-14.02.58, 14.05.55-14.10.56, 14.19.03-14.21.46.

³⁹⁰⁵ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.19.03-14.21.46. *See also*, **E3/5187** Prum Sarun WRI, 18 June 2008, EN 00274178.

³⁹⁰⁶ **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.41.09-13.43.46 [“there were Vietnamese within other battalions, particularly Battalion Number 2 where Vietnamese were taken away, and killed at Tuol Ta Trang”].

949. Meas Voeun was the Deputy Commander of West Zone Division 1.³⁹⁰⁷ Both Division 164 (which reported to the Centre) and Division 1 received the same orders.³⁹⁰⁸ Meas Voeun explained that the three branches of the military (navy, air force, and infantry) would hold a meeting, after which the divisional commander would relay instructions to the witness, who would relay them to the regimental level.³⁹⁰⁹ The navy and Division 1 cooperated and shared information on operations to capture Thai and Vietnamese boats³⁹¹⁰ and they would collaborate to seize boats that encroached on Cambodian waters.³⁹¹¹

950. Meas Voeun testified unequivocally that there was a policy to eliminate the Vietnamese living in Cambodia between 1975 and 1979, stating:

Yes, I heard about that. I heard about the Vietnamese living in Kampuchea. Vietnamese who lived in Cambodia did intend to cause troubles to the Kampuchean people and did not do an honest living. Initially, from -- stating from 1970, they were peacefully sent to -- sent back to their country by the Cambodian government, and that continued until 1975. So then for us, later on we were instructed that Vietnamese had to be smashed because they did not return to their country. There were then clashes along the border due to this issue.³⁹¹²

951. Asked whether there were many Vietnamese who had not returned to Vietnam and who had to be smashed, Meas Voeun responded:

Yes, there were. When there were allowed to return to their country not every one of them returned. Some of them remained living in Kampuchea or married with Kampuchean people. The majority of them who decided to remain living in Cambodia were living in Kampong Chhnang, that is along the riverbanks. And then that's why there were later on clashes between the Vietnamese and the Kampuchean people. And it also happened in the West Zone.³⁹¹³

952. According to Meas Voeun,

Kampuchean people at the time were angry with the 'Yvon' and later on, we were attacked by the 'Yvon' troops. So the revenge -- the spirit of revenge still lives on. If they were to live in Kampuchea in

³⁹⁰⁷ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 13.54.29-13.59.18.

³⁹⁰⁸ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.02.24-14.03.43.

³⁹⁰⁹ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.03.43-14.06.06.

³⁹¹⁰ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.03.43-14.08.07.

³⁹¹¹ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.06.06-14.08.07.

³⁹¹² **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.57.30-15.58.47.

³⁹¹³ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.58.47-16.00.12.

harmony then nothing would happen, but they did not. So we hate the
'Yuon' people.³⁹¹⁴

953. The following morning, Meas Voeun attempted to revise his testimony regarding a plan to smash the "Yuon." Contrary to what he had testified to just the previous day, he declared that there was no plan to smash Vietnamese people and instead claimed that "we had to gather all those 'Yuon' who had lived in Kampuchea and they should be gathered in one place."³⁹¹⁵ Meas Voeun failed to explain why, if there was no plan, he would have testified to receiving such instructions just the previous day. It appears that recognising overnight the significance of his testimony, Meas Voeun tried to disassemble his admission without any credible explanation for the sudden change in his account.

954. The plan to smash the Vietnamese was verified by witness Pak Sok, who was a member of Division 164.³⁹¹⁶ Meas Voeun acknowledged that Division 164 and his Division 1 received the same orders.³⁹¹⁷ Pak Sok testified that after 1976, there were trainings in all battalions in Division 164.³⁹¹⁸ At those trainings: "We were instructed to kill [Vietnamese], even if it was a baby, because they are our hereditary enemy, so we must kill them."³⁹¹⁹ These orders filtered down hierarchically from the division to the regiment to the battalion and then unit. The battalion and regiment attended study sessions at the division level and went back and provided instructions to all battalions of the division.³⁹²⁰ Trainings were conducted by the commander of each battalion.³⁹²¹ The battalion only acted upon and followed orders from above.³⁹²² All soldiers had to attend trainings³⁹²³ and they had to follow what they were taught.³⁹²⁴ Pak Sok testified

³⁹¹⁴ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.01.44-16.03.41.

³⁹¹⁵ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.15.00-09.17.06.

³⁹¹⁶ **E1/369.1** Pak Sok, T. 16 Dec 2015, 09.50.18-09.58.05.

³⁹¹⁷ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.02.24-14.03.43.

³⁹¹⁸ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23.

³⁹¹⁹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

³⁹²⁰ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.45.11.-13.47.44.

³⁹²¹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23.

³⁹²² **E1/370.1** Pak Sok, T. 5 Jan 2016, 10.54.50-10.56.57 ["The order came down – came down, and soldiers must implement the orders. And the order came through hierarchical order. We did not perform the tasks on our own initiative at the battalion level. Unless there was an order or instruction from the upper echelon, we would not performed the task. And if we did not receive the order, we sent those people on land"]; 14.04.42-14.06.30 ["At that time the orders were very strict. We could only implement the orders when the orders were relayed during meetings and if we failed to implement an order, for example, an execution order, then we ourselves would be executed. If we were to receive orders through meetings, those orders had to be implement and usually those orders were conveyed through meetings at the battalion level"]; 10.56.57-10.58.50 ["The battalion had received an order or instruction from the regiment, and after receiving the order, the battalion would relay that order to the special unit"].

³⁹²³ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23 ["Yes, it was the policy of the Communist Party

that “it was the responsibility of each battalion to enforce this instruction”³⁹²⁵ to kill Vietnamese.

955. Further supporting Meas Voeun’s admission of a CPK policy to smash all Vietnamese, he admitted to having attended a congress of the West Zone with senior CPK leaders in July 1977 in Chbar Mon District, Kampong Speu Province.³⁹²⁶ The purpose of the meeting was to discuss smashing enemies³⁹²⁷ which included highlighting the “‘Yuon’s’ tricks”.³⁹²⁸ Meas Voeun testified that “Yuon” referred to Vietnamese people regardless of their status as civilian or soldier.³⁹²⁹ The point of the meeting was clear according to the witness, “they wanted to search out the infiltrated enemies that were within the army or cooperatives.”³⁹³⁰

956. The August 1977 *Revolutionary Flag* provides further details of this West Zone meeting, corroborating Meas Voeun’s testimony. The instructors told the cadres attending that the CPK had passed through a “poisonous situation” created by the Vietnamese enemy, whereby:

The enemy attacked us in 1977 (actually they had attacked us long before that). They did not attack with B-52s, with armored vehicles, aircraft, or artillery. They attacked in a war of espionage; they attacked by boring holes from within.³⁹³¹

957. Such attacks were purportedly designed to ensure that “the territory-swallowing enemy will c[o]me back”.³⁹³² The meeting emphasised that “[i]t is imperative to prepare forces to *attack, attack and smash the enemy*”³⁹³³ and that “[i]f we whip [the people] up like this the enemy [outside] will not be able to enter. The enemies embedded inside will be unable to do anything.”³⁹³⁴

³⁹²⁴ of Kampuchea. They announced that all soldiers in division 164 needed to attend the training”].
E1/369.1 Pak Sok, T. 16 Dec 2015, 13.35.23-13.36.35 [“At that time, when we studied about the hereditary enemy, so no one dared to debate about what we were taught about the hereditary enemy, and we needed to follow what we were taught”].

³⁹²⁵ **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

³⁹²⁶ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.27.47-14.31.25.

³⁹²⁷ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36; **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399223 [“Continuing to attack, sweep clean, and get rid of all enemies within the ranks”].

³⁹²⁸ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

³⁹²⁹ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.54.15-15.57.30.

³⁹³⁰ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

³⁹³¹ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399224.

³⁹³² **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399240.

³⁹³³ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399236 (*emphasis added*).

³⁹³⁴ **E3/193** *Revolutionary Flag*, Aug 1977, EN 00399246.

958. Meas Voeun testified more than once: “The important thing is that ‘Yuon’ were not allowed to live in Kampuchea.”³⁹³⁵ The significance of this statement is clear in the context of the killings that occurred. During his three years at Kampong Som, Meas Voeun testified that he only encountered boats with Vietnamese refugees.³⁹³⁶ He testified that when boats of refugees were captured by his division, “I would send them to my upper leadership level and whatever decision they made that was theirs.”³⁹³⁷ Ta Soeung, Meas Voeun’s direct superior and the commander of West Zone Division 1, issued the instructions to send the refugees to the upper echelon.³⁹³⁸ Meas Voeun claimed not to know what happened to Vietnamese refugees in his unit sent to Division 164, however, Pak Sok — a member of that Division at the time — testified that between 1975 and 1979, thousands were arrested and killed on the sea, on the islands, or on the mainland.³⁹³⁹
959. Pak Sok testified that arrests of Vietnamese on boats were reported “from one level to the upper level”.³⁹⁴⁰ Then orders came down hierarchically from the top to the bottom and the soldiers implemented them.³⁹⁴¹ There were two approaches to dealing with Vietnamese refugees, each of which ended with their murder.³⁹⁴²
960. First, if there were many Vietnamese captured, they would be sent ashore.³⁹⁴³ A 20 March 1978 report from Meas Muth, head of Division 164, informs senior CPK member Son Sen of the capture of 76 Vietnamese people — “both young and old, male

³⁹³⁵ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.04.41-16.06.12 [“I only knew that they were not allowed to live in Kampuchea”]; **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26, 09.31.35-09.32.12.

³⁹³⁶ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 11.07.13-11.08.54.

³⁹³⁷ **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.10.55-14.14.10 [“we would capture that boat and send it through a chain of command to the upper level”], 14.16.59-14.19.02; **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26 [“They had to be gathered up and sent to the upper echelon. That’s what happened between 1975 to ’79 when I was at the border. I did not know what happened at the rear”], 09.27.18-09.29.08, 11.07.13-11.08.54.

³⁹³⁸ **E1/387.1** Meas Voeun, T. 3 Feb 2016, 11.12.35-11.14.00.

³⁹³⁹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.39.57-10.45.27 [“Yes, that’s correct. I would like to apologise that I could not recall everything from 1977 to 1978 because there were many things happened. People were subsequently arrested and sent through the port. Among them were Thai fishermen and several ethnic Vietnamese who were travelling to Thailand. So at that time they were arrested and killed and they were not sent out to anywhere”].

³⁹⁴⁰ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.03.10-10.05.46 [“Yes, there were reports from one level to another level; if there were arrests of the Vietnamese, and then we reported about the arrest of Vietnamese. If there were arrests of the Thai, we reported the arrest of the Thais, so it was a clear report that went from one level to the upper level”], 11.07.31-11.10.36.

³⁹⁴¹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59.

³⁹⁴² **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.00.37-11.03.07.

³⁹⁴³ **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59. *See also* **E3/9674** Pak Sok WRI, 18 Oct 2013, EN 00977534.

and female” at Koh Tang island.³⁹⁴⁴ The report goes on to say that these Vietnamese were “brought to the mainland”.³⁹⁴⁵ Pak Sok testified that Vietnamese refugees arrested and sent to Ou Chheu Teal were then sent to the division headquarter and killed.³⁹⁴⁶ Others were killed at places such as an orange plantation near Ream. Pak Sok lived close to the area in 1976-77 and testified that the “dead bodies were used as fertilizer”.³⁹⁴⁷ He was told by the soldiers involved that these were executions.³⁹⁴⁸ Pak Sok personally transported captured Vietnamese and brought them to Ou Chheu Teal port. On one occasion, there were 12 to 13 ethnic Vietnamese people, one of whom was a soldier and had an amputated hand.³⁹⁴⁹ The others were ordinary people and they had no guns.³⁹⁵⁰ There was a baby in the group who was crying loudly because its mother was tied up and “the soldiers threw the baby into the sea”.³⁹⁵¹

961. Second, Pak Sok testified that if there were only a few Vietnamese, “they would be killed right on the island.”³⁹⁵² He gave the example of witnessing three Vietnamese civilians arrested at sea being sent to Poulo Wai island — a husband, wife, and small child.³⁹⁵³ Pak Sok saw soldiers from a unit of Regiment 622 tie the Vietnamese hands behind their backs and tell them to kneel down under the coconut tree. They were killed with hoes and bamboo clubs. The baby crawled to its mother when she was bleeding and a soldier picked up the baby and smashed it against the trunk of the coconut tree.³⁹⁵⁴

³⁹⁴⁴ **E3/997** Report from Division 164, 20 Mar 1978, EN 00233649 [“At Koh Tang island, on March 20, 1978 at 2.30 hours, our 800-cc motor-driven boat managed to catch two Vietnamese motor-driven boats with 76 Vietnamese people-both young and old, male and female. When we tied them up, the smaller motor-driven boat was shaky and plunged. As a result, two people fell into the water and been found. The rest have been brought to the main land”].

³⁹⁴⁵ **E3/997** Report from Division 164, 20 Mar 1978, EN 00233649.

³⁹⁴⁶ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.41.42-10.45.27, 10.58.13-11.00.37.

³⁹⁴⁷ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.41.42-10.45.27 [“In 1976-1977, I used to live somewhere near the orange plantation because I was linked to an unclean tendency. So they sent me to do rice farming near Ream. At that time, majority of people who committed the killings came from the regiment where I worked previously, that was Regiment 62. Those who were arrested, were taken by this Regiment 62 to an orange13 plantation and a coconut plantation where the execution took place. Their dead bodies were used as fertiliser right there”]. See also **E3/10633** [REDACTED] WRI, EN 01001474-6.

³⁹⁴⁸ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.45.27-10.46.19.

³⁹⁴⁹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.33.00-10.36.43.

³⁹⁵⁰ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.36.43-10.39.57.

³⁹⁵¹ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.37.31-10.39.57 [“At that time, when they were brought in to Ou Chheu Teal port, the baby cried loudly because the mother was tied up and then the baby was fed with breastfeeding and then the soldiers threw the baby into the sea”].

³⁹⁵² **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59. See also **E3/9674** Pak Sok WRI, 18 Oct 2013, EN 00977534.

³⁹⁵³ **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.07.31-11.10.36.

³⁹⁵⁴ **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59 [“After they were sent to Poulo Wai island, I saw the soldiers from a special unit of Regiment 622 tied the Vietnamese and put them under a coconut tree. Later on they were told to kneel down under the coconut tree at that time and their hands were tied to their backs. they were killed with the hoes and the bamboo clubs. The husband and wife died. Later, I

962. Pak Sok testified that Thai people who were arrested by the navy were sent back to Thailand and were not killed.³⁹⁵⁵ The Vietnamese, on the other hand, “were considered as the hereditary enemy of Pol Pot”.³⁹⁵⁶ If Vietnamese soldiers were captured, they would send them to the shore — their confessions would be broadcast on the national radio and they would be killed.³⁹⁵⁷

Tram Kak District

963. 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.”³⁹⁵⁸ Deportations of large numbers of Vietnamese occurred in 1975.³⁹⁵⁹ Others who were told they were being sent back to Vietnam were instead killed.³⁹⁶⁰ Chou Koemlan testified that her unit chief said that two families from her unit, including young children, were sent back to Vietnam,³⁹⁶¹ but they were actually taken away and killed.³⁹⁶²

964. In 1976, people from Kampuchea Krom, including Cambodian nationals who had fled to Vietnam after 17 April 1975, were forcibly relocated to Tram Kak.³⁹⁶³ Families were

witnessed myself that the one-year-old child, when it saw the mother was bleeding, the baby crawled to the mother and at that time the soldier picked up the baby and smashed against the trunk of the coconut tree”. *See also* **E3/9674** Pak Sok WRI, 18 Oct 2013, EN 00977534; **E3/9675** Pak Sok WRI, 11 Sept 2014, EN 00977716.

³⁹⁵⁵ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.51.34-10.54.54 [“I asked the guard who guarded those Thai people whether those Thai people would be sent to be killed or sent to somewhere else. The guard told me that they would not kill those Thai people, they would send these Thai people back to Thailand and that was what I was told”].

³⁹⁵⁶ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.55.47-10.58.13. *See also* **E3/9674** Pak Sok WRI, 18 Oct 2013, EN 00977535.

³⁹⁵⁷ **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.05.46-10.09.29 [“Q. Sir, next answer in the interview I was just talking about, answer 29, you said, ‘The orders were clear on whether they were to be killed on the spot or sent ashore. If those persons captured were Vietnamese soldiers, we had to send them to the shore, then they would broadcast their confessions via the national radio before they killed them.’ Is that correct, do you know that? A. That is true”].

³⁹⁵⁸ **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.06.45-10.08.41.

³⁹⁵⁹ *See* section **Crimes against the Vietnamese – Implementation of the Genocidal Policy against the Vietnamese – Deportation of the Vietnamese.**

³⁹⁶⁰ **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.03.08-11.07.09, 15.33.36-15.37.25; **E1/299.1** Ek (Ul) Hoeun, T. 8 May 2015, 11.04.36 [“So they were taken out on another road and they disappeared”]; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 15.29.23-15.32.04. *See also* **E1/262.1** Ry Pov, T. 12 Feb 2015, 13.43.02-13.45.23.

³⁹⁶¹ **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.44.29-14.46.23 [“There were one Vietnamese family and Kampuchea Krom people who spoke with an accent. There were some couples of them and in fact some of them did not know how to transplant seedlings and when the group chief or unit chief saw that then their names were picked and we were told that they were sent back to Vietnam. That happened in 1976”].

³⁹⁶² **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.44.29-14.46.23 [“But in fact, that was a vicious trick. They were in fact sent to be tortured and killed as a whole family but I did not know where they were executed. There were two families. In fact before they left, they came to say good bye to us including the parents and the younger children, they told me that they were happy that the Unit Chief would send them back to Vietnam”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.08.41-10.09.59.

³⁹⁶³ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.31.04-09.33.50 [“we were transported to Tnaot Chum, after the

separated and mistreated.³⁹⁶⁴ Ry Pov testified that these people were accused of having a “Khmer body and a Vietnamese head” and were referred to as “enemies” or “Yuon” by cadres.³⁹⁶⁵ Ek Hoeun testified that 90 Vietnamese transferees were sent to labour at Khpob Trabek dam.³⁹⁶⁶ All 90 were subsequently executed.³⁹⁶⁷

965. Cadres in Tram Kak disseminated the CPK policy to kill those they considered Vietnamese.³⁹⁶⁸ Phan Chann testified that he heard the policy from a Tram Kak District Committee member.³⁹⁶⁹ The policy was announced in “meetings at the units or at the commune” levels.³⁹⁷⁰

confiscation of our property”], 09.25.00-09.27.33 [“Before I went to Vietnam, I was living in Ampeay Svay (phonetic), Le Tri (phonetic) commune, Svay Tong district and when I returned I lived in Tnaot Chum, Khpob Trabaek (phonetic), Tram Kak district, Takeo province”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33, 13.19.21-13.22.13 [“I was not allowed to live in my home village and I was taken and brought to Tnaot Chum”]; **E3/960.4** Ry Pov WRI, A81 [“There were two phases of exchanges between the Vietnamese and Khmer Krom people. In the first phase, they sent Khmer Krom people to Samraong Commune and Khpok Trabaek Commune. In the second phase, they sent Khmer Krom people to Popel Commune and Ta Phem Commune”].

³⁹⁶⁴ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37 [“female siblings would be sent to a different [unit] ... and the children were also separated to work in their respective unit, and the parents were also separated to work in their separate unit for the regime”], 09.43.04-09.45.19 [Those who had returned from Vietnam and 17 April People “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”].

³⁹⁶⁵ **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.39.25-09.42.27 [“the young boys from the Base People used a very bad word to us -- to call us a ‘Yuon’ or, contemptible ‘Yuon’, or contemptible enemy”], 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 [“We were also called the ‘Yuon’ CIA agents or Vietnamese spies”], 13.34.19-13.36.16, 13.36.16-13.41.13 [“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’”]. See also **E1/278.1** Riel Son, T. 17 Mar 2015, 13.51.15-13.52.50 [“The targeted people were the Kampuchea Krom people. Whether the husband and wife came with the children or with no children, they were identified as ‘Yuon’ spies -- agents or they were identified as KGB agents”]; **E1/257.1** 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’”].

³⁹⁶⁶ **E1/299.1** Ek (Ul) Hoeun, T. 8 May 2015, 13.52.12-13.54.01.

³⁹⁶⁷ **E1/299.1** Ek (Ul) 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”]; **E3/958.2** Ek (Ul) Hoeun WRI, A64 [indicates the killing was in 1976].

³⁹⁶⁸ **E1/269.1** Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10, 15.30.10-15.35.15 [“I heard only the policies towards the Vietnamese people ... I heard this announcement during 1975 ... It was not only in Tram Kak but it was also announced in other districts of the province so this is what I heard during the meeting”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12 confirming **E3/960.2** Riel Son WRI, 18 Feb 2014, A43 [“I did hear that people from Kampuchea Krom had been accused of being KGB agents Yuon spies. At those meetings, it was brought up that all the Khmer Krom had to be killed”]; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 15.08.41-15.10.21 [“in June of that year of ’76, there was a plan to purge all the ‘Yuon’s’ throughout the country”], 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”]; **E3/958.2** Ek (Ul) Hoeun WRI, A33, 37-38, 62; **E3/947.2** [REDACTED] WRI, A131-134.

³⁹⁶⁹ **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.30.10-15.31.42.

³⁹⁷⁰ **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.28.21-15.30.10, 15.31.42-15.33.18.

966. Commune chiefs created lists of Khmer Krom and Vietnamese families in their areas and reported to the district level.³⁹⁷¹ Vietnamese throughout the communes of Tram Kak District were arrested regularly.³⁹⁷² Killings occurred throughout the district.³⁹⁷³ Many were sent to be killed at Kraing Ta Chan prison.³⁹⁷⁴ Arrest reports accompanying those sent to Kraing Ta Chan show that prisoners, including those from Kampuchea Krom, were recorded as “Yuong”,³⁹⁷⁵ some of whom were children.³⁹⁷⁶

Sector 35

967. Khouy Muoy testified that her father was Chinese and her mother Vietnamese.³⁹⁷⁷ In 1975, her family was deported to Srae Cham, Ou Chrov Commune, Prey Nob District

³⁹⁷¹ **E1/278.1** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12, 13.35.50-13.38.; **E3/2917** 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”]; **E3/2049** List of Kampuchea Krom in Ang Ta Saom Commune, 30 April 1977, EN 00290262-63; **E3/4082** Ang Ta Saom Commune Exchanged Prisoners List, EN 00290199-201; **E3/2262** List of Kampuchea Krom in Popel Commune, EN 00742626-28; **E3/2438** List of Kampuchea Krom People in Kus Commune, 29 Apr 1977, EN 00366665-75; **E3/4083** Name List of People who Have Just Come from Srok Yuon [Vietnam], EN 00323977-78 [identifying Khmer Krom families in Srae Ronoung commune]; **E3/2443** Report on Vietnamese in Tram Kak District, 5 June 1977; **E3/9582** Ek (Ul) Hoeun WRI, A47 [“I learned all about these things because I worked at the district. For example, the number of Vietnamese nationals in each commune: the communes reported the number of Vietnamese nationals to district level”].

³⁹⁷² **E1/278.1** 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 then they were taken away”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 [“My husband was asked to go and collect the rice to make ombok. And I did not know where my husband was taken to. 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”]; **E3/2050** Report to Angkar, 17 Sept 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 ‘Yuong’]; **E1/298.1** 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”]; **E3/9604** Ry Pov WRI, A56; **E3/9582** Ek (Ul) Hoeun WRI, A45-46, 53; **E3/9584** [REDACTED] WRI, A54-55.

³⁹⁷³ **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 15.08.41-15.10.21 [“the Vietnamese were taken away and killed in the forest”], 15.13.39-15.16.05 [“The Pol Pot regime killed the ‘Yuong’s’”]; **E3/9582** Ek (Ul) Hoeun WRI, A34; **E3/9468** Thann Thim WRI, A20-21 [“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”]; **E3/9582** Ek (Ul) Hoeun WRI, A36 [“In 1976, every single Vietnamese national living in the district was swept clean”].

³⁹⁷⁴ **E1/257.1** Sory Sen, T. 5 Feb 2015, 09.56.52 [“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”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.32.02-11.36.00; **E3/5826** Hun Kimseng WRI, EN 00223488-89; **E3/9589** Sory Sen WRI, A83-84, 86-91; **E3/9472** [REDACTED] WRI, A129-131, 141-143, 147-154, 156. *See also* **E3/9596** [REDACTED] WRI, A32-33.

³⁹⁷⁵ Surviving prisoner lists document Vietnamese prisoners including: **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366681 [Yin Ting alias Long]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064165 [Thach Soeung]; **E3/4122** Kraing Ta Chan Interrogator’s Notebook, EN 00779249 [Peou Kan]. *See e.g.* **E3/4127** Report to An from Chhoem, 16 Jan 1978, EN 00362232; **E3/2050** Report to Angkar, 17 Sept 1977, EN 00276577; **E3/2447** Report to Party from Dao, 4 Sept 1977 EN 00355474; **E3/2057** Report to Re-Education Committee from Nun, 10 Feb 1978, EN 00276581.

³⁹⁷⁶ **E3/2449** Report from Mien, 15 Sept 1977, EN 00366708.

³⁹⁷⁷ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.17.00.

and she was sent alone to work in a mobile unit.³⁹⁷⁸ Khouy Muoy was told that her mother, siblings, and relatives were taken away and killed in 1976.³⁹⁷⁹ She subsequently found out that another brother — who was working at a different location — had also been taken away and killed.³⁹⁸⁰ Khouy Muoy lost 13 family members and relatives (parents, siblings, nieces, nephew, aunts and uncles) in all.³⁹⁸¹ Her elder brother and his wife had six children and there were five or six family members in her cousin's family — all of whom were killed.³⁹⁸²

968. Khouy Muoy was told that her family had been taken to a prison at Koh Khyang at Chung Sroy.³⁹⁸³ When Khouy Muoy tried to visit her family she was told that they “had been sent away and killed.”³⁹⁸⁴ Khouy Muoy testified that the older women in her unit warned her that because of her mother's Vietnamese ethnicity, “I should be careful and that I should stop weeping; otherwise, I would be taken away and killed.”³⁹⁸⁵ There was another Vietnamese family, whose children were in Khouy Muoy's mobile unit, in which the mother and her children were taken away and killed.³⁹⁸⁶ Khouy Muoy heard that Vietnamese who did not leave DK would be smashed.³⁹⁸⁷
969. Killings occurred throughout Sector 35. Ben Kiernan, in his research of the DK regime, documented the killing of 65 Vietnamese trying to leave DK from Kampot in June 1975, relying on the account of three members of the DK navy.³⁹⁸⁸

7. Killings in the East Zone

970. Ethnic Vietnamese were rounded up and killed in the East Zone in 1977.³⁹⁸⁹ Witnesses testified that ethnic Vietnamese in the East Zone were considered as having a “Khmer

³⁹⁷⁸ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.07.20-11.09.48.

³⁹⁷⁹ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.07.20-11.09.48. *See also* **E3/5544** Khouy Muoy WRI, 11 Sept 2009, EN 00377836.

³⁹⁸⁰ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.09.48-11.11.20.

³⁹⁸¹ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.19.01.

³⁹⁸² **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.19.01.

³⁹⁸³ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.19.01-11.20.59.

³⁹⁸⁴ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 13.50.04-13.54.30. *See also*, for killings of Vietnamese at Koh Kyang: **E3/7750** Hem Samath WRI, 17 July 2008, EN 00275057-58; **E3/5501** Tuon Lorn WRI, 29 Aug 2009, EN 00373306-07; **E3/5506** Sau Khon WRI, 25 Oct 2009, EN 00398865; **E3/5501** Tuon Lorn WRI, 29 Aug 2009, EN 00373310.

³⁹⁸⁵ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.23.01-11.24.36.

³⁹⁸⁶ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.09.48-11.11.20.

³⁹⁸⁷ **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 14.22.36-14.24.28.

³⁹⁸⁸ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

³⁹⁸⁹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150156 [“Mau Met was an Eastern Zone cadre whose wife was part Vietnamese. In 1975 she had been allowed to remain because her husband was Khmer. Met was in charge of the agriculture department in Memut district on Region 21's border with Vietnam. In 1977, all ethnic Vietnamese were rounded up and killed. More than two hundred women were executed,

body and Vietnamese mind.”³⁹⁹⁰ This allegation meant “they had the ideas or the views of the Vietnamese, although they had the Khmer bodies.”³⁹⁹¹

Prey Veng (Sector 24)

971. From around late 1977, people of Vietnamese descent including women and children were arrested, collected, and taken away to be killed in Prey Veng.³⁹⁹²

Prey Veaeng District

972. After 1975, three mixed families with ethnic Vietnamese members remained in Pou Chentam village, Svay Antor commune, Prey Veaeng District.³⁹⁹³ These families were mixed marriages with ethnic Vietnamese spouses:³⁹⁹⁴ Wan Ngang (the Vietnamese husband of a Khmer wife), Sun San (the Vietnamese wife of a Khmer husband), and Chuy (the Vietnamese husband of a Khmer wife). Each of these mixed families was targeted for killing. There was no military activity in the area when the Vietnamese in the village disappeared.³⁹⁹⁵

973. Thang Phal worked in a unit with Wan Ngang cutting rumpeak vine.³⁹⁹⁶ Ngang’s parents were Vietnamese.³⁹⁹⁷ In late 1977, the unit was called back to the village by the deputy village chief,³⁹⁹⁸ but Ngang was ordered to stay behind to repair a bicycle.³⁹⁹⁹ Thang

and in some cases their Khmer husbands as well. In all other cases, the husbands were jailed. Met was the only exception, he says, because of his needed agricultural skills. In one Region 24 village, in 1977 the CPK killed ten Vietnamese women married to Khmers”].

³⁹⁹⁰ **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.42.40-09.44.25.

³⁹⁹¹ **E1/424.1** Prak Khan, T. 28 Apr 2016, 10.04.40-10.06.49.

³⁹⁹² **E3/7891** Chhuon Ri WRI, 3 Dec 2009, EN 00422334; **E3/9352** Ieng On WRI, 16 Sept 2008, EN 00231660; **E3/9339** Sin Sun WRI, 23 Sept 2008, EN 00234116; **E3/7594** Leng Samet DC-Cam Statement, 24 Feb 2000, EN 00324475; **E3/7598** Kim Va DC-Cam Statement, 8 Mar 2000, EN 00233342.

³⁹⁹³ **E1/370.1** Thang Phal, T. 5 Jan 2016, 15.45.20-15.47.36, 15.59.57-16.02.43 [“Tech was a citizen in the old regime and she married the Vietnamese man and Ny was also a Cambodian citizen and married to a Vietnamese wife in Phnom Penh in the previous regime, and Oeung married the Vietnamese husband after 1975, she was also a citizen in the old regime, and the three people were living in Pou Chentam village”].

³⁹⁹⁴ **E1/370.1** Thang Phal, T. 5 Jan 2016, 11.04.04-11.05.26, 16.02.43-16.05.00 [“I can recognize and tell that Tech was Vietnamese since she spoke Khmer with accent. The same applies to Chuy and Ngoy (phonetic). I cannot tell you for sure how I can -- could recognize Lach Ny's wife who was Vietnamese, but I knew that she was a Vietnamese”]; 16.05.00-16.06.56 [“I could recognize that they were Vietnamese since they did not speak Khmer very well and, clearly, they spoke with accent. I knew for sure that they were Vietnamese since they came to do business in the country”]; **E1/379.1** Lach Kry, T. 20 Jan 2016, 13.52.31-13.54.18.

³⁹⁹⁵ **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.23.42-15.25.05.

³⁹⁹⁶ **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.52.46-10.55.22; **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 09.39.14-09.41.13.

³⁹⁹⁷ **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 09.41.13-09.42.32.

³⁹⁹⁸ **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.56.44-11.00.33.

³⁹⁹⁹ **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.55.22-11.04.04. *See also*, **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

Phal testified that upon returning to the village he was told that Lach Ny's Vietnamese wife "had been transferred by a horse cart toward the east direction to be killed".⁴⁰⁰⁰ Thang Phal heard villagers saying "that Vietnamese were gathered up, taken away and executed".⁴⁰⁰¹ Ngang was never seen again.⁴⁰⁰² Ngang's wife was Khmer⁴⁰⁰³ and they had two children,⁴⁰⁰⁴ all of whom remained living in the village.⁴⁰⁰⁵

974. Witness Lach Kry lived next to his younger brother Lach Ny in Pou Chentam village.⁴⁰⁰⁶ Lach Ny's wife, called Sun San, was from a mixed marriage — her father was Khmer and mother Vietnamese.⁴⁰⁰⁷ In November 1977, Lach Kry was harvesting rice near his brother's house when Sun San and her children were arrested.⁴⁰⁰⁸ Three militiamen came, one of whom was chief of security in Svay Antor.⁴⁰⁰⁹ The militiamen called Sun San to go for a study session and put her and four of her children on a horse cart.⁴⁰¹⁰ Her eldest daughter, who was working away from home, was collected by a militiaman and followed the cart on a bicycle.⁴⁰¹¹ Lach Ny was with his brother when they saw Sun San and the children arrested and he fainted.⁴⁰¹² Later, Lach Kry spoke to the driver of the horse cart who told the witness that he had delivered Sun San and her

⁴⁰⁰⁰ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.00.33-11.04.04. *See also*, **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

⁴⁰⁰¹ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.05.26-11.07.10.

⁴⁰⁰² **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.04.04-11.05.26; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.23.18-14.25.05, 14.27.10-14.29.05. *See also* **E3/9339** Sin Sun WRI, 23 Sept 2008, EN 00234115; **E3/9352** Ieng On WRI, 16 Sept 2008, EN 00231660.

⁴⁰⁰³ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 11.00.49-11.03.29 ["Q. And what about his wife; was his wife of Vietnamese ethnicity or of Khmer ethnicity? A. Khmer, pure Khmer, and as for the wife, she is now living in another location different from my village. During the time, she was living in the same village as me"].

⁴⁰⁰⁴ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.10.53-11.13.00.

⁴⁰⁰⁵ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.08.53-11.13.00. *See also* **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.09.05-15.10.22; **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.43.50-09.45.35, 11.00.49-11.03.29.

⁴⁰⁰⁶ **E1/379.1** Lach Kry, T. 20 Jan 2016, 13.40.12-13.48.03.

⁴⁰⁰⁷ **E1/379.1** Lach Kry, T. 20 Jan 2016, 13.52.31-13.54.18; **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.39.14-09.41.13.

⁴⁰⁰⁸ **E1/379.1** Lach Kry, T. 20 Jan 2016, 13.59.05-14.02.00.

⁴⁰⁰⁹ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.04.04 -14.05.25.

⁴⁰¹⁰ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.02.00-14.04.04 ["Actually, they called -- they made a call for her to go for a study session. So they put San on a horse cart. And we were standing and watching the event unfolded and we were wondering why she was called for a study session. I saw the event with my own eyes"]. *See also* **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.13.00-11.14.31.

⁴⁰¹¹ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.02.00-14.04.04 ["When San was arrested and put onto a horse cart, her four children were also invited onto the horse cart. The eldest daughter was working in the far distance and the militiaman went to fetch her. So San, together with the four children, were arrested and put on a horse cart. And for the last daughter who was working about 2 kilometres away, the militiamen went to fetch her after them"]. *See also* **E1/381.1** Doung Ourn, T. 25 Jan 2016, 11.03.29-11.05.12.

⁴⁰¹² **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.05.25-14.06.55.

children to Trapeang Pring forest where two security guards received them.⁴⁰¹³ Neither Lach Kry nor his brother ever saw Sun San or her five children again.⁴⁰¹⁴

975. Witness Doung Ourn, a Khmer woman, testified that she was married to Chuy (Tep Yun), an ethnic Vietnamese man.⁴⁰¹⁵ In 1977,⁴⁰¹⁶ Chuy was assigned to cut rumpeak vine⁴⁰¹⁷ and disappeared.⁴⁰¹⁸ Doung Ourn's mother told her that Chuy had been walked away from the house by one person who said that he would be back very soon.⁴⁰¹⁹ Thang Phal testified that he heard that Vietnamese were taken away for a study session and Chuy was among them.⁴⁰²⁰ Doung Ourn never saw her husband again.⁴⁰²¹
976. Doung Ourn and Chuy had one daughter.⁴⁰²² It was widely known to villagers⁴⁰²³ that if the mother was Vietnamese then the children were also considered Vietnamese and would be taken away.⁴⁰²⁴ However, if the father was Vietnamese and the mother Khmer then her children would not be taken away.⁴⁰²⁵ Nevertheless, the fear was such that Doung Ourn called her daughter Kamean instead of her name Kim Va during the DK regime because "I was afraid that they would take my child away to be killed."⁴⁰²⁶ Their daughter was not taken away like her father.⁴⁰²⁷

Peam Ro District

⁴⁰¹³ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.12.35-14.16.00.

⁴⁰¹⁴ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.14.16-14.16.00, 15.20.41-15.22.32. *See also* **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.29.43-11.31.10; **E1/381.1** Doung Ourn, T. 25 Jan 2016, 11.05.12-11.06.59 ["No, I haven't met them, nor did I see them. I never saw them since"]. *See also* **E3/9339** Sin Sun WRI, 23 Sept 2008, EN 00234115.

⁴⁰¹⁵ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.21.21-09.23.36.

⁴⁰¹⁶ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 10.40.56-10.41.58 ["It was in 1977 and I do not recall the exact date and month of that year"]; **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.32.34-15.34.30.

⁴⁰¹⁷ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.33.45-09.35.37; **E1/371.1** Thang Phal, T. 6 Jan 2016, 13.36.08-13.40.46.

⁴⁰¹⁸ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.32.18-09.33.45; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.27.10-14.29.05.

⁴⁰¹⁹ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.33.45-09.37.12.

⁴⁰²⁰ **E1/371.1** Thang Phal, T. 6 Jan 2016, 13.40.46-13.42.12 ["I heard people whisper around that the Vietnamese including Chuy and Lach Ny's wife had been taken away for a study session"].

⁴⁰²¹ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.33.45-09.37.12. *See also* **E1/371.1** Thang Phal, T. 6 Jan 2016, 13.40.46-13.42.12; **E3/9339** Sin Sun WRI, 23 Sept 2008, EN 00234115; **E3/9352** Ieng On WRI, 16 Sept 2008, EN 00231660.

⁴⁰²² **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.27.24-09.28.34.

⁴⁰²³ **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.31.00-14.32.55.

⁴⁰²⁴ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.29.43-11.31.10 ["It was the work of Angkar. And it was believed that if the mother was Vietnamese then the -- the children would also be Vietnamese"].

⁴⁰²⁵ **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.23.27-11.25.37; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00; **E1/381.1** Doung Ourn, T. 25 Jan 2016, 11.05.12-11.06.59.

⁴⁰²⁶ **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.28.34-09.30.16, 09.56.30-09.59.14 ["I was afraid that my child was taken away and smashed, that's why I renamed her Kamean. Villagers suggest -- made a suggestion to me that the name Kamean should be used instead of Kim Va. Otherwise, she would be taken away as her father"].

⁴⁰²⁷ **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.07.25-15.09.05.

977. Sao Sak lived in Anlong Trea Village, Preaek Chrey Commune, Peam Ro District.⁴⁰²⁸ Despite her mother being ethnic Vietnamese,⁴⁰²⁹ Sao Sak managed to survive the DK regime. After 1975, Sao Sak was told by a militiaman that her mother had been detained.⁴⁰³⁰ Sao Sak went to see her mother at Krasar Pha-ael. Her mother told Sao Sak that she knew she would be taken away to be killed.⁴⁰³¹ Sao Sak testified that her mother disappeared and never returned,⁴⁰³² like many Vietnamese families in Sao Sak's village.⁴⁰³³ Sao Sak believed that the village chief made reports about the ethnicity of the villagers to the higher ranks.⁴⁰³⁴ She heard that Vietnamese were not allowed to live in Cambodia⁴⁰³⁵ and that "[a]nyone who was related to Vietnamese origin would be taken away and killed".⁴⁰³⁶ There was no rebellion or movement related to Vietnam in her village.⁴⁰³⁷

Svay Rieng (Sector 23)

978. At about the same time as arrests and killings of Vietnamese were taking place in Prey Veng, similar events were occurring in Svay Rieng.⁴⁰³⁸

Svay Chrum District

979. Witness Sin Chhem lived in Svay Yea Village, Svay Chrum District.⁴⁰³⁹ Four Vietnamese families in the witness' commune were taken away in 1978.⁴⁰⁴⁰ She testified that it was announced at meetings that if the father in a family was Vietnamese

⁴⁰²⁸ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01.

⁴⁰²⁹ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.34.19-14.36.49.

⁴⁰³⁰ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.40.57-14.45.41.

⁴⁰³¹ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41 ["A. I was told that my mother had been taken away and then I went to see my mother for the last time, she consoled me that do not think of her since she was getting old and at the time I realised that she would be taken away and killed and a few minutes later I took my daughter back home"].

⁴⁰³² **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.40.57-14.45.41.

⁴⁰³³ **E1/362.1** Sao Sak, T. 3 Dec 2015, 15.16.18-15.18.57; **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.16.24-09.20.37, 09.27.17-09.28.43

⁴⁰³⁴ **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.36.48-09.38.48 ["I thought that the village chief also did some report about the ethnicity of the villagers but for me in my village, I knew those who had Vietnamese wives or Vietnamese husbands but in Angkar in the village chief I think they may have done some report about the ethnicity of the villagers, that's why people in the higher ranking, in the Angkar, they knew something about the ethnicity of the people in the village"], 09.40.10-09.41.28 ["When they did the report, they did about the ethnic Khmer, I did not know about the ethnic Vietnamese"].

⁴⁰³⁵ **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.46.08-09.48.00 ["I heard from my fellow villagers that those people were evacuated to Vietnam because the Vietnamese were not allowed to live in Cambodia that's what I heard from fellow villagers"].

⁴⁰³⁶ **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41.

⁴⁰³⁷ **E1/362.1** Sao Sak, T. 3 Dec 2015, 16.00.57-16.01.52.

⁴⁰³⁸ **E3/5260** Khoem Samon WRI, 11 Dec 2008, EN 00327160; **E3/9119** Say At DC-Cam Interview, 16 Aug 2005, EN 01332694.

⁴⁰³⁹ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 09.18.57-09.20.25

⁴⁰⁴⁰ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56.

but mother Khmer, only the father would be killed. However, if the mother was Vietnamese all the children would be killed “because the children suck the milk of the mother.”⁴⁰⁴¹ In Sin Chhem’s village, the commune chief collected the Vietnamese families⁴⁰⁴² and a commune security guard participated in the killing.⁴⁰⁴³ Sin Chhem testified to hearing that Vietnamese people were taken away and killed from other villages in the area, such as Tuol Vihear, Sikar, and Kien Ta Siv.⁴⁰⁴⁴

Romeas Haek District

980. Ung Sam Ean testified that there were three or four Vietnamese families in Trapeang Run Village who had been born in that village.⁴⁰⁴⁵ The Vietnamese disappeared from the village but Ung Sam Ean did not know where they went or whether they returned to their country.⁴⁰⁴⁶ Subsequently, in 1977, four or five ethnic Vietnamese children, with Cambodian fathers and Vietnamese mothers, were arrested and disappeared.⁴⁰⁴⁷ The children, between 10 and 15 years old, were told they were being taken to a mobile unit.⁴⁰⁴⁸ The children came from two or three families.⁴⁰⁴⁹

Svay Chrum District

981. After April 1975, Sieng Chanthly and her family were evacuated to Chhuk Sa Village, where they were accused of being feudalist-capitalist and half-blooded Vietnamese.⁴⁰⁵⁰ Her father was ethnically Vietnamese and her mother Khmer.⁴⁰⁵¹ In 1977, the family was moved to a cooperative in Svay K’aer Village, Ta Suos Commune, Svay Chrum District.⁴⁰⁵² Two other mixed families, in which the wife was ethnically Vietnamese, lived in the village.⁴⁰⁵³ They were taken away.⁴⁰⁵⁴ One family consisted of six people and the other, four.⁴⁰⁵⁵ Sieng Chanthly’s father told her that he witnessed the rape of two

⁴⁰⁴¹ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.47.50-10.49.38.

⁴⁰⁴² **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.42.56-10.45.15.

⁴⁰⁴³ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.49.38-10.51.30.

⁴⁰⁴⁴ **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.51.30-10.54.58.

⁴⁰⁴⁵ **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 11.04.08-11.07.23.

⁴⁰⁴⁶ **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 11.07.49-11.12.22.

⁴⁰⁴⁷ **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 11.07.49-11.12.22; 11.17.41-11.21.04.

⁴⁰⁴⁸ **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 11.12.58-11.17.01.

⁴⁰⁴⁹ **E1/366.1** Ung Sam Ean, T. 11 Dec 2015, 11.17.01-11.17.41.

⁴⁰⁵⁰ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.35.16-15.38.03.

⁴⁰⁵¹ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.35.16-15.38.03; **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.30.45-09.32.33.

⁴⁰⁵² **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.42.09-15.43.15; **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.30.45-09.32.33.

⁴⁰⁵³ **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.34.42-09.36.28.

⁴⁰⁵⁴ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.43.15-15.45.29.

⁴⁰⁵⁵ **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.46.34-09.48.14.

girls from one of these families.⁴⁰⁵⁶ Sieng Chanthly learned from others that the girls had been taken away and killed.⁴⁰⁵⁷ Eventually Sieng Chanthly's father hung himself,⁴⁰⁵⁸ hoping that his suicide would help his children survive.⁴⁰⁵⁹

8. Killings in Kratie (Special Sector 505)

982. Ben Kiernan conducted interviews revealing how cadres carried out a hunt for people of part-Vietnamese origin in Kratie in 1977. Such individuals were described as the “historic enemy” and were executed.⁴⁰⁶⁰
983. Uch Sunlay was married to an ethnically Vietnamese woman. In September 1978,⁴⁰⁶¹ 14 of his relatives were killed including: Uch Sunlay's wife, his three children, his father-in-law, his mother-in-law, and his sister-in-law.⁴⁰⁶² His children were approximately one, three, and five years old.⁴⁰⁶³ At the time, Uch Sunlay was in Tuol Monourom, Krakor Commune, Kratie District.⁴⁰⁶⁴ There, men with Vietnamese wives were instructed by the cooperative chief to cut bamboo trees at Au Thyoung — a journey of about two days.⁴⁰⁶⁵ When Uch Sunlay returned, the cooperative chief told them “all of your wives were collected and taken away. I want all of you, comrades, to get rid of this wounded flesh.”⁴⁰⁶⁶
984. Uch Sunlay's wife and children had been sent to the island of Kbal Kaoh Trong and were killed.⁴⁰⁶⁷ He was told what had happened to his family by Thol, who drove the ox cart carrying the women and children to be executed.⁴⁰⁶⁸ The perpetrators were the cooperative militia.⁴⁰⁶⁹ Uch Sunlay's children “ran around when they were about to be killed and they were swung against the tree and died instantly.”⁴⁰⁷⁰

⁴⁰⁵⁶ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.43.15-15.45.29; **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.13.45-09.15.12, 10.39.35-10.41.38.

⁴⁰⁵⁷ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.43.15-15.45.29; **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.13.45-09.15.12, 10.39.35-10.41.38.

⁴⁰⁵⁸ **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.45.29-15.48.05.

⁴⁰⁵⁹ **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.44.25-09.46.34.

⁴⁰⁶⁰ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150156 [“In Kratie province in the northeast, officials in 1977 described Vietnamese as the *setrew prowatisas* (historic enemy) and began a hunt for people of part-Vietnamese origin. These were executed, along with ethnic Chinese and former Lon Nol soldiers”].

⁴⁰⁶¹ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.56.44-15.58.06.

⁴⁰⁶² **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.30.12-15.32.11.

⁴⁰⁶³ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.09.23-09.12.02.

⁴⁰⁶⁴ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.48.38-15.49.58.

⁴⁰⁶⁵ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

⁴⁰⁶⁶ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

⁴⁰⁶⁷ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.32.11-15.33.57, 15.48.38-15.49.58.

⁴⁰⁶⁸ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.58.06-16.02.50.

⁴⁰⁶⁹ **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.18.00-09.19.28.

⁴⁰⁷⁰ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

985. The clothes of Uch Sunlay's family were distributed to people in the cooperatives. He "saw the clothes of my children and [wife] and people in the cooperative could identify through the clothes that my [wife] and my children were really killed."⁴⁰⁷¹ When Uch Sunlay's wife and children were taken away, other Vietnamese women, and their children in the area shared the same fate.⁴⁰⁷²
986. Heng Lai Heang joined the Khmer Rouge in 1971⁴⁰⁷³ and testified that the Party's policy was first to deport the Vietnamese from Cambodia and subsequently smash those remaining.⁴⁰⁷⁴ After the main wave of expulsions,⁴⁰⁷⁵ the policy was that "those who were half-blood Vietnamese had to be smashed. Otherwise, when Vietnamese made an entry then they would collude with the Vietnamese side."⁴⁰⁷⁶ If the mother was Vietnamese, she would be arrested and smashed and so would the half-blood children and grandchildren.⁴⁰⁷⁷
987. Heng Lai Heang testified that screenings took place to find people with Vietnamese origin.⁴⁰⁷⁸ Lists were prepared "from the group to the village and the village to the commune and commune to the higher up."⁴⁰⁷⁹ Cadres from the district came to educate people at the commune level about the policy.⁴⁰⁸⁰ Heng Lai Heang heard that

⁴⁰⁷¹ **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.37.50-15.39.10.

⁴⁰⁷² **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.53.08-15.55.05.

⁴⁰⁷³ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 09.18.20-09.20.20.

⁴⁰⁷⁴ **E1/476.1** 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"].

⁴⁰⁷⁵ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32 ["It happened after the event in 1975. Before that there was no such policy because those people could live as simply as other Cambodian people, that is, living and earning and working in fields but that measure or principle was set up later on"].

⁴⁰⁷⁶ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32.

⁴⁰⁷⁷ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.28.32-14.30.44 ["During that period of time, only half-blood Vietnamese people were smashed. For example, if the mother was Vietnamese the mother would be arrested and smashed and later on the half-blood children were arrested and then half-blood grandchildren were also arrested"], 14.30.44-14.33.06 ["Q. So if I understand you correctly, in some families, insofar as there would be one grandparent who was of Vietnamese origin, the rest of the lineage would be eliminated. Is that what you are telling the Chamber? A. Yes"].

⁴⁰⁷⁸ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.24.32-14.26.44 ["Q. Do you know if there were orders that residents needed to write their biographies and if there were lists of people who had Vietnamese origins? A. Yes, there was. At that time they called it 'chumrouen' (phonetic) or census. Q. And what did this word 'chumroeun' (phonetic) mean? A. The word 'chumrouen' (phonetic) means to do the screening or gathering"].

⁴⁰⁷⁹ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52.

⁴⁰⁸⁰ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52 ["It was the education from the upper echelon down to the lower level ... They came -- they came to show us the directions or the policy. So they came from the district level"], 14.36.52-14.38.59 ["I referred to the people in high authority, those from the district. They came to the commune and those in the commune came to the village, and the village were the ones who compiled the statistics ... They educated us at the commune"].

implementation of the policy involved smashing people at villages and at security centres.⁴⁰⁸¹

988. Heng Lai Heang's uncle was married to a Cambodian citizen who was ethnically Vietnamese.⁴⁰⁸² She was taken away to Kaoh Sroka security centre, Kantuot Commune in Kratie District.⁴⁰⁸³ Only one of Heng Lai Heang's relatives who were half-blood Vietnamese, including grandchildren, was still alive by 1977.⁴⁰⁸⁴ Heng Lai Heang testified that those "who were connected to the Vietnamese network or relationship, whether they had Khmer spouse, they were all collected and taken away."⁴⁰⁸⁵ It was said that "because they were in some way related to the Vietnamese ... they would collude with the Vietnamese, so they would not be spared."⁴⁰⁸⁶

9. Killings in the West Zone

Kampong Chhnang (Sector 31)

989. Attacks against ethnic Vietnamese were widespread in Sector 31. In September 1977, media outlets reported "savage reprisals within Cambodia against some of the few ethnic Vietnamese left in that country after the massive deportations to Vietnam in 1975".⁴⁰⁸⁷ This included attacks in May 1977 when "about 420 Vietnamese adults and children were executed in Kompong Chhnang".⁴⁰⁸⁸

Ta Mov Island

⁴⁰⁸¹ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["Based on the information I received from my relatives, it took place at villages. Some were smashed at the villages; some were smashed at the security centre"].

⁴⁰⁸² **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["My aunt in-law who was an ethnic Vietnamese who already changed her citizenship to Cambodian, she did not hold Vietnamese I.D. card. At that time, ethnic Vietnamese held Vietnamese ID and they paid the ID fee every year. Because she believed that she had already changed her citizenship, she did not want to go the district because she did not want to be separated from her husband and children. Then she was taken away to the security centre"].

⁴⁰⁸³ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["It was a security centre at Kaoh Sroka (phonetic). I cannot recall what it was actually called. It was at Kaoh Sroka (phonetic) , Kantuot commune, in Kracheh district"]. See also **E3/436** Heng Lai Heang WRI, 23 Nov 2009, EN 00414570.

⁴⁰⁸⁴ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 11.00.52-11.02.30 ["all of my relatives disappeared by 1977 since these relatives, who were half-blood with the Vietnamese even grandchildren, had been arrested or they had gone and from that family side, only one survived"].

⁴⁰⁸⁵ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 10.59.08-11.00.52.

⁴⁰⁸⁶ **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 10.59.08-11.00.52.

⁴⁰⁸⁷ **E3/143** FBIS, *collection of reports for September 1977*, EN 00168725.

⁴⁰⁸⁸ **E3/143** FBIS, *collection of reports for September 1977*, EN 00168725; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

990. In 1977, Prak Doeun's family was moved to Ta Mov island.⁴⁰⁸⁹ His wife, Bou Samban, was ethnic Vietnamese.⁴⁰⁹⁰ She was born in Kampong Chhnang to an ethnically Vietnamese mother and half-blood Chinese father.⁴⁰⁹¹ She could speak Vietnamese but did not use it and had Khmer facial features but a lighter complexion.⁴⁰⁹² Prak Doeun and his wife had six children.⁴⁰⁹³
991. At Ta Mov island, Prak Doeun was asked whether his wife was Khmer or Vietnamese. He testified that if he had said that she was Khmer, he would have been taken away and killed — so he told the truth that his wife was ethnically Vietnamese.⁴⁰⁹⁴ A radio announcement at the time called for Vietnamese who had “infiltrated” to be found.⁴⁰⁹⁵ There were seven mixed families on the island, involving Khmer men married to Vietnamese women and Khmer women married to Vietnamese men.⁴⁰⁹⁶ Khmer Rouge cadres gathered all of the seven mixed Vietnamese families to move from the area.⁴⁰⁹⁷ The families were made to walk at night to Tuol Ka Munlong, then split into two groups.⁴⁰⁹⁸ Khmer men and women were in one group and ethnic Vietnamese men and women were in the other. Prak Doeun was thus placed in a separate group from his wife, children, and mother-in-law.⁴⁰⁹⁹
992. The unit chief later told Prak Doeun that his family had been smashed, and blamed Prak Doeun for having married a Vietnamese woman.⁴¹⁰⁰ The unit chief said that the Vietnamese people had been tied up and beaten into a grave,⁴¹⁰¹ and that the young children had been thrown into the air and pierced with a bayonet.⁴¹⁰² Prak Doeun testified to being “hopeless at the time, after I heard that my family members had been

⁴⁰⁸⁹ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.52.34-13.53.48.

⁴⁰⁹⁰ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.21.43-11.23.09.

⁴⁰⁹¹ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.21.43-11.23.09, 11.24.41-11.27.26.

⁴⁰⁹² **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.23.09-11.27.26.

⁴⁰⁹³ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.29.10-11.31.34.

⁴⁰⁹⁴ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

⁴⁰⁹⁵ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.11.05-14.12.59.

⁴⁰⁹⁶ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

⁴⁰⁹⁷ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.26.45-14.28.51.

⁴⁰⁹⁸ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.26.45-14.31.20.

⁴⁰⁹⁹ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.36.49-14.39.10.

⁴¹⁰⁰ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46; **E1/362.1** Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

⁴¹⁰¹ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46.

⁴¹⁰² **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.28.51-14.31.20; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.40.47-14.42.33 [“the child or children were thrown up into the air and they were killed with a bayonet. As I said, they were killed with a bayonet. I did not witness the incident, so I was told about this incident. This happened to the children who were brought away with the mothers, the mother had been killed before the children were killed”], 15.21.36-15.23.10.

killed.”⁴¹⁰³ All those suspected of being Vietnamese were sent away and smashed leaving no more Vietnamese on Ta Mov island.⁴¹⁰⁴

Kampong Leaeng District

993. Choeng Yaing Chaet’s parents were both ethnically Vietnamese.⁴¹⁰⁵ He was the youngest of the family and had two brothers and two sisters.⁴¹⁰⁶ In 1975, the family was warned that they had to leave Srae Ta Kouy Village in Kampong Leaeng District or else they would be killed, so they fled to Kandal Village in Kampong Chhnang District.⁴¹⁰⁷ Subsequently, they were among approximately 1,000 families, the majority of which were Vietnamese, who were relocated from Kandal Village to Phum Dar Village.⁴¹⁰⁸

994. In Phnum Dar Village, Choeung Yaing Chaet was 13 or 14 years old⁴¹⁰⁹ when armed men came and arrested him and his family.⁴¹¹⁰ They were taken to a pit and one by one Choeung Yaing Chaet’s parents and siblings were killed.⁴¹¹¹ When it was his turn, Choeung Yaing Chaet was ordered to kneel and was hit with an axe three times on the neck.⁴¹¹² The cadres left as they presumed he was dead.⁴¹¹³ That same day, Choeung Yaing Chaet witnessed the Vietnamese family living next door tied up as well; a father, mother, and two children.⁴¹¹⁴

10. Killings at S-21

995. Duch testified at his trial that Vietnamese people were sent to S-21 from early in the DK regime.⁴¹¹⁵ He stated that “the Vietnamese ethnics living in Cambodia” were arrested after 17 April.⁴¹¹⁶

⁴¹⁰³ **E1/362.1** Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

⁴¹⁰⁴ **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.28.02-15.29.36, 15.31.43-15.34.12.

⁴¹⁰⁵ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 10.52.07-10.53.58.

⁴¹⁰⁶ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 10.57.35-11.02.09.

⁴¹⁰⁷ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.03.40-11.07.21.

⁴¹⁰⁸ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.07.21-11.09.56.

⁴¹⁰⁹ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.27.31-11.29.56.

⁴¹¹⁰ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.15.58-11.18.22.

⁴¹¹¹ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.23.39-11.26.04.

⁴¹¹² **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.23.39-11.26.04.

⁴¹¹³ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.26.04-11.27.31 [“I only saw four of my family members and not the rest because they stacked on top of another, I saw the dead bodies of my father, my mother and my siblings and I was the last person to be killed and to be dropped into the pit”].

⁴¹¹⁴ **E1/363.1** Choeung Yaing Chaet, T. 7 Dec 2015, 11.22.22-11.23.39.

⁴¹¹⁵ **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.10.24-09.14.54 [“From the 17th of April 1975 until the 6th of January 1976, I remember that there were Vietnamese people who entered S-21”].

⁴¹¹⁶ **E3/5798** Kaing Guek Eav alias Duch, T. 9 June 2009, 14.32.33-14.35.04.

First, the immigrants, the Vietnamese immigrants who lived in Cambodia for a long time ago because they were violating the administrative matters at that area; and, number two, the Vietnamese civilians ... who were arrested by the Democratic Kampuchea's troops and sent to S-21.⁴¹¹⁷

996. Duch confirmed that Vietnamese in S-21 were smashed regardless of their status as civilians or soldiers.⁴¹¹⁸ Prak Khan testified that while standing guard at an office used to receive prisoners, he saw a Vietnamese family arrive; a husband, wife, and a daughter about a year old. The child was taken from the parents to a verandah on the second floor and dropped to her death.⁴¹¹⁹
997. In 1977, many Vietnamese were brought to S-21.⁴¹²⁰ These included both soldiers and civilians, some of whom were brought with their spouse and children.⁴¹²¹ Prak Khan testified that between 1977 and 1978, staff at S-21 were told by Duch and Son Sen at a political study session that the Vietnamese were “the hereditary enemy” of the CPK.⁴¹²² Lach Mean testified that “Angkar instructed us about their plan and about the purpose of the enemy”.⁴¹²³ He was familiar with statements such as Son Sen’s March 1977 declaration that the “CIA, Yuon and revisionist enemies are powerfully continuing their activities to wreck our revolution, with the intention of overthrowing our revolution, our Party and our army, and they are impeding us in our revolutionary tasks.”⁴¹²⁴
998. Notes prepared by S-21 interrogator Mam Nai alias Chan detail approaches to finding and interrogating Vietnamese detainees. These demonstrate how the Vietnamese were considered enemies before being detained, with the interrogator recording that “if there

⁴¹¹⁷ **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.10.24-09.14.54.

⁴¹¹⁸ **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 13.49.50-13.52.28 [“In general, I state to the hearing from the beginning that those who were sent to S 21 were considered as enemies to be smashed and, therefore, among those victims there must be Vietnamese civilians, soldiers and spies. So there is no other choice but to smash. If I fail to do that, it will be my mistake”]. See also **E3/10571** Suos Thy WRI, EN 01079272.

⁴¹¹⁹ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13.

⁴¹²⁰ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05.

⁴¹²¹ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05 [“It happened in 1977-78 when there were many Vietnamese brought in and those people included civilians and soldiers and some of them were brought in along with their spouse and children”]. See also **E3/10572** Prak Khan WRI, 2 Feb 2016, EN 01219848.

⁴¹²² **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“And now I am referring to the war between Kampuchea and Vietnam between ’77 and ’78. We, staff at S-21, were told that Vietnamese were the hereditary enemy of the Communist Party of Kampuchea, that we intended to retake the part of the Cochinchine, that is, Kampuchea Krom. And these instructions were relayed by Son Sen and Duch to us at S-21 during a political study session”].

⁴¹²³ **E1/422.1** Lach Mean, T. 26 Apr 2016, 15.37.36-15.38.29.

⁴¹²⁴ **E3/807** Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 Mar 1977, EN 00933839; **E1/422.1** Lach Mean, T. 26 Apr 2016, 15.37.36-15.38.29 [“I did listen to such statements”].

is a movement to oppose our revolution, that movement cannot be separated from the Yuon”.⁴¹²⁵ Interrogations of Vietnamese prisoners differed from those of Khmer prisoners. While there were plans to use torture selectively with Khmer prisoners, this was not applied to Vietnamese prisoners and other foreigners.⁴¹²⁶ This was torture for torture’s sake and not necessarily to extract information. Interrogations of Vietnamese were less lengthy as the emphasis was not on learning names of connections but on gathering confessions for propaganda use.⁴¹²⁷

999. After they were cuffed, Vietnamese who arrived at S-21 were ordered to sit in front of either Building A or B and there was an interpreter for Duch to speak to them.⁴¹²⁸ Prak Khan testified that Vietnamese civilians and soldiers⁴¹²⁹ were instructed to read a statement prepared by Man Nai alias Chan which was a confession that they “entered the Kampuchean territory in order to spy on us”.⁴¹³⁰

1000. **Nuon Chea** was informed of the arrest and transfer of Vietnamese to S-21.⁴¹³¹ He instructed Duch to interrogate Vietnamese soldiers and record their confessions.⁴¹³² He

⁴¹²⁵ **E3/833** Notebook by Man Nai alias Chan, EN 00184615 [“(4) Where to look for Yuon? In Phnom Penh, in every ministry 5) Now if there is a movement to oppose our revolution, that movement cannot be separated from the Yuon”].

⁴¹²⁶ **E3/834** Pon-Tuy S-21 Interrogators Notebook, EN 00184522, [“In the near term, we have plans to interrogate all of the Khmer without beatings and getting 80% confessions. No beatings and getting very detailed confessions, 70%. As for the foreigners, the Yuon, the imperialist CIA, we apply absolute Special Branch methods, completely and totally, permanently. Also in this temporary period, the task of defense will temporarily apply the old principles, absolutely and totally”]; **E1/437.1** Kaing Guek Eav alias Duch, T. 14 June 2016, 11.10.07-11.18.34 [“The content related to the instructions given by Pol Pot during the time I attended the training session where he taught ... we called the interrogators for the presentation of those documents that night ... As for the ‘Yuon,’ the practice remained the same and of course, the same applied to CIA agents; the ‘Yuon,’ the CIA agents had to be beaten”].

⁴¹²⁷ **E3/79** Prak Khan WRI, 25 Sept 2007, EN 00161556 [describing differences in interrogations of foreign prisoners: “they were not interrogated for a long time, not many times, so it was unlike the Cambodians. For them, they were interrogated one or two days and then they disappeared, that was the end of it ... They were interrogated differently than Cambodians, because with the Cambodians they were interrogated to find their roots. For foreigners they asked what was their intention in coming to Cambodia, and had them speak in their language for broadcast back to their country, just to let them know they had entered Cambodia and confessed. There was no interrogating to find their roots”]; **E3/351** Mam Nai WRI, 7 Nov 2007, EN 00162918 [“Duch just told me to interrogate the Yuon soldiers ... they were military situation interrogations. Q: So the Vietnamese prisoners were interrogated to learn battlefield information. There were no accusations about traitor networks? A: No”], EN 00162919 [“I asked about their histories, asked their units, ranks, and which battlefields they had been on, the locations of their guns, and their personnel strength”].

⁴¹²⁸ **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05.

⁴¹²⁹ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56 [“The names are the correct names of the prisoners who confessed. Some of them were soldiers, and some were civilians”].

⁴¹³⁰ **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56.

⁴¹³¹ **E3/9375** Military Telegram copied to brother Nuon, 14 Feb 1978, EN 01185439-40 [“5. Comrade Tal arrested two Vietnamese people who were 17 and 27 years old. They were taken to S-21”]; **E1/439.1** Kaing Guek Eav alias Duch, T. 16 June 2016, 09.43.05-09.44.35 [“Uncle Nuon said that in general, and he told to me in general that ‘Yuons’ would be sent into S-21, and I had to interrogate them. Their confessions would be broadcast on the radio, and it was about the intention of the ‘Yuon’ to invade

then received confessions from Duch.⁴¹³³ **Nuon Chea** would make changes to the confessions to add greater propaganda value.⁴¹³⁴ Duch testified that the order was to “extract confessions from ... the Vietnamese prisoners of war, so that their confessions could be broadcast on radio”.⁴¹³⁵ These confessions were broadcast every morning, with the speech made in Vietnamese and interpreted into Khmer.⁴¹³⁶ For example, on 29 January 1978, the Phnom Penh Home Service broadcast the confession of purported midshipman Vu Dinh Ngo, who was reportedly captured at sea on 3 January 1978.⁴¹³⁷ The confession was described in the radio broadcast as constituting “further proof” of the sending of spies and agents with the aim of overthrowing the CPK.⁴¹³⁸ Duch testified, matter-of-factly, that “‘Yuon’ soldiers were ‘Yuon’ soldiers. As for ‘Yuon’ civilians, they were forced to confess that they were ‘Yuon’ spies.”⁴¹³⁹

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- Cambodia and to integrate Cambodia into the Indochinese Federation and that ‘Yuon’ was the aggressor. He did not mention that particular prisoner, but he said that ‘Yuon’ soldiers would be sent to me”].
- 4132 **E1/58.1** Kaing Guek Eav alias Duch, T. 3 Apr 2012, 09.57.07-09.59.14 [“Thank you. Mr. President, the truth is, on the 8th of January 1978, Brother Nuon called upon me to work -- it means, that was after the meeting of the victory of the Revolutionary Army over the Vietnamese Army. Brother Nuon asked me to interrogate the Vietnamese war prisoners and recorded the prisoners' confessions”]; **E1/436.1**, Kaing Guek Eav alias Duch, 13 June 2016, 15.02.30-15.04.30 [“Q. Who was the superior? Who was it that instructed you to make audio recordings of confessions of the Vietnamese soldiers that could be broadcast on the radio? Who gave you that instruction? A. I have just made that point. It was Brother Nuon. In fact, Son Sen had not met me face to face starting from the 15th of August 1978. I apologize. It was in 1977. That is the time the Kampuchea declared that ‘Yuon’ was our enemy, and that announcement was made on the 31st of December ‘78. When Vu Dinh Ngo arrived, I received an order from Brother Nuon regarding the audio recording of the confessions. So it was not Son Sen that I received orders from. It was Brother Nuon”]. See also **E3/351** Mam Nai WRI, 7 Nov 2007, EN 00162909.
- 4133 **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.33.27-09.35.57 [“The essence of the confessions of those Vietnamese was sent to Uncle Nuon”].
- 4134 **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.33.27-09.38.48 [“A. The essence of the confessions of those Vietnamese was sent to Uncle Nuon. Therefore, whatever it is he would adjust it and then he would send it to me and I would make some changes. So the purpose of the propaganda was determined from the upper echelon and I just tried to fulfil those objectives. Q. So sometimes the confessions were adjusted so that they made better propaganda. Is that right? A. Your Honour, yes, there were some amendments to the confessions”].
- 4135 **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.14.54-09.18.05.
- 4136 **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.05.56-09.07.06 [“Usually, every morning at 7 o’clock, the confessions were broadcast on radio. The speech was made originally in Vietnamese and interpreted into Khmer”].
- 4137 **E3/1249** BBC Media Report, *Confession of a Captured SRV Sailor*, 29 Jan 1978 EN S 00008894-95. See also **E3/1259** DK Government Statement, 17 Jan 1978, EN 00280615-6; **E3/1258** DK Government Statement, Feb 1978, EN S 00004902-45; **E3/1409** DK Media Report, 18 Feb 1978, EN 00594103; **E3/1298** DK Media Report, 27 Mar 1978, EN 00169954; **E3/1273** DK Media Report, 7 Apr 1978, EN S 00010472; **E3/1274** DK Media Report, 6 May 1978, EN S 00010108-9; **E3/1309** DK Media Report, 5 June 1978, EN 00169780; **E3/1316** DK Media Report, 11 July 1978, EN 00169719; **E3/1321** DK Media Report, 11 Aug 1978, EN 00168957; **E3/1325** DK Media Report, 15 Sept 1978, EN 00170381; **E3/1330** DK Media Report, 31 Oct 1978, EN 00170332; **E3/1331** DK Media Report, 15 Nov 1978, EN 00170119; **E3/1335** DK Media Report, 7 Dec 1978, EN 00169057.
- 4138 **E3/1249** BBC Media Report, *Confession of a Captured SRV Sailor*, 29 Jan 1978 EN S 00008895. See **E3/8436** S-21 List, EN 00250012, Number 2.
- 4139 **E1/439.1** Kaing Guek Eav alias Duch, T. 16 June 2016, 11.05.26-11.07.07.

1001.S-21 guard Him Huy⁴¹⁴⁰ collected Vietnamese from Sector 23 of the East Zone on two occasions to bring to S-21.⁴¹⁴¹ They were tied and handcuffed and detained in a school to the south of the provincial town of Svay Rieng.⁴¹⁴² They were wearing military uniforms and caps.⁴¹⁴³ Him Huy testified that Vietnamese soldiers were all killed “after their interrogations had been concluded.”⁴¹⁴⁴ As Duch confirmed, “All of them were ordered to be smashed.”⁴¹⁴⁵

1002.In order to steel cadres for the torture and execution work, a propaganda film was made at S-21 showing the interrogation, confession, execution, and disemboweling of Vietnamese soldiers.⁴¹⁴⁶ Him Huy witnessed the Vietnamese soldiers with wounds on their backs⁴¹⁴⁷ and bloodstains on their bodies after being tortured.⁴¹⁴⁸ The film was shown to interrogators and staff from S-21 and Prey Sar to “celebrate” 17 April.⁴¹⁴⁹

⁴¹⁴⁰ **E1/426.1** Him Huy, T. 3 May 2016, 14.54.41-14.56.52.

⁴¹⁴¹ **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46 [“A. They were sent in at different times. I went to bring them from Svay Rieng, the East Zone, on two occasions. Five of them were brought in on one occasion. And later on, some Vietnamese soldiers were further brought in, but I cannot recall how many of them. And other than that, there were staff from 703 and from other directions who were brought in as well. But I do not know the -- know them all”]. See also **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 11.43.39-11.47.21 [“Q. My question is whom did you order to go and transport those people? A. Once I received such order I would order Comrade Huy to implement it, and I never ordered directly to them. I only ordered Comrade Huy to order his subordinates, so I only made indirect order”].

⁴¹⁴² **E1/427.1** Him Huy, T. 4 May 2016, 14.27.20-14.28.46 [“We went to pick them up at a school to the south of the provincial town office. They were being detained there. They were tied and cuffed there”].

⁴¹⁴³ **E1/427.1** Him Huy, T. 4 May 2016, 14.27.20-14.28.46.

⁴¹⁴⁴ **E1/427.1** Him Huy, T. 4 May 2016, 09.55.12-09.56.50 [“The Vietnamese soldiers who had been arrested were killed after their interrogations had been concluded. They were killed behind the Tuol Sleng prison, to the south”]. See also **E3/406** Him Huy WRI, 19 Sept 2007, EN 00161591.

⁴¹⁴⁵ **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.38.48-09.40.49 [“23 Q. Because of the policy applying to S-21, were all of those Vietnamese soldiers ultimately killed? A. Your Honour, no one could escape. All of them were ordered to be smashed”].

⁴¹⁴⁶ **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.51.06-10.55.14; **E1/427.1** Him Huy, T. 4 May 2016, 14.30.53-14.32.38, 15.05.20-15.07.20 [“I saw in the film was that they were ordered to walk single file and later on they were executed and they were disemboweled”]. See also, **E3/5798** Kaing Guek Eav alias Duch, T. 9 June 2009, 14.39.35-14.42.57 [“As for the Vietnamese civilians or Vietnamese citizens who were sent to S-21, they would be beaten, interrogated and smashed. Only after the 6th, on top of that, their voice was taped and they were photographed to show at a meeting in Jakarta. Also a movie was taken. So that was my recollection on this event”].

⁴¹⁴⁷ **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20 [“When I went to Thy's place, I saw them being walked to be interrogated and I saw wounds on their backs”].

⁴¹⁴⁸ **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20 [“Yes, that is correct. Those Vietnamese soldiers who were arrested, were tortured and I saw bloodstains on their bodies. Actually, the film was taken by En's team”].

⁴¹⁴⁹ **E1/427.1** Him Huy, T. 4 May 2016, 15.11.10-15.13.40 [“Q. So this is a film that was screened to celebrate the 17th of April 1975? Is that what I must understand? A. Yes, that is correct”], 15.13.40-15.15.53 [“It was in front of the prison along the road. That's where the film was screened and those who watched the film, including those from Prey Sar, the interrogators, and the staff of S-21”], 15.13.40-15.15.53 [“There were Ta Duch, Ta Hor, staff at S-21, and those from Prey Sar”].

1003. The Vietnamese were the largest group of foreigners detained at S-21.⁴¹⁵⁰ According to surviving documents, there were a minimum of 728 people at S-21 recorded as Vietnamese,⁴¹⁵¹ including 117 purported Vietnamese soldiers⁴¹⁵² and 254 alleged “spies”.⁴¹⁵³ The remaining 357 uncategorised Vietnamese in S-21 logs were likely to be civilians,⁴¹⁵⁴ 29 of whom were recorded as children.⁴¹⁵⁵ When the DK regime was in its last days, Duch asked **Nuon Chea** what to do with the remaining “Yuon” detainees at S-21. **Nuon Chea** ordered: “Smash them all”.⁴¹⁵⁶

THE SUCCESSFUL GENOCIDE OF THE VIETNAMESE

1004. Pol Pot’s April 1978 speech answered his own question of “how about the Yuon?” as follows: “There are no Yuon in Kampuchean territory. Formerly there were nearly 1,000,000 of them. Now there is not one seed of them to be found.”⁴¹⁵⁷ Pol Pot’s words are backed up by the demographics, which suggest that “virtually every ethnic Vietnamese disappeared from Cambodia” by the end of the DK regime.⁴¹⁵⁸ Expert Alexander Hinton opined that Pol Pot’s remark signalled “the successful completion of a genocide.”⁴¹⁵⁹

8. CRIMES AGAINST THE CHAM

*During the purge I only knew that Cham people had been taken away and killed. I was told by [the Sector Secretary], based on the instructions from the upper echelon.*⁴¹⁶⁰

– Prak Yut, former Kampong Siem District Secretary

1005. From the beginning of the DK regime, CPK policy was to eliminate the Cham as a distinct ethnic and religious group in the country. Pol Pot and the leadership saw the Cham, the largest minority in the country, as an obstacle towards the realisation of their vision of Cambodia being a country with a single ethnicity. The CPK initially

⁴¹⁵⁰ **E3/5798** Kaing Guek Eav alias Duch, T. 9 June 2009, 16.07.07-16.09.10.

⁴¹⁵¹ See **Annex F.33** List of Vietnamese S-21 Prisoners.

⁴¹⁵² See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

⁴¹⁵³ See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

⁴¹⁵⁴ See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

⁴¹⁵⁵ See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

⁴¹⁵⁶ **E1/62.1** Kaing Guek Eav alias Duch, 10 Apr 2012, 15.37.52-15.41.11. See also **E3/452** Kaing Guek Eav alias Duch WRI, 30 May 2008, EN 00147567.

⁴¹⁵⁷ **E3/4604** Revolutionary Flag, Apr 1978, EN 00519836. See also **E1/443.1** Kaing Guek Eav alias Duch, T. 23 June 2016, 15.32.46-15.35.50.

⁴¹⁵⁸ **E3/2413** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, 30 Sept 2009, EN 00385311; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

⁴¹⁵⁹ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.00.45-11.02.08.

⁴¹⁶⁰ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.47.13-14.49.32.

attempted to destroy the Cham as a distinct group by forced assimilation — prohibiting the Cham the right to practice their religion, speak their language, and express their unique cultural identity. The CPK killed religious leaders and any who refused to comply with *Angkar*'s edicts prohibiting expressions of Cham identity. But when the Cham resisted efforts to destroy their religion and identity, even to the point of taking up swords and knives to defend their religion, the CPK leaders' paranoia grew and they adopted a much more radical policy. The Party dispersed communities where Cham were concentrated, scattering the survivors throughout DK. The CPK labelled the Cham as enemies of the revolution who could not be reformed and for whom there was no solution short of widespread slaughter. At that point, CPK cadres rounded up and massacred Cham men, women, and children. The evidence shows the CPK implemented this genocide — and the crimes against humanity carried out in its pursuit — most severely in the portions of the Central and Eastern Zones of DK that were the traditional heartland of the Cham community in Cambodia. This was no coincidence, but rather a recognition by CPK leaders that these communities were essential for the long-term survival of a unique Cham ethnicity in Cambodia. It is these areas that are the focus of Case 002/02.

1006. In relation to the charge of genocide,⁴¹⁶¹ the treatment of the Cham nationwide is relevant to the specific intent of **Nuon Chea** and **Khieu Samphan**. The *actus reus* for genocide is demonstrated by the evidence of killings during the jurisdictional period. In addition to genocide, **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity regarding the Cham: murder (in relation to Trea Village and Wat Au Trakuon Security Centres), extermination (in relation to Trea Village and Wat Au Trakuon Security Centres), religious persecution, other inhumane acts, torture, and unlawful imprisonment.⁴¹⁶² The Co-Prosecutors do not seek convictions regarding torture in relation to the Cham, as they understand this crime to relate to the Kroch Chhmar District Security Centre,⁴¹⁶³ which is outside the scope of Case 002/02. For the remainder of the crimes against humanity charged, the evidence for these crimes is

⁴¹⁶¹ **D427** Closing Order, paras 1336-1342 [genocide through killing], **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689.

⁴¹⁶² **D427** Closing Order, paras 1373, 1378 [murder (Trea Village and Wat Au Trakuon Security Centres)]; 1381, 1386 [extermination (Trea Village and Wat Au Trakuon Security Centres)]; 1415, 1420 [persecution on religious grounds (nationwide)]; 1434, 1436 [other inhumane acts (attacks against human dignity)]; 1448, 1468 [other inhumane acts (forced transfer)], 1470 [other inhumane acts (enforced disappearances)]; 1408 [torture]; 1402 [imprisonment]. **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

⁴¹⁶³ **D427** Closing Order, para. 774.

discussed below and in relation to the S-21 Security Centre. Where the evidence addresses events that occurred outside of the jurisdictional period of the Court, it is submitted only for context and/or to show the requisite *mens rea*.

GENOCIDAL POLICY AGAINST THE CHAM

1. The Cham as a Distinct Religious and Ethnic Group

1007. The Cham, who share a common language, culture, and religion,⁴¹⁶⁴ qualify as both a religious and ethnic group for the purposes of the Genocide Convention.⁴¹⁶⁵ Most are descendants of the Kingdom of Champa, which was located in present-day Vietnam. Following the Vietnamese conquest of Champa in the 15th century,⁴¹⁶⁶ Cham fled in many directions, including to nearby Cambodia.⁴¹⁶⁷ By the 17th century, the Cham in Cambodia had become “numerous and populous enough to have their own name for a riverside port village”, and shortly thereafter an entire province: Kampong Cham.⁴¹⁶⁸ They have been part of the Cambodian societal fabric ever since.

1008. In 1975 the Cham were Cambodia’s largest indigenous minority,⁴¹⁶⁹ and while the majority of Cham lived in the eponymous Kampong Cham (which prior to 2013 included present-day Tboung Khmum Province),⁴¹⁷⁰ Cham could also be found in other parts of Cambodia.⁴¹⁷¹ Kroch Chhmar District⁴¹⁷² was considered the centre of the Cham community in Cambodia, as it was where many Cham most knowledgeable about Cham history and religion resided.⁴¹⁷³

⁴¹⁶⁴ See **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.16.50-11.19.17.

⁴¹⁶⁵ See **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.28.59-14.30.35.

⁴¹⁶⁶ **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489300, 00489309, 00489313.

⁴¹⁶⁷ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956; **E3/9681** Ben Kiernan, *Orphans of Genocide: The Cham Muslims of Kampuchea Under Pol Pot*, EN 01199563; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489300, 00489314; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.44.36-09.46.25, 10.54.07-10.55.57, 10.59.45-11.01.18; see generally **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150133-01150138.

⁴¹⁶⁸ **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489316.

⁴¹⁶⁹ **E3/9681** Ben Kiernan, *Orphans of Genocide: The Cham Muslims of Kampuchea Under Pol Pot*, EN 01199563; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00396927.

⁴¹⁷⁰ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.44.36-09.46.25; **E1/415.1** Sos Kamri, T. 6 April 2016, 15.57.41-16.01.35; **E3/9750** Sos Kamri DC-Cam, EN 01222009; **E1/342.1** It Sen, T. 7 Sept 2015, 11.31.10. See also **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489353; **E3/2652** Map of Indochina Ethnolinguistic Groups, EN 00327660. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149999-01150000, 01150134.

⁴¹⁷¹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150134; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554489; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489353; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.10.02-11.11.58.

⁴¹⁷² Also Romanized as “Krauch Chhmar” and “Krouch Chhmar”.

⁴¹⁷³ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.11.58-11.15.13.

1009. Almost all Cham are Muslim,⁴¹⁷⁴ and their lifestyle is dictated by religious beliefs and cultural traditions that are distinct from the Khmer majority. Expert Francois Ponchaud described Islam as “the cement that held this marginal community together,”⁴¹⁷⁵ and Cham communities tended to be centered around a mosque for prayer.⁴¹⁷⁶ The Koran is their central religious text and they abide by various religiously-imposed obligations (*vachip*) and customs, such as: prayer five times daily;⁴¹⁷⁷ the requirement of a minimum number of Muslims for certain prayers;⁴¹⁷⁸ a one-month fasting period every year (Ramadan);⁴¹⁷⁹ the conduct of religious ceremonies and funerals in accordance with Islamic traditions;⁴¹⁸⁰ the religious education of their children;⁴¹⁸¹ and the naming of children using names that appear in the Koran and other prayer books.⁴¹⁸² Muslims are also required to refrain from performing religiously forbidden (*haram*) acts, such as eating or handling pork or swine,⁴¹⁸³ or eating any meat that has not been prepared according to religious custom.⁴¹⁸⁴ They believe that following these imperatives anoints them “blessed by God,” while transgressing them results in being “marked with sin.”⁴¹⁸⁵

1010. The Cham have their own language that is related to Indonesian and Malay.⁴¹⁸⁶ Prior to the advent of Democratic Kampuchea, many Cham spoke Khmer only occasionally, if

⁴¹⁷⁴ **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.32.22-09.33.56; **E3/9681** Ben Kiernan, *Orphans of Genocide*, EN 01199568; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554489.

⁴¹⁷⁵ **E3/1820** Francois Ponchaud, *Cambodia: Year Zero*, EN 00105817. **Khieu Samphan** has noted the centrality of the Muslim faith to the Cham identity: “Champa was a Kingdom who occupied the present day Central Vietnam. Her population, the Chams, are Muslim people.” **E3/636** Khieu Samphan, *Proposal of Democratic Kampuchea for a Comprehensive Political Settlement of the Problem of Kampuchea*, EN S 00038510.

⁴¹⁷⁶ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956.

⁴¹⁷⁷ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078545; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667274; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.55.57-10.57.47.

⁴¹⁷⁸ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078545.

⁴¹⁷⁹ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219115.

⁴¹⁸⁰ **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554491; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078546.

⁴¹⁸¹ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.00.25; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544.

⁴¹⁸² **E3/1822** Ysa Osman, *Oukoubah*, EN 00078578. *See also* **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.57.47-10.59.45, 13.35.30-13.36.54.

⁴¹⁸³ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.36.54-13.38.55; **E1/342.1** It Sen, T. 7 Sept 2015, 15.57.45-15.59.52; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.04.15-14.06.05.

⁴¹⁸⁴ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.28.40-11.30.40.

⁴¹⁸⁵ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544.

⁴¹⁸⁶ **E1/93.1** David Chandler, T. 20 July 2012, 15.46.39-15.48.38; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/4519** Farina So, *Oral History of Cham Muslim women in Cambodia under the KR Regime*, EN 00554491; **E1/349.1** Him Man, T. 17 Sept 2015, 14.23.18-14.25.00; **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15; **E1/388.1**

at all,⁴¹⁸⁷ and often with difficulty.⁴¹⁸⁸ Cham also wear distinctive clothing,⁴¹⁸⁹ and have distinct grooming habits, dictated by their faith and culture. They wear particular robes and sarongs, and women grow their hair long and almost always wear a head scarf.⁴¹⁹⁰ Cham men grow beards, and wear a white skullcap, while religious leaders wear turbans.⁴¹⁹¹

1011. Most Cham lived together in villages comprised mostly or exclusively of Cham in tightly knit communities.⁴¹⁹² Cham villages were usually next to rivers, especially the Mekong and Tonle Sap, and many Cham were fishermen.⁴¹⁹³ “[T]here was structure — clear structure of religious leadership in ... each and every village.”⁴¹⁹⁴ The Islamic community within Cambodia was led by the *Mufti* who was assisted by two adjutants.⁴¹⁹⁵ The *Mufti* would appoint a *Hakim* in each village, who was responsible for maintaining religious observance in the community and also served as an arbiter of religious law.⁴¹⁹⁶ Islamic teaching in each village was the responsibility of the *Tuon*.⁴¹⁹⁷ *Imams*, who led daily prayers,⁴¹⁹⁸ *Haji*, who had performed the Hajj to Mecca,⁴¹⁹⁹ and

Ysa Osman, T. 9 Feb 2016, 10.57.47-11.01.18.
⁴¹⁸⁷ **E1/349.1** Him Man, T. 17 Sept 2015, 14.23.18-14.25.00.
⁴¹⁸⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.59.45-11.01.18.
⁴¹⁸⁹ **E1/349.1** Him Man, T. 17 Sept 2015, 14.25.00-14.26.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15.
⁴¹⁹⁰ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451, 00078544; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554577; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.33.00-13.35.30; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15.
⁴¹⁹¹ **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219189; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.33.00-13.35.30; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489372.
⁴¹⁹² **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150134; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554491; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.31.40-15.33.50; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.57.47-10.59.45, 11.06.14-11.07.56.
⁴¹⁹³ **E3/9681** Ben Kiernan, *Orphans of Genocide*, EN 01199567-68; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554492; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.27.52-09.30.05; **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.10.38-15.12.33; **E3/5531** Meas Soeurn WRI, A53; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.22.42-11.25.39; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489320, 00489353; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.
⁴¹⁹⁴ **E1/415.1** Sos Kamri, T. 6 April 2016, 10.59.42-11.01.05. *See also* **E1/415.1** Sos Kamri, T. 6 April 2016, 10.42.10-10.43.40.
⁴¹⁹⁵ **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489336, 00489448; **E3/9750** Sos Kamri DC-Cam, EN 01222010; **E1/415.1** Sos Kamri, T. 6 April 2016, 11.01.05-11.03.01; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.01.32-10.01.42.
⁴¹⁹⁶ **E1/415.1** Sos Kamri, T. 6 April 2016, 11.01.05-11.03.01; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.15.13-11.19.32; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.01.32; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219074; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489448.
⁴¹⁹⁷ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.00.25; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489448. *See also* **E1/398.1** Van Mat alias Sales Ahmat, T. 9 March 2016, 09.36.18-09.38.15.
⁴¹⁹⁸ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219074.

students, who had studied Islam abroad,⁴²⁰⁰ were also especially respected members of the community.

1012. Although vastly outnumbered by Khmer in Cambodia, by living together in predominantly Cham communities, the group was able to preserve its identity through the centuries.⁴²⁰¹ Cham religious, cultural, and historical knowledge was primarily conveyed orally, and the presence of learned persons who could convey that oral history was critical.⁴²⁰² Certain religious rites required a quorum of Muslims in order to be performed.⁴²⁰³ Concentrated communities maintained the daily use of the Cham language, which tended to be much more difficult in communities where the majority were not Cham.⁴²⁰⁴ Cham communities pooled resources to materially support common goods essential to the function of faith in their communities, such as the services of the *Tuon*, and the needs of the poor.⁴²⁰⁵ One Cham recalled that his community “strictly observed the traditions and culture of the Cham since we felt that if we lost those two things we would lose our entire race.”⁴²⁰⁶

2. Evolution of the CPK Policy in Regards to the Cham

1013. The CPK policy towards the Cham grew increasingly severe over time,⁴²⁰⁷ as they attempted to “eradicate Cham race from Cambodia”⁴²⁰⁸ and establish what they viewed as the ideal, mono-ethnic, Khmer, a-religious society: a single “Kampuchean race.”⁴²⁰⁹ While the CPK began systematically targeting the unique aspects of Cham identity during the civil war, the initial restrictions on their religion and culture were relatively mild.⁴²¹⁰ However, by the later years of the DK regime, the “top leadership [had] concluded that Cham were beyond reeducation, and therefore must be totally exterminated, as such,”⁴²¹¹ resulting in the killing of Cham men, women, and children

⁴¹⁹⁹ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32.

⁴²⁰⁰ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.01.42-10.06.00.

⁴²⁰¹ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31.

⁴²⁰² **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.16.50-11.19.17.

⁴²⁰³ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.09.42-10.34.32.

⁴²⁰⁴ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31.

⁴²⁰⁵ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31, 10.36.20-10.38.08, 11.08.09-11.10.45;

E1/388.1 Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32.

⁴²⁰⁶ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219185. See also **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.38.08-10.39.20.

⁴²⁰⁷ **E1/223.1** Stephen Heder, T. 15 July 2013, 15.12.17-15.14.57.

⁴²⁰⁸ **E1/393.1** Man Sles, T. 29 Feb 2016, 15.18.16-15.20.55.

⁴²⁰⁹ See e.g. **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519842.

⁴²¹⁰ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.27.53-14.28.59.

⁴²¹¹ **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661484.

on a massive scale. Witnesses told this Court that from their experiences they concluded that the CPK “wanted to make all of us into one flesh and one spirit. They wanted to convert the Cham into the Khmer. And because of such intent, they had to make sure there were no more Cham left, but only the Khmer.”⁴²¹² Expert Elizabeth Becker observed:

The Khmer Rouge confused the idea of race with that of culture, creed, language, and nation, as had the Nazis. They arbitrarily decided that Cambodia’s minorities — the Chinese, the Chams, the ethnic Thais, and, on occasion, even the hill tribespeople — were a threat to the health and vitality of the Kampuchean nation. Their solution was to decree the assimilation of all people into a super-race of Kampuchean worker-peasants.⁴²¹³

1014. The Khmer Rouge had control over some areas of Kampong Cham as early as 1970 or 1971.⁴²¹⁴ At first, they imposed relatively few restrictions on Cham religion and culture.⁴²¹⁵ Indeed, in the early 1970s, many Cham supported the Khmer Rouge.⁴²¹⁶ The CPK named some Cham as leaders at the village and commune levels, and one Cham rose to be part of the district leadership.⁴²¹⁷ However, these individuals were themselves purged or fled prior to the conclusion of the DK regime,⁴²¹⁸ and Cham leaders who refused to carry out the CPK policies regarding the Cham were arrested.⁴²¹⁹ Beginning in 1973, after the Khmer Rouge had established control over a greater part of Kampong

⁴²¹² **E1/349.1** Him Man, T. 17 Sept 2015, 14.36.54-14.39.40. *See also* **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.09.49-15.11.10.

⁴²¹³ **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237948.

⁴²¹⁴ **E1/372.1** Sos Romly, T. 8 Jan 2016, 11.17.28-11.20.10; **E3/5216** Sos Kamri WRI, EN 00225495; **E3/9750** Sos Kamri DC-Cam, EN 01222003; **E3/5196** Sos Romly, EN 00223086. *See also* **E1/415.1** Sos Kamri, T. 6 April 2016, 09.20.52-09.22.32.

⁴²¹⁵ **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502. *See also* **E1/342.1** It Sen, T. 7 Sept 2015, 13.47.56-13.50.48; *but see* **E1/342.1** It Sen, T. 7 Sept 2015, 11.25.48-11.28.37.

⁴²¹⁶ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.33.40-15.37.07.

⁴²¹⁷ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.20.17-15.24.00; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.47.38-10.52.24, 15.12.56-15.14.19. *See also* **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.27.29-11.29.05; **E1/344.1** Sos Min, T. 9 Sept 2015, 09.40.50-09.43.33.

⁴²¹⁸ *See e.g.* **E1/343.1** Sos Min, T. 8 Sept 2015, 15.06.50-15.11.42; **E3/5210** Sos Min WRI, EN 00242072-73; **E1/349.1** Him Man, T. 17 Sept 2015, 10.59.13-11.02.49; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150141/ *See also* **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12. Math Ly, who rose to join the Tboung Khmum District leadership before fleeing, described the effects the CPK policies had even on his family: “Pol Pot killed my family, killed my wife, three of my children, three children in law, one other wife, nine grandchildren three of who were infants”]; **E3/390** Math Ly Interview with Steve Heder, EN 00436868.

⁴²¹⁹ **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119, *confirmed by* **E3/7766** Rest Tort WRI, EN 00340201-02.

Cham⁴²²⁰ and had organised Cham communities into cooperatives,⁴²²¹ they began to tighten restrictions on the practice of Islam and expression of Cham identity.⁴²²² Arrests and executions of Cham leaders began and were soon followed by an increase in arrests of ordinary Cham.⁴²²³

1015. The treatment of the Cham, and restrictions on their practice of religion and culture, became noticeably more severe following the victory of the CPK on 17 April 1975.⁴²²⁴ Cham were prohibited from practicing their religion, speaking their language, and wearing traditional dress.⁴²²⁵ The CPK forced Cham to engage in religiously or culturally prohibited acts such as eating pork and cutting their hair. Infractions were punished with death. As one Civil Party told the Court, “that was the most difficult thing for the Cham people, as we lost our own identities, lost our religion”.⁴²²⁶ The oppression became much more severe following Cham rebellions at Koh Phal and Svay Khleang in September-October 1975.⁴²²⁷ The regime responded with extrajudicial arrests and killings, and by forcibly dispersing Cham from these areas.⁴²²⁸

1016. Although Article 20 of the DK constitution, released in January 1976, nominally allowed for the practice of religion, it prohibited “[r]eactionary religions,” an exception that in application wholly swallowed the rule.⁴²²⁹ Kaing Guek Eav alias Duch explained that the phrase allowing for freedom of religion “was a lie. It was written to conceal the essence of” the phrases prohibiting religion.⁴²³⁰ As Math Ly explained:

⁴²²⁰ **E1/343.1** It Sen, T. 8 Sept 2015, 09.07.55-09.10.24; **E3/5195** It Sen WRI, EN 00242094; *see generally* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137-01150138.

⁴²²¹ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219069.

⁴²²² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.22.51-11.24.38, 11.30.32-11.32.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.39.20-10.41.35; **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12; **E1/301.1** Or Ho, T. 19 May 2015, 15.50.20-15.53.57; **E3/5207** Mat Ysa WRI, EN 00242077; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219075. *See also* **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.33.50-15.36.44.

⁴²²³ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.22.51-11.24.38; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.15.18.

⁴²²⁴ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.20.34-14.21.44; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50; **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496.

⁴²²⁵ **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.20.34-14.21.44; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.15.18; **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496.

⁴²²⁶ **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.22.25-09.24.50.

⁴²²⁷ *See e.g.* **E3/5207** Mat Ysa WRI, EN 00242077.

⁴²²⁸ *See generally* **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174.

⁴²²⁹ **E3/259** DK Constitution, EN 00184838.

⁴²³⁰ **E3/15** Kaing Guek Eav Responses, EN 00251374, fn. 1.

In 1976, the constitution of the assembly was released and stated that we could practice belief in any religion, except the reactionary ones. But after the libera[tion] in 1975, all religions were considered reactionary.⁴²³¹

1017. When Cham in the Northwest Zone attempted to rely on the Constitution's promise of freedom of religion to protest being served food prohibited by Islam, the reaction was severe. The local authorities reported:

for this situation, we have taken special measures, that is, look for their string, look for the head of their movement in order to sweep clean.⁴²³²

1018. The rebellions in late 1975 marked a turning point in the CPK's perception of the Cham. This was reflected in the harsher treatment and purposeful atomisation of Cham communities, particularly in the seat of Cham identity, Kampong Cham. Almost immediately following the rebellions, the CPK ordered mass forced transfers "designed to disperse the Cham" in order to "ease tensions."⁴²³³ As Stephen Heder stated, the decision to split up the Cham community "was justified [by the CPK] as a reasonable reaction to the unrest, which was characterized as resistance to the revolution" by Cham leaders.⁴²³⁴ This resistance to CPK authority stigmatised all Cham "as at least as politically dangerous as new people, if not more so."⁴²³⁵ Expert Alexander Hinton testified that the targeting of the Cham as a group crystallised at this time,⁴²³⁶ not because of the rebellions themselves, but because the rebellions accentuated the idea of Cham as a separate, suspect, and potentially threatening group.⁴²³⁷ Hinton explained to the Court:

[T]he likelihood of them being able to fashion their consciousness over time was viewed to have diminished especially after the rebellions that took place. And at that point they seem to have been

⁴²³¹ **E3/7821** Math Ly DC Cam, EN 00441581. *See also* **E3/1822** Ysa Osman, *Oukoubah*, EN 00078543; **E1/93.1** David Chandler, T. 20 July 2012, 15.48.38-15.49.26; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.

⁴²³² **E3/178** Weekly Report of Sector 5 Committee, 21 May 1977, EN 00342709.

⁴²³³ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762-63.

⁴²³⁴ **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

⁴²³⁵ **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

⁴²³⁶ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42; *see also* **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.41.35-10.43.20.

⁴²³⁷ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.26.26-14.28.59; **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 14.01.56-14.05.00, 15.05.53-15.06.54, 15.23.16-15.25.15; **E1/403.1** Alexander Hinton T. 16 Mar 2016, 16.02.08-16.05.18.

targeted because they were Chams and Chams as a group seemed unlikely to be able to reform their consciousness.⁴²³⁸

1019. Many witnesses provided evidence that the treatment of Cham became much harsher following the rebellions.⁴²³⁹ Cham in communities across DK recall being summonsed to meetings in the weeks after the rebellions where they were threatened and insulted by CPK cadres and warned against similar uprisings.⁴²⁴⁰ Civil Party Him Man told the Court that in late 1975 or early 1976, the Cham in his village were called to a meeting where the village chief told them:

that we, Cham ethnicity, were required to have our hair cut, not to cover our heads with krama and say daily prayers, but to eat pork at that time. Everything in relation to Islamic religion, we were prohibited from practicing the religion and at the time we were told that the wheel of history was moving and if we happened to put our hands in or put our legs ... in to stop the wheel, we — our limbs would be cut by the speed of the wheel.⁴²⁴¹

1020. Similar accounts were given by Cham who managed to escape DK during those years. An October/November 1977 article in a Malaysian publication presented interviews with three refugees who described Cham being “systematically dispersed, prevented from practising religion and speaking Cham language” and also gave the names of religious leaders who were executed in Kroch Chhmar District “for performing prayers instead of attending a meeting called by a local Khmer Rouge leader”.⁴²⁴² One Civil Party told the Court: “The Cham people living in the union in 1975 were no longer considered Chams. They were like ordinary people. They were not allowed to practice their Cham religion.”⁴²⁴³

1021. CPK propaganda began to portray the Cham as “an enemy nationality.”⁴²⁴⁴ In meetings, local officials announced that the “Cham was the first enemy,”⁴²⁴⁵ that the “Cham

⁴²³⁸ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.22.47-14.23.42.

⁴²³⁹ **E1/349.1** Him Man, T. 17 Sept 2015, 14.35.04-14.36.54; **E1/350.1** Him Man, T. 28 Sept 2015, 11.12.39-11.15.00; **E3/5194** Math Sor (Ahmad Sofiyah) WRI, EN 00274707; **E1/403.1** Alexander Hinton T. 16 Mar 2016, 16.02.08-16.05.18; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.41.35-10.43.20; **E3/5531** Meas Soeurn WRI, EN 00425891.

⁴²⁴⁰ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 14.24.30-14.28.59; **E1/350.1** Him Man, T. 28 Sept 2015, 09.30.38-09.33.09; **E1/388.1** Ysa Osman T. 9 Feb 2016, 14.07.33-14.08.56; **E3/9750** Sos Kamri DC-Cam, EN 01222008. *See also* **E1/372.1** Sos Romly, T. 8 Sept 2016, 09.12.43-09.16.14.

⁴²⁴¹ **E1/349.1** Him Man, T. 17 Sept 2015, 10.56.51-10.59.13.

⁴²⁴² **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement submitted by Amnesty International*, August 1978, EN 00271509.

⁴²⁴³ **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.10.44-09.13.01.

⁴²⁴⁴ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44. *See also* **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048884.

people were their enemy — number one enemy,”⁴²⁴⁶ and warned “[d]on’t trust Chams. They are like enemies whom we have defeated. It is normal that defeated enemies will not lie still. In their hearts they are still traitors to us.”⁴²⁴⁷ The demonisation of Cham as an existential threat to the Khmer is a typical example of the kind of propaganda used as a prelude to genocide.⁴²⁴⁸ This can be seen in a set of DK military meeting minutes of 16 September 1976, where Cham who merely stopped working in the Southwest Zone were characterised as “sharpening their knives ... in an attempt to rebel against Khmers.”⁴²⁴⁹ Muslims of other ethnicities, such as Indians or Pakistanis formerly living near Phnom Penh, were also arrested and “smashed” at this time.⁴²⁵⁰

1022. Forced to live and work amongst the Khmer, the Cham “were — like other groups — supposed by 1977 to have lost their national minority identity,”⁴²⁵¹ and witnesses recounted announcements by village leaders stating that they should not consider themselves Cham but instead part of “the Khmer nation.”⁴²⁵² “[T]he policy was clearly one of assimilation of the Chams, who were no longer to be recognised or tolerated as a distinct national minority.”⁴²⁵³ Witness Or Ho, a village chief, heard a “mid-level Angkar representative, who said that in Kampuchea there would be only one single population — that is, Khmer. And there would be no Cambodians or no Cham, but one Khmer population.”⁴²⁵⁴ Party officials announced: “Now we are in 1976, we have to go by a different plan. There are to be no Chams or Chinese or Vietnamese. Everyone is to join the same, single, Khmer nationality.”⁴²⁵⁵

⁴²⁴⁵ **E1/350.1** Him Man, T. 28 Sept 2015, 09.30.38-9.33.09.

⁴²⁴⁶ **E1/350.1** Him Man, T. 28 Sept 2015, 10.09.24-10.12.01.

⁴²⁴⁷ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142 (internal ellipses omitted). *See also* **E1/415.1** Sos Kamri, T. 6 Apr 2016, 10.06.30-10.07.54, 10.12.50-10.14.15, 14.03.05-14.06.03, 15.40.15-15.42.17; **E3/9750** Sos Kamri DC-Cam, EN 01222005.

⁴²⁴⁸ *Seegenerally*, **E3/3346** Alexander Hinton, *Why Did they Kill?*, EN 00431653-65; **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 11.27.56-11.31.55.

⁴²⁴⁹ **E3/800** Minute of Divisional and Independent Regiment Secretary-under secretary’s Meeting, 16 Sept 1976, EN 00184338. *See also* **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219176.

⁴²⁵⁰ **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.13.01-14.20.37; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149998; **E3/8493** S-21 Prisoner List, 11 Apr 1976, 00181624-25; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 9.37.10-9.39.35, 13.45.43-13.48.47, 13.51.45-13.55.17.

⁴²⁵¹ **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479.

⁴²⁵² **E3/4706** Him Man CPA, EN 00417861; **E1/349.1** Him Man, T. 17 Sept 2015, 14.36.54-14.41.45; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142, 01150148.

⁴²⁵³ **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830.

⁴²⁵⁴ **E1/302.1** Or Ho, T. 20 May 2015, 14.02.21-14.04.14.

⁴²⁵⁵ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150141 [internal ellipses omitted]. *See also* **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667272; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135.

1023. While the CPK had consistently killed Cham who were perceived to be resisting the abandonment of Cham identity by such transgressions as praying or speaking Cham, in 1977 and 1978 the CPK began targeting Cham for wholesale execution solely because of their ethnicity. The Party Centre entrusted the enactment of this most extreme version of their Cham policy to their most trusted enforcers, the Southwest Zone cadres, as they took control of various areas including the Central and Eastern Zones covering Kampong Cham.⁴²⁵⁶ Expert Ysa Osman testified:

The killing between 1977 to '78 was more serious and intensified. It means the killing was done discriminately, that meant whoever was considered Cham or Cham related was subject to be killed.⁴²⁵⁷

1024. Although essentially all resistance within the Cham community to the elimination of their faith and culture had ceased at this point,⁴²⁵⁸ Cham men, women, and children were nevertheless targeted for mass executions.⁴²⁵⁹ Expert Francois Ponchaud told the Court: “[T]he Khmer Rouge, starting in 1978, sought out the Cham as Cham, not because the Cham were disobeying Angkar law, but because they were Cham. They went into villages, sought out the Cham. The Cham were taken away and undoubtedly killed.”⁴²⁶⁰ As one witness in the Central Zone testified: “after the arrival of the Southwest group in 1977, all of [the Cham] were rounded up and smashed.”⁴²⁶¹

1025. The evidence in this trial has shown that in areas where the Cham community was numerous, the CPK’s policy was devastatingly simple: kill them all. For instance, Prak Yut, a Southwest Zone cadre who was appointed district secretary of Kampong Siem District, provided testimony before this Court that reaffirmed her adamant assertion: “I would like to clarify once again that the orders I received were very clear: they stated that we must kill all the Cham. I had no choice other than to carry out orders.”⁴²⁶² Muok Sengly, a Khmer villager in Kampong Siem District, was called to a meeting in that

⁴²⁵⁶ **E1/344.1** Sos Min, T. 9 Sept 2015, 09.21.12-09.23.13; **E3/5210** Sos Min WRI, EN 00242073; *see also* **E1/398.1** Van Mat alias Sales Ahmat, T. 9 March 2016, 11.28.52-11.30.00; **E1/350.1** No Sates, T. 28 Sept 2015, 13.56.53-13.58.18; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219177; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150218. *See also* **E3/9496** Prak Yut WRI, A38; **E3/9522** Prak Yut WRI, A34; **E1/375.1** Math Sor alias Ahmad Sofiyah, T. 13 Jan 2016, 09.54.30-09.58.12

⁴²⁵⁷ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50; 14.43.28-15.03.33.

⁴²⁵⁸ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.17.38-09.20.57, 10.51.54-10.54.00; **E1/408.1** Ysa Osman, T. 24 March 2016, 13.42.10-13.43.13.

⁴²⁵⁹ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.46.25-09.48.20; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.51.08-09.53.38, 10.50.05-10.51.54.

⁴²⁶⁰ **E1/180.1** Francois Ponchaud, T. 11 April 2013, 10.22.53-10.25.46.

⁴²⁶¹ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 14.18.40-14.20.12. *See also* **E1/350.1** No Sates, T. 28 Sept 2015, 15.54.44-15.55.43.

⁴²⁶² **E3/9677** Prak Yut WRI, A9.

District after all of the Cham had been removed from his village. At that meeting he heard Prak Yut say: “The Cham are the enemy of *Angkar* because they plan to rebel, so *Angkar* has to smash them. ... If any Cham remain, this must be reported so they can be swept clean, because this is the plan of the upper-echelon.”⁴²⁶³ Say Doeun, the head of a unit in Kang Meas District charged with arresting Cham, told this Court: “I heard of the plan that no Cham, no single Cham shall be spared.”⁴²⁶⁴ Seng Kuy, a Khmer villager ordered to help transport arrested Cham women and children to their deaths at Wat Au Trakuon security centre, told the Court that while the arrests were taking place he heard the chief of the commune security carrying out the arrests say: “We will kill all the Cham people and will not spare anyone.”⁴²⁶⁵ Sos Romly worked as a clerk to a commune chief in Kroch Chhmar District, the traditional Cham heartland. He testified that in 1977 the Sector 21 security chief, on learning that 15% of the original Cham in that commune still remained, informed him: “in the future those Cham people would be smashed until no one was left.”⁴²⁶⁶ Muy Vanny, an assistant to the Kang Meas District security chief, heard⁴²⁶⁷ that “there was a plan to exterminate all the Cham people.”⁴²⁶⁸ Van Mat testified that he heard Central Zone Secretary Ke Pauk state at a meeting of commune, sector, and district chiefs in August 1978 that the Cham — as an explicit group, or as one group amongst a larger contingent of “enemies” — needed to be “smashed,”⁴²⁶⁹ and exhorted them to return to their bases and “implement and achieve a hundred per cent of the Angkar’s policy.”⁴²⁷⁰ Sos Kamri, a worker in a mobile unit in Kampong Cham, confirmed before the court that he saw a publication during the DK regime stating that “Cham is the biggest enemy who must be totally smashed before 1980.”⁴²⁷¹ And a document seen by two witnesses in 1978 who were interviewed by Ben Kiernan stated that:

⁴²⁶³ **E3/9744** Muok Sengly WRI, A30.

⁴²⁶⁴ **E1/374.1** Say Doeun, T. 12 Jan 2016, 14.07.50-14.09.24.

⁴²⁶⁵ **E1/345.1** Seng Kuy, T. 10 Sept 2015, 10.15.33-10.19.46.

⁴²⁶⁶ **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.40.06-14.42.35. *See also* **E3/5196** Sos Romly WRI, EN 00223089.

⁴²⁶⁷ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.32.30-14.35.38.

⁴²⁶⁸ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.26.04-14.28.50; *see also* **E1/373.1** Muy Vanny, T. 11 Jan 2016, 13.51.32-13.53.30; **E3/9659** Muy Vanny WRI, A43, A66.

⁴²⁶⁹ **E1/398.1** Van Mat, T. 9 March 2016, 10.33.38-10.40.53, 10.45.40-10.47.40, 13.31.57-13.36.35, 13.41.00-13.42.45; **E3/5209** Van Mat WRI, EN 00242068; **E3/8735** Van Mat WRI, EN 00722240-41.

⁴²⁷⁰ **E1/398.1** Van Mat, T. 9 March 2016, 10.45.40-10.47.40.

⁴²⁷¹ **E3/5216** Sos Kamri WRI, EN 00225497. *See also* **E1/415.1** Sos Kamri, T. 6 April 2016, 10.34.32-10.36.11, 14.07.12-14.13.52; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219177; **E3/9750** Sos Kamri DC-Cam, EN 01222005.

we will not spare the Chams, because if spared they will resist ... [T]he Cham race is not to be spared So we undertake a policy of discarding them (*leah bong*) now. ... [T]hey must all be killed off. ... [N]ow, they must be smashed to pieces (*komtech kaol*). Whatever department they are in, they must be smashed to pieces.⁴²⁷²

1026. As Expert David Chandler testified: “By the end of 1978, the Khmer Rouge certainly had a policy of exterminating the Cham,”⁴²⁷³ a policy that had a “very strong racist component.”⁴²⁷⁴ Expert Alexander Hinton concurred that the Cham were

targeted in part because of their religious beliefs which didn’t accord with DK ideology, the notion of the uniform citizen, the pure revolutionary that needed to be forged, and were targeted because of that, because of their customs, because they rebelled, because they had a different language, because they dressed differently, a number of those other categories that anthropologists call ethnic markers as well.⁴²⁷⁵

1027. In order to thoroughly carry out their extermination policy, the CPK “searched for the Cham.”⁴²⁷⁶ These efforts were hindered by two factors of the CPK’s prior policy. First, the previous years of forced homogenisation and movement had made Cham survivors more difficult to recognize.⁴²⁷⁷ Cham no longer wore traditional dress and hairstyles, avoided speaking their language, and often sought to hide their identity. Second, many local cadres who would have known families’ backgrounds had been killed in CPK purges and replaced by cadres from outside the area. Hence, as the CPK implemented the final solution, identifying who was Cham became a challenge. People were ordered to return to their home villages so that the CPK could see who resided in traditionally Cham villages,⁴²⁷⁸ and lists of Cham were created.⁴²⁷⁹ Witness You Vann testified that at one point the sector secretary ordered district and commune secretaries to go directly to the villages themselves to compile further lists because the leadership did not believe

⁴²⁷² **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147 [internal quotations omitted].

⁴²⁷³ **E1/93.1** David Chandler, T. 20 July 2012, 16.02.14-16.03.42.

⁴²⁷⁴ **E1/93.1** David Chandler, T. 20 July 2012, 16.03.42-16.04.58. *See also* **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830.

⁴²⁷⁵ **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.28.59-14.30.35.

⁴²⁷⁶ **E1/179.1** Francois Ponchaud, T. 10 April 2013, 13.44.06-13.46.40.

⁴²⁷⁷ **E1/398.1** Van Mat, T. 9 March 2016, 11.28.52-11.30.00.

⁴²⁷⁸ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219177; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.02.20-16.05.51; **E1/342.1** It Sen, T. 7 Sept 2015, 14.15.01-14.16.48, 15.59.42-16.02.01; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219205, *confirmed by* **E3/5195** It Sen WRI, EN 00242095; **E3/7519** Sann Yu Sofby Interview by Nate Thayer, EN 00667237. *See also* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150146 [CPK officials spread rumour Cham could go to Malaysia].

⁴²⁷⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 14.59.16-15.00.23; **E3/9654** Sok Meng Ly WRI, A12; **E1/350.1** No Sates, 15.55.43-15.56.59; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.00.44-10.02.51.

that the prior lists created by village chiefs had fully identified all the Cham.⁴²⁸⁰ Some Cham were able to survive the purges because they hid their ethnicity when interrogated by CPK officials as to whether they were Khmer or Cham.⁴²⁸¹

1028. These methods had their intended result of identifying Cham for mass executions. In “1977, the killing became intensified in Kampong Siem, Kang Meas, Stueng Trang and certain other locations as they conducted the purge. They actually rounded up the Cham people and they were taken away and killed *en masse*. No Cham people could survive the ordeal.”⁴²⁸² This was, as Hinton testified, a “systematic attempt to take them away and kill them because of who they are.”⁴²⁸³

IMPLEMENTATION OF THE GENOCIDAL POLICY AGAINST THE CHAM

1. Elimination of Cham Religious and Cultural Practices

1029. Across DK, the CPK prohibited Cham from practicing their religion, or expressing their culture, on pain of death,⁴²⁸⁴ thereby “forcing them to choose their faith and identity or the revolution and their lives.”⁴²⁸⁵ “Those who did not follow instructions would be considered enemies. We were prohibited from practising our religion or doing the worship and if we still did it, we would be considered enemies and taken away.”⁴²⁸⁶

1030. The instructions not to practice their religion, or to express their identity as Cham in other ways, had been passed down through the CPK hierarchy⁴²⁸⁷ and were repeatedly announced in meetings. Witnesses in both the East Zone⁴²⁸⁸ and Central Zone⁴²⁸⁹ stated that policies regarding the Cham came from the “upper echelon” or “upper level,” and any who opposed the policy were considered “betraying *Angkar*.”⁴²⁹⁰ Meetings were

⁴²⁸⁰ **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23.

⁴²⁸¹ **E1/350.1** No Sates, T. 28 Sept 2015, 14.14.56-14.18.51; **E1/351.1** No Sates, T. 29 Sept 2015, 11.19.49-11.24.44; **E3/4705** No Sates CPA, EN 00417852; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22; **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204414; **E3/5529** Man Heang WRI, A5.

⁴²⁸² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.59.23-16.00.20.

⁴²⁸³ **E1/403.1** Alexander Hinton, T. 16 March 2016, 16.03.51-16.05.18.

⁴²⁸⁴ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.13.50-09.15.18; **E3/5195** It Sen WRI, EN 00242095.

⁴²⁸⁵ **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957. *See generally* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142-01150151.

⁴²⁸⁶ **E1/350.1** No Sates, T. 28 Sept 2015, 13.58.18-14.00.42.

⁴²⁸⁷ *See* **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.46.55-10.48.57; **E1/343.1** It Sen, T. 8 Sept 2015, 09.15.34-09.16.38; **E1/350.1** No Sates, T. 28 Sept 2015, 15.35.47-15.38.56. *See also* **E3/7534** Sufeyyan Idres Interview by Nate Thayer, EN 00667254.

⁴²⁸⁸ **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13. *See also* **E1/343.1** It Sen, T. 8 Sept 2015, 09.15.34-09.16.38, 09.24.29-09.27.14, 10.55.42-10.57.32, 11.09.02-11.10.43; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30; **E1/350.1** No Sates, T. 28 Sept 2015, 15.38.56-15.40.20.

⁴²⁸⁹ **E1/350.1** Him Man, T. 28 Sept 2015, 11.20.00-11.24.30.

⁴²⁹⁰ **E1/350.1** No Sates, T. 28 Sept 2015, 15.38.56-15.40.20 [*italics added*].

held “quite often”⁴²⁹¹ where the policies were announced.⁴²⁹² “There were meetings held to explain us about the abandonment of religion. We were told not to practice our religions and try to work for the regime’s interests.”⁴²⁹³ No Sates testified that “[t]he meeting would take place once every month or even earlier than that and we were told not to speak Cham language. Our religion was abolished, we were prohibited from practising our religion and we were not allowed to do any prayers.”⁴²⁹⁴ As another witness testified, “after Khmer Rouge had taken control of the area, Cham people were merged with Khmer people. Traditional clothes, religions, were abolished at the time and they were turned into Khmer people.”⁴²⁹⁵

1031. Extensive evidence shows that “no Islam was allowed to be practised,”⁴²⁹⁶ “anything which was a religious discipline was prohibited.”⁴²⁹⁷ Commune and village leaders

⁴²⁹¹ **E1/415.1** Sos Kamri, T. 6 April 2016, 10.58.33-10.59.42.

⁴²⁹² **E1/350.1** No Sates, T. 28 Sept 2015, 13.58.18-14.00.42; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30; **E1/398.1** Van Mat, T. 9 March 2016, 11.30.00-11.31.53, 15.12.06-15.14.54; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.21.17-09.24.50; **E3/44** Phan Sovannhan WRI, EN 00295163; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.

⁴²⁹³ **E1/415.1** Sos Kamri, T. 6 April 2016, 10.57.02-10.58.33.

⁴²⁹⁴ **E1/350.1** No Sates, T. 28 Sept 2015, 13.58.18-14.00.42.

⁴²⁹⁵ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32.

⁴²⁹⁶ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.39.25-15.41.04. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.49.13-13.50.50; **E3/390** Math Ly Interview, EN 00436857. **Central Zone:** **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.54.10-10.55.21; **E3/7513** Ruin Him Interview, EN 00667231; **E3/5203** Him Man WRI, EN 00242090; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.28.18-10.30.22; **E3/5301** Seng Kuy Complaint, EN 00210482; **E1/346.1** Seng Srun, T. 14. Sept 2015, 09.32.11-09.33.55; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56; **E3/5255** Or Ho WRI, EN 00250047; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.52.48-15.54.05; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.10.03-14.11.33; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5204** Sman At WRI, EN 00242082; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.15.14-14.16.56. **East Zone:** **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement submitted by Amnesty International*, August 1978, EN 00271509-10; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667269-70, 00667272; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55, 14.20.34-14.21.44; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053301; **E1/354.1** Ban Seak, T. 6 Oct 2015, 10.59.38-11.01.45; **E3/375** Ban Seak WRI, EN 00360759; **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48, 13.38.09-13.40.13; **E3/5195** It Sen WRI, EN 00242095; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.43.08-09.45.03; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39, 15.30.30-15.33.05; **E3/5210** Sos Min WRI, EN 00242073; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.28.52-11.30.00; **E3/5209** Van Mat WRI, EN 00242067; **E3/5205** Man Sen WRI, EN 00275164; **E3/7679** Sa Nau WRI, EN 00242061; **E3/5289** Kae Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340173; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.40.09-13.41.52; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.39.20-15.41.15. **Northwest Zone:** **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667254; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.18.47; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7551** Yatogope Bin Ali Interview by Nate Nayther, EN 00053192; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7578** Hul Man Interview by Nate Thayer, EN 00053146; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246-47; **E3/7502** Peang Romly Interview by Savy, EN 00667218. **Southwest Zone:** **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667211; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202. **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266-67.

informed Cham that “religion was considered reactionary.”⁴²⁹⁸ Cham were monitored,⁴²⁹⁹ and those who persisted in practicing Islam were arrested and disappeared or were killed.⁴³⁰⁰ In addition to prohibiting prayer,⁴³⁰¹ religious practice was suppressed in multiple ways. Cham religious and community leaders were targeted for arrest and killing.⁴³⁰² The loss of religious leaders deprived Cham of crucial knowledge that was fundamental to their community.⁴³⁰³

1032. Korans and other Islamic religious texts were confiscated and burned.⁴³⁰⁴ Res Tort, a *Hakim* of Koh Phal, recalled being called to a meeting at some point after 1974 where he was ordered to collect all the Korans in Koh Phal. He refused, and was arrested after

⁴²⁹⁷ **E1/415.1** Sos Kamri, T. 6 April 2016, 09.26.26-09.28.28. *See also* **E3/390** Math Ly Interview by Steve Heder, EN 00436857.

⁴²⁹⁸ **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.39.20-15.41.15. *See also* **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.

⁴²⁹⁹ **E1/415.1** Sos Kamri, T. 6 April 2016, 10.57.02-10.58.33.

⁴³⁰⁰ **E3/390** Math Ly Interview, EN 00436866. **East Zone:** **E3/7588** Kob Math Interview, EN 00667271; **E1/342.1** It Sen, T. 7 Sept 2015, 13.38.09-13.40.13, 13.43.13-13.45.00; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667249; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143. **Northwest Zone:** **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667253-54. **Central Zone:** **E1/350.1** Him Man, T. 28 Sept 2015, 11.15.00-11.17.15; **E3/5204** Sman At WRI, EN 00242082. **Southwest Zone:** **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218, 00053221.

⁴³⁰¹ *See e.g.* **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, *confirmed by* **E3/5192** Ismael Maisam WRI, EN 00242110.

⁴³⁰² **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50, 10.50.05-10.51.54, 13.48.30-13.52.22; **E3/9750** Sos Kamri DC-Cam, EN 01222010; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078570-72; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142. **Phnom Penh:** **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212. **Central Zone:** **E3/7257** Michael Vickery, *Democratic Kampuchea — CIA to the Rescue*, EN 00993728; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231, 00667232; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235-36; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831. **East Zone:** **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/7679** Sa Nau WRI, EN 00242061; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.49.50-09.56.13, 09.14.30-09.16.14, 09.48.28-09.49.50, 09.55.08-09.56.13, 09.56.13-09.59.02; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219075; **E3/5680** Strong Muhamed Interview by Nate Thayer, EN 00053298-99; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.34.37-09.36.18; 09.42.08-09.44.08; 09.45.52-09.47.23, 14.24.37-14.26.42; **E3/5207** Mat Ysa WRI, EN 00242078; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.33.50-15.36.44; **E1/375.1** Math Sor, T. 13 Jan 2016, 11.06.24-11.08.38; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667249; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228. **Northwest Zone:** **E1/393.1** Meu Peou, T. 29 Feb 2016, 10.43.51-10.49.28. **Southwest Zone:** **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053137; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278. **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266.

⁴³⁰³ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.06.00-10.08.40.

⁴³⁰⁴ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 13.35.56-13.39.18; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957. **Central Zone:** **E1/415.1** Sos Kamri, T. 6 April 2016, 10.40.13-10.42.10. **East Zone:** **E1/398.1** Van Mat, T. 9 March 2016, 09.40.52-09.42.08, 11.30.00-11.31.53; **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55. **Northwest Zone:** **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667253.

cadres had destroyed two places of worship in his village.⁴³⁰⁵ Mosques were closed, destroyed, or desecrated by being converted to secular uses, including as pigsties,⁴³⁰⁶ and religious instruction was prohibited.⁴³⁰⁷ The Director of the Supreme Islamic Centre in Cambodia estimated that 80 to 90% of the mosques in Cambodia were destroyed during the DK period.⁴³⁰⁸ Cham were prohibited from fasting during Ramadan.⁴³⁰⁹ When Cham died, they were prevented from conducting religiously appropriate burials.⁴³¹⁰ The Cham language was “now banned as ‘a foreign language,’”⁴³¹¹ and Cham were forced to speak Khmer.⁴³¹² “It was imperative for them to speak the Khmer

⁴³⁰⁵ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340201-02.

⁴³⁰⁶ **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957. **Central Zone:** **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E1/415.1** Sos Kamri, T. 6 April 2016, 10.40.13-10.42.10; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E3/5256** Hok Hoeun WRI, EN 00251307; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.33.55-09.36.33; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667270-71; **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; **E1/398.1** Van Mat, T. 9 March 2016, 09.40.52-09.42.08; **E1/371.1** Sos Romly, 15.39.20-15.43.41; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234, 00667236; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228. **Southwest Zone:** **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667203; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053137; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218-19. **Northwest Zone:** **E3/6166** Meu Peou CPA, EN 01205013; **E3/7578** Hul Man Interview by Nate Thayer, EN 00053144; **E3/7534** Sufeeyan Idres Interview by Nate Thayer, EN 00667253; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7502** Peang Romly Interview by Savy, EN 00667218; **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266. See also **E3/1815** Ben Kiernan, *How Pol Pot Came to Power*, EN 00487502.

⁴³⁰⁷ **Central Zone:** **E1/415.1** Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26. **East Zone:** **E1/398.1** Van Mat, T. 9 March 2016, 09.36.18-09.38.15.

⁴³⁰⁸ **E1/415.1** Sos Kamri, T. 6 April 2016, 11.04.15-11.08.05. See also **E3/1822** Ysa Osman, *Oukoubah*, EN 00078567.

⁴³⁰⁹ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667248.

⁴³¹⁰ **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.31.13-09.33.44; **E3/7320** Karl Jackson, *Cambodia 1975-1978*, EN 00394155-56.

⁴³¹¹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149998; **E3/3346** Alexander Hinton, *Why Did They Kill?*, EN 00431648.

⁴³¹² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.44.12-13.47.1913.49.13-13.50.50. **Central Zone:** **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.13.14-14.15.14; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/4706** Him Man CPA, EN 00417861; **E3/5301** Seng Kuy Complaint, EN 00210482; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.26.26-09.28.28; **E3/5216** Sos Kamri WRI, EN 00225496; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.52.48-15.54.05; **E3/9349** Chuop Non WRI, EN 00244158; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667270, 00667272; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053301; **E3/5195** It Sen WRI, EN 00242095; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39, 15.30.30-15.33.05; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.33.27-11.35.46; **E3/5289** Kae Noh WRI, EN 00340182; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.45.03-09.47.02; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143. **Southwest Zone:** **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202, 00667204; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136, 00053139; **E3/7517** Saleh Interview by Nate Thayer, EN 00053277. **Northwest Zone:** **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7555** Zakreyah

language.”⁴³¹³ If they were caught speaking Cham they were punished or killed.⁴³¹⁴ “The rule also applied to young children.”⁴³¹⁵ The prohibition on the Cham language has had effects even until this day in reducing the number of Cham who know the language.⁴³¹⁶

1033. The CPK forced Cham to eat pork and other prohibited foods⁴³¹⁷ knowing that the foods were religiously prohibited,⁴³¹⁸ and even though pork was in short supply.⁴³¹⁹ Cham were told that if they “refused to eat pork, that person would be considered opposing *Angkar*,”⁴³²⁰ and those who did refuse were threatened, punished, or killed.⁴³²¹ One

Interview by Nate Thayer, EN 00855135; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260-61; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150150; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228-29. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246-47; **E3/7502** Peang Romly Interview by Savy, EN 00667218. **Sector 505:** **E3/1678** Toulas Sma WRI, EN 00353498; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150144.

4313 **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.16.56-14.19.32.

4314 **East Zone:** **E1/398.1** Van Mat, T. 9 March 2016, 11.33.27-11.34.35; **E1/342.1** It Sen, T. 7 Sept 2015, 13.43.13-13.45.00; **E3/390** Math Ly Interview with Steve Heder, EN 00436857. **Northwest Zone:** **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17. **Central Zone:** **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.19.32-14.21.29; **E3/5301** Seng Kuy OCP Statement, EN 00210482.

4315 **E1/342.1** It Sen, T. 7 Sept 2015, 13.43.13-13.45.00.

4316 **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.49.13-13.50.50.

4317 **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451; **Central Zone:** **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/5289** Kae Noh WRI, EN 00340183; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110; **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E1/350.1** Him Man, T. 28 Sept 2015, 09.35.05-09.37.16; **E1/415.1** Sos Kamri, T. 6 April 2016, 11.08.05-11.09.53; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56; **E3/5255** Or Ho WRI, EN 00250047; **E3/5204** Sman At WRI, EN 00242082; **E1/88.1** Yun Kim, T. 19 June 2012, 11.53.18-11.57.20; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667269; **E3/5680** Strong Muhamed Interview by Nate Thayer, EN 00053298-99; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.31.53-11.33.27; **E3/5209** Van Mat WRI, EN 00242067; **E3/5289** Kae Noh WRI, EN 00340182; **E3/7680** Sok Preun WRI, EN 00275391; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150144. **Northwest Zone:** **E1/485.1** Huon Choeun, T. 18 Oct 2016, 10.48.54-10.52.12; **E3/9580** 2-TCW-1037 WRI, A59; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.22.25-09.24.50, 09.26.22-09.29.41; **E3/6166** Meu Peou CPA, EN 01205013; **E1/149.1** Hun Chun Ly, T. 6 December 2012, 15.43.12-15.46.08; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667245; **E3/7551** Yatogope Bin Ali Interview by Nate Thayer, EN 00053192; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **Southwest Zone:** **E1/288.1** Loop Neang, T. 3 April 2015, 15.41.38-15.43.20; 15.46.46-15.48.31; 15.56.16-15.58.03; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246; **E1/144.1** Pe Chuy Chip Se, T. 14 November 2012, 09.25.24-09.27.54; **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150150.

4318 **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.36.54-13.38.55; **E1/288.1** Loop Neang, T. 3 April 2015, 15.41.38-15.43.20.

4319 **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.30.40-13.34.04; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

4320 **E1/350.1** Him Man, T. 28 Sept 2015, 09.39.07-09.41.11 (*emphasis added*).

4321 **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.40.38-13.42.14; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.30.40-13.34.04; **E1/485.1** Huon Choeun, T. 18 Oct 2016, 10.48.54-10.52.12; **E3/9580** 2-TCW-1037 WRI, A59; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219176; **E1/349.1** Him Man, T. 17 Sept 2015, 11.09.06-11.12.23; **E1/350.1** Him Man, T. 28 Sept 2015, 09.37.16-09.39.07; **E3/5204** Sman At

witness stated that she “was asked to choose between a bullet and pork.”⁴³²² Indeed, none of the meat that Cham were provided by the CPK in cooperatives was prepared in a *halal* way.⁴³²³ “Some people were weeping while they were eating pork,”⁴³²⁴ while others “could not take it so they vomited after they ate it.”⁴³²⁵ Cham were also forced to raise pigs.⁴³²⁶ Cham were prohibited from wearing their traditional clothes,⁴³²⁷ including religiously-mandated headwear,⁴³²⁸ and Cham women were forced to cut their hair.⁴³²⁹

WRI, EN 00242082; **E3/5289** Kae Noh WRI, EN 00340183; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.29.41-09.31.13; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053217; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048852-53; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44, 01150150.

4322 **E3/9672** [REDACTED] WRI, A47.

4323 **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.28.40-11.30.40.

4324 **E1/349.1** Him Man, T. 17 Sept 2015, 11.09.06-11.12.23.

4325 **E1/342.1** It Sen, T. 7 Sept 2015, 14.10.23-14.12.54.

4326 **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219075; **E1/350.1** No Sates, T. 28 Sept 2015, 14.02.25-14.04.40; **E1/398.1** Van Mat, T. 9 March 2016, 11.31.53-11.33.27; **E3/4705** No Sates CPA, EN 00417851; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667248. *See also* **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048852-53.

4327 **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237858. **Central Zone:** **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.13.14-14.15.14; **E1/350.1** Him Man, T. 28 Sept 2015, 11.15.00-11.17.15; **E3/4706** Him Man CPA, EN 00417861; **E3/5301** Seng Kuy OCP Statement, EN 00210482; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.32.11-09.33.55; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26, 10.40.13-10.42.10; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667272; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053301; **E3/390** Math Ly Interview by Steve Heder, EN 00436856-57. **Southwest Zone:** **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136, 00053139; **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202, 00667204. **Northwest Zone:** **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053248. **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667267. **Zone 505:** **E1/88.1** Yun Kim, T. 19 June 2012, 11.54.58-11.57.20.

4328 **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451. **Central Zone:** **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E3/9349** Chuop Non WRI, EN 00244158. **East Zone:** **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.12.43-09.14.30; **E1/398.1** Van Mat, T. 15.12.06-15.14.54. **Northwest Zone:** **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.21.17-09.22.25; **E3/7555** Zakheyah Interview by Nate Thayer, EN 00855135; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667229.

4329 **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451. **East Zone:** **E1/393.1** Man Sles, T. 29 Feb 2016, 13.40.09-13.41.52; **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; 13.38.09-13.40.13; **E3/5195** It Sen WRI, EN 00242095; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.43.08-09.45.03; **E1/372.1** Sos Romly, 8 Jan 2016, 09.07.25-09.09.55; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 15.12.06-15.14.54; **E3/390** Math Ly Interview by Steve Heder, EN 00436856. **Southwest Zone:** **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202; **E3/7482** (misnumbered on document as E3/4782) Mak Katheet Interview by Nate Thayer, EN 00667211. **Northwest Zone:** **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.53.41-09.57.33. **Central Zone:** **E1/350.1** Him Man, T. 28 Sept 2015, 11.15.00-11.20.00; **E3/4706** Him Man CP App, EN 00417861; **E1/415.1** Sos Kamri, T. 6 April 2016, 10.39.10-10.40.13; **E3/5216** Sos Kamri WRI, EN 00225496; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234.

a) Ramadan 1975 — Cham Rebel to Preserve Religion

1034. In September and October 1975,⁴³³⁰ two uprisings occurred approximately two weeks apart⁴³³¹ in separate Cham communities in the heartland of Cham cultural and intellectual life in Cambodia, Kroch Chhmar District,⁴³³² in Sector 21 of the East Zone. These two 1975 rebellions had been preceded by a small 1973 protest in Trea 5 village where Cham burned a Khmer Rouge office.⁴³³³ The restrictions on the communities' religious practices were particularly resented at this time in 1975 as it was the Muslim fasting period of Ramadan.⁴³³⁴ Expert Ysa Osman, who studied the rebellions, testified:

The purpose of the rebellion was to seek freedom, the freedom to practice their religious belief and to preserve their traditions. That was the demand and it was the demand for freedom and not with the intention to overthrow the Democratic Kampuchea regime.⁴³³⁵

1035. These uprisings, in Koh Phal⁴³³⁶ and Svay Khleang,⁴³³⁷ were “repressed by massive retaliation that soon affected the Cham population of the whole country.”⁴³³⁸ But the willingness of the Cham to stand up and defend their religion against superior CPK forces was certainly noticed by the CPK leaders, and the rebellions clearly accelerated the evolution of the CPK toward viewing all Cham as enemies to be eliminated. “[W]hat angered the Khmer Rouge about the Cham ... was their stubbornness at holding on to their religion ... they saw people who were refusing to abandon their religion, refusing to accept the ‘new religion’ of the Khmer Rouge.”⁴³³⁹

⁴³³⁰ **E1/350.1** No Sates, T. 28 Sept 2015, 13.37.26-13.39.06; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37.

⁴³³¹ **E1/343.1** Sos Min, T. 8 Sept 2015, 16.02.53-16.05.50; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37.

⁴³³² **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.59.38-14.01.24; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219062; **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.10.38-15.12.33. *See generally* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138-01150142.

⁴³³³ **E3/5261** Sau Seimech WRI, EN 00274335-36; **E1/372.1** Sos Romly, T. 8 Jan 2016, 13.39.22-13.41.40; **E3/5196** Sos Romly WRI, EN 00223086-87; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37, 13.50.50-13.52.55. *See also* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/9** Philip Short, *Pol Pot*, EN 00396454.

⁴³³⁴ **E3/9750** Sos Kamri DC-Cam, EN 01222009; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, *confirmed by* **E3/5206** Teh Sren WRI, EN 00275379; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, *confirmed by* **E3/5205** Man Sen WRI, EN 00275163.

⁴³³⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.52.55-13.54.08. *See also* **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.14.39-15.17.19; **E3/390** Mat Ly Interview by Steve Heder, EN 00436856.

⁴³³⁶ Also Romanized as “Kaoh Phal”. *See generally* **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114-37.

⁴³³⁷ *See generally* **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219138-72.

⁴³³⁸ **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

⁴³³⁹ **E1/93.1** David Chandler, T. 20 July 2012, 15.46.39-15.48.38.

1) Koh Phal Rebellion

1036. Koh Phal was a Cham village of approximately 1,900 residents⁴³⁴⁰ located on an island in the Mekong River.⁴³⁴¹ The CPK had imposed gradually increasing restrictions on Cham religious and cultural practices, as well as conducted a series of arrests, since they took control of Koh Phal in 1973.⁴³⁴² The rebellion was a reaction to this repression.⁴³⁴³

1037. Cham on Koh Phal had resisted CPK attempts to stop them from practicing their religion,⁴³⁴⁴ from praying,⁴³⁴⁵ from fasting during Ramadan,⁴³⁴⁶ and from wearing traditional attire.⁴³⁴⁷ Khmer Rouge authorities had confiscated and burned Korans,⁴³⁴⁸ forced women to cut their hair,⁴³⁴⁹ closed mosques,⁴³⁵⁰ and arrested many Cham leaders and villagers.⁴³⁵¹

1038. In September 1975, the sub-district chief called the villagers to a meeting at the mosque.⁴³⁵² He announced that 40 religious leaders were going to be taken away for “training”, and he announced a five-point plan that was to be implemented strictly: 1) Cham women had to cut their hair short and stop wearing the head scarf; 2) Korans must be gathered and burned; 3) all Cham in Koh Phal must raise pigs and eat pork; 4) they must stop praying and close the mosques; and, 5) Cham men and women must marry other ethnic groups and not other Cham.⁴³⁵³ The meeting lasted past the sunset

⁴³⁴⁰ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114

⁴³⁴¹ **E1/389.1** Ysa Osman T. 10 Feb 2016, 14.20.57-14.23.11; **E1/342.1** It Sen, T. 7 Sept 2015, 13.50.48-13.53.29.

⁴³⁴² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00; **E3/5204** Sman At WRI, EN 00242081.

⁴³⁴³ **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; 13.55.51-13.58.28; **E1/343.1** It Sen, T. 8 Sept 2015, 09.34.50-09.37.12; **E3/9750** Sos Kamri DC-Cam, EN 01222008-09; **E3/7588** Kob Math Interview, EN 00667271; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, *confirmed by* **E3/5192** Ismael Maisam WRI, EN 00242110.

⁴³⁴⁴ **E3/5204** Sman At WRI, EN 00242081.

⁴³⁴⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

⁴³⁴⁶ **E3/9750** Sos Kamri DC-Cam, EN 01222009.

⁴³⁴⁷ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

⁴³⁴⁸ **E3/5204** Sman At WRI, EN 00242081; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125, *confirmed by* **E3/5289** Kae Noh WRI, EN 00340180-81; **E3/5290** Chhi Ly WRI, 00340171; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119.

⁴³⁴⁹ **E3/5204** Sman At WRI, EN 00242081.

⁴³⁵⁰ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

⁴³⁵¹ **E3/5204** Sman At WRI, EN 00242081; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219124, *confirmed by* **E3/5290** Chhi Ly WRI, 00340170.

⁴³⁵² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37, 10.39.00-10.41.21; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, *confirmed by* **E3/7766** Res Tort WRI, EN 00340202; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219115-16, 00219120, 00219126, 00219130; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594. *See also* **E3/5289** Kae Noh WRI, EN 00340181.

⁴³⁵³ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.44.10-10.47.12; **E1/389.1** Ysa Osman, T. 10 Feb 2016,

prayer time, at which point one of the villagers stood up and made the call for prayer, and the villagers rose and refused to allow the cadres to arrest the leaders.⁴³⁵⁴ The CPK forces that were present realised they were outnumbered and withdrew.⁴³⁵⁵ A few days later, sector⁴³⁵⁶ and district forces⁴³⁵⁷ began shelling and firing on the island from boats.⁴³⁵⁸ Attacks occurred over a series of days, and near the end of the month the CPK forces entered the village and gunned down hundreds of people,⁴³⁵⁹ shooting “men, women, children and the elderly and infirm”⁴³⁶⁰ until “[b]lood flowed like water.”⁴³⁶¹ The villagers were armed only with swords and knives,⁴³⁶² while the cadres had machine guns and artillery.⁴³⁶³ Some Cham tried to escape but were captured and executed.⁴³⁶⁴

1039. “[T]here were countless death of the villagers there.”⁴³⁶⁵ Based on witness estimates, approximately 1,000 Cham died during the fighting.⁴³⁶⁶ Multiple pits containing 30 to

13.44.03-13.47.14; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340202; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219126, 00219127, 00219130-31.

⁴³⁵⁴ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.39.00-10.41.21, 10.47.12-10.51.15; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219121, 00219127, 00219130; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119-20, confirmed by **E3/7766** Res Tort WRI, EN 00340202.

⁴³⁵⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.47.12-10.49.50; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219132-33.

⁴³⁵⁶ **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.02.32-14.04.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.08.24-09.09.54; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52.

⁴³⁵⁷ **E1/343.1** It Sen, T. 8 Sept 2015, 09.41.50-09.44.15; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52.

⁴³⁵⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15; **E1/343.1** It Sen, T. 8 Sept 2015, 09.45.23-09.47.48; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340202, 00340203; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, 00219123-24; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; see also **E1/342.1** It Sen, T. 7 Sept 2015, 13.50.48-13.55.51; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125.

⁴³⁵⁹ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219120, confirmed by **E3/7766** Res Tort WRI, EN 00340202. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.53.23; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219121.

⁴³⁶⁰ **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219118, 00219122-27, 00219130, 00219133. See also **E1/388.1** Ysa Osman T. 9 Feb 2016, 10.49.50-10.51.15; **E1/342.1** It Sen, T. 7 Sept 2015, 13.53.29-13.55.51; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594-95; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125-26; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20.

⁴³⁶¹ **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594-95.

⁴³⁶² **E3/5289** Kae Noh WRI, EN 00340181; **E3/7786** Pen Sot WRI, 00251068; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15; **E3/7766** Res Tort WRI, EN 00340203; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219123, 00219127-28.

⁴³⁶³ **E3/5289** Kae Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340172; **E3/7786** Pen Sot WRI, 00251068; **E3/7821** Math Ly DC-Cam, EN 00441577.

⁴³⁶⁴ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23.

⁴³⁶⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15. See also **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/7766** Res Tort WRI, EN 00340203.

⁴³⁶⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219118.

40 people each were dug to bury the bodies.⁴³⁶⁷ After the rebellion, the women who had refused to cut their hair were forced to do so,⁴³⁶⁸ and all Cham were forced to leave the island.⁴³⁶⁹ Some Cham were arrested on accusation of participating in the rebellion, and sent away in horse carts never to be seen again.⁴³⁷⁰ As discussed further below, survivors were dispersed to other regions.

1040. So complete was the destruction of Koh Phal that the CPK themselves renamed it Koh Phes (Island of Ashes),⁴³⁷¹ and CPK officials used the crackdown as a cautionary tale to other Cham not to resist. “After the revolt, the Khmer Rouge used the name of Koh Phal for reeducation purposes or as a warning or threat against other villages across the country. People were warned not to revolt like those in Koh Phal or their village would be turned into Koh Phes too.”⁴³⁷²

2) Svay Khleang Rebellion

1041. Approximately two weeks later, in October, similar events played out in Svay Khleang.⁴³⁷³ The Khmer Rouge had arrived in Svay Khleang by 1973.⁴³⁷⁴ “There were thousands of Cham families living there.”⁴³⁷⁵

1042. The Khmer Rouge began gradually restricting Cham religious and cultural practices.⁴³⁷⁶ “We had to live our lives following the Khmer ways; not the Cham ways. ...

⁴³⁶⁷ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23; **E3/5289** Kae Noh WRI, EN 00340182; **E3/5204** Sman At WRI, EN 00242082; **E3/2631** Report on CGP Mapping Team Visit to Kampong Cham Province, EN 00208308; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219120; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219137; **E3/9750** Sos Kamri DC-Cam, EN 01222008.

⁴³⁶⁸ **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180.

⁴³⁶⁹ **E1/447.1** Meas Soeurn, T. 30 June 2016, 10.14.15-10.16.25; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.50.20-09.52.25, 14.27.52-14.30.16; **E3/5289** Kae Noh WRI, EN 00340182; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219130; **E3/3921R** Express TV, *The Land of Silence*, 00:00-00:50.

⁴³⁷⁰ **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126.

⁴³⁷¹ **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E1/350.1** Him Man T. 28 Sept 2015, 11.09.43-11.12.39; **E3/9750** Sos Kamri DC-Cam, EN 01222008; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/9750** Sos Kamri DC-Cam, EN 01222008; **E3/5289** Kae Noh WRI, EN 00340182; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20.

⁴³⁷² **E3/9750** Sos Kamri DC-Cam, EN 01222008. See also **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174; **E1/349.1** Him Man, T. 17 Sept 2015, 14.35.04-14.36.54; **E3/5531** Meas Soeun WRI, A50; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135.

⁴³⁷³ **E1/388.1** Ysa Osman T. 9 Feb 2016, 10.03.15-10.05.37.

⁴³⁷⁴ **E1/343.1** Sos Min, T. 8 Sept 2015, 15.05.03-15.06.50; **E3/4780** Sos Min SIF, EN 00893529; **E3/5205** Man Sen WRI, EN 00275162; **E3/5206** Teh Sren WRI, EN 00275379; **E3/5210** Sos Min WRI, EN 00242072; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.

⁴³⁷⁵ **E1/350.1** No Sates, T. 28 Sept 2015, 15.29.20-15.31.08.

⁴³⁷⁶ **E3/5210** Sos Min WRI, EN 00242072; **E3/9136** Sos Min DC-Cam, EN 01133234.

[E]veryday life had become stricter day by day.”⁴³⁷⁷ Prior to the uprising, Cham in Svay Khleang had been prevented from practicing their religion,⁴³⁷⁸ prohibited from fasting during Ramadan,⁴³⁷⁹ forced to eat pork,⁴³⁸⁰ prohibited from speaking Cham,⁴³⁸¹ and prohibited from wearing traditional clothing.⁴³⁸² Cham women had been forced to cut their hair,⁴³⁸³ the villagers had been prevented from utilizing the mosque,⁴³⁸⁴ which had been converted to secular uses,⁴³⁸⁵ and Korans had been collected and burned.⁴³⁸⁶ Civil Party Sos Min told the Court:

We were forced to eat the food that we could not eat. And if we did not eat, we would be accused of not giving up to our religious practice. And that would be subject to be monitored. If we opposed any of the principles they imposed, then we would be accused of being an enemy of Angkar.⁴³⁸⁷

1043. In addition, Cham religious leaders⁴³⁸⁸ and villagers had been increasingly arrested.⁴³⁸⁹

Many were taken to Kroch Chhmar District security centre.⁴³⁹⁰ There were arrests

⁴³⁷⁷ **E3/5193** No Sates WRI, EN 00274703-04.

⁴³⁷⁸ **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E1/350.1** No Sates, T. 28 Sept 2015, 13.42.41-13.44.26, 15.33.24-15.35.47; **E3/9136** Sos Min DC-Cam, EN 01133235.

⁴³⁷⁹ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/9750** Sos Kamri DC-Cam, EN 01222009; **E3/4780** Sos Min SIF, EN 00893529.

⁴³⁸⁰ **E1/393.1** Man Sles, T. 29. Feb 2016, 14.12.37-14.15.13; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/4780** Sos Min SIF, EN 00893529; **E3/5205** Man Sen WRI, EN 00275163; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219157.

⁴³⁸¹ **E1/393.1** Man Sles, T. 29 Feb 2016, 14.12.37-14.15.13; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/4780** Sos Min SIF, EN 00893529; **E3/390** Math Ly Interview, EN 00436857.

⁴³⁸² **E1/350.1** No Sates, T. 28 Sept 2015, 15.33.24-15.38.56; **E3/4780** Sos Min SIF, EN 00893529.

⁴³⁸³ **E1/350.1** No Sates, T. 28 Sept 2015, 15.35.47-15.38.56; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/9136** Sos Min DC-Cam, EN 01133234; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E3/5205** Man Sen WRI, EN 00275163; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219164.

⁴³⁸⁴ **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

⁴³⁸⁵ **E1/393.1** Man Sles, T. 29 Feb 2016, 14.24.05-14.26.00.

⁴³⁸⁶ **E1/350.1** No Sates, T. 28 Sept 2015, 15.33.24-15.35.47; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.57.47-16.01.15; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219157, 00219164.

⁴³⁸⁷ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30.

⁴³⁸⁸ **E1/343.1** Sos Min, T. 8 Sept 2015, 15.55.25-16.01.15; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.40.09-13.44.40, 14.24.05-14.39.45; **E3/5205** Man Sen WRI, EN 00275162; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221858-59, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/6714** Man Sles CPA, EN 01089919; **E1/350.1** No Sates, T. 28 Sept 2015, 15.40.20-15.42.37.

⁴³⁸⁹ **E1/393.1** Man Sles, T. 29 Feb 2016, 14.26.00-14.39.45; **E3/6714** Man Sles CPA, EN 01089919; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221858-59, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/9136** Sos Min DC-Cam, EN 01133235; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219147, 00219148, 00219158, 00219164.

⁴³⁹⁰ **E1/393.1** Man Sles, T. 29. Feb 2016, 13.41.52-13.44.40; 14.24.05-14.37.10; **E3/6714** Man Sles CPA, EN

almost every night on accusation that the individuals had violated the restrictions.⁴³⁹¹ No Sates testified:

those who were arrested never returned. And that was the root cause of rebellion that took place in Svay Khleang. They were afraid that the arrest would continue. For that reason, they had no choice but to rebel. ... They said they would rather die than get arrested, detained and mistreated. ... Because by that time, every single night, about 20 or 30 of them would be arrested and taken away by the Khmer Rouge. Who on earth could put up with that kind of torture?⁴³⁹²

1044. These restrictions and arrests prompted the uprising,⁴³⁹³ and the rebellion began at the end of Ramadan.⁴³⁹⁴ As one witness testified “we had to resist for the survival of our religion.”⁴³⁹⁵ There was no organised plan or clear leadership in regards to the rebellion.⁴³⁹⁶ A number of Cham had gone to pray in the mosque that day and the villagers learned that the CPK cadres intended to arrest those who had.⁴³⁹⁷

1045. Svay Khleang consisted of a number of villages, however villages 5 and 6, which were entirely Cham, were the primary participants in the uprising.⁴³⁹⁸ The Cham knew they were no match for the better-armed, more numerous CPK forces, but proceeded anyway: “We thought that we would be killed if we stayed still, and we would be killed just the same if we fought against them. After discussing these two options, we agreed that we would fight against them and would rather die by being shot than waiting for the Khmer Rouge to arrest us and take us to be killed.”⁴³⁹⁹ The villagers had only two firearms (one of which was captured from the CPK cadres),⁴⁴⁰⁰ with only ten bullets,⁴⁴⁰¹

01089919.

⁴³⁹¹ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.19.39-14.25.21; **E3/9136** Sos Min DC-Cam, EN 01133234.

⁴³⁹² **E1/351.1** No Sates, T. 29 Sept 2015, 09.13.15-09.17.54. *See also* **E1/351.1** No Sates, T. 29 Sept 2015, 10.44.25-10.46.47; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.29.32-14.32.02.

⁴³⁹³ **E3/9750** Sos Kamri DC-Cam, EN 01222008-09; **E1/350.1** No Sates, T. 28 Sept 2015, 15.40.20-15.42.37; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.44.40-13.48.34, 14.10.45-14.12.37, 15.00.50-15.01.53, 15.09.50-15.12.05, 15.13.20-15.16.22; **E3/6714** Man Sles CPA, EN 01089920.

⁴³⁹⁴ **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219112. *See also* **E1/343.1** Sos Min, T. 8 Sept 2015, 14.34.25-14.37.09.

⁴³⁹⁵ **E1/393.1** Man Sles, T. 29. Feb 2016, 13.44.40-13.45.37.

⁴³⁹⁶ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.08.35-10.10.39.

⁴³⁹⁷ **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.29.32-14.34.25; 14.34.25-14.37.09; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.07.04-10.08.35; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, *confirmed by* **E3/5206** Teh Sren WRI, EN 00275379; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, *confirmed by* **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218582; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219148, 00219154, 00219162, 00219165.

⁴³⁹⁸ **E1/344.1** Sos Min, T. 9 Sept 2015, 09.36.53-09.39.30; 10.50.30-10.56.01; 11.34.34-11.36.10; **E3/9136** Sos Min DC-Cam, EN 01133242.

⁴³⁹⁹ **E3/9136** Sos Min DC-Cam, EN 01133236.

⁴⁴⁰⁰ **E1/343.1** Sos Min, T. 8 Sept 2015, 16.02.53-16.05.50; **E1/344.1** Sos Min, T. 9 Sept 2015, 11.06.41-11.08.20; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; 15.13.20-15.16.22; **E1/388.1** Ysa

and otherwise were armed only with swords and knives. The CPK cadres, on the other hand, had both light and heavy weapons, including AK-47s and artillery.⁴⁴⁰² “[T]here was no way that the rebellion would defeat the Khmer Rouge because, you can imagine, on one side, there were only knives and swords while on the Khmer Rouge side, there were guns. So it was defeated. We surrendered and submitted to them.”⁴⁴⁰³

1046. The rebellion was put down after approximately one day⁴⁴⁰⁴ by hundreds of heavily-armed forces from the district, sector, and zone levels.⁴⁴⁰⁵ Hundreds of Cham died in the suppression of the rebellion,⁴⁴⁰⁶ and few, if any, CPK cadres did.⁴⁴⁰⁷ Those Cham who survived were rounded up, sent out of Svay Khleang,⁴⁴⁰⁸ and detained at several locations⁴⁴⁰⁹ in Kroch Chhmar District, including the district security office.⁴⁴¹⁰ Many of

Osman, T. 9 Feb 2016, 10.08.35-10.10.39; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

4401 **E1/344.1** Sos Min, T. 9 Sept 2015, 11.50.55-11.53.46.

4402 **E1/343.1** Sos Min, T. 8 Sept 2015, 16.05.50-16.08.14; **E3/9136** Sos Min DC-Cam, EN 01133243; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.54.08-13.55.22.

4403 **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29.

4404 **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; **E3/6714** Man Sles CPA, EN 01089920; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.03.00-10.05.32; **E3/4780** Sos Min SIF, EN 00893530; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.08.35-10.10.39; **E1/350.1** No Sates, T. 28 Sept 2015, 13.53.56-13.56.53.

4405 **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.02.32-14.04.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.08.24-09.09.54; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219149, 00219154, 00219159-60, 00219162-63; **E3/7998** Din Paet DC-Cam, EN 00726177; **E3/4780** Sos Min SIF, EN 00893530; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

4406 **E1/351.1** No Sates, T. 29 Sept 2015, 09.31.06-09.33.21; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.42.20-14.44.50; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.00.48-10.03.00; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 14.02.08-14.04.42; 14.08.32-14.10.55; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218582; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219149-50, 00219157-58, 00219160, 00219162-63, 00219165, 00219186; **E3/7998** Din Paet DC-Cam, EN 00726177.

4407 **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.58.14-13.59.38; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219154, 00219158, 00219162; **E3/7998** Din Paet DC-Cam, EN 00726177.

4408 **E1/350.1** No Sates, T. 28 Sept 2015, 15.44.27-15.47.06; **E1/351.1** No Sates, T. 29 Sept 2015, 09.24.33-09.26.33; **E1/393.1** Man Sles, T. 29 Feb 2016, 15.01.53-15.04.45; **E3/4705** No Sates CPA, EN 00417850; **E3/6714** Man Sles CPA, EN 01089920.

4409 **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34, 15.01.53-15.04.45; **E3/6714** Man Sles CPA, EN 01089920; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.42.20-14.47.20; **E3/4780** Sos Min SIF, EN 00893530; **E1/350.1** No Sates T. 28 Sept 2015, 13.47.28-13.49.43; **E1/351.1** No Sates T. 29 Sept 2015, 09.35.13-09.39.59; **E3/9136** Sos Min DC-Cam, EN 01133245; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219143-44, 00219150, 00219154, 00219157, 00219158, 00219160, 00219162, 00219163, 00219165, 00219166, 00219168, 00219169, 00219186, 00219190; **E3/4705** No Sates CPA, EN 00417850; **E3/5206** Teh Sren WRI, EN 00275380; **E3/4780** Sos Min CPA, EN 00893530.

4410 **E1/343.1** Sos Min, T. 8 Sept 2015, 14.25.21-14.29.32; **E1/351.1** No Sates, T. 29 Sept 2015, 09.35.13-09.43.09.

those arrested were tortured, disappeared or were killed.⁴⁴¹¹ Some of the men accused of being leaders of the rebellion or who seemed particularly strong were killed immediately.⁴⁴¹² As discussed below, villagers were then dispersed to various areas across Cambodia.

2. Forced Transfer and Dispersal of Cham

1047. Forced transfers of Cham had already begun but accelerated following the Koh Phal and Svay Khleang rebellions.⁴⁴¹³ “[B]ringing in ethnic Khmer and placing the Cham in Khmer villages”⁴⁴¹⁴ served to disperse and dilute Cham communities by fracturing the structures through which they maintained Cham customs, language, and religion.⁴⁴¹⁵ The CPK Centre held meetings directly following the rebellions in which they agreed to transfer 150,000 Cham from the East Zone to the (old) North Zone and Northwest Zone in order “to disperse the Cham.”⁴⁴¹⁶

1048. It Sen testified that in Kroch Chhmar District following the rebellions “[t]he district committee, the commune committee, village chief and the village security guards ... ordered all of us to leave our village by boats in order to be transferred to Battambang at that time.”⁴⁴¹⁷ Sos Romly testified that by 1977, 80 to 85% of the Cham in Trea Commune had been transferred to the Central Zone.⁴⁴¹⁸

1049. Expert David Chandler explained to the Court:

⁴⁴¹¹ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.25.21-14.27.05, 14.44.50-14.47.20; **E1/393.1** Man Sles, T. 29. Feb 2016, 13.45.37-13.50.36; **E1/350.1** No Sates, T. 28 Sept 2015, 13.49.43-13.52.08; **E3/5193** No Sates WRI, EN 00274705; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.10.39-10.12.56; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219150, 00219158-59, 00219160, 00219162, 00219163-65; **E3/5206** Teh Sren WRI, EN 00275380; **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218583; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219157; **E3/9136** Sos Min DC-Cam, EN 01133245; **E3/4780** Sos Min CPA, EN 00893530.

⁴⁴¹² **E1/388.1** Ysa Osman T. 9 Feb 2016, 10.10.39-10.12.56; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219163.

⁴⁴¹³ See e.g. **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.41.12-09.43.25, 09.46.10-09.49.40, 10.42.10-10.43.40, 14.41.19-15.02.25; **E3/5216** Sos Kamri WRI, EN 00225496. **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.24.38-11.25.39; **E3/4706** Him Man CPA, EN 00417861; **E1/342.1** It Sen, T. 7 Sept 2015, 13.55.51-13.58.28; **E1/343.1** It Sen, T. 8 Sept 2015, 09.39.42-09.41.50; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204441; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174; **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12.

⁴⁴¹⁴ **E3/390** Math Ly Interview with Steve Heder, EN 00436856.

⁴⁴¹⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.06.38-10.08.26; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 10.07.45-10.09.42; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957.

⁴⁴¹⁶ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 Nov 1975, EN 00766762-63.

⁴⁴¹⁷ **E1/342.1** It Sen, T. 7 Sept 2015, 13.58.28-14.00.44.

⁴⁴¹⁸ **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.42.50-09.46.08, 14.40.06-14.42.35.

The motive for breaking the Cham up ... is simply ... to break them up. These are autonomous systematic communities with patterns of authority, consistency of religion, a local — shared local history — exactly the sorts of nodules, if you like, that the regime wanted to break up, along with families, city dwellers, army people, Buddhist monks. They represented an implicit threat by just maintaining their collective identity, which of course they were very eager to maintain and continue to maintain until it was — until they were broken up.⁴⁴¹⁹

1050. Villagers from Koh Phal⁴⁴²⁰ and Svay Khleang⁴⁴²¹ were all transferred to multiple parts of the Central and Eastern Zones, and some disappeared. Tens if not hundreds of thousands⁴⁴²² of villagers from multiple other Cham communities⁴⁴²³ in the East⁴⁴²⁴ and Central Zones⁴⁴²⁵ and other zones⁴⁴²⁶ were also ordered⁴⁴²⁷ to relocate beginning in late

⁴⁴¹⁹ **E1/93.1** David Chandler, T. 20 Jul 2012, 15.56.13-15.57.27.

⁴⁴²⁰ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23, 14.07.33-14.08.56, 14.12.35-14.14.54; **E3/5204** Sman At WRI, EN 00242082-83; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.48.55-09.52.25, 14.27.52-14.30.16; **E3/5290** Chhi Ly WRI, EN 00340172-73; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219123-25, 00219127, 00219130-31; **E3/5204** Sman At WRI, EN 00242082; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219125, confirmed by **E3/5290** Chhi Ly WRI, EN 00340170; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219122, confirmed by **E3/5192** Isamael Maisam WRI, EN 00242110; **E3/5289** Kae Noh WRI, EN 00340182; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180.

⁴⁴²¹ **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10, 15.30.30-15.33.05; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.10.39-10.12.56, 14.07.33-14.08.56, 14.12.35-14.14.54; **E1/350.1** No Sates, T. 28 Sept 2015, 13.37.26-13.39.06, 13.44.26-13.47.28; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/5207** Mat Ysa WRI, EN 00242077; **E1/389.1** Ysa Osman, T. 14.02.08-14.04.42; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E1/393.1** Man Sles, T. 29. Feb 2016, 13.50.36-13.55.58, 15.06.20-15.08.28; **E3/6714** Man Sles CPA, EN 01089920; **E1/350.1** No Sates, T. 28 Sept 2015, 15.48.48-15.50.44; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.18.30-15.26.00; **E3/5210** Sos Min WRI, EN 00242073; **E3/5206** Teh Sren WRI, EN 00275380; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/9333** Ysa Osman, *The Cham Rebellion*, EN 00204453; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219144, 00219150, 00219157, 00219159, 00219161-65, 00219167, 00219168, 00219181, 00219186, 00219190, 00219201; **E3/4780** Sos Min CPA, EN 00893530.

⁴⁴²² See e.g. **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 Nov 1975, EN 00766762-63; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.29.15-15.31.40, 09.46.08-09.48.28; **E3/5196** Sos Romly WRI, EN 00223087; **E1/342.1** It Sen, T. 7 Sept 2015, 14.00.44-14.05.29.

⁴⁴²³ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.19.06-14.20.54.

⁴⁴²⁴ **E3/5265** Um Chi WRI, EN 00282345; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18-14.31.43; **E3/7679** Sa Nau WRI, EN 00242061; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/5207** Mat Ysa WRI, EN 00242077; **E1/88.1** Yun Kim, T. 19 June 2012, 11.08.26-11.10.15, 11.11.22-11.13.53; **E3/368** Yun Kim WRI, EN 00345195; **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.12.33-15.14.39; **E3/5531** Meas Soeurn WRI, A53; **E3/5205** Man Sen WRI, EN 00275163; **E3/5680** Srong Muhamed Interview, EN 00053301; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150141, 01150144; **E3/5265** Um Chi WRI, EN 00282345; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831; see also **E1/398.1** Van Mat, T. 9 Mar 2016, 13.36.35-13.39.36.

⁴⁴²⁵ **E1/301.1** Or Ho, T. 19 May 2015, 14.07.11-14.09.03; **E1/349.1** Him Man, T. 17 Sept 2015, 10.47.32-10.56.51; **E3/5257** Tay Koemhun WRI, EN 00251014; **E1/322.1** Kong Uth, T. 25 June 2015, 09.34.05-09.37.09; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.04.15-14.08.54, 15.11.10-15.12.07; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 10.33.20-10.36.12, 10.40.20-10.43.05; **E3/9652** Riel Neang WRI, A4; **E3/5256** Hok Hoeun WRI, EN 00251306; **E3/9744** Muok Sengly WRI, A26; **E3/7513** Ruin Him Interview, EN 00667231; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234.

1975 within or between those zones, or to other zones.⁴⁴²⁸ Van Mat testified that approximately 5,000 Cham⁴⁴²⁹ were transferred from Chumnik Village in Kroch Chhmar.⁴⁴³⁰ As Sen Srun testified: “In 1976, the Cham people were separated and mixed with ... the Khmer people in various villages. They were segregated to live among the Khmer people.”⁴⁴³¹ It Sen testified that in Kroch Chhmar District, only Cham were forced to relocate, while the Khmer were allowed to remain.⁴⁴³²

1051. In some instances, some small number of Cham would be allowed to stay in their home village, and Khmer would be brought to live in the village,⁴⁴³³ diluting Cham communities. Cham that were moved, however, were “deported into predominantly Khmer villages”⁴⁴³⁴ in intentionally limited numbers per village.⁴⁴³⁵ “[A]ll Cham communities, urban or rural, ‘new’ or ‘base,’ were dispersed. And Cham villages were not scattered willy-nilly, but deliberately broken up into small groups”.⁴⁴³⁶ On arrival,

⁴⁴²⁶ **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.53.41-09.59.04; **E3/6166** Meu Peou CPA, EN 01205012; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667211; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855136; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667254; **E3/7502** Peang Romly Interview by Savy, EN 00667220; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260; **E3/7517** Saleh Interview by Nate Thayer, EN 00053279; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150148-50.

⁴⁴²⁷ **E1/342.1** It Sen, T. 7 Sept 2015, 13.58.28-14.00.44. *See also* **E3/5206** Teh Sren WRI, EN 00275380; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.49.53-09.52.23.

⁴⁴²⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.07.33-14.08.56, 14.12.35-14.14.54; **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement Submitted by Amnesty International*, August 1978, EN 00271509-10; **E1/342.1** It Sen, T. 7 Sept 2015, 13.55.51-13.58.28; **E3/1678** Toulas Sma WRI, EN 00353493; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.53.41-09.59.04; **E3/7578** Hul Man Interview, EN 00053146; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2012, 09.25.24-09.27.54; **E1/149.1** Hun Chun Ly, T. 6 Dec 2012, 15.43.12-15.46.08; **E3/3351** Hun Chhunly, *The Life of a Physician Under the Khmer Rouge Regime*, EN 00369716; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667229; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147.

⁴⁴²⁹ **E1/398.1** Van Mat, T. 9 March 2016, 09.31.55-09.34.37, 09.55.42-09.56.55.

⁴⁴³⁰ **E1/398.1** Van Mat, T. 9 March 2016, 11.04.22-11.05.40.

⁴⁴³¹ **E1/346.1** Seng Srun, T. 14. Sept 2015, 09.27.52-09.30.05; *see also* 09.30.05-09.32.11.

⁴⁴³² **E1/342.1** It Sen, T. 7 Sept 2015, 14.03.18-14.05.29.

⁴⁴³³ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.12.35-14.14.54; **E3/390** Math Ly Interview, EN 00436856; **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479; **E1/349.1** Him Man, T. 17 Sept 2015, 10.53.49-10.59.13, 11.15.26-11.18.11; **E3/4706** Him Man CPA, EN 00417861; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/5253** Cheu Than WRI, EN 00235483.

⁴⁴³⁴ **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

⁴⁴³⁵ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24, 14.19.06-14.20.54; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.06.38-10.08.26; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.43.47-15.45.55; **E3/7482** Mak Katheet Interview, EN 00667212-13; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/5205** Man Sen WRI, EN 00275164; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219175-76; **E3/4780** Sos Min SIF, EN 00893530; **E3/7481** Loah Treh Interview, EN 00667202, 00667204; **E3/7539** Abraham Interview by Nate Thayer, EN 00667267.

⁴⁴³⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150238 (*emphasis omitted*).

they were told they could not congregate in groups greater than two or three.⁴⁴³⁷ Families were frequently broken up⁴⁴³⁸ and children, who were particularly dependent on their parents to learn Cham language, religion and culture, were sometimes sent to live separately.⁴⁴³⁹ Prak Yut testified that by the time she had arrived in Kampong Siem District in the Central Zone in early 1977, Cham “had no respective villages to live in. They were spread out throughout the district.”⁴⁴⁴⁰

1052. Transferred Cham were often placed to live in, or more frequently under, the houses of Khmer families or in rice storage huts.⁴⁴⁴¹ Many Cham were sent to live in areas endemic with malaria, without any defences such as mosquito nets or anti-malarial medicine. As a result of the conditions of life imposed on these Cham deportees, many died from disease, starvation,⁴⁴⁴² or mistreatment.⁴⁴⁴³ Stephen Heder wrote that “[m]any died before they got where they were going, were not welcome where they were sent, were further dispersed upon arrival, and shortly succumbed either to disease or starvation.”⁴⁴⁴⁴ Sos Min testified that of the 20 Cham families that he travelled with to Dambae in the East Zone, all but seven died from starvation and malaria.⁴⁴⁴⁵

⁴⁴³⁷ **E3/4705** No Sates CPA, EN 00417850; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.28.28-09.30.30; **E3/9750** Sos Kamri DC-Cam, EN 01222006.

⁴⁴³⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.19.06-14.20.54; **E1/398.1** Van Mat, T. 9 Mar 2016, 11.35.46-13.31.57; **E1/393.1** Meu Peou T. 29 Feb 2016, 09.16.51-09.21.17.

⁴⁴³⁹ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.03.20-16.04.57; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.20.58-11.22.42; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17, 10.54.34-11.00.45; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/7517** Saleh Interview by Nate Thayer, EN 00053279.

⁴⁴⁴⁰ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.32.33-15.37.47.

⁴⁴⁴¹ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24; **E1/342.1** It Sen, T. 7 Sept 2015, 14.05.29-14.08.22; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110; **E1/343.1** Sos Min, T. 8 Sept 2015, 16.10.37-16.12.28; **E3/5205** Man Sen WRI, EN 00275164; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2012, 09.25.24-09.27.54; **E3/4705** No Sates CPA, EN 00417850; **E3/5290** Chhi Ly WRI, EN 00340173.

⁴⁴⁴² **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23, 14.12.35-14.14.54, 14.19.06-14.20.54; **E1/344.1** Sos Min, T. 9 Sept 2015, 09.04.33-09.07.31; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.22.25-09.29.41, 09.44.50-09.48.04, 11.21.08-11.22.34; **E1/149.1** Hun Chun Ly, T. 6 December 2012, 15.43.12-15.46.08; **E3/5206** Teh Sren WRI, EN 00275380; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.58.04-14.01.01, 14.07.03-14.09.03, 14.17.00-14.20.11; **E3/4706** Him Man CPA, EN 00417861; **E3/6166** Meu Peou CPA, EN 01205015; **E3/5204** Sman At WRI, EN 00242082; **E3/5289** Kae Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340173; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219125, confirmed by **E3/5290** Chhi Ly WRI, EN 00340170; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/7821** Math Ly DC-Cam, EN 00441577-78; **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

⁴⁴⁴³ **E1/393.1** Man Sles, T. 29 Feb 2016, 13.58.04-14.01.01, 14.07.03-14.09.03, 14.17.00-14.20.11; **E3/4706** Him Man CPA, 00417863; **E1/398.1** Van Mat, T. 9 March 2016, 11.27.45-11.28.52; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.22.25-09.29.41, 09.42.50-09.48.04, 11.21.08-11.22.34.

⁴⁴⁴⁴ **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

⁴⁴⁴⁵ **E1/344.1** Sos Min, T. 9 Sept 2015, 09.08.40-09.10.26; see also **E3/4780** Sos Min SIF, EN 00893530;

1053. Most Cham had been living in Khmer Rouge occupied areas since the early 1970s, and therefore should have been considered “Base People.”⁴⁴⁴⁶ However, when transferred the Cham were “stripped of their status as veteran people”⁴⁴⁴⁷ and considered “17 April” or “New People”⁴⁴⁴⁸ — or worse. Or Ho, a village chief in the (old) North/Central Zone from 1975-78,⁴⁴⁴⁹ stated that “[t]he ethnic Cham were considered to be even lower than the 17 April People.”⁴⁴⁵⁰

3. Arrests, Murders, and Disappearances of Cham

1054. While leaders were particular targets, all Cham were at risk in the CPK’s campaign to exterminate the Cham group. Witnesses reported arrests, disappearances, and killings in the East Zone.⁴⁴⁵¹ One witness stated that arrests occurred “day and night” after the Koh Phal rebellion.⁴⁴⁵² Likewise, in the Central Zone, there are multiple reports of arrests, disappearances, and killings of Cham.⁴⁴⁵³ The evidence shows that Cham were arrested and killed in other Zones as well.⁴⁴⁵⁴

1055. Following the arrival of Southwest Zone forces in the Central and East Zones in 1977 and 1978, Cham men, women, and children were systematically targeted for mass

E3/5210 Sos Min WRI, EN 00242073.

⁴⁴⁴⁶ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.

⁴⁴⁴⁷ **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480; *see also* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150146.

⁴⁴⁴⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.17.30-14.20.54; **E1/301.1** Or Ho, T. 19 May 2015, 14.10.37-14.12.52; **E3/7812** Khiev Sokh WRI, EN 00282328; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.15.34-10.34.39; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218.

⁴⁴⁴⁹ **E1/301.1** Or Ho, T. 19 May 2015, 09.21.05-09.26.48.

⁴⁴⁵⁰ **E3/5255** Or Ho WRI, EN 00250047; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56. *See also* **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.53.41-09.57.33.

⁴⁴⁵¹ *See e.g.* **E1/342.1** It Sen, T. 7 Sept 2015, 14.18.50-14.21.11; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.09.37-10.11.16, 11.02.35-11.04.51; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150221; **E3/7786** Pen Sot WRI, 00251070; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053302; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192435.

⁴⁴⁵² **E3/5207** Mat Ysa WRI, EN 00242077.

⁴⁴⁵³ *See e.g.* **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 13.51.54-13.52.56; **E1/393.1** Man Sles, T. 29 Feb 2016, 14.02.35-14.09.03, 15.06.20-15.08.28; **E1/349.1** Him Man, T. 17 Sept 2015, 10.59.13-11.07.35; **E1/350.1** Him Man, T. 28 Sept 2015, 10.55.50-10.58.44; **E3/4706** Him Man CPA, EN 00417861; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.45.41-15.49.03; **E3/9351** Meas Layhuor WRI, EN 00244165; **E1/309.1** Uth Seng, T. 3 June 2015, 09.48.40-09.53.10; **E3/5267** Uth Seng WRI, EN 00282357; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.49.40-09.52.05, 10.43.40-10.44.26, 11.27.21-11.28.42; 15.08.43-15.09.56; **E3/5216** Sos Kamri WRI, EN 00225497; **E3/7775** Kang Ut WRI, EN 00233533; **E3/9360** Mat Toulouh WRI, A33; **E3/9669** Va Penh WRI, A11-A14; **E3/9662** Keo Theary WRI, A6-7; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147; **E3/3921R** Express TV, *The Land of Silence*, 00:00-00:50. *See also* **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26-10.37.02.

⁴⁴⁵⁴ *See e.g.* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150222, 01150149-51; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.33.44-09.35.50, 10.06.24-10.43.51, 11.06.45-11.17.32, 11.21.08-11.22.34; **E3/9672** [REDACTED] WRI, A67.

execution.⁴⁴⁵⁵ “They said the Cham nationality was ‘rebellious’ and had to be ‘abolished’.”⁴⁴⁵⁶ By this later period, it no longer mattered “whether they were women, whether they were children or whether they agreed to eat pork or whether they could no longer speak Cham;”⁴⁴⁵⁷ the Cham were inherently enemies, and the CPK “killed without discrimination. They killed those who were Cham.”⁴⁴⁵⁸ One witness gave evidence that he was accosted by cadres on suspicion of being Cham, but that then “they realized I was Khmer and they left”.⁴⁴⁵⁹ He continued: “If they mistook me for a Cham person and arrested me I would have been killed. I would be killed if they thought I was Cham.”⁴⁴⁶⁰ In Kampong Siem District, villagers frequently recounted that CPK forces killed “all the Cham”.⁴⁴⁶¹ The evidence shows that the killing of Cham increased in other Zones as well in 1978.⁴⁴⁶² The Cham generally were not detained for long, if at all, following their arrest, but were simply killed.⁴⁴⁶³ The CPK saw no need to obtain a “confession” or to interrogate Cham to discover their “networks” as all Cham and all their families were deemed enemies simply because they were Cham.

a) *Implementation in the Central Zone by Southwest Cadres*

1056. Southwest Zone cadres were gradually sent to take control of the Central Zone in late 1976 or early 1977.⁴⁴⁶⁴ At this point arrests, disappearances, and killings⁴⁴⁶⁵ of Cham men, women, and children intensified dramatically.⁴⁴⁶⁶ Expert Alexander Hinton testified that many of his interviewees in the Central Zone provided evidence regarding “Chams being killed en masse.”⁴⁴⁶⁷ The orders for the arrests came down through the

⁴⁴⁵⁵ See e.g. **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397049.

⁴⁴⁵⁶ **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048852.

⁴⁴⁵⁷ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.45.07-10.45.59.

⁴⁴⁵⁸ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.02.20-16.03.20. See also **E3/1281** EN 000131118.

⁴⁴⁵⁹ **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 10.51.02-10.53.58.

⁴⁴⁶⁰ **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 13.50.02-13.51.42.

⁴⁴⁶¹ **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 14.03.34-14.04.25.

⁴⁴⁶² **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667213; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855136.

⁴⁴⁶³ **E1/450.1** Henri Locard, T. 28 July 2016, 15.22.40-15.25.03; see also **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.50.05-10.51.54.

⁴⁴⁶⁴ **E1/34.1** Prak Yut, T. 26 Jan 2012, 11.19.38-11.21.45; 11.21.45-11.23.38; **E3/9652** Riel Neang WRI, A13; **E3/9500** You Vann WRI, A5; **E3/9548** Nhem Kol WRI, EN A2; **E3/9667** Nhem Kol, A2.

⁴⁴⁶⁵ **E3/9651** Mom Sroeurng WRI, A5, A7, A8; **E3/7519** Sann Yu Sofby Interview by Nate Thayer, EN 00667237; **E1/415.1** Sos Kamri, T. 6 April 2016, 10.44.26-10.46.15; **E3/9342** Leav Loas WRI, EN 00339936-37; **E3/9666** Leng Ra WRI, EN 01072507; **E3/9656** Sbong Yann WRI, EN 01034899; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

⁴⁴⁶⁶ **E1/415.1** Sos Kamri, T. 6 April 2016, 10.43.40-10.46.15; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E1/347.1** Samrit Muy, T. 15 Sept. 2015, 10.06.02-10.10.12; **E3/9652** Riel Neang WRI, A19; **E3/9651** Mom Sroeurng WRI, A8; **E3/9342** Leav Loas WRI, EN 00339936.

⁴⁴⁶⁷ **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 13.51.54-13.52.56 (*emphasis added*).

hierarchy. A commune militiaman in the Central Zone described how “[t]he Cham people were arrested with the order coming down from the sector and the provincial level. The commune chief went to receive those instructions, and when he returned to the commune, he implemented the instructions.”⁴⁴⁶⁸

1057. The process of identifying and eliminating Cham was facilitated by the creation of lists of Cham persons. Expert Alexander Hinton testified that the names of Cham were marked down in ledgers in Kampong Siem District,⁴⁴⁶⁹ and pursuant to orders of the “upper echelon” lists had also been compiled of Cham at worksites in Kang Meas District.⁴⁴⁷⁰

1058. Witnesses Prak Yut and You Vann were Southwest Zone cadres who travelled to, and worked in, the Central Zone together.⁴⁴⁷¹ They travelled there along with Ta Mok and approximately 200 other Southwest Zone cadres who were dispersed throughout the Zone.⁴⁴⁷² Prak Yut was made district secretary of Kampong Siem District under Sector 41 Secretary Ao An and zone secretary Ke Pauk.⁴⁴⁷³ As district secretary she was “in charge of the affairs at the district,” and had four to five communes under her control.⁴⁴⁷⁴ She was also “in charge of security in that area”⁴⁴⁷⁵ and of re-educating persons held at the district security office.⁴⁴⁷⁶ Witness You Vann served as Prak Yut’s messenger, the head of a district mobile unit, and, eventually, also as a commune secretary in Kampong Siem District.⁴⁴⁷⁷ Although reluctant to fully acknowledge their own roles in the crimes, particularly during their in-court testimony,⁴⁴⁷⁸ both Prak Yut

⁴⁴⁶⁸ **E1/317.1** Yean Lon, T. 16 June 2015, 14.09.00-14.10.29; **E3/7322** Yean Lon WRI, EN 00330719.

⁴⁴⁶⁹ **E1/403.1** Alexander Hinton, T. 16 March 2016, 16.05.18-16.06.12.

⁴⁴⁷⁰ **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.38.40-10.41.47, 11.45.32-11.47.05, 11.49.12-11.51.40; **E3/5527** Seng Srun WRI, A8, A12.

⁴⁴⁷¹ **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.05.29-14.06.37; **E1/376.1** You Vann, T. 14 Jan 2016, 13.57.20-14.01.33. *See also* **E1/34.1** Prak Yut, T. 26 Jan 2012, 11.19.38-11.25.55; **E3/163** Prak Yut WRI, EN 00364081; **E3/9496** Prak Yut WRI, A12.

⁴⁴⁷² **E1/376.1** You Vann, T. 14 Jan 2016, 13.59.01-14.01.33, 14.06.37-14.08.41; **E3/9500** You Vann WRI, A6.

⁴⁴⁷³ **E1/33.1** Prak Yut, T. 25 Jan 2012, 14.30.06-14.30.45, 14.35.18-14.36.46; **E1/34.1** Prak Yut, T. 26 Jan 2012, 15.40.34-15.42.13 16.02.13-16.04.28; **E3/163** Prak Yut WRI, EN 00364081; **E3/9496** Prak Yut WRI, A19; **E1/376.1** You Vann, T. 14 Jan 2016, 14.09.56-14.12.13; **E3/9500** You Vann WRI, A12; **E1/376.1** You Vann, T. 14 Jan 2016, 14.12.13-14.13.30.

⁴⁴⁷⁴ **E1/33.1** Prak Yut, T. 25 Jan 2012, 14.38.14-14.39.45.

⁴⁴⁷⁵ **E1/35.1** Prak Yut, T. 30 Jan 2012, 13.45.52-13.47.37.

⁴⁴⁷⁶ **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.00.32-14.02.41; **E1/35.1** Prak Yut, T. 30 Jan 2012, 13.47.37-13.48.58, 13.48.58-13.50.20, 14.06.02-14.08.04.

⁴⁴⁷⁷ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.18.14-09.20.45, 09.20.45-09.22.59; **E1/376.1** You Vann, T. 14 Jan 2016, 13.57.20-13.59.01, 14.05.15-14.06.37, 14.55.52-14.57.17, 15.55.30-15.59.38; **E3/9507** You Vann WRI, A43.

⁴⁴⁷⁸ *See* **E3/9522** Prak Yut WRI, A47; **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.36.54-14.43.10.

and You Vann provided detailed evidence of the macabre bureaucratic mechanics by which the CPK carried out their genocide of the Cham.

1059. Prak Yut attended meetings at the zone office in Kampong Cham town⁴⁴⁷⁹ with the zone secretary, Ke Pauk, and the committee members of the Central Zone sectors every one to three months.⁴⁴⁸⁰ At the meetings, the participants reported to the zone secretary⁴⁴⁸¹ and discussed, *inter alia*, “security issues in the zone and in the sectors.”⁴⁴⁸² The zone committee would “devise solutions for the problems, for all types of problems.”⁴⁴⁸³ Prak Yut was then “asked to execute [the zone secretary’s] plans and instructions.”⁴⁴⁸⁴ Prak Yut explained: “I was under the leadership of my superiors so, as I said, I had to adhere to the instructions or orders from my superiors.”⁴⁴⁸⁵ Prak Yut occasionally met with Ta Mok, and You Vann “regularly saw Ta Mok visit Sector 41.”⁴⁴⁸⁶ In addition, Prak Yut had meetings once a month at the sector level⁴⁴⁸⁷ and would provide the sector with written reports on “the plan implementation within the district” and “on the situations.”⁴⁴⁸⁸ Commune leaders in Kampong Siem District reported to Prak Yut every week, and held monthly meetings at her office.⁴⁴⁸⁹ Nhem Kol, a cadre who attended these latter meetings, told the OCIJ: “In district meetings, they said that the Cham were from different religion and were not considered Khmer, so the Khmer Rouge feared that they would rebel later.”⁴⁴⁹⁰

1060. Prak Yut testified that when she arrived in Kampong Siem District “there were many Cham people”.⁴⁴⁹¹ The sector ordered her and the other district secretaries to purge the Cham at a meeting in mid-to late 1977.⁴⁴⁹² She told the court: “There was an order from

⁴⁴⁷⁹ **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.04.14-14.08.04, 15.44.07-15.45.15.

⁴⁴⁸⁰ **E1/33.1** Prak Yut, T. 25 Jan 2012, 14.41.25-14.43.21; **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.04.14-14.06.08; **E1/35.1** Prak Yut, T. 30 Jan 2012, 13.44.00-13.45.52; **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.55.40-09.57.24; **E3/163** Prak Yut WRI, EN 00364081; **E3/9496** Prak Yut WRI, A56, A58.

⁴⁴⁸¹ **E3/9496** Prak Yut WRI, A60.

⁴⁴⁸² **E3/9496** Prak Yut WRI, A57.

⁴⁴⁸³ **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.06.08-14.08.04.

⁴⁴⁸⁴ **E1/34.1** Prak Yut, T. 26 Jan 2012, 15.44.07-15.45.15.

⁴⁴⁸⁵ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.41.04-15.43.34.

⁴⁴⁸⁶ **E3/9507** You Vann WRI, A60, 61.

⁴⁴⁸⁷ **E3/9496** Prak Yut WRI, A25; **E3/9522** Prak Yut WRI, A29.

⁴⁴⁸⁸ **E1/34.1** Prak Yut, T. 26 Jan 2012, 14.02.41-14.04.14.

⁴⁴⁸⁹ **E3/9507** You Vann WRI, A1, A9; **E3/9548** Nhem Kol WRI, EN A6.

⁴⁴⁹⁰ **E3/9667** Nhem Kol WRI, A23.

⁴⁴⁹¹ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.47.13-14.49.42; **E3/9677** Prak Yut WRI, A2. *See also* **E1/376.1** You Vann, T. 14 Jan 2016, 14.57.17-14.59.16.

⁴⁴⁹² **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.14.17-09.17.03, 09.39.03-09.41.05; **E3/9499** Prak Yut WRI, A22; **E3/9522** Prak Yut WRI, A45; **E3/9496** Prak Yut WRI, A48; **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.50.42-15.55.03; **E3/9507** You Vann WRI, A100. *See also* **E1/376.1** You Vann, T. 14 Jan 2016, 14.26.31-14.30.23; **E3/9500** You Vann WRI, A28.

the sector level to us to purge the Cham,”⁴⁴⁹³ later specifying: “I received an order either to smash or to kill the [Cham] people.”⁴⁴⁹⁴ You Vann opined that: “Ta An was under Ta Mok in rank. Thus, the orders were definitely from Ta Mok.”⁴⁴⁹⁵ Prak Yut stated that the district secretaries from all five districts in Sector 41 were at that meeting,⁴⁴⁹⁶ including Kan, district secretary of Kang Meas District.⁴⁴⁹⁷

1061. In order to carry this purge out, Prak Yut was instructed by the “upper echelon” to identify and make a list of all Cham in her district.⁴⁴⁹⁸ Included on the lists were “soldiers of Sihanouk regimes, the ethnic Cham people and the Vietnamese people.”⁴⁴⁹⁹ The lists were compiled based on names passed up by village chiefs from the whole district,⁴⁵⁰⁰ and You Vann then typed them up.⁴⁵⁰¹ You Vann explained that the Cham “lived mingled with the Khmer people and that was the reason Prak Yut wanted to have a list of who the Cham were and who the Khmer were.”⁴⁵⁰²

1062. Prak Yut testified that decisions on killing in Kampong Siem District were made by the “upper echelon.”⁴⁵⁰³ She would relay orders from the upper level to her subordinates “[a]nd after people at the lower levels would carry out the order they reported to me that now those people have already been purged and then I reported back to Ta An.”⁴⁵⁰⁴ Prak Yut delegated the purge to her deputy, Si,⁴⁵⁰⁵ who then reported the results to her, which she passed on to the sector secretary, Ao An.⁴⁵⁰⁶ “After the killings of the Cham

⁴⁴⁹³ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.40.10-14.45.30. *See also* **E3/9677** Prak Yut WRI, A1; **E3/9499** Prak Yut WRI, A13; A21; **E3/9539** Prak Yut WRI, A6.

⁴⁴⁹⁴ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.22.59-09.25.42;

⁴⁴⁹⁵ **E3/9507** You Vann WRI, A60.

⁴⁴⁹⁶ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.52.45-15.56.42; **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.29.22-09.31.43.

⁴⁴⁹⁷ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.56.42-15.58.45.

⁴⁴⁹⁸ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.49.42-14.50.24; **E3/9525** Prak Yut WRI, A4. *See also* **E3/5256** Hok Hoeun WRI, EN 00251306; **E1/377.1** You Vann, T. 18 Jan 2016, 10.37.22-10.42.48.

⁴⁴⁹⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 15.00.23-15.03.27. *See also* **E3/9500** You Vann WRI, A29-A30; **E3/9667** Nhem Kol WRI, A20.

⁴⁵⁰⁰ **E1/376.1** You Vann, T. 14 Jan 2016, 15.04.43-15.07.35; **E3/9548** Nhem Kol WRI, A19. *See also* **E3/5529** Man Heang WRI, A5; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219209-11.

⁴⁵⁰¹ **E1/376.1** You Vann, T. 14 Jan 2016, 14.59.16-15.00.23; 15.00.23-15.03.27; **E3/9507** You Vann WRI, A 49, 51.

⁴⁵⁰² **E1/376.1** You Vann, T. 14 Jan 2016, 15.49.39-15.51.19.

⁴⁵⁰³ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.40.10-14.43.10; **E1/35.1** Prak Yut, T. 30 Jan 2012, 15.23.10-15.24.28.

⁴⁵⁰⁴ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.40.10-14.43.10; **E1/376.1** You Vann, T. 14 Jan 2016, 14.23.05-14.24.23; **E3/9500** You Vann WRI, A24, A26; **E3/9507** You Vann WRI, A55.

⁴⁵⁰⁵ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.14.17-09.17.03; 09.18.14-09.20.45; **E3/9496** Prak Yut WRI, A52; **E3/9499** Prak Yut WRI, A14; **E3/9525** Prak Yut WRI, A10, A12. *See also* **E3/9548** Nhem Kol WRI, A8.

⁴⁵⁰⁶ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.49.16-09.51.39; **E3/9499** Prak Yut WRI, A14, A26; **E1/379.1** Prak Yut, T. 20 Jan 2016, 09.37.34-09.39.58; **E1/376.1** You Vann, T. 14 Jan 2016, 14.24.23-14.26.31. *See also* **E1/377.1** You Vann, T. 18 Jan 2016, 09.17.45-09.20.05.

people were completed, I received a report from ... the militia chief about the number of Cham they had killed. Then I sent that report to Ta An, who was at the sector level.”⁴⁵⁰⁷ You Vann confirmed that the reports on the killings that were sent to the sector included the names and quantity of those killed, and “also detailed ethnicity or composition.”⁴⁵⁰⁸ You Vann noticed there was “gradual disappearances of people” on the list after it was transmitted to Ao An⁴⁵⁰⁹ until they had all been arrested.⁴⁵¹⁰ “I noticed many disappearances, especially the Cham.”⁴⁵¹¹ While the lists only included the names of adults, their children would also be arrested.⁴⁵¹² Nhem Kol, a cadre working in Kampong Siem District, explained to the OCIJ that “when they arrested entire families such as the Cham ... they killed them at the base.”⁴⁵¹³

1063. OCIJ calculated that about 1800 Cham had been killed in just one of the communes in Kampong Siem District.⁴⁵¹⁴ Prak Yut testified that it was “true that Cham people had been purged. The upper echelon instructed me to identify all Cham people within that commune,”⁴⁵¹⁵ and that “I only knew that Cham people had been taken away and killed. I was told by [the Sector Secretary], based on the instructions from the upper echelon.”⁴⁵¹⁶

1064. The order to purge was carried out throughout Sector 41.⁴⁵¹⁷ Prak Yut told OCIJ investigators: “I would like to clarify once again that the orders I received were very clear: they stated that we must kill all the Cham. I had no choice other than to carry out orders.”⁴⁵¹⁸ Prak Yut told You Vann on multiple occasions that the district military had conducted arrests of Cham.⁴⁵¹⁹ Nhem Kol, who worked in the office of the Krala Commune chief Rom, recalled: “During the dry season in late 1977, I heard Prak Yuth tell Rom to check to see if any Cham remained or not, and if any Cham remained Rom had to report that to Prak Yuth.”⁴⁵²⁰ Two witnesses recalled that in 1978, all the Cham in

⁴⁵⁰⁷ **E3/9677** Prak Yut WRI, A8, *confirmed by E1/378.1* Prak Yut, T. 19 Jan 2016, 09.51.39-09.55.40.

⁴⁵⁰⁸ **E3/9507** You Vann WRI, A106.

⁴⁵⁰⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 15.07.35-15.09.00; 15.10.50-15.12.25.

⁴⁵¹⁰ **E1/376.1** You Vann, T. 14 Jan 2016, 15.16.38-15.18.42.

⁴⁵¹¹ **E3/9507** You Vann WRI, A18.

⁴⁵¹² **E1/376.1** You Vann, T. 14 Jan 2016, 15.14.55-15.16.38.

⁴⁵¹³ **E3/9667** Nhem Kol WRI, A33.

⁴⁵¹⁴ See **E3/9735** WRIA, 7 Sept 2015, EN 01138987 [Trean Commune].

⁴⁵¹⁵ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.49.32-14.52.08. See also **E3/9735** WRIA, 7 Sept 2015, EN 01138982-87.

⁴⁵¹⁶ **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.47.13-14.50.24.

⁴⁵¹⁷ **E3/9499** Prak Yut WRI, A20; **E3/9677** Prak Yut WRI, A8, A13.

⁴⁵¹⁸ **E3/9677** Prak Yut WRI, A9.

⁴⁵¹⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 14.13.30-14.16.44.

⁴⁵²⁰ **E3/9667** Nhem Kol WRI, A22.

Trapeang Ruessei Village, Krala Commune — consisting of about 100 families — were transported away in ox carts over a series of days and were not allowed to bring any possessions.⁴⁵²¹ After they were taken away

there was a big meeting attended by the children's unit, mobile unit, and the "base" people. Yeay Yuth, who was District Committee, said, "The Cham are the enemy of *Angkar* because they plan to rebel, so *Angkar* has to smash them." She said, "If any Cham remain, this must be reported so they can be swept clean, because this is the plan of upper-echelon." Yeay Yuth said, "Any base person hiding a Cham will also be considered an enemy."⁴⁵²²

1065. Khom, another of Prak Yut's messengers who was based at the district level, told You Vann that the arrests of the people on the list were carried out by sector and district military working together.⁴⁵²³ The district security forces had an office at Tuol Beng Village and there was an associated detention centre and execution site.⁴⁵²⁴ Said one villager: "I used to see the arrests of about 30 ethnic Cham each time until no ethnic Cham remained around the end of 1977. They were walked from Kampong Siem District Office towards Tuol Beng."⁴⁵²⁵ Cham were detained at that detention centre and after a while "disappeared."⁴⁵²⁶ Multiple mass graves were found in Tuol Beng after the DK regime fell.⁴⁵²⁷ You Vann also heard from Phon, the military commander of the district forces who was responsible for arresting the Cham and others on the lists,⁴⁵²⁸ that the Cham had been purged.⁴⁵²⁹

1066. Expert Alexander Hinton interviewed a former cadre who worked in Krala Commune who recalled receiving a written order to arrest ethnic Cham from Prak Yut.⁴⁵³⁰ The letter ordered the cadres to "smash internal enemies — Chams, Vietnamese, capitalists,

⁴⁵²¹ **E3/9744** Muok Sengly WRI, A26, A30, A31; **E3/9657** Iem Channy WRI, A22-A23. *See also* **E3/9663** [REDACTED] WRI, EN 00797011.

⁴⁵²² **E3/9744** Muok Sengly WRI, A30.

⁴⁵²³ **E1/376.1** You Vann, T. 14 Jan 2016, 15.12.25-15.14.55; **E1/377.1** You Vann, T. 18 Jan 2016, 11.06.14-11.07.34; **E3/9548** Nhem Kol WRI, A20.

⁴⁵²⁴ **E1/376.1** You Vann, T. 14 Jan 2016, 14.16.44-14.20.45; **E3/9500** You Vann WRI, A20; **E3/9499** Prak Yut WRI, A1-A14; **E3/9548** Nhem Kol, A9; **E3/9507** You Vann WRI, A16, A98, A105; **E3/9667** Nhim Kol WRI, A18, A20; **E3/9656** Sbond Yang WRI, A9; **E3/9664** Aok Chanty WRI, A8; *see also* **E3/9655** Khoem Neary WRI, A14.

⁴⁵²⁵ **E3/9656** Sbond Yann WRI, A8.

⁴⁵²⁶ **E1/376.1** You Vann, T. 14 Jan 2016, 14.19.31-14.20.45. *See also* **E1/401.1** Alexander Hinton, T. 14 March 2016, 13.51.54-13.52.56.

⁴⁵²⁷ **E3/9656** Sbond Yann WRI, A14-15.

⁴⁵²⁸ **E3/9500** You Vann WRI, A32.

⁴⁵²⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 14.57.17-14.59.16.

⁴⁵³⁰ **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 14.02.58-14.03.34; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.39.38-09.44.08; **E3/3346** Alexander Hinton, *Why Did they Kill?*, EN 00431596.

former Lon Nol workers, intellectuals, and CIA agents.”⁴⁵³¹ This same individual stated that in fact that order was then carried out in regards to the Cham, who were arrested in large numbers and executed, and Alexander Hinton testified that this information was confirmed by numerous other villagers.⁴⁵³² A Khmer worker in Kampong Siem District told the OCIJ that she “saw many ethnic Cham being arrested and walked in queues”⁴⁵³³ towards Tuol Beng. “Their whole families were arrested.”⁴⁵³⁴ Nhem Kol, a cadre in Kampong Siem District, recalled that “[a]ll the Cham Muslims in Kampong Siem District were also arrested and executed right in the district.”⁴⁵³⁵

1067. You Vann recalled an additional, subsequent meeting with Ao An once she became commune secretary that concerned preparing lists of persons in other districts. Also in attendance at that meeting were “persons responsible for lists and documentation in each district” throughout Sector 41, including Kang Meas District, and all the commune chiefs.⁴⁵³⁶ At the meeting, Ao An explained the types of people that should be listed including Cham.⁴⁵³⁷ This time, however, Ao An instructed the attendees to go directly to the villages to compile the lists rather than relying on the village chiefs to create them because they did not trust the village chiefs.⁴⁵³⁸ Ao An instructed them to then send the lists to the sector level.⁴⁵³⁹ Using a microphone, Ao An and Ta Mok, who was also in attendance, “instructed us to purge the people. ... Those people who were linked to different ethnicities and affiliations.”⁴⁵⁴⁰ You Vann claims that those additional lists were not able to be compiled before the arrival of the Vietnamese.⁴⁵⁴¹

1068. Prak Yut’s claim during her trial testimony that she ordered that only Cham who were “bad elements that cause[d] problem” should be killed⁴⁵⁴² was clearly a fabrication in an attempt to diminish her own involvement in a genocidal plan. She never explained what “problems” had been caused by the thousands of villagers killed. Her belated attempt to minimise the killing policy is directly contradicted by her prior statements to OCIJ

⁴⁵³¹ **E3/3346** Alexander Hinton, *Why Did they Kill?*, EN 00431596.

⁴⁵³² **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.43.15-09.44.08, 10.00.08-10.05.06, 15.48.51-15.52.28.

⁴⁵³³ **E3/9655** Khoem Neary WRI, A13.

⁴⁵³⁴ **E3/9655** Khoem Neary WRI, A13.

⁴⁵³⁵ **E3/9548** Nhem Kol WRI, A11.

⁴⁵³⁶ **E3/9507** You Vann WRI, A58, *confirmed by* **E1/376.1** You Vann, T. 14 Jan 2016, 15.19.48-15.21.40, 15.22.45-15.24.56, 15.32.34-15.34.53.

⁴⁵³⁷ **E1/376.1** You Vann, T. 14 Jan 2016, 15.19.48-15.21.40; **E3/9507** You Vann WRI, A102.

⁴⁵³⁸ **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23; **E3/9507** You Vann WRI, A102.

⁴⁵³⁹ **E1/376.1** You Vann, T. 14 Jan 2016, 15.24.56-15.25.57.

⁴⁵⁴⁰ **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23.

⁴⁵⁴¹ **E1/376.1** You Vann, T. 14 Jan 2016, 15.21.40-15.22.45.

⁴⁵⁴² **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.33.53-09.34.53. *See also* **E1/379.1** Prak Yut, 20 January 2016, 09.13.48-09.15.44.

investigators and her testimony that she had absolutely no discretion to disobey the order from her superiors to purge all the Cham.⁴⁵⁴³ Indeed, directly following this equivocation she reiterates that:

In the entire district, we purged based on the order from the upper echelon. I, myself, was also doubtful why the upper echelon instruct us to purge specifically the Cham people. ... When I received and saw the letter from the upper echelon, I was doubtful, but I still needed to follow the order. I had a feeling that the implementation of such an order was difficult, but when there is such an order and if I did not implement it, I would be in trouble.⁴⁵⁴⁴

1069. Prak Yut also recounted that when “there was an order from the upper echelon to purge Cham people,”⁴⁵⁴⁵ the only way she was able to save her adopted daughter, Pheap, who was Cham and who she had raised since childhood, was by everyone in the district office “keep[ing] quiet on this matter.”⁴⁵⁴⁶ Indeed, in order to save Pheap — clearly not someone who she considered a “bad element” who was “causing problems” — Prak Yut stated she had to personally intervene with Ao An on Pheap’s behalf, and “Uncle An agreed not to have Pheap listed because she was the only Cham who worked and lived with me, *but he ordered me to list other Cham people. I agreed*”.⁴⁵⁴⁷ Furthermore, Prak Yut admitted multiple times that Pheap was the only Cham person she “decided to keep ... alive till today.”⁴⁵⁴⁸ As Prak Yut explained, she “had a pity for Pheap, and her life was spared. However, *no other Cham people were spared*, nor did I ask to spare any other Cham to Ta An.”⁴⁵⁴⁹ She stated that she “could not save all the Cham people within the district”⁴⁵⁵⁰ and that “[o]nly Pheap was spared”.⁴⁵⁵¹ Another cadre in the district also confirmed: “No Cham Muslim was spared except for Phea[p], who was defended by Prak Yut.”⁴⁵⁵²

⁴⁵⁴³ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.22.59-09.25.42.

⁴⁵⁴⁴ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.36.30-09.39.03. *See also* **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.45.30-14.47.13, 15.50.42-15.52.45.

⁴⁵⁴⁵ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.39.03-09.41.05.

⁴⁵⁴⁶ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.41.05-09.43.09; *see also* **E3/9655** Khoem Neary WRI, A6.

⁴⁵⁴⁷ **E3/9525** Prak Yut WRI, A5 (*emphasis added*); **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.43.09-09.47.48.

⁴⁵⁴⁸ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.41.05-09.43.09.

⁴⁵⁴⁹ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.47.48-09.49.16 (*emphasis added*).

⁴⁵⁵⁰ **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.44.57-09.47.48.

⁴⁵⁵¹ **E1/378.1** Prak Yut, T. 19 Jan 2016, 10.38.49-10.41.22.

⁴⁵⁵² **E3/9548** Nhem Kol WRI, EN 00966999.

1) Wat Au Trakuon Security Centre

1070. Southwest Zone cadres carried out mass killings of Cham in Sector 41 of the Central Zone at Wat Au Trakuon, the security centre for Kang Meas District.⁴⁵⁵³ Following arrival of the Southwest Zone cadres in 1977,⁴⁵⁵⁴ Horn⁴⁵⁵⁵ was in charge of the security centre and was also chief of security in Kang Meas District and commander of the district military.⁴⁵⁵⁶ The secretary of Kang Meas District was Kan,⁴⁵⁵⁷ who was also from the Southwest Zone, as were commune chiefs in Kang Meas District.⁴⁵⁵⁸ Kan's wife, Pheap, was head of Peam Chi Kang Commune.⁴⁵⁵⁹ Prak Yut testified that Kan was present at the meeting she attended when Ao An ordered the purge of all Cham in the district.⁴⁵⁶⁰ Wat Au Trakuon was located approximately two kilometres from the Kang Meas District office,⁴⁵⁶¹ and Kan and Horn would often meet with each other either at Wat Au Trakuon or at Kan's office.⁴⁵⁶²

1071. Large scale arrests of Cham began after the arrival of the Southwest Zone cadres.⁴⁵⁶³ Horn ordered arrests of Cham based on orders from Kan.⁴⁵⁶⁴ Security forces, including

⁴⁵⁵³ **E3/9342** Leav Loas WRI, EN 00339934; **E3/9654** Sok Meng Ly WRI, A14; **E3/2654** OCP Mission Report, EN 00211164; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.11.07-11.12.34; **E3/9659** Muy Vanny WRI, A57; **E3/2766** Maps (old) North Zone 303, East Zone 203, 28 Dec 2009, EN 00429142, 00429144.

⁴⁵⁵⁴ **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.54.40-09.56.26. *See also* **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.37.54-10.39.38; **E3/9661** Thong Kim WRI, A2; **E3/9660** Say Doeun WRI, A3, A30; **E3/7826** Bao Troab OCP Statement, EN 00210430.

⁴⁵⁵⁵ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.21.38-11.25.36; **E3/9659** Muy Vanny WRI, A37; **E1/347.1** Samrit Muy, 15 Sept 2015, 10.53.46-10.54.42; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.18.30-15.20.25; **E3/5301** Seng Kuy Complaint, EN 00210483; **E3/5256** Hok Hoeun WRI, EN 00251307; **E3/9654** Sok Meng Ly WRI, A17.

⁴⁵⁵⁶ **E1/374.1** Muy Vanny, T. 12 Jan 2016, 09.27.34-09.30.12, 10.48.20-10.49.40; **E3/9659** Muy Vanny WRI, A6; **E3/9661** Thong Kim WRI, A2; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.18.05-10.20.43; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.16.33-15.18.30, 15.20.25-15.22.06; **E1/346.1** Seng Srun, 14 Sept 2015, 09.22.25-09.24.25; **E1/347.1** Samrit Muy, 15 Sept 2015, 10.53.46-10.54.42; **E3/9346** Muy Samrit WRI, EN 00235509; **E3/1692** Seng Srun WRI, EN 00242086; **E3/8736** Seng Srun WRI, A32; **E3/9342** Leav Loas WRI, EN 00339935; **E3/5529** Man Heang WRI, A9; **E3/5256** Hok Hoeun WRI, EN 00251305; **E3/9654** Sok Meng Ly WRI, A17. *See also* **E3/8751** Seng Kuy WRI, EN 00722237.

⁴⁵⁵⁷ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.31.02-11.33.40, 13.38.09-13.39.35; **E3/9653** Muy Vanny WRI, EN 00738990; **E3/9659** Muy Vanny WRI, A10; **E3/5301** Seng Kuy OCP Statement, EN 00210483; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.51.35-09.54.40; **E1/347.1** Samrit Muy, 15 Sept 2015, 11.19.11-11.21.38; **E3/1692** Seng Srun WRI, EN 00242088; **E3/5257** Tay Koemhun WRI, EN 00251022; **E3/9661** Thong Kim WRI, A2; **E3/9652** Riel Neang WRI, A13; **E3/9654** Sok Meng Ly WRI, A9; **E3/9660** Say Doeun WRI, A3.

⁴⁵⁵⁸ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.33.40-11.33.41; **E3/9659** Muy Vanny WRI, A11; **E3/5302** Seng Srun OCP Statement, EN 00210486; **E3/8736** Seng Srun WRI, A4, A16.

⁴⁵⁵⁹ **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.37.54-10.39.38; **E3/9660** Say Doeun WRI, A3. *See also* **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.51.35-09.54.40; **E3/1692** Seng Srun WRI, EN 00242088; **E3/5527** Seng Srun WRI, EN 00423722.

⁴⁵⁶⁰ **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.56.42-15.58.45.

⁴⁵⁶¹ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.11.07-11.12.34; **E3/7826** Bao Troab OCP Statement, EN 00210430.

⁴⁵⁶² **E3/9659** Muy Vanny WRI, A30; **E3/9671** Sor Chheang WRI, A32.

⁴⁵⁶³ **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.39.38-10.41.30. *See also* **E3/7827** Chea Maly OCP Statement,

the Long Sword Group,⁴⁵⁶⁵ which was created after the arrival of the Southwest Zone cadres by Kan in order to effect arrests,⁴⁵⁶⁶ would conduct the arrests, and bring the Cham to the security centre where they would hand them over to the district security based there.⁴⁵⁶⁷ “All the people who worked in the prison were from the Southwest.”⁴⁵⁶⁸ The Long Sword Group would receive orders and lists of Cham to arrest from Kan through Pheap.⁴⁵⁶⁹

1072. Although prisoners included former Lon Nol officials and New People, the largest group of arrestees was Cham,⁴⁵⁷⁰ and the arrestees included “all the Chams” in Kang Meas District on orders from the “upper echelon.”⁴⁵⁷¹ In contrast to Khmer prisoners, whose wives and children were only occasionally arrested, “[t]he arrests of ethnic Cham people were a little bit different — all the people in each family were arrested at the same time and immediately they were sent to Wat Ou Trakuon Pagoda.”⁴⁵⁷² After the Cham were arrested, they were brought to the security centre to be detained⁴⁵⁷³ before being executed⁴⁵⁷⁴ and buried in mass graves.⁴⁵⁷⁵ The size of the groups of

EN 00210435.

⁴⁵⁶⁴ **E3/5256** Hok Hoeun WRI, EN 00251306-07; **E3/5252** Seng Srun WRI, EN 00235517.

⁴⁵⁶⁵ **E1/349.1** Him Man, T. 17 Sept 2015, 11.22.37-11.25.17. *See also* **E3/5257** Tay Koemhun WRI, EN 00251015.

⁴⁵⁶⁶ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.14.12-10.16.20; **E3/9654** Sok Meng Ly WRI, A1; **E3/5252** Seng Srun WRI, EN 00235515-6; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.32.50-10.36.38, 15.59.48-16.01.50.

⁴⁵⁶⁷ **E3/373.1** Muy Vanny, T. 11 Jan 2016, 13.43.48-13.47.03; **E3/9654** Sok Meng Ly WRI, A14; **E1/346.1** Seng Srun, T. 14 Sept 2015, 14.12.58-14.14.10; **E1/374.1** Say Doeun, T. 12 Jan 2016, 11.15.20-11.19.18; **E3/9660** Say Doeun WRI, A21-22. *See also* **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 15.04.14-15.06.33; **E3/9342** Leav Loas WRI, EN 00339935.

⁴⁵⁶⁸ **E3/7828** Moeng Peng OCP Statement, EN 00210471.

⁴⁵⁶⁹ **E3/9654** Sok Meng Ly WRI, A5; **E3/9654** Sok Meng Ly WRI, A6; **E3/9654** Sok Meng Ly WRI, A12; **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.58.44-11.00.28, 11.03.02-11.04.48, 11.25.42-11.28.11, 14.12.13-14.14.04, 14.30.42-14.33.24; **E3/5257** Tay Koemhun WRI, EN 00251018; **E3/9660** Say Doeun WRI, A17, A24.

⁴⁵⁷⁰ **E1/374.1** Say Doeun, T. 12 Jan 2016, 11.13.09-11.15.20; **E3/9660** Say Doeun WRI, A18; **E3/7828** Moeng Peng OCP Statement, EN 00210472.

⁴⁵⁷¹ **E1/374.1** Say Doeun, T. 12 Jan 2016, 13.57.15-13.59.02, 14.09.24-14.12.13, 15.24.09-15.25.23; **E3/9660** Say Doeun WRI, A34; **E3/5302** Seng Srun OCP Statement, EN 00210487; **E3/5527** Seng Srun WRI, EN 00423723; **E3/7827** Chea Maly OCP Statement, EN 00210435.

⁴⁵⁷² **E3/9654** Sok Meng Ly WRI, A13. *See also* **E3/7828** Moeng Pang OCP Statement, EN 00210472.

⁴⁵⁷³ **E3/9671** Sor Chheang WRI, A14; **E3/5529** Man Heang, A9; **E3/9661** Thong Kim WRI, A9; **E3/5256** Hok Hoeun WRI, EN 00251304-05, 00251308; **E3/5257** Tay Koemhun WRI, EN 00251019-20; **E3/9659** Muy Vanny WRI, A20-21, 49; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 15.08.24-15.10.24; **E3/5203** Him Man WRI, EN 00242091; **E1/349.1** Him Man, T. 17 Sept 2015, 11.02.49-11.04.48; 11.20.24-11.25.17, 14.19.21-14.21.38, 14.39.40-14.41.45; **E3/9653** Muy Vanny WRI, EN 00738990; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.36.33-09.38.40; **E3/1692** Seng Srun WRI, EN 00242087. *See also* **E3/9661** Thong Kim WRI, A9; **E3/9654** Sok Meng Ly WRI, A12.

⁴⁵⁷⁴ **E3/9671** Sor Chheang WRI, A13; **E3/5257** Tay Koemhun WRI, EN 00251021; **E3/2654** OCP Mission Report, EN 00211169; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.05.51-16.07.20; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667232; **E3/9659** Muy Vanny WRI, A48.

⁴⁵⁷⁵ **E3/8038** Wat Au Trakuon Site ID Report, EN 00364806; **E3/2654** OCP Mission Report, EN 00211164;

prisoners that arrived varied: “Sometimes there were many of them but on some other occasions there were a few of them. ... If they came by boat, 50 people or 100 people at a time by boat.”⁴⁵⁷⁶

1073. Muy Vanny, an assistant to Horn in 1978, testified that the main pagoda was “full of people,” the majority of whom were Cham.⁴⁵⁷⁷ “I saw people were being chained — shackled in the main temple. Their ankles were shackled.”⁴⁵⁷⁸ He further described how “[t]he living conditions of the prisoners were so miserable. ... The food rations were not enough.”⁴⁵⁷⁹

1074. Muy Vanny testified that all Cham who arrived at Wat Au Trakuon were executed,⁴⁵⁸⁰ sometimes 100 at a time.⁴⁵⁸¹ In contrast to other prisoners, “[t]here was no interrogation of the Cham prisoners.”⁴⁵⁸² “Cham people were not detained for long. They were just brought up and then sent to the killing pits.”⁴⁵⁸³ The district security played music over loudspeakers when people were being killed to mask the sounds of killing and screaming,⁴⁵⁸⁴ and the music was heard every 3-5 days.⁴⁵⁸⁵ Despite the music, some witnesses could still hear screams,⁴⁵⁸⁶ and they could also smell the stench from the rotting corpses in the burial pits.⁴⁵⁸⁷

1075. Samrit Muy and Sen Srun testified that after the Southwest Zone cadres took control of Kang Meas District, Sector Secretary Ao An called a meeting⁴⁵⁸⁸ at Wat Au Trakuon at

E3/9671 Sor Chheang WRI, A28, A32; **E3/9661** Thong Kim WRI, A9; **E3/5256** Hok Hoeun WRI, EN 00251304; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.00.58-14.03.36; **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.18.24-11.25.00; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 09.54.41-09.58.48; **E3/1692** Seng Srun WRI, EN 00242087; **E3/5302** Seng Srun OCP Statement, EN 00210488; **E/9342** Leav Loas WRI, EN 00339935; **E3/7827** Chea Maly OCP Interview, EN 00210433. *See also* **E3/9654** Sok Meng Ly WRI, A19;

⁴⁵⁷⁶ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 13.51.32-13.53.30.

⁴⁵⁷⁷ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 13.53.30-13.55.17, 14.25.06-14.28.50, 15.57.15-15.59.25. *See also* **E3/9659** Muy Vanny WRI, A38, A70; **E3/7827** Chea Maly OCP Interview, EN 00210433.

⁴⁵⁷⁸ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.31.02-11.33.40; **E3/9659** Muy Vanny WRI, A21.

⁴⁵⁷⁹ **E3/9659** Muy Vanny WRI, A50. *See also* **E1/346.1** Seng Srun T. 14 Sept 2015, 10.59.40-11.04.55, 14.28.43-14.31.01.

⁴⁵⁸⁰ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.00.58-14.03.36.

⁴⁵⁸¹ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.06.20-14.07.05, 14.12.48-14.16.20.

⁴⁵⁸² **E3/9659** Muy Vanny WRI, A79; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 13.55.17-13.59.56, 14.00.58-14.03.36; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.51.54-10.54.00.

⁴⁵⁸³ **E3/7828** Moeng Pang OCP Statement, EN 00210472.

⁴⁵⁸⁴ **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.40.31-09.45.16; **E3/1692** Seng Srun WRI, EN 00242087; **E3/7828** Moeng Pang OCP Statement, EN 00210472.

⁴⁵⁸⁵ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28.

⁴⁵⁸⁶ **E3/5256** Hok Hoeun WRI, EN 00251309; **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28.

⁴⁵⁸⁷ **E1/349.1** Him Man, T. 17 Sept 2015, 13.57.29-14.04.36; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 10.01.45-10.03.22.

⁴⁵⁸⁸ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.16.20-10.19.44, 11.14.28-11.17.23, 15.12.16-15.14.33; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.04.38-10.07.19; **E3/5302** Seng Srun OCP Statement, EN

which all of the unit chiefs were present.⁴⁵⁸⁹ Ao An “spoke about the enemy amongst the people.”⁴⁵⁹⁰ Samrit Muy testified that not long after the meeting concluded,⁴⁵⁹¹ all of the Cham in Sach Sou Village (in Peam Chi Kang Commune, Kang Meas District), were arrested⁴⁵⁹² and taken to Wat Au Trakuon.⁴⁵⁹³ Witness Sen Srun also recalled that in one day, all of the Cham from Peam Chi Kang Commune, consisting of 400-500 men, women, children, were arrested and brought to Wat Au Trakuon.⁴⁵⁹⁴ Say Doeun, who was for a period chairman of the Long Sword Group, also testified that all of the Cham in Peam Chi Kang Commune were arrested after the arrival of the Southwest Zone cadres.⁴⁵⁹⁵ He also testified that Cham were arrested in seven other villages on that same day, and brought to Wat Au Trakuon.⁴⁵⁹⁶

1076. Sen Srun, who was assigned to accompany the Cham from Peam Chi Kang Commune to Wat Au Trakuon, testified that loud music was played that night to mask the sounds of killing,⁴⁵⁹⁷ and he never saw the Cham again.⁴⁵⁹⁸ Witness Samrit Muy saw all of the Cham, including old people, young children, and babies, arriving and being walked into Wat Au Trakuon.⁴⁵⁹⁹ It was his understanding that they were then all killed,⁴⁶⁰⁰ because “[t]hose who were brought into that pagoda never returned. They were brought in, and disappeared.”⁴⁶⁰¹ He also heard loud music playing over the pagoda’s loudspeakers that night⁴⁶⁰² and stated that “[w]henver they wanted to kill people they would bring people into the pagoda and the loud music would be played.”⁴⁶⁰³

00210486-7; **E3/5527** Seng Srun WRI, A5-A6; **E3/8736** Seng Srun WRI, A11, A17.

⁴⁵⁸⁹ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 11.14.28-11.17.23.

⁴⁵⁹⁰ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 15.12.16-15.14.33. *See also* **E1/347.1** Samrit Muy, T. 15 Sept 2015, 11.17.23-11.19.11; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.07.19-10.10.47; *cf.* **E3/9346** Samrit Muy WRI, EN 00235508.

⁴⁵⁹¹ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.17.47-10.19.44.

⁴⁵⁹² **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.06.02-10.10.12; **E3/9346** Samrit Muy WRI, EN 00235508.

⁴⁵⁹³ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.21.13-10.42.05.

⁴⁵⁹⁴ **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.43.55-10.46.38, 10.47.40-10.59.40, 14.12.58-14.14.10, 14.21.05-14.22.49, 14.33.14-14.35.17, 15.57.32-15.59.48; **E3/1692** Seng Srun WRI, EN 00242087; **E3/5252** Seng Srun WRI, EN 00235517; **E3/5302** Seng Srun OCP Statement, EN 00210488; **E3/8736** Seng Srun WRI, A25; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053220.

⁴⁵⁹⁵ **E1/374.1** Say Doeun, T. 12 Jan 2016, 13.59.57-14.02.09, 14.09.24-14.11.04.

⁴⁵⁹⁶ **E1/374.1** Say Doeun, T. 12 Jan 2016, 14.17.50-14.20.40, 15.07.55-15.10.26.

⁴⁵⁹⁷ **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.13.10-11.18.24; **E3/5302** Seng Srun OCP Statement, EN 00210488. *See also* **E3/5257** Tay Koemhun WRI, EN 00251021.

⁴⁵⁹⁸ **E3/1692** Seng Srun WRI, EN 00242087.

⁴⁵⁹⁹ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.10.12-10.12.23, 10.49.33-10.51.28, 15.42.30-15.44.20, 16.01.00-16.02.52, 16.02.52-16.04.29.

⁴⁶⁰⁰ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.47.06.

⁴⁶⁰¹ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.47.06. *See also* **E3/9360** Mat Toulouh WRI, A16.

⁴⁶⁰² **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.49.33-10.53.46; **E3/5256** Hok Hoeun WRI, EN 00251308.

⁴⁶⁰³ **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28; **E3/9346** Samrit Muy WRI, EN 00235508. *See also* **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 09.36.45-09.38.55; **E3/5256** Hok Hoeun WRI, EN

1077. The next day, Sen Srun asked Moeun, who worked within Wat Au Trakuon and was engaged in the killing⁴⁶⁰⁴ along with many other members of the security forces,⁴⁶⁰⁵ what had happened:

He told me that all of them had been smashed and that the killing lasted until nearly 12 p.m. at night and I asked Moeun about the young children, the babies who were with the mothers and I was told that some young babies or children were smashed against the trees and some had their legs torn apart and that some children were not killed yet, but they were just tossed, torn and thrown into the pits together with the adults and old people and when I asked him if any people were spared. He told me that Cham people, all of them, had been killed and smashed and no one was left.⁴⁶⁰⁶

1078. Moeun also told Sen Srun that Cham women were raped.⁴⁶⁰⁷ Other witnesses similarly heard the district security at Wat Au Trakuon discussing the Cham they had killed.⁴⁶⁰⁸

1079. Seng Kuy testified that after the arrival of the Southwest Zone cadres,⁴⁶⁰⁹ all of the Cham in his village, Angkor Ban 2 (Angkor Ban Commune, Kang Meas District),⁴⁶¹⁰ consisting of 10-15 women and children, some as young as three, who had been transferred to the village in 1976,⁴⁶¹¹ were arrested by commune security forces. The chief of the security forces stated, “We will kill all the Cham people and will not spare anyone.”⁴⁶¹² Seng Kuy and others were then ordered⁴⁶¹³ to transport the Cham to Wat Au Trakuon, where they handed them over to district security.⁴⁶¹⁴ He never saw them again.⁴⁶¹⁵

00251305; **E3/2654** OCP Mission Report, EN 00211164.

⁴⁶⁰⁴ **E1/346.1** Seng Srun, T. 14 Sept 2015, 13.34.07-13.37.26, 13.53.39-13.58.13.

⁴⁶⁰⁵ **E1/346.1** Seng Srun, T. 14 Sept 2015, 14.14.10-14.17.27.

⁴⁶⁰⁶ **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.13.10-11.15.45; **E1/347.1** Seng Srun, T. 15 Sept 2015, 09.29.47-09.32.55; **E3/1692** Seng Srun WRI, EN 00242087; **E3/5302** Seng Srun OCP Statement, EN 00210488; **E3/5257** Tay Koemhun WRI, EN 00251021

⁴⁶⁰⁷ **E1/346.1** Seng Srun, T. 14 Sept 2015, 13.42.40-13.45.00.

⁴⁶⁰⁸ **E3/5256** Hok Hoeun WRI, EN 00251305; **E1/374.1** Say Doeun, T. 12 Jan 2016, 15.15.04-15.24.09.

⁴⁶⁰⁹ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.18.30-15.20.25.

⁴⁶¹⁰ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.42.25-13.53.10; **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.06.08-09.08.28; **E3/5301** Seng Kuy OCP Statement, EN 00210481.

⁴⁶¹¹ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.08.54-14.13.14, 14.06.05-14.08.54; **E3/5301** Seng Kuy OCP Statement, EN 00210481-82; **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.17.07-09.19.16.

⁴⁶¹² **E1/345.1** Seng Kuy, T. 10 Sept 2015, 10.17.48-10.19.46. *See also* **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.21.29-14.30.18; **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.26.27-09.28.54; **E3/5301** Seng Kuy OCP Statement, EN 00210481, 00210483.

⁴⁶¹³ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.34.37-14.37.18, 14.40.41-14.43.37.

⁴⁶¹⁴ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.37.18-14.43.37, 14.45.20-14.48.07; **E3/5301** Seng Kuy OCP Statement, EN 00210482.

⁴⁶¹⁵ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.48.07-14.49.35; **E3/5301** Seng Kuy Complaint, EN 00210482.

1080. Witness Him Man was rounded up with approximately 300⁴⁶¹⁶ other Cham⁴⁶¹⁷ but managed to escape on the way to Wat Au Trakuon. He was hiding nearby when “[t]hey started to kill the Cham people I heard screams, I was lying in the bushes with my wife and we heard the screams, we even heard the sound from people being hit. We heard people screaming to Allah for help. They screamed, ‘O Allah, my Lord.’”⁴⁶¹⁸ Muy Vanny testified that in late 1977 or early 1978, only the Cham members of his mobile unit in Sdau Commune, Kang Meas District were arrested by cadres.⁴⁶¹⁹ He never saw them again and heard they had been killed.⁴⁶²⁰

1081. Seng Kuy testified that when exhumations were conducted after the fall of the DK regime, it was estimated that approximately 30,000 people had been killed at Wat Au Trakuon,⁴⁶²¹ however other witnesses estimated that the number was closer to 20,000.⁴⁶²²

b) Implementation in the East Zone by Southwest Cadres

1082. Southwest Zone cadres perpetrated mass arrests, disappearances, and killings of the Cham in the East Zone after their arrival in 1977 and 1978.⁴⁶²³ As in the Central Zone, lists were compiled to identify Cham. No Sates told the Court that in Kroch Chhmar District “[t]he Southwest cadres ordered the village chiefs or other people who were working in the district or villages to identify who were Chams and who were not Cham and the list or the reports would be sent to the Southwest cadres. They wrote down lists of Cham people to be sent to Southwest cadres.”⁴⁶²⁴ The lists were then sent to Kroch Chhmar District secretary Hor and his deputy,⁴⁶²⁵ following which the Cham in the villages were called to a meeting and were sent away; first the males, then the

⁴⁶¹⁶ **E1/349.1** Him Man, T. 17 Sept 2015, 15.01.06-15.02.43; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/5302** Seng Srun OCP Statement, EN 00210488.

⁴⁶¹⁷ **E1/349.1** Him Man, T. 17 Sept 2015, 11.25.17-11.28.14; **E3/4706** Him Man CP App, EN 00417863.

⁴⁶¹⁸ **E1/349.1** Him Man, T. 17 Sept 2015, 11.28.14-11.32.01. *See also* **E3/4706** Him Man CPA, EN 00417863; **E3/5203** Him Man WRI, EN 00242091; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503.

⁴⁶¹⁹ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.22.02-10.28.18, 10.30.22-10.48.14; **E1/374.1** Muy Vanny, T. 12 Jan 2016, 09.14.10-09.18.03; **E3/9659** Muy Vanny WRI, A71.

⁴⁶²⁰ **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.46.02-10.48.14, 11.05.16-11.06.28.

⁴⁶²¹ **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.42.43-09.52.25; **E3/8751** Seng Kuy WRI, EN 00722236.

⁴⁶²² **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.40.19-11.42.15, 13.48.46-13.50.55. *See also* **E3/9654** Sok Meng Ly WRI, A22. *But see* **E/9342** Leav Loas WRI, EN 00339935.

⁴⁶²³ **E1/342.1** It Sen, T. 7 Sept 2015, 14.12.54-14.15.01; **E1/351.1** No Sates, T. 29 Sept 2015, 09.47.00-09.48.42; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150221-22; **E3/4705** No Sates CPA, EN 00417852; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.09.54-09.11.36, 09.38.30-09.41.04; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667248. *See also* **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.44.06-13.46.40.

⁴⁶²⁴ **E1/350.1** No Sates, 28 Sept 2015, 15.55.43-15.56.59.

⁴⁶²⁵ **E3/4705** No Sates CPA, EN 00417852.

females.⁴⁶²⁶ No Sates' mother, younger siblings, and cousins, and "many other Cham families"⁴⁶²⁷ were placed onto a ferry and told they would be transported across the river to Stueng Trang.⁴⁶²⁸ "All people on board were Chams, there was no Khmer."⁴⁶²⁹ No Sates never saw her family members again.⁴⁶³⁰

1083. Van Mat testified that he accompanied the Chumnik Commune (Kroch Chhmar District) chief to a two-hour meeting⁴⁶³¹ of commune, sector, and district chiefs⁴⁶³² in Kampong Thma in the Central Zone⁴⁶³³ called by Central Zone Secretary Ke Pauk around August 1978.⁴⁶³⁴ From outside the meeting hall, Van Mat heard Ke Pauk speak over the broadcast system.⁴⁶³⁵ While Van Mat's in-court testimony described the statements he heard Ke Pauk say in a number of different ways, in his testimony and statements to the OCIJ he explained that Ke Pauk identified the Cham, like mobile workers from the East Zone, as traitors that needed to be "smashed."⁴⁶³⁶ Ke Pauk told the attendees that when they returned to their bases they needed to "implement and achieve a hundred per cent of the *Angkar*'s policy."⁴⁶³⁷

1084. Van Mat described how the implementation of these orders from Ke Pauk was carried out. Two days after that meeting,⁴⁶³⁸ large numbers of Cham were moved by boat out of Chumnik Commune⁴⁶³⁹ and never returned.⁴⁶⁴⁰ Those evacuated at this time consisted almost entirely of Cham ("98 per cent"⁴⁶⁴¹), with a small minority of Khmer who were "New People."⁴⁶⁴² Van Mat learned that "the plan was not to keep those evacuees alive

⁴⁶²⁶ **E1/350.1** No Sates, T. 28 Sept 2015, 15.56.59-15.59.16. *See also* **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219178; **E3/5208** Sauv Nhut WRI, EN 00235139.

⁴⁶²⁷ **E1/350.1** No Sates, T. 28 Sept 2015, 14.12.01-14.14.56.

⁴⁶²⁸ **E1/350.1** No Sates, T. 28 Sept 2015, 14.07.16-14.10.30; **E3/4705** No Sates CPA, EN 00417852; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199.

⁴⁶²⁹ **E1/350.1** No Sates, T. 28 Sept 2015, 14.12.01-14.14.56.

⁴⁶³⁰ **E1/350.1** No Sates, T. 28 Sept 2015, 15.54.44-15.55.43, 16.00.41-16.03.09.

⁴⁶³¹ **E1/398.1** Van Mat, T. 9 March 2016, 10.45.40-10.47.40.

⁴⁶³² **E1/398.1** Van Mat, T. 9 March 2016, 10.35.23-10.37.16; **E3/8735** Van Mat WRI, EN 00722240.

⁴⁶³³ **E1/398.1** Van Mat, T. 9 March 2016, 10.39.02-10.40.53.

⁴⁶³⁴ **E1/398.1** Van Mat, T. 9 March 2016, 10.33.38-10.35.23, 10.37.16-10.39.02, 13.31.57-13.35.14; **E3/8735** Van Mat WRI, EN 00722241.

⁴⁶³⁵ **E1/398.1** Van Mat, T. 9 March 2016, 10.37.16-10.39.02, 10.40.53-10.42.22; **E3/8735** Van Mat WRI, EN 00722240.

⁴⁶³⁶ **E1/398.1** Van Mat, T. 9 March 2016, 10.43.15-10.45.40, 13.35.14-13.36.35, 13.41.00-13.42.45; **E3/8735** Van Mat WRI, EN 00722240; *see also* **E3/5209** Van Mat WRI, EN 00242068.

⁴⁶³⁷ **E1/398.1** Van Mat, T. 9 March 2016, 10.45.40-10.47.40 (*emphasis added*).

⁴⁶³⁸ **E1/398.1** Van Mat, T. 9 March 2016, 11.21.34-11.22.50, 16.08.55-16.10.33; **E3/5209** Van Mat WRI, EN 00242069; **E3/8735** Van Mat WRI, EN 00722240.

⁴⁶³⁹ **E1/398.1** Van Mat, T. 9 March 2016, 10.50.46-10.53.18, 11.02.18-11.04.22, 14.32.02-14.34.20.

⁴⁶⁴⁰ **E1/398.1** Van Mat, T. 9 March 2016, 10.50.46-10.53.18.

⁴⁶⁴¹ **E1/398.1** Van Mat, T. 9 March 2016, 11.02.18-11.04.22.

⁴⁶⁴² **E1/398.1** Van Mat, T. 9 March 2016, 10.50.46-10.53.18

and that those already evacuated had all died.”⁴⁶⁴³ Of the 400-500 Cham⁴⁶⁴⁴ in his particular group “none of them was left. They never returned to the village. And before our group, there were thousands and thousands of people who were killed.”⁴⁶⁴⁵

1) Trea Village Security Centre

1085. Southwest Zone cadres carried out mass killings of Cham in the East Zone at Trea Village Security Centre, located in Trea 2 Village, Kroch Chhmar District, in Sector 21 of the East Zone.⁴⁶⁴⁶

1086. Many witnesses indicated that Ta Hor (also romanized as “Ho”), who was related to Ke Pauk, was installed as Kroch Chhmar District secretary after the arrival of the Southwest Zone cadres⁴⁶⁴⁷ and that he established the security centre.⁴⁶⁴⁸ The Sector 21 Secretary was Rin from the Southwest Zone,⁴⁶⁴⁹ and he reported to Son Sen.⁴⁶⁵⁰ Hor would attend study sessions with Rin and Son Sen,⁴⁶⁵¹ and Son Sen “talked about internal enemies.”⁴⁶⁵² Witness 2-TCW-950 admitted that during the period of DK he went by the alias Hor,⁴⁶⁵³ his birth name,⁴⁶⁵⁴ that he was Kroch Chhmar District Secretary for a period,⁴⁶⁵⁵ and that he was related to Ke Pauk through marriage.⁴⁶⁵⁶ Not surprisingly given what transpired, 2-TCW-950 denied even being aware of the killings of Cham taking place in his district, but numerous witnesses have attested to the active role he played in these mass murders.⁴⁶⁵⁷

⁴⁶⁴³ **E1/398.1** Van Mat, T. 9 March 2016, 11.13.06-11.14.40, 11.17.04-11.18.18, 11.24.15-11.25.42.

⁴⁶⁴⁴ **E1/398.1** Van Mat, T. 9 March 2016, 11.01.05-11.02.18, 11.24.15-11.25.42.

⁴⁶⁴⁵ **E1/398.1** Van Mat, T. 9 March 2016, 11.18.18-11.20.05.

⁴⁶⁴⁶ **E3/8035** Trea Village Security Centre Site ID Report, EN 00364803; **E3/9517** Ban Seak WRI, EN 00984878; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.50.45-09.52.12; **E3/2766** Maps (old) North Zone 303, East Zone 203, Trea Village Security Centre, 28 Dec 2009, EN 00429142, 00429144, 00429161.

⁴⁶⁴⁷ **E1/408.1** Ysa Osman, T. 24 March 2016, 09.33.05-09.35.55; **E3/7680** Sok Preun WRI, EN 00275390; **E3/5288** Sos (Suf) Romly WRI, EN 00336290; **E1/375.1** Math Sor, 13 Jan 2018, 10.59.08-11.01.24; **E3/5194** Math Sor (Ahmad Sofiyah) WRI, EN 00274708; **E1/351.1** No Sates, T. 29 Sept 2015, 13.34.08-13.35.45; **E1/350.1** No Sates, T. 28 Sept 2015, 15.05.36-15.07.13; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.18.00-09.23.56; **E3/5288** Sos Romly WRI, EN 00336290-91; **E3/9324** Sos Romly WRI, EN 00242064; **E3/5196** Sos Romly WRI, EN 00223088; **E3/7679** Sa Nau WRI, EN 00242061-62; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219198.

⁴⁶⁴⁸ **E3/5196** Sos Romly WRI, EN 00223088.

⁴⁶⁴⁹ **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.54.29-13.56.07; **E3/9517** Ban Seak WRI, A43, A58.

⁴⁶⁵⁰ **E3/9517** Ban Seak WRI, A42, A58; **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.54.29-13.56.07, 14.00.15-14.02.18.

⁴⁶⁵¹ **E1/353.1** Ban Seak, T. 5 Oct 2015, 13.58.19-14.00.15.

⁴⁶⁵² **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.27.10-14.29.50.

⁴⁶⁵³ **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.07.57-14.17.55; **E1/354.1** Ban Seak, T. 6 Oct 2015, 11.18.25-11.20.42.

⁴⁶⁵⁴ **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.07.57-14.10.35.

⁴⁶⁵⁵ **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.34.15-14.36.23.

⁴⁶⁵⁶ **E1/353.1** Ban Seak, T. 5 Oct 2015, 09.16.25-09.20.50.

⁴⁶⁵⁷ See **E1/408.1** Ysa Osman, T. 24 March 2016, 09.33.05-09.35.55 [“In the interviews that I got in relation

1087. Decisions on arrests and executions came to the district from the “upper echelon,” Son Sen, and Office 870,⁴⁶⁵⁸ and cadres from the centre under the command of Son Sen took part in the executions in the area.⁴⁶⁵⁹ After the Cham were brought to the security centre they were killed in pits near the riverside or tied together in groups of 15-20 and dragged by boat into the middle of the Mekong to drown before their corpses were released to float downstream.⁴⁶⁶⁰ As the killing in Kroch Chhmar District increased in 1977-78, it was difficult to bury all the bodies of those killed on land, and therefore the cadres resorted to dumping them in the Mekong.⁴⁶⁶¹ Ban Seak admitted that he saw headless corpses floating in the river while he was in Kroch Chhmar District and that.⁴⁶⁶²

The people who were to be smashed would not be kept so long. They just simply reported to upper echelon and when they were ordered to smash, they would implement that order right away without interrogating to search for any networks.⁴⁶⁶³

1088. Witness It Sen described how he was sent to the security centre in 1978 along with approximately 50 other Cham families from two villages.⁴⁶⁶⁴ On the way, they were told by villagers “that they had witnessed some Cham people being blindfolded and led to the river.”⁴⁶⁶⁵ “[U]pon our arrival we noticed that every house along the river bank was full of the Cham people who had arrived before us.”⁴⁶⁶⁶ They were received by district security and Seng, a member of the Kroch Chhmar District committee.⁴⁶⁶⁷ The men

to the killings of Cham people in 1977 and '78, interviewees knew well Ta Ho. Now, Ta Ho changed — changes his name. He was trying to conceal his background, his actual activities in relation to the killings and, also, he wanted to conceal his responsibility”. See also **E3/5275** Ban Seak WRI, EN 00284493 [Ban Seak claiming he never worked in Kroch Chhmar District although he admitted he did in testimony]; **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.34.15-14.36.23 [explaining why he prevaricated, and admitting to pressure from “former colleagues who had joined the struggle” who told him he “did not have to disclose too much otherwise [he] would bring trouble to [him]self”].

⁴⁶⁵⁸ **E3/5196** Sos Romly WRI, EN 00223088; **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.15.25-14.17.55; **E3/9517** Ban Seak WRI, EN 00984882; **E1/354.1** Ban Seak, T. 6 Oct 2015, 10.56.35-11.01.45.

⁴⁶⁵⁹ **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.21.45-14.25.20.

⁴⁶⁶⁰ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.04.57-16.05.51; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.38.30-09.42.58.

⁴⁶⁶¹ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.38.30-09.41.04.

⁴⁶⁶² **E1/353.1** Ban Seak, T. 5 Oct 2015, 15.01.22-15.03.25; **E1/354.1** Ban Seak, T. 6 Oct 2015, 14.22.08-14.28.20. See also **E3/375** Ban Seak WRI, EN 00360763.

⁴⁶⁶³ **E3/375** Ban Seak WRI, EN 00360762.

⁴⁶⁶⁴ **E1/342.1** It Sen, T. 7 Sept 2015, 14.23.44-14.31.27, 15.45.08-15.46.43; 15.48.11-15.50.34.

⁴⁶⁶⁵ **E1/342.1** It Sen, T. 7 Sept 2015, 14.28.36-14.31.27

⁴⁶⁶⁶ **E1/342.1** It Sen, T. 7 Sept 2015, 14.26.51-14.28.36; see also **E3/4705** No Sates VIF, 16 March 2008, EN 00417852.

⁴⁶⁶⁷ **E1/342.1** It Sen, T. 7 Sept 2015, 14.26.51-14.28.36, 14.31.27-14.33.07; **E1/343.1** It Sen, T. 8 Sept 2015, 11.19.22-11.21.16; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442; **E3/5195** It Sen WRI, EN 00242095.

were separated from the women,⁴⁶⁶⁸ and CPK cadres took the men to the riverbank where they pointed guns at them, tied them up, and beat them while referencing that they were Muslim and Cham.⁴⁶⁶⁹ “They kicked us repeatedly and they asked whether we were Muslims. ... In fact, they knew that we were Chams.”⁴⁶⁷⁰ It Sen was then placed in a house along with about 40 other males,⁴⁶⁷¹ next to approximately 20 other houses filled with Cham.⁴⁶⁷² It Sen described how the cadres sequentially brought the Cham men detained in the houses to the riverside,⁴⁶⁷³ blindfolded them, and dragged them into the river to drown.⁴⁶⁷⁴ It Sen detailed what he saw for the Court:

I noticed that people with blindfold were taken out of the houses, and led to the river. They then used a big rope to attach some 30 people together one after another, while the other end of the rope was attached to the back of a motor boat. And so when the boat got to the middle of the river, they released the rope with people attached to it into the river to drown those people.⁴⁶⁷⁵

1089. This “repeated the whole day until they completed their task. The motor boat could have made one hundred trips as it went back and forth.”⁴⁶⁷⁶ The women and children were then killed separately.⁴⁶⁷⁷

1090. Witness Sos Romly testified that he saw 500 to 600 Cham adults and children brought to Trea Village over a period of 10 days in 1978, after which they were also brought to the river.⁴⁶⁷⁸ Some of the corpses floated down the Mekong to Phnom Penh and were seen by Pol Pot, who, after he asked Ke Pauk to investigate, was informed by a report to Office 870 “that the Cham people had been arrested, placed in the boats, and then were beheaded before they were dumped into the river. ... That event took place in Krauch Chhmar district opposite from Steung Trang district. The Intervention Unit of

⁴⁶⁶⁸ **E1/342.1** It Sen, T. 7 Sept 2015, 14.35.39-14.38.16; **E3/9334** Ysa Osman, *The Cham Rebellion*, 00204442.

⁴⁶⁶⁹ **E1/342.1** It Sen, T. 7 Sept 2015, 14.35.39-14.40.55; 15.05.01-15.09.53; 16.02.01-16.03.20; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442; **E3/5195** It Sen WRI, EN 00242096.

⁴⁶⁷⁰ **E1/342.1** It Sen, T. 7 Sept 2015, 14.38.16-14.40.55.

⁴⁶⁷¹ **E1/342.1** It Sen, T. 7 Sept 2015, 14.35.39-14.38.16.

⁴⁶⁷² **E1/342.1** It Sen, T. 7 Sept 2015, 15.03.08-15.09.53; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442.

⁴⁶⁷³ **E1/342.1** It Sen, T. 7 Sept 2015, 15.11.22-15.25.10.

⁴⁶⁷⁴ **E1/342.1** It Sen, T. 7 Sept 2015, 14.38.16-14.40.55, 15.11.22-15.25.10; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442.

⁴⁶⁷⁵ **E1/342.1** It Sen, T. 7 Sept 2015, 15.17.05-15.19.45.

⁴⁶⁷⁶ **E1/342.1** It Sen, T. 7 Sept 2015, 15.23.00-15.25.10, 15.27.34-15.31.04.

⁴⁶⁷⁷ **E1/342.1** It Sen, T. 7 Sept 2015, 16.03.20-16.05.20; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204443.

⁴⁶⁷⁸ **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.29.56-09.31.57, 09.33.45-09.36.10; **E3/5196** Sos Romly WRI, EN 00223088.

the Centre led by Pin was involved in that killing.”⁴⁶⁷⁹ This intervention unit was under the command of Son Sen.⁴⁶⁸⁰

1091. Witness Math Sor and Civil Party No Sates were both taken to Trea Village Security Centre at the same time in 1978⁴⁶⁸¹ by Southwest Zone cadres reporting to district secretary Hor.⁴⁶⁸² They were detained with approximately 30-40 other women⁴⁶⁸³ after the village chief had informed the soldiers that they were Cham.⁴⁶⁸⁴ While they have different recollections as to whether additional groups of women were held inside,⁴⁶⁸⁵ or in front of,⁴⁶⁸⁶ the security centre building in which they were detained, both testified that on arriving the women were tied up. The windows and doors of the building were closed, and armed cadres guarded under the house.⁴⁶⁸⁷ Cadres next to the security centre were sharpening their knives and Math Sor heard them say to each other “tonight we have a lot of big pigs, so we have to sharpen our knives.”⁴⁶⁸⁸

1092. Shortly after the womens’ arrival, the district secretary Hor entered,⁴⁶⁸⁹ and asked the women individually if they were Cham or Khmer.⁴⁶⁹⁰ “Then if somebody answered that she was Cham, then she would be taken out from the line, escorted by an armed person either with a weapon or with a knife and they left. So, all those people who answered that they were Cham, they were escorted by an armed person and they have disappeared since. No one has returned.”⁴⁶⁹¹ Both No Sates and Math Sor survived because they lied

⁴⁶⁷⁹ **E3/35** Ke Pich Vannak WRI, EN 00346155-56.

⁴⁶⁸⁰ **E3/35** Ke Pich Vannak WRI, EN 00346154; **E1/353.1** Ban Seak, T. 5 Oct 2015, 15.10.28-15.13.21.

⁴⁶⁸¹ **E1/375.1** Math Sor, T. 13 Jan 2016, 11.29.44-11.32.42; **E3/7772** Math Sor (Ahmad Sofiyah) WRI, EN 00348090; **E1/351.1** No Sates, T. 11.29.05-11.31.16.

⁴⁶⁸² **E1/375.1** Math Sor, T. 13 Jan 2016, 15.03.38-15.05.35; **E1/351.1** No Sates, T. 29 Sept 2015, 11.16.20-11.18.12; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199.

⁴⁶⁸³ **E1/350.1** No Sates, T. 28 Sept 2015, 14.07.16-14.10.30, 14.12.01-14.14.56, 14.18.51-14.23.22; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.11.16-10.14.00.

⁴⁶⁸⁴ **E1/351.1** No Sates, T. 29 Sept 2015, 11.16.20-11.18.12.

⁴⁶⁸⁵ **E1/351.1** No Sates, T. 29 Sept 2015, 11.02.48-11.04.11.

⁴⁶⁸⁶ **E1/375.1**, Math Sor, T. 13 Jan 2016, 10.54.55-10.57.35.

⁴⁶⁸⁷ **E1/350.1** No Sates, T. 28 Sept 2015, 14.12.01-14.16.35; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.14.00-10.16.08, 10.33.16-10.35.22, 11.25.19-11.28.13, 15.07.10-15.09.05.

⁴⁶⁸⁸ **E1/375.1** Math Sor, T. 13 Jan 2016, 10.14.00-10.16.08, 11.23.44-11.25.19. *See also* **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204414.

⁴⁶⁸⁹ **E1/350.1** No Sates, T. 28 Sept 2015, 14.14.56-14.16.35, 15.07.13-15.09.30; **E3/4705** No Sates CPA, EN 00417852; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199; **E1/375.1** Math Sor, 13 Jan 2016, 11.28.13-11.29.44.

⁴⁶⁹⁰ **E1/350.1** No Sates, T. 28 Sept 2015, 14.14.56-14.16.35; **E1/351.1** No Sates, T. 29 Sept 2015, 11.19.49-11.24.44; **E3/4705** No Sates CPA, EN 00417852; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219198-99, 00219201-02; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22, 11.25.19-11.28.13, 15.03.38-15.05.35; 15.09.05-15.11.00; 15.40.58-15.43.50; **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204414.

⁴⁶⁹¹ **E1/350.1** No Sates, T. 28 Sept 2015, 14.14.56-14.16.35, 15.11.12-15.14.04, 15.20.23-15.21.54; *see also* **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.45.59-10.46.55; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.35.22-10.37.02; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.05.51-16.07.20.

and said they were Khmer.⁴⁶⁹² No Sates explained: “The reason that I said I was Khmer is that if I had not said I was Khmer I would have been killed because Cham people were taken away and killed.”⁴⁶⁹³

1093. Math Sor was able to see through a hole in the side of the house⁴⁶⁹⁴ that those taken away, including some of her relatives,⁴⁶⁹⁵ “were taken to a big pit about eight metres from the house and Cham people were killed in that pit.”⁴⁶⁹⁶ “The pit was pretty large and they placed a wooden plank near the pit and the people were asked to bend their head, then they hit them and they fell into the pit.”⁴⁶⁹⁷

1094. After the removal of the women who admitted to being Cham, the remaining women were untied and Hor stated “that we were lucky as he was there to question us and that we were Khmer. Otherwise, all of us would have been taken away.”⁴⁶⁹⁸ They were kept in the house for a few days, during which time they were under “constant monitoring”⁴⁶⁹⁹ and then made to eat curry with pork in it⁴⁷⁰⁰ while Hor and soldiers watched them.⁴⁷⁰¹ After the DK period, 20 to 30 pits were discovered near the riverbank containing human remains with ligatures at the wrist.⁴⁷⁰²

EFFECTS OF THE GENOCIDE ON THE CHAM

1095. Evidence before the chamber shows the devastating effects that the CPK genocidal campaign had on the Cham community in Cambodia. Many villages that had been primarily or completely Cham before the DK regime were almost or completely devoid of Cham after; losses totaling thousands and thousands of Cham on these accounts

⁴⁶⁹² **E1/350.1** No Sates, T. 28 Sept 2015, 14.16.35-14.18.51; **E3/4705** No Sates CPA, EN 00417852; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22, 10.51.18-10.53.30.

⁴⁶⁹³ **E1/350.1** No Sates, T. 28 Sept 2015, 14.34.18-14.36.29.

⁴⁶⁹⁴ **E1/375.1** Math Sor, T. 13 Jan 2016, 10.42.37-10.44.43, 10.54.55-10.57.35; 11.29.44-11.32.42.

⁴⁶⁹⁵ **E1/375.1** Math Sor, T. 13 Jan 2016, 10.51.18-10.53.30, 15.29.36-15.31.25.

⁴⁶⁹⁶ **E1/375.1** Math Sor, T. 13 Jan 2016, 10.45.45-10.47.11, 10.53.30-10.54.55, 10.59.08-11.01.24, 15.18.00-15.19.58; **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204415.

⁴⁶⁹⁷ **E1/375.1** Math Sor, T. 13 Jan 2016, 11.29.44-11.32.42.

⁴⁶⁹⁸ **E1/350.1** No Sates, T. 28 Sept 2015, 14.16.35-14.18.51, 14.21.20-14.23.22.

⁴⁶⁹⁹ **E1/350.1** No Sates, T. 28 Sept 2015, 15.09.30-15.11.12.

⁴⁷⁰⁰ **E1/350.1** No Sates, T. 28 Sept 2015, 14.21.20-14.23.22; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219200; **E1/375.1** Math Sor, T. 13 Jan 2016, 11.32.42-11.33.57; **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204415.

⁴⁷⁰¹ **E1/350.1** No Sates, T. 28 Sept 2015, 14.21.20-14.23.22 [No Sates testified: “That day I had to force myself to eat pork. So I ate a few pieces of pork in order to survive, to make them believe that I was not a Cham person”]; **E1/350.1** No Sates, T. 28 Sept 2015, 15.21.54-15.24.40; **E3/4705** No Sates CPA, EN 00417852.

⁴⁷⁰² **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.31.57-09.36.10, 14.27.31-14.28.35; **E3/9324** Sos Romly WRI, EN 00242064; **E3/7773** Sleh Toat WRI, EN 00348097; **E3/2631** DC Cam Mapping Report, EN 00208307.

alone.⁴⁷⁰³ For instance, Ben Kiernan estimated there would have been approximately 1,200 Cham families in just five villages in Kang Meas District in 1975, and according to a Muslim leader he interviewed, “Not a family survived, only one or two people.”⁴⁷⁰⁴ “In some villages, people completely disappeared while in other villages, there were less than half of the villagers remained. There were many villages like that.”⁴⁷⁰⁵ Based on interviews with villagers who had lived through the DK period, OCIJ estimated that in Trean Commune, just one of the 11 communes in Prak Yut’s Kampong Siem District, “close to 1800” Cham had been killed during the DK regime.⁴⁷⁰⁶

1096. In the annex to his book *Oukoubah*, Ysa Osman listed seven villages that lost a total of 3,738 Cham families (over 18,000 people if families averaged five persons) and two others that had lost 2,131 individuals between 1975 and 1979.⁴⁷⁰⁷ He also listed ten other traditionally Cham villages that had lost virtually their entire Cham population.⁴⁷⁰⁸ Ysa Osman opined that 99% of the Cham population loss was due to death, either by execution, illness or starvation,⁴⁷⁰⁹ because traditionally Cham would return to their home villages.⁴⁷¹⁰ Ysa Osman and Ben Kiernan also estimate that, in addition to the execution of the *Mufti* and his deputies, only 17% of *Hakim*, 12% of *Tuon*, and approximately 3% of *Haji* survived the DK regime.⁴⁷¹¹

⁴⁷⁰³ See e.g. **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.29.31-15.31.48; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.41.12-09.43.25, 09.46.10-09.47.55, 09.54.27-09.56.42; **E1/372.1** Sos Romly, T. 8 Jan 2016, 11.16.11-11.17.28; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667273; **E3/2654** OCP Mission Report, EN 00211169; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.09.16-15.14.11, 15.39.35-15.41.15; **E3/9136** Sos Min DC-Cam, EN 01133250; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.12.56-10.36.05, 15.38.30-15.46.32; **E1/393.1** Man Sles, T. 29 Feb 2016, 14.20.11-14.22.39; **E3/5210** Sos Min WRI, EN 00242074; **E1/344.1** Sos Min, T. 9 Sept 2015, 11.34.34-11.36.10, 11.45.16-11.50.18; **E3/5206** Tes Sren WRI, EN 00275381; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219124-25, confirmed by **E3/5290** Chhi Ly WRI, 00340170-71; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078568-69; **E3/7534** Sufeeyan Idres Interview by Nate Thayer, EN 00667255; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150145, 01150147, 01150149; **E3/9735** WRIA, 7 Sept 2015, EN 01138988-89.

⁴⁷⁰⁴ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150145 [footnote 98 indicates these five villages were Antong Sot, Angkor Ban, Khsach Sor, Svay Tahen Krau, and Svay Tahen Khnong].

⁴⁷⁰⁵ **E1/415.1** Sos Kamri, T. 6 April 2016, 15.09.56-15.12.11; **E3/9750** Sos Kamri DC-Cam, EN 01222009-10. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149998, 01150143.

⁴⁷⁰⁶ **E3/9735** WRIA, 7 Sept 2015, EN 01138987.

⁴⁷⁰⁷ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078568.

⁴⁷⁰⁸ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078569.

⁴⁷⁰⁹ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.35.13-15.37.00.

⁴⁷¹⁰ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.35.13-15.37.00.

⁴⁷¹¹ **E3/1822** Ysa Osman, *Oukoubah*, EN 00078567; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

1097. Ben Kiernan, whose numbers demographer Ewa Tabeau found most convincing of those she reviewed,⁴⁷¹² estimated an excess death toll of approximately 90,000 Cham during the DK regime, comprising about 36% of the original Cham population in 1975 of 250,000,⁴⁷¹³ “a percentage that is considerably higher than for other groups.”⁴⁷¹⁴ Kiernan’s estimate of the pre-1975 Cham population was based on extrapolations from a 1936 French census, and assumed that the census would have accurately counted a somewhat ostracised people,⁴⁷¹⁵ many of whom did not speak French or Khmer, and assumed the national growth-rate applied equally to a rural Muslim minority that one can imagine likely averaged larger families. Cham themselves claim that their pre-DK numbers were much larger than Kiernan’s estimate, and that a much greater percentage perished during the regime.⁴⁷¹⁶

1098. Although the evidence is certainly not sufficient for this Court to determine exact death toll numbers, the enormity of the impact is evident. Entire Cham lineages were wiped out; entire Cham villages were irrevocably annihilated. “Many, many Cham people died”⁴⁷¹⁷ and “even for the survivors, they were under severe trauma and depression, and this kind of feeling remains with them till today.”⁴⁷¹⁸

THE CENTRE’S ROLE IN CHAM POLICY

1099. From early on, the CPK saw the Cham as a group apart,⁴⁷¹⁹ threatening “true” Kampucheans — the Khmer — by their cohesion as a religious and ethnic group. In April 1973, the CPK published a document entitled “Class Analysis and the Class Struggle” where they asserted that “All nationalities have labourers, like our Kampuchean nationality, except for Islamic Khmers, whose lives are not so difficult.”⁴⁷²⁰ Then, in 1974, another CPK document stated: “Concerning fraternal Islamic Khmers, delay having them join cooperatives; ... organize them into mutual aid

⁴⁷¹² **E3/2413** Ewa Tabeau, *Demographic Expert Report*, EN 00385311-12.

⁴⁷¹³ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150236-37. See also **E3/9686** Ben Kiernan, *Genocide and Resistance in Southeast Asia*, EN 01199611-16; cf. **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192435 [“Over sixty thousand Cham minority people — mostly in the Kompong Cham area — were massacred for their Islamic faith”].

⁴⁷¹⁴ **E3/2413** Ewa Tabeau, *Demographic Expert Report*, EN 00385311.

⁴⁷¹⁵ **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397109 [Cham were viewed with “awe and fear” by the Khmer majority].

⁴⁷¹⁶ **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.42.11-09.44.36, 09.55.52-09.57.20, 14.23.28-14.25.14; **E3/9680** The Phnom Penh Post, *How many Cham killed important genocide evidence*, 10 Mar 2006, EN 01199557-58. See also **E3/390** Math Ly Interview by Steve Heder, EN 00436875.

⁴⁷¹⁷ **E1/415.1** Sos Kamri, T. 6 April 2016, 13.59.41-14.01.40.

⁴⁷¹⁸ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.54.00-10.55.45.

⁴⁷¹⁹ **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237956.

⁴⁷²⁰ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137.

teams. ... However, it is necessary to break up this group to some extent; do not allow too many of them to concentrate in one area.”⁴⁷²¹

1100. The views of the Party Centre toward the Cham became increasingly hostile as their paranoia grew. The similarity in how the treatment of Cham evolved on the same timeline across Zones can only be explained by the fact that the policy was coming from the Party Centre.⁴⁷²² Kampong Cham, where the Cham were most populous and where the CPK focused many of their efforts to oppress them, was divided between two Zones: the Central (old North) and East Zones. These Zones were prohibited from communicating with one another directly,⁴⁷²³ and yet they enacted the same policies regarding the Cham, on the same timeline.

1101. The Centre’s coordination is evident in Telegram 15 of 30 November 1975, sent by East Zone Secretary Sao Phim alias Chhon to Pol Pot and copying, *inter alia*, **Nuon Chea**.⁴⁷²⁴ Sao Phim complains that the (old) North Zone is refusing to accept the transfer of 50,000 Cham from the East Zone, as agreed in a prior meeting. The telegram shows that policy regarding the Cham was set by the Centre,⁴⁷²⁵ as Sao Phim characterises the (old) North Zone’s failure to accept the Cham as a “failure to follow *Angkar*’s advice.”⁴⁷²⁶ He also states that he has put the forced transfer on hold while he awaits “advice from you and the North Zone.”⁴⁷²⁷ Sao Phim also references a prior meeting where the decision to forcibly transfer the Cham to the (old) North Zone and Northwest Zone was made, but since the (old) North Zone was not complying he informs Pol Pot that he will “await your decision on this matter.”⁴⁷²⁸

1102. This telegram is significant not only because it shows the Centre’s, and **Nuon Chea**’s, coordination of Cham policy generally, but also because it explicitly states the agreed

⁴⁷²¹ **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137 (*internal brackets and emphasis removed*).

⁴⁷²² **E1/408.1** Ysa Osman, T. 24 March 2016, 13.43.13-13.45.40.

⁴⁷²³ **E3/344** Suon Kanil WRI, EN 00384430.

⁴⁷²⁴ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762-63; *see also* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149993; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219175.

⁴⁷²⁵ **E3/64** Norng Sophang WRI, EN 00334057 [“And this telegram was related to internal matters because it was about something they had agreed upon, but there turned out to be some problems at the time they were carrying out their work”]

⁴⁷²⁶ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762 (*emphasis added*).

⁴⁷²⁷ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762.

⁴⁷²⁸ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762.

motivation behind the forced transfer of the Cham: “The transfer is in principle designed to disperse the Cham as per our previous discussion.”⁴⁷²⁹

1103. Telegram 15 also exemplifies the fact that the Zones were required to proceed through the Centre in implementing the policies regarding the Cham. As a telegram operator working under Ke Pauk explained in relation to Telegram 15: “it was the technical work of the East Zone that they had to send the report from the Zone to Pol Pot of the Centre level first, and then waited for Pol Pot instruction. Ke Pauk received the telegram about this matter from the Centre, not directly from the East Zone.”⁴⁷³⁰

1104. Telegram decoder Norng Sophang explained why **Nuon Chea** was copied: “This telegram was originally sent to Pol Pot alone, but the person in charge of the telegram knew that this matter must also be sent to the person who was in charge of people like **Nuon Chea** in order to find a solution.”⁴⁷³¹ Other contemporaneous telegrams also show that **Nuon Chea** was copied on telegrams concerning “enemies” and Cham in the (old) North Zone. For example, on the 2nd of April 1976, Ke Pauk sent a telegram to Pol Pot copying **Nuon Chea** relaying the “enemy situation” which included actions attributed to “former soldiers in combination with the Cham and former cooperative team chairmen.”⁴⁷³² In addition, Duch testified that all telegrams sent to Pol Pot were read by **Khieu Samphan**.⁴⁷³³

1105. Other evidence confirms that matters regarding the Cham were closely regulated by the Centre. Telegram 29 sent on 14 September 1977 to “Beloved 870” from Born Nan alias Yi, Secretary of Sector 505, and copied to **Nuon Chea**, amongst others, reports that “three Cham Muslims” were “fleeing to Vietnam,” and were chased but not apprehended.⁴⁷³⁴ Witness Ban Seak, who became Sector 42 commerce chief in 1977 after being appointed by Oeun, the Sector 42 secretary,⁴⁷³⁵ testified that Oeun told him that **Nuon Chea** gave the order to kill the Cham in a training attended by members of the sector and district committees.⁴⁷³⁶ Ban Seak also stated that sector and zone secretaries would not have had authority to decide who to kill within the Zone, but that

⁴⁷²⁹ **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766763. *See also* **E1/389.1** Ysa Osman, T. 10 Feb 2016, 14.16.53-14.19.25.

⁴⁷³⁰ **E3/344** Suon Kanil WRI, EN 00384435.

⁴⁷³¹ **E3/64** Norng Sophang WRI, EN 00334057 (*emphasis added*).

⁴⁷³² **E3/511** Telegram 4 from Ke Pauk to Pol Pot, 2 April 1976, EN 00182658.

⁴⁷³³ **E3/355** Kaing Guek Eav WRI, EN 00242875.

⁴⁷³⁴ **E3/1206** Telegram 29 from Yi to Office 870, 14 Sept 1977, EN 00519520.

⁴⁷³⁵ **E1/353.1** Ban Seak, T. 5 October 2015, 09.26.39-09.30.35.

⁴⁷³⁶ **E1/353.1** Ban Seak, T. 5 October 2015, 13.45.35-13.49.03.

such orders had to come from the “upper echelon.”⁴⁷³⁷ The CIA station in the U.S. Embassy in Bangkok reportedly intercepted radio transmissions from Phnom Penh ordering the execution of Cham leaders in a village in central Cambodia.⁴⁷³⁸

1106. A May 1977 report from Sector 5 to the Northwest Zone secretary references “the party’s statement on the occasion of the Zone Congress.” It reports that pursuant to that it carried out a number of activities “to search for the traitors and continued purging the traitors”.⁴⁷³⁹ Amongst the “traitors” located were “Cham nationals” who had attempted to utilize the DK Constitution to protest “concerning their belief in what they eat according to their religion.”⁴⁷⁴⁰ It then relates that these “traitors” were subject to “special measures, that is, look for their string, look for the head of their movement in order to sweep clean.”⁴⁷⁴¹

1107. The Centre’s close control of the Cham policy in the Zones only increased as they dispatched their favorite executioners, the Southwest Zone, to carry out the purges. While normally there were at least twice-daily communications between the Central Zone and the Centre,⁴⁷⁴² there was an increase in communications in 1978 just as the purges of the Cham were reaching its peak.⁴⁷⁴³ The policy was also communicated to the zones through centre meetings. Math Ly, himself a Cham, described a meeting where he had raised the issue of burying Cham soldiers in the culturally appropriate manner.⁴⁷⁴⁴ A short while later Pol Pot told him “that since we had joined the revolution, how the body was buried was up to the revolution.”⁴⁷⁴⁵ Prak Yut and Ao An attended multiple meetings in Phnom Penh while they were carrying out the purges of Cham in the Central Zone.⁴⁷⁴⁶ At one of these meetings, in late 1977, **Nuon Chea** or Pol Pot made a presentation about “our one-year plan at level of districts and communes,” and the participants “examined our plan that we implemented; how much we have

⁴⁷³⁷ **E1/353.1** Ban Seak, T. 5 October 2015, 13.42.10-13.44.00.

⁴⁷³⁸ **E3/9681** Ben Kiernan, Bulletin of Concerned Asian Scholars, *Orphans of Genocide*, EN 01199574.

⁴⁷³⁹ **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342708.

⁴⁷⁴⁰ **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342709.

⁴⁷⁴¹ **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342709.

⁴⁷⁴² **E3/344** Suon Kanil WRI, EN 00384430.

⁴⁷⁴³ **E3/344** Suon Kanil WRI, EN 00384431.

⁴⁷⁴⁴ **E3/7821** Math Ly DC Cam, EN 00441578-79.

⁴⁷⁴⁵ **E3/7821** Math Ly DC Cam, EN 00441579.

⁴⁷⁴⁶ **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.15.20-14.21.26, 15.12.25-15.17.12; **E1/376.1** You Vann, T. 14 Jan 2016, 14.30.23-14.33.08, 14.34.36-14.55.52.

achieved and how much we haven't achieved.”⁴⁷⁴⁷ It is notable that on their way to the Central Zone where they implemented the Party’s genocidal plan, Southwest Zone cadres including Prak Yut, Ao An, and Ta Mok (along with Central Zone secretary Ke Pauk), met with **Khieu Samphan**,⁴⁷⁴⁸ and **Nuon Chea**.⁴⁷⁴⁹ You Vann testified that **Khieu Samphan** came to “inaugurate” the cadres.⁴⁷⁵⁰ Following his oversight of the purges in the Central and East Zones, Ta Mok was promoted in November 1978 to Deputy Secretary of the CPK, a position after only Pol Pot and **Nuon Chea**.⁴⁷⁵¹

1108. The CPK’s public pronouncements and official publications reflected the increasingly severe policy towards the Cham. CPK radio broadcasts made reference to “Cambodian Moslems” up until October 1975, the time of the Ramadan rebellions, at which point they ceased using the term.⁴⁷⁵² When the CPK was carrying out mass executions of Cham, they were issuing propaganda that the Cham race no longer existed as they had been exterminated centuries ago by the Vietnamese.⁴⁷⁵³

1109. The CPK used varied and increasingly brutal strategies in an attempt to forever eradicate the Cham as a distinct religious and ethnic group in Cambodia. Initially, the policy was to repress all expression of Cham religion and cultural identity, and to enforce the policy by punishing or killing any who refused to give up their traditions. Secondly, the CPK killed leaders of the Cham community who were particularly important for preserving and passing on Cham religion and customs, including the *Mufti*, *Hakims*, and *Tuons*. When it became clear that these measures had failed to destroy the Cham people’s determination to maintain their religion and ethnic identity, the policy progressed to breaking up communities and dispersing Cham in order to dilute Cham communities to where the group would no longer be able to perpetuate itself. But as the CPK leaders’ paranoia grew, their policies became yet more

⁴⁷⁴⁷ **E1/378.1** Prak Yut, T. 19 Jan 2016, 15.14.20-15.17.12.

⁴⁷⁴⁸ **E1/377.1** You Vann, T. 18 Jan 2016, 11.24.45-11.27.34; **E3/9500** You Vann WRI, A12; **E3/9507** You Vann WRI, A36. Although Prak Yut denied this meeting took place, she has shown an unwillingness to be entirely forthcoming when she is implicated. Moreover, there is no reason for You Vann to say this meeting occurred if it did not.

⁴⁷⁴⁹ **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.12.31-14.15.50; **E3/9587** Pech Chim WRI, A60-65.

⁴⁷⁵⁰ **E1/377.1** You Vann, T. 18 Jan 2016, 11.26.38-11.29.40, 13.58.57-14.02.25; **E3/9507** You Vann WRI, A36.

⁴⁷⁵¹ **E3/816** Document on the 5th Pol Pot-Ieng Sary Congress, 2 November 1978, EN 00281339.

⁴⁷⁵² **E3/488** FBIS, 18 Feb 1975, EN 00166760; **E3/1366** FBIS, 4 July 1975, EN 00167281; **E3/119** FBIS, 30 July 1975, EN 00167362; **E3/272** FBIS, 14 Oct 1975, EN 00167520.

⁴⁷⁵³ **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.42.58-09.44.40; **E3/23** CPK, *Black Paper*, Sept 1978, EN 00082514-15 [“The Cham race was totally exterminated by the Vietnamese”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150135, 01150146. See also **E3/635** Documents from the Kampuchea Conference, 17-18 November 1979, EN 00442723.

murderous. They resorted to a merciless campaign to kill all Cham they could identify in areas where the Cham were most numerous and where their culture and history was most rooted. The genocidal campaign's failure to destroy the Cham community in Cambodia was only due to the fact that the DK regime was thrust from power after less than four years, as well as the determination of the Cham people to preserve their religion and unique ethnic identity.

1110. So blatantly brutal was the Cham policy that flowed down from Phnom Penh, the intent was clear even to a simple Khmer villager in the Central Zone. Seng Kuy told the Court that "after Khmer Rouge had taken control of the area, Cham people were merged with Khmer people. Traditional clothes, religions, were abolished at the time and they were turned into Khmer people."⁴⁷⁵⁴ He testified that in 1977 "Cham people were arrested and sent to Au Trakuon pagoda to be killed,"⁴⁷⁵⁵ explaining that the reason was that the CPK "did not want any Cham people or other ethnicities to live in the country,"⁴⁷⁵⁶ but rather "they only wanted to have one pure race."⁴⁷⁵⁷

9. TRAPEANG THMA DAM WORKSITE

*[W]e had to do it because we fear for our life. We had to work, actually we tried to work but physically, we could not endure it. But we had to do it out of our fear for our life. We dare not protest against Angkar. We had to do it out of our fear.*⁴⁷⁵⁸

– Witness Nhip Horl

1111. At least 10,000 men, women, and children were forced to labour under inhumane conditions of deprivation and terror at the Trapeang Thma Dam worksite. The dam was constructed pursuant to CPK policy and operated under CPK control as part of an attempt to rapidly improve agricultural production through massive irrigation projects. The regime used threats, arrests, disappearances, and killings to terrorise the workforce and compel labourers to work to exhaustion with little food and in unhygienic conditions. Both **Khieu Samphan** and Pol Pot visited this site, and the regime praised it as a model for the agricultural utopia they promised. In fact, it was a paradigm of the the CPK's policy of enslavement.

⁴⁷⁵⁴ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32.

⁴⁷⁵⁵ **E1/345.1** Seng Kuy, T. 10 Sept 2015, 10.15.33-10.17.48. *See also* **E1/344.1** Seng Kuy, 9 Sept 2015, 14.49.35-15.05.36.

⁴⁷⁵⁶ **E1/345.1** Seng Kuy, T. 10 Sept 2015, 10.15.33-10.17.48.

⁴⁷⁵⁷ **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.09.49-15.11.10.

⁴⁷⁵⁸ **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.50.52-09.54.18.

1112. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity in relation to the Trapeang Thma Dam worksite: murder, extermination,⁴⁷⁵⁹ enslavement, persecution on political grounds, and other inhumane acts through attacks against human dignity.⁴⁷⁶⁰

LOCATION AND OPERATION

1113. The Trapeang Thma Dam is located near Trapeang Thma Village in what was Phnom Srok District of Sector 5 of the Northwest Zone.⁴⁷⁶¹ The dam is of earthen construction and composed of one “arm” approximately 14 kilometres long and another approximately eight kilometres long.⁴⁷⁶² Construction started in late 1976⁴⁷⁶³ or early 1977⁴⁷⁶⁴ and continued until at least the beginning of the rainy season in 1978 — and possibly later.⁴⁷⁶⁵ Estimates of the size of the workforce range from 10,000 to 20,000 workers.⁴⁷⁶⁶ The CPK itself described the workforce as “tens of thousands.”⁴⁷⁶⁷ Workers

⁴⁷⁵⁹ In considering the element of massiveness required to prove extermination, the Co-Prosecutors take the position that the killings at different worksites and cooperatives including Trapeang Thma Dam should be aggregated. All of these sites were part of one system implementing the policies to enslave the population and to persecute and kill enemies promoted by the same words and actions of the Accused.

⁴⁷⁶⁰ **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

⁴⁷⁶¹ **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.05.41-11.08.03; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.42.24-13.45.02; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.51.36-13.53.42.

⁴⁷⁶² **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686; **E3/8050** Site Identification Report, 6 Jan 2010, EN 00428005-06.

⁴⁷⁶³ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54 [“It was in late 1976, chief of cooperative, Yan, gathered force and sent all of us to build the dam at Trapeang Thma worksite”].

⁴⁷⁶⁴ **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.51.36-13.53.42; **E3/7323** Heng Samuot WRI, EN 00289999; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 14.16.31-14.18.40; **E3/9094** 2-TCW-918, DC-Cam Statement, EN 00728667; **E3/9008** Chhit Yoeuk, DC-Cam Statement, EN 00731131.

⁴⁷⁶⁵ **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.16.54-11.18.45 [“I worked in the mobile unit at the Trapeang Thma Dam work site in 1977 and I remained there until the fall of the Khmer Rouge regime”], 13.35.29-13.39.29 [“allow me to clarify that even by the end of the regime, the dam construction was not fully completed”]; **E3/5283** Chhuy Huy WRI, EN 00321199 [“The Dam construction took years, but I do not remember how many years”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.39.13-10.41.25; **E3/9076** 2-TCW-996, DC-Cam Statement, EN 00731163. *See contra* **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.24.36-14.27.01 [“The dam was completed in April 1977, just a little before the Khmer New Year”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.10.12-14.12.18 [“The dam construction was concluded probably in late 1976 or early ’77”].

⁴⁷⁶⁶ **E3/7755** Sot Phal WRI, EN 00293003; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.46.32-13.48.25 [“There were probably ten thousands of worker at that construction site”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.00.50-15.03.25; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.53.42-13.56.14 [“[Northwest Zone Secretary Ros Nim] stated that the workforce at Trapeang Thma worksite, there were about 15,000 of them working there”]; **E3/9566** Lat Suoy WRI, 18 Aug 2014, A33; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.33.40-10.35.29; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 14.22.05-14.23.55; **E3/9504** 2-TCW-918 WRI, EN 00738311; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728669; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.25.36-11.27.25, 13.32.51-13.36.24.

⁴⁷⁶⁷ **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686-87 [“there were tens of

came from many different districts of Sector 5⁴⁷⁶⁸ and the workforce included children.⁴⁷⁶⁹

AUTHORITY STRUCTURE AND COMMUNICATION

The Party Centre's Control of the Worksite

1114. The Trapeang Thma Dam worksite operated under the control of the CPK and pursuant to its policies. CPK cadres and documents stated that it was constructed “in response to the call of the party Central Committee”⁴⁷⁷⁰ in order “to achieve the Party’s plan totally and successfully” and “to totally achieve the [19]77 work plan”.⁴⁷⁷¹ Workers were told at large, public celebrations that the dam was being built pursuant to “the work plan set forth by Angkar.”⁴⁷⁷² **Khieu Samphan** himself acknowledges visiting the site,⁴⁷⁷³ and

thousands of people working at the Trapeang Thma water reservoir worksite”].
⁴⁷⁶⁸ **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.13.08-11.15.41; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.30.31-09.32.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.46.32-13.48.25; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/9504** 2-TCW-918 WRI, EN 00738311-12.
⁴⁷⁶⁹ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.35.55-14.38.33 [“the special children’s unit was a unit of children and boys who were almost teenagers”]; **E3/7755** Sot Phal WRI, EN 00293003 [the witness’s unit was comprised of 300 children]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.05.28-11.09.29 [“Yes, there were some children working at the place where Ta Val was responsible for hundreds of them. ... They were between the age of 15 and 16 years old. ... They were carrying dirt, as we were”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.01.04-14.03.08 [“There were middle-age workers, youth, male, female and also adolescent. Q: Regarding adolescent, what was their age range? A: Their age ranged from 15 to 18 years old”]; **E3/7323** Heng Samuot WRI, EN 00289999 [the workers consisted of “middle age people, male youths, female youths and children”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.24.38-15.26.43 [“There were children ... of course, there were children over there”]. *See contra* **E1/340.1** Sam Sak, T. 2 Sept 2015, 13.39.29-13.43.15 [“Q: Is it true as well that the children’s unit were not allowed to work at the dam site? A: Yes, that is correct, because personally, I never saw children working at the dam”].
⁴⁷⁷⁰ **E3/1783** New China News Agency, *Chen Yung-Kuei’s Cambodia Visit Reported*, 22 December 1977, EN 00498181 [“Comrade Nhim Ros ... secretary of the northwest zone committee of the KCP ... said that the reservoir was built ... in response to the call of the party Central Committee to build water conservancy projects in a big way”].
⁴⁷⁷¹ **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“In conclusion, in order to join in and totally achieve the [19]77 work plan or even to exceed it, and in order for our Kampuchea motherland to progress in the wonderful great leap forward speed, our cooperative male-female youths ... dare to sacrifice everything of their personal interests, and determine to go through any obstacles unreluctantly”]. *See also* **E3/300** *Excerpts from “The Voice of Democratic Kampuchea” News Broadcasts from Phnom Penh*, December 1977, EN S 00702870 [“Under the just and farsighted leadership of the Communist Party of Kampuchea ... the rural areas in Democratic Kampuchea have undergone profound transformation ... Water supply projects have been put in place in all the zones, regions and districts[.] ... For example ... “17 January” and Trapeang Thma reservoirs in the East Zone”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.12.54-11.14.54 [“Q: And did they tell you that Central Party members were present [at the meeting planning construction of the dam]? A: From what I heard, yes, but I did not know who actually attended the meeting”], 15.01.18-15.02.49 [“I heard from others that the construction of the dam was not the decision at the sector level. It was the decision from the Zone and the higher level”].
⁴⁷⁷² **E1/340.1** Sam Sak, T. 2 Sept 2015, 13.41.28-13.43.15 [“Q: Do you remember if the dam, and the purpose of the dam, was discussed during that meeting? A: Yes, they did discuss this matter, and they said that we had to try to accomplish the work plan set forth by Angkar”].

Im Chaem says he came “often.”⁴⁷⁷⁴ While there, **Khieu Samphan** personally observed the workers carrying out their tasks and urged them to keep working hard.⁴⁷⁷⁵ Pol Pot also visited the site occasionally;⁴⁷⁷⁶ in December 1977, he came with a senior Chinese official⁴⁷⁷⁷ and they received a detailed briefing from Ros Nhim⁴⁷⁷⁸ — who also provided written reports to the Centre on the progress of construction.⁴⁷⁷⁹ Upper level officials inspected the site frequently.⁴⁷⁸⁰

1115. The CPK was aware of the brutal conditions prevailing at the worksite. An issue of *Revolutionary Youth* acknowledges that workers spent months at the worksite without

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- ⁴⁷⁷³ **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.06.46-10.08.50 [“When I had the opportunity to leave Phnom Penh, I saw canals and dams, including Trapeang Thma dam ... it looked like a sea in the middle of the field where there used to be dry land”]
- ⁴⁷⁷⁴ **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“[Q]: During the regime, while you worked at the Trapeang Thma, have you ever welcomed any delegation or those at the central level, who came to visit here? ... Chem: Chinese and uncle Khieu Samphan also came and visited there. ... Pol Pot visited occasionally but Khieu Samphan did often”].
- ⁴⁷⁷⁵ **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“While seeing human forces working at the dam and at the rice field, [Khieu Samphan] urged [us] to continue to work hard”].
- ⁴⁷⁷⁶ **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“[Q]: During the regime, while you worked at the Trapeang Thma, have you ever welcomed any delegation or those at the central level, who came to visit here? ... Chem: Chinese and uncle Khieu Samphan also came and visited there. ... Pol Pot visited occasionally but Khieu Samphan did often”].
- ⁴⁷⁷⁷ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.35.40-11.37.13 [“The distinguished speaker announced that at that time, a Chinese delegate was also present during the ceremony... Cheng Yonggui was actually paying a visit to Trapeang Thma Dam worksite during the inauguration ceremony”], 13.49.52-13.52.40, 13.59.57-14.07.34 [Lengthy description of Chen Yung-kuei’s visit]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.17.02-15.19.38 [“I also saw once the Chinese leaders came to visit the site too”]; **E1/324.1** Mam Soeum alias Heng Samuoth, T. 28 July 2015, 15.47.00-15.49.12; **E3/508** Tann Than WRI, EN 00277843; **E3/510** Saom Phan WRI, EN 00290358; **E3/5281** Peng Bunthara WRI, EN 00322938.
- ⁴⁷⁷⁸ **E3/1783** *Chen Yung-kuei’s Cambodia Visit Reported*, 23 December 1977, EN 00498181 [“Comrade Nhim Ros ... secretary of the northwest zone committee ... said that the reservoir was built in less than two months this year by the people of the fifth region of the northwest zone in response to the call of the party Central Committee to build water conservancy projects in big way. This year it holds 150 million cubic metres of water. ... After four years it will hold 300 million cubic metres of water”].
- ⁴⁷⁷⁹ **E3/950** Report from Nhim to Angkar 870, 11 May 1977, EN 00185217; **E3/179** Report from M-560, 29 May 1977, EN 00183017. Construction plans and reports were also sent to “the highest level of the central committee”; **E3/5657** Im Chaem DC-Cam Statement, EN 00089777 [“All the [construction] reports were sent to the highest level of the central committee”].
- ⁴⁷⁸⁰ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.05.00-14.07.24 [“I once attended the meeting to welcome a Chinese delegate by the name of Chen Yonggui who was visiting Trapeang Thma worksite. ... I was told that a Chinese delegate by the name of Chen Yonggui was visiting the site and on that night, a film about the work in China – work conducted in China, was projected for all of us”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.19.22-11.22.29 [“I saw 4 x 4 -- a convoy of between 20 and 30 of 4 x 4 white and egg-shell coloured vehicles and that happened in around 1976, however I did not know who they were as those guests remained in the vehicles when they were visiting Trapeang Thma Dam”]; **E3/5283** Chhuy Huy WRI, EN 00321200 [“I used to hear that Pol Pot and Ieng Sary had visited the Dam, but I personally did not see them. I heard that the upper echelon and foreign guests had visited the Dam, but I did not know who they were”]; **E3/7803** Kan Thol WRI, EN 00277822 [“I saw upper level come down to inspect. The most senior were: Ta Nhim, the Northwest Zone Com ... Ta Khleng, the Deputy Northwest Zone Com ... Hing, the Sector 5 Com”]; **E3/9566** Lat Suoy WRI, A78 [“I heard that the upper echelon Angkar came to visit Trapeang Thman Dam. During that time, we were not allowed to turn our face to them. We had to turn our back when were on guard. They did not let us look at Angkar”].

access to sufficient drinking water.⁴⁷⁸¹ Despite this, they were required “to dig up and carry the earth, all day and night, under the burning sun, for the entire dry season”.⁴⁷⁸²

Khieu Samphan has recalled in his own writings that workers at dam construction projects were awakened before dawn and would sometimes work past midnight.⁴⁷⁸³

Above the Worksite

1116. Throughout the construction period, Muol Sambath, alias Ros Nhim, served as the Northwest Zone Secretary and visited the worksite.⁴⁷⁸⁴ Ta Hoeng was the Sector 5 Secretary at the beginning of the construction period and attended meetings with CPK cadre Ta Val regarding the worksite.⁴⁷⁸⁵ Following the purge of Northwest Zone cadres in mid-1977 by Southwest Zone cadres,⁴⁷⁸⁶ Hoeng was replaced by Ta Rin.⁴⁷⁸⁷ Ta Cheal,

⁴⁷⁸¹ **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“Obviously, they had to face with the problem of water shortage. That was because the carts and trucks were not able to deliver water to the worksite on time and as needed”]. See also **E3/1783** *Chen Yung-Kuei’s Cambodia Visit Reported*, 22 December 1977, EN 00498181 [“Comrade Nhim Ros] said, ‘Drought set in when we started to build the reservoir and the 20,000 people engaged in construction even had not enough drinking water’”].

⁴⁷⁸² **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686 [“Brothers fought to dig up and carry the earth, all day and night, under the burning sun, for the entire dry season without any complaining”].

⁴⁷⁸³ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498304 [“I recall the gathering up of the people to build dams and dig feeder canals. They rang bells to wake up the people at 3 or 4 a.m. In the afternoon they ate communally, and the work was not even finished by midnight. ... In the morning they rang the bells to wake the people at 3 or 4 a.m. to get into formation. By the time they were in formation, it was daybreak”].

⁴⁷⁸⁴ **E3/9483** 2-TCW-918 WRI, A4, A17; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.33.48-09.35.41 [“Q: Yesterday, you spoke about the fact that Ta Nhim was the chief of the Northwest Zone. Did you personally see him visit the dam construction site? ... A: I saw him there very often. However, he never went close to the workers. He simply went into the office of the senior people, that is, the office of Ta Val”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.23.20-11.25.36; **E3/9456** Chhit Yoeuk WRI, A12.

⁴⁷⁸⁵ **E3/9483** 2-TCW-918 WRI, A4, A17; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.33.48-09.35.41 [“Q: Yesterday, you spoke about the fact that Ta Nhim was the chief of the Northwest Zone. Did you personally see him visit the dam construction site? ... A: I saw him there very often. However, he never went close to the workers. He simply went into the office of the senior people, that is, the office of Ta Val”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.23.20-11.25.36; **E3/9456** Chhit Yoeuk WRI, A12. See also **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.02.49-15.05.05 [“And generally there were people from the Sector coming to support, consult and discuss the issues relating to the dam construction”].

⁴⁷⁸⁶ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.16.07-15.17.47 [“At that time, it was the time when the Southwest cadres arrived, and then they were all summoned to attend the education sessions. ... The time when Angkar summoned them for an educational study session, that meant they were taken for execution for sure”], 15.17.47-15.20.42, 15.25.11-15.27.17 [“At that stage, to my understanding, for the Southwest Zone cadres, the Northwest Zone cadres were not trustworthy. ... From the battalion chief upwards, they were under constant surveillance by the Southwest Zone cadres”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 14.30.48-14.32.35; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.25.17-15.26.34 [“I only knew that once the Southwest Zone came to take over those who were from the Northwest Zone disappeared, they were no longer there”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.00.33-14.02.48 [“Ta Val, Ta Maong, Ta Sam At and Ta Chhang -- I knew that they disappeared”]; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 15.10.30-15.12.57 [“When the southwest cadres arrived, then we started hearing about the arrest of the northwest cadres”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.59.50-10.01.41 [“After the Southwest Zone arrived, Ta Val was there. A few days later, he disappeared. And we learned afterwards that he was arrested. ... The Southwest Zone cadres told us that Angkar had arrested the traitors namely contemptible

the son of Ros Nhim,⁴⁷⁸⁸ was the Sector 5 Deputy⁴⁷⁸⁹ and also often went to Ta Val's house⁴⁷⁹⁰ and visited the worksite.⁴⁷⁹¹ Prior to the arrival of the Southwest Zone cadres, Ta Hat⁴⁷⁹² was the Phnom Srok District Secretary and Ta Maong was the Preah Netr Preah District Secretary.⁴⁷⁹³ Following the purge, Ta Maong was replaced by Im Chaem.⁴⁷⁹⁴

At the Worksite

1117. Prior to his arrest in June 1977,⁴⁷⁹⁵ Ta Val effectively controlled the work at the site.⁴⁷⁹⁶

He presided over meetings with battalion chiefs and lower-level unit chiefs,⁴⁷⁹⁷ and

Hoeng, contemptible Val, and contemptible Cheal"]; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.41.08-15.44.27; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 09.56.00-09.58.26 ["As for other cadres, I understand that they were also arrested. ... I noticed their disappearance after I heard that they were arrested"]; **E3/9483** 2-TCW-918 WRI, A6; **E3/9094** 2-TCW-918 DC-Cam Statement, 18 June 2011, EN 00728683; **E3/7323** Heng Samuot WRI, EN 00290000. *See also* **E3/531** S-21 Prisoners from the Northwest Zone.

4787 **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.17.47-15.20.42; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 13.45.08-13.46.55; **E3/9504** 2-TCW-918 WRI, EN 00738312; **E3/9483** 2-TCW-918 WRI, A6; **E3/9567** 2-TCW-918 WRI, A5; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728686.

4788 **E1/361.1** 2-TCW-918, T. 2 Dec 2015, 10.50.57; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 13.52.45-13.55.00; **E3/9483** 2-TCW-918 WRI, A4; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728652.

4789 **E3/9483** 2-TCW-918 WRI, A4, A17; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728684.

4790 **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.35.41-09.37.50 ["I noticed Ta Nhim, Ta Hoeng, and Ta Cheal going in and out of Ta Val's place very often"].

4791 **E3/7805** Chiep Chhean WRI, EN 00277817 ["Upper level did come down to inspect [the Trapeang Thma Dam worksite], for instance: Ta Cheal who was in charge of Sector 5 ... and Ta Nhim alias MOUL Sambat, the father of Ta Cheal"].

4792 **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.14.15-15.16.07; **E3/9566** Lat Suoy WRI, A51; **E3/9483** 2-TCW-918 WRI, A6.

4793 **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.14.15-15.16.07; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.42.45-09.44.32.

4794 **E3/9456** Chhit Yoeuk WRI, A13.

4795 **E393.2** OCJ S-21 Prisoner List, 31 Mar 2016, EN 01222520 *citing* **E3/9646** Name List of Prisoners Entering on 28 June 1977, Item No. 29, EN 01139860; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.59.36-14.01.00 ["the battalion chiefs told me that [Ta Val] had been arrested"]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.22.21-15.25.11 ["At that time, Ta Val disappeared[.] ... and then I heard... that Ta Val was summoned by Angkar for the education session"]; **E1/325.1** Mam Soeum, T. 29 July 2015, 09.39.35-07.40.38; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 09.56.00-09.58.26; **E3/9483** 2-TCW-918 WRI, A4.

4796 **E1/352.1** Sot Sopha, T. 30 Sept 2015, 13.57.29-13.59.14; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.47.58-10.50.35; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.59.36-14.01.00, 14.22.45-14.24.14; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 10.52.55-10.56.01; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 09.28.06-09.29.41; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.35.50-14.37.45; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.50.56-13.52.51; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.27.01-14.28.39; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.14.00-14.16.01; **E3/7323** Heng Samuot WRI, EN 00289999-90000; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.32.44-14.34.28; **E1/324.1** Mam Soeum, T. 28 July 2015, 14.01.24; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 10.51.16-10.55.44, 14.26.11-14.28.05; **E3/9483** 2-TCW-918 WRI, A1; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.00.05-11.02.00; **E3/7755** Sot Phal WRI, EN 00293003.

4797 **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.39.23-15.41.31 ["When there was a new plan or a specific plan, all chiefs of companies in the whole battalion were called into a meeting held by Ta Val"]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.41.14 ["Sometimes, in the day time, unit chiefs would be summoned by Ta Val to attend the meeting on the work plan, on the progress of work, and on the workers who were present, absent, sick and who fled the worksite. During the meetings, he would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, 'the great leap forward'"]; **E3/5283** Chhuy Huy WRI, EN 00321198.

sometimes ordinary workers.⁴⁷⁹⁸ He emphasised the importance of following the directions given by the “upper echelon.”⁴⁷⁹⁹ Unit and group chiefs told workers that work assignments came from Val.⁴⁸⁰⁰ When Val was not present, a regimental chief known as San supervised the worksite.⁴⁸⁰¹ Below Val, the workers were organised into units based on a military hierarchy,⁴⁸⁰² including squads, platoons, companies, and battalions.⁴⁸⁰³ Information flowed up the hierarchy, while instructions, orders, work plans, and sometimes threats, flowed down.⁴⁸⁰⁴

⁴⁷⁹⁸ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.21.17-15.23.44.

⁴⁷⁹⁹ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.41.14-09.42.45 [“During the meetings, [Ta Val] would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, ‘the great leap forward’”]; 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E3/5283** Chhuy Huy WRI, EN 00321198 [“Q: What did they talk about each time they held a meeting to put out a work plan? A: To comply with the direction given by the upper echelon. ... After a work plan had been given, I had to call a meeting with the platoon leaders and instructed them to implement that plan according to the direction of the upper echelon”].

⁴⁸⁰⁰ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 11.27.35 [“As I said, I never saw Ta Val in person. However, every time my -- my chief told us about the work assignment, he always mentioned Ta Val, that the instructions came from Ta Val, that's when we had to build a dam or dig a canal, or that later on we had to dig a pond”].

⁴⁸⁰¹ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.27.59-09.29.43.

⁴⁸⁰² **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.28.33-15.32.03 [“It was the Angkar that orgnized working groups into regiment, battalion, company and platoon”].

⁴⁸⁰³ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.22.45-14.24.14 [“Below the platoon, there were groups and within the groups there were members. ... Above the platoon, it was a company and above a company, it was a battalion. And above the battalion, it was Ta Val who had overall supervision over the dam worksite”], 11.17.04 [“There were 30 members in my platoon”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 10.42.58-10.45.10; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.37.45-14.39.34, 15.12.21-15.14.15; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.29.43-09.31.37; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/7755** Sot Sophal WRI, EN 00293003 [“A squad was comprised of twelve children. A platoon was comprised of thirty children, a company was comprised of one hundred children, and the battalion was comprised of three hundred children”].

⁴⁸⁰⁴ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.08.29-15.10.17 [“Q: ... So, how would you report to your battalion chief, Ta Khaav? A: ... I met him in person, and I reported to him orally. ... At the time, the deputy battalion chief instructed, ordered that we had to carry the earth, and we had to work hard to complete the task”], 15.39.23-15.41.31 [“When there was a new plan or a specific plan, all chiefs of companies in the whole battalion and the chief of the battalion were called into a meeting held by Ta Val”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.41.14-09.42.45 [“During the meetings, [Ta Val] would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, ‘the great leap forward’”]; 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.24.14-14.28.13 [“But we were advised to be hard-working, and I was instructed that there should be no one from my unit that avoided the work, otherwise they would disappear. Q: And who told you that if someone from your unit avoided work, they would disappear, who said that to you? A: It was Comrade Bo (phonetic) who wasthe battalion chief”]; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 15.28.01-15.32.22 [“Every evening, commanders of regiments would go to see Ta Val and submitted the report”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.31.48-14.36.43; **E3/9076** 2-TCW-996 DC-Cam Statement, EN 00731166 [“We reported [to Ta Val] for everything, how many people went to the hospital, how many people went to the field and how many people took a rest in the hall. ... After I finished from a day in the field ... [I] made a report and took it to (Ta) Val's place. In the report we had to decipher how many cubic meters that we had done during that day”]; **E3/5283** Chhuy Huy WRI, EN 00321198.

1118. Unit chiefs strictly enforced the CPK's rules on the workers by assigning tasks and work quotas⁴⁸⁰⁵ and inspecting the workers' performance.⁴⁸⁰⁶ When workers failed to meet their quotas, unit chiefs called the workers into self-criticism meetings,⁴⁸⁰⁷ threatened them with punishment,⁴⁸⁰⁸ and sometimes reduced their food rations.⁴⁸⁰⁹ Unit chiefs forbid workers to rest and pushed them to work harder.⁴⁸¹⁰ They also kept track of those who complained about the work or the rations and those who had lost a basket or broken a hoe and labeled these workers "enemies."⁴⁸¹¹

⁴⁸⁰⁵ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54 ["Q: Who divided the work to you to do? And who set the work quota for you? A: It was the 100 person unit chief"].

⁴⁸⁰⁶ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.36.34-14.40.51 ["Q: Besides this duty what else do you know about the role of the unit chief, what else did he do? A: Well, his role was to inspect and observe all the workers performance for the day"]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.41.10-11.44.23 ["Group chiefs, unit chiefs, they were the ones who verified or checked the work quota and then they made the report and if we told lies to them, if I told lie to them about the performance that I did, I would be in danger. We did not dare to tell lies at the time"]; 11.44.23-11.46.28 ["The pole of the hoe was used to measure the quota that we completed"]; **E1/324.1** Sen Sophon, T. 28 July 2015, 10.44.15-10.45.54 ["It was the head group who verify the quota that we met and then he reported to unit chief"].

⁴⁸⁰⁷ **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 ["During that time there were self-criticism and criticism sessions in order to encourage us to work hard for Angkar, for the sake of Angkar"], 10.37.33-10.39.18 ["For example, if we did not complete the work quota by the end of the day we would be invited to attend the criticism and self-criticism session and we were advised to try to complete the work quota"]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.59.35-15.01.44 ["For criticism and self-criticism meetings, it was the unit chief who called us to the meeting"]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.15.36-14.16.58 ["For self-criticism and refashion session, they commented that the reason why we could not accomplish the target set was due to our laziness and our commitment. We did not have a firm commitment to accomplish this task"]; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.26.25-15.28.36 ["We were criticised or members of the group criticised one another if we could not complete the quota. And the purpose of the criticism meeting was to reinforce the workload and to pay more attention to the work plan"]; **E3/7323** Heng Samuot WRI, EN 00289999 ["If a worker could not finish an assignment, the Khmer Rouge punished him or her by a warning and criticism to reinforce his or her ideological belief"].

⁴⁸⁰⁸ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23 ["Yes, we were told. We were advised to do our best to accomplish the work quota. Otherwise, later on, problem will happen to you, Comrade. Q: And it was your unit chief that said this? A: Yes, my unit chief"].

⁴⁸⁰⁹ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.01.22-14.03.33 ["Roeun was my small cell chief who was the one who reduced our food ration"]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.07.09-15.08.54.

⁴⁸¹⁰ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.06.40-14.09.28 ["it was the group chief and the small unit chief who didn't allow us to rest ... the group chief and the small unit chief were present there to monitor how we worked. They always pushed us to work harder"]; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.52.51-13.54.57. *See contra* **E3/7803** Kan Thorl WRI, EN 00277821 ["There were rest breaks during working hours; they let us stop for five minutes in the morning and five minutes in the afternoon"].

⁴⁸¹¹ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.01.44-15.03.58 ["If one basket was lost one individual would be accused of being an enemy. The same applies to the hoe if we broke the hoe. ... It was the unit chief who checked the equipment and the unit chief would go around and monitor the tools whether the baskets were broken, the hoes were broken"]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.12.21-15.14.15 ["Angkar asked us to monitor at least one person per day. ... Angkar also assigned a special force in order to oversee this surveillance activity"]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.13.42-11.15.58 ["If one happened to complain about intensive workload, overwork, insufficient food, and a wide range of other things, he or she would be allegedly against the Angkar. These sorts of activities were considered against Angkar"].

1119. After Val's arrest, he was replaced by a Southwest Zone cadre known as Yun.⁴⁸¹² Val's deputy San was replaced by Nhauv.⁴⁸¹³ Like Val,⁴⁸¹⁴ Yun arrested and killed many people.⁴⁸¹⁵ Nhauv was similarly vicious.⁴⁸¹⁶ Conditions generally worsened following the arrival of the Southwest Zone cadres.⁴⁸¹⁷ Company chairman Chhum Seng testified that "Southwest Zone cadres intensified their surveillance, and they started to arrest more and more people."⁴⁸¹⁸

1120. Nuon Chea's allegations that Ta Val and other Northwest Zone cadres were involved in a rebellion are unpersuasive. Only one witness, 2-TCW-996, provides even minimal support for the existence of secret plans and his evidence at trial was inconsistent and unpersuasive, boiling down essentially to his admission that "Regarding the plan of Ta Val and Ta Hoeng, I have no idea. I do not really understand what the plan was."⁴⁸¹⁹

⁴⁸¹² **E1/333.1** Tak Boy, T. 19 Aug 2015, 15.49.34-15.51.04 ["All I know is that Ta Val was arrested and that subsequently Ta Yun came to take over from him to control and supervise the work on the Trapeang Thma Dam worksite"]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.27.25-11.29.10 ["At that time, I reported to Brother Yoan, who was actually in charge of the mobile unit, under the supervision of Ta Pheng"]; **E3/9456** Chhit Yoeuk WRI, A14; **E3/9554** [REDACTED] WRI, A9; **E3/9512** [REDACTED] WRI, A48; **E3/9008** Chhit Yoeuk DC-Cam Statement, EN 00731137; **E3/7805** [REDACTED] WRI, EN 00277817 ["Ta Yun came from the Southwest to supervise the Trapeang Thma Dam. He arrested and killed many people"].

⁴⁸¹³ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 10.37.38-10.40.06 ["Ta Nhav had overall supervision. To my understanding he perhaps held the position of Ta San"].

⁴⁸¹⁴ **E1/329.1** Lat Suoy, T. 12 Aug 2015, 11.26.16-11.28.17 ["Ta Val was a very mean person. ... If he found out that a person committed an offence, then he would send that person to be executed and that's the reason the reason people feared him"].

⁴⁸¹⁵ **E3/7805** Chiep Chhean WRI, EN 00277817 ["Ta Yun came from the Southwest to supervise the Trapeang Thma Dam. He arrested and killed many people"].

⁴⁸¹⁶ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 10.11.01-10.12.00 ["Ta Nhav who came to replace Ta San was the person that we were even more fearful than Ta Val"], 11.16.40-11.19.22.

⁴⁸¹⁷ **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.13.22-09.16.14 ["Upon on the arrival of the southwest, they started arresting the northwest group as they accused them of being traitors and they limited the food supply to 100 cans of rice per 100 people. For that reason people became weak and their bodies got swollen due to insufficient food and the work at night became more severe"], 09.16.14-09.17.07 ["They were all soldiers and if they accused us of being, of making mistakes, they would arrest us and kill us. People who were starving stole a piece of potato or something else to eat and if they were caught, they would be severely mistreated and that was the opposite of the northwest cadres"]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 10.11.01-10.12.00, 11.16.40-11.19.22; **E1/333.1** Tak Boy, T. 19 Aug 2015, 15.36.14-15.41.06; **E3/9564** 2-TCW-996 WRI, A47 ["The living and working conditions under the management of the Southwest cadres were very difficult. We did not have enough food to eat and we had to work very hard. And we were very afraid because we were strictly monitored. The Southwest cadres only provided half a can of rice per person per day to us. They arrested Ta Val to be killed because the Southwest cadres had accused Ta Val of providing rice to the workers in the mobile unit to eat"]; **E3/9076** 2-TCW-996 DC-Cam, EN 00731187 ["When the southwest zone came in it was vigorous and they went on a killing spree with no reason but linkages of this and that. ... When the southwest zone came in they chased people for networking and killed all within the supposed network"]. See contra **E3/9504** 2-TCW-918 WRI, EN 00738312; **E3/9549** [REDACTED] WRI, A67.

⁴⁸¹⁸ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.25.11-15.27.17 ["In terms of living conditions, it was similar. But the Southwest Zone cadres intensified their surveillance of the Northwest Zone cadres, and they started to arrest more and more people"].

⁴⁸¹⁹ **E1/356.1** 2-TCW-996, T. 26 Oct 2015 14.39.39-14.41.03 ["Regarding the plan of Ta Val and Ta Hoeng, I have no idea. I do not really understand what the plan was"].

And, *all* of the witnesses who would be expected to corroborate his account if it were true reject it. One witness who 2-TCW-996 himself says was present at the “secret meeting”⁴⁸²⁰ says it never happened.⁴⁸²¹ A second witness who was well-acquainted with 2-TCW-996⁴⁸²² and a third witness who had heard of 2-TCW-996,⁴⁸²³ both say they had never heard of the alleged plans. There is no merit to **Nuon Chea’s** claims of secret rebellion.

1121. Neither is there any merit to **Nuon Chea’s** suggestion that the Party Centre carried out its purge in order to punish the Northwest Zone cadres who had mistreated workers at the Trapeang Thma Dam worksite and to prevent any further abuses.⁴⁸²⁴ This argument is unpersuasive for two reasons. First, if the purge had really been carried out to protect workers from further abuses, it is certain that they would have been informed of this fact. In fact, they were told the opposite: that Ta Val had been arrested for being too generous to the workers at Trapeang Thma⁴⁸²⁵ and that the purge was carried out because the incumbent Northwest Zone cadres were traitors to the revolution.⁴⁸²⁶ Second, if the purge had been carried out to improve conditions, the evidence would show that conditions had in fact improved following the arrival of the Southwest Zone

⁴⁸²⁰ **E1/356.1** 2-TCW-996, T. 26 Oct 2015 15.14.23-15.17.23.

⁴⁸²¹ **E1/360.1** 2-TCW-918 T. 1 Dec 2015, 10.56.35-10.58.05.

⁴⁸²² **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.26.39-15.28.33 [“Q: I will reformulate my question. Mr. Witness, I read to you excerpt of statements of two people that you know very well and who were quite well acquainted with the Trapeang Thma Dam. Both talk about Nhim, the leader of the Northwest Zone being involved in stirring up half the Northwest Zone, starting an armed rebellion, together with Val and Hoeng. Is it correct what these two persons are saying or is it something that you don’t know anything about? A: That I did not know. I would like to tell you that I did not know about that”].

⁴⁸²³ **E1/331.1** Chhit Yoeuk, T. 17 Aug 2015, 09.58.09-10.00.11, 10.01.37-10.03.04 [regarding 2-TCW-996’s statement that Hoeng had a plan to arm mobile unit members to fight the Khmer Rouge: “I have never heard of that statement”], 10.05.45 [“Regarding the secret plan, I was not aware of that”].

⁴⁸²⁴ See e.g. **E1/333.1** Tak Boy, T. 19 Aug 2015, 15.36.14-15.47.39 [“Q: There is a unit leader in the mobile unit who has testified to investigators and has said that Ta Val was ultimately killed because Ta Val himself was also a killer. Is that something that you have heard? A: I do not know why he was arrested. All I know is that he was arrested”].

⁴⁸²⁵ **E3/9564** 2-TCW-996 WRI, A47 [“The Southwest cadres only provided half a can of rice per person per day to us. They arrested Ta Val to be killed because the Southwest cadres had accused Ta Val of providing rice to the workers in the mobile unit to eat”].

⁴⁸²⁶ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 09.59.50-10.01.41 [“The Southwest Zone cadres told us that Angkar had arrested the traitors namely contemptible Hoeng, contemptible Val, contemptible Cheal”]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.13.22-09.16.14 [“Upon on the arrival of the southwest, they started arresting the northwest group as they accused them of being traitors”]; **E3/9483** 2-TCW-918 WRI, A6; **E3/9094** 2-TCW-918 DC-Cam Statement, 18 June 2011, EN 00728683 [“[Q]: So in the regional mobile forces they arrested only Ta Vall? [A]: No, they arrested Ta Vall and people in the same cluster. But some people escaped”], 00728686 [“They said he was a traitor”]; **E3/7323** Heng Samuot WRI, EN 00290000 [“That purge initially began with the arrest of Ta Cheal, Ta Moul Sambath and subsequently they arrested people from the top to the bottom of the ranks. They said, when one was accused of being a traitor, the fellow members were all traitors”].

cadres. In fact, things got dramatically worse:⁴⁸²⁷ food rations were cut,⁴⁸²⁸ and arrests and disappearances increased.⁴⁸²⁹

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

1122. *Forced labour*: The massive workforce at the Trapeang Thma Dam worksite existed in a constant state of exhaustion and overwork. The task of most workers was to dig up earth using hoes at one location, then carry the dirt in baskets (weighing up to 30 or 40 kilograms⁴⁸³⁰) to the top of the dam embankment (to a height of up to 10 metres⁴⁸³¹) and dump it there to increase the size of the embankment.⁴⁸³² This work was carried out almost exclusively by hand — several witnesses indicated that they never saw any mechanical equipment at the worksite.⁴⁸³³

⁴⁸²⁷ See above, para. 1119.

⁴⁸²⁸ **E3/9528** Sorm Seila WRI, A43 [“Working and living conditions under Northwest group control were better than they were under Southwest control. After the arrival of the Southwest group, working and living conditions became even more difficult, and there were more killings too”]; **E3/9554** [REDACTED] WRI, A10 [“I would like to add that life under the Southwest Zone people’s authority was extremely hard because we received an insufficient food supply despite hard work”]; **E3/9494** [REDACTED] WRI, A19 [“Q: According to your own experience, how was the rule of the Southwest group different from the rule of the Northwest group? A19: Living conditions and working conditions became more difficult. They did not give us enough food, so many people were sick”]; **E3/9535** [REDACTED] WRI, A55 [“Before they [the Southwest Zone cadres] arrived, I had rice to eat; but when the Southwest group arrived, I ate only rice gruel”]; **E3/9051** Khor Mot DC-Cam Statement, EN 00987571 [“Those who came from the Southwest Zone. Everything became worse with the Southwest cadres, the most difficult of all times”]; **E3/9562** [REDACTED] WRI, A120 [“At that time, they provided a plate of rice with fried fish and a little sugar for us to eat each meal, but later they provided only gruel for us to eat. They provided five cans of rice to feed 10 people. But when the Southwest group arrived, they provided only one can rice for 30 people”].

⁴⁸²⁹ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.25.11-15.27.17 [“But the Southwest Zone cadres intensified their surveillance of the Northwest Zone cadres, and they started to arrest more and more people”]; **E3/9076** 2-TCW-996 DC-Cam, EN 00731187; **E1/333.1** Tak Boy, T. 19 Aug 2015, 15.37.52-15.41.06; **E3/9528** [REDACTED] WRI, A43; **E3/9104** Pich Ham DC-Cam Statement, EN 00982770; **E3/9057** Lach Choeu DC-Cam Statement, EN 00977405.

⁴⁸³⁰ **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.39.49-09.41.27 [“if it were the wet dirt, it was very heavy. Probably, it could be around 20 kilogrammes per one size (*sic*) of the earth basket”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48 [“The weight [of the earth-carrying baskets] was about 30 to 40 kilograms”].

⁴⁸³¹ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.38.33-14.41.05 [“Q: How far would you say each load had to be carried, can you give us an estimate of the distance? A: About 20 metres to 30 metres from the base of the embankment and we had to carry the dirt to the top of the dam, which was about 10 metres high. Q: And would the earth have to be carried to the top of the 10-metre embankment? A: Yes. They had to carry the earth from the canal base to drop at the top of the dam. ... [I]f I am not wrong in my estimation, each basket held about 15 kilograms of dirt; well, with both baskets, the total weight was about 20 kilograms”].

⁴⁸³² **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.25.58-09.41.27, 10.34.04-10.36.51 [“From the pit, we dug the earth to the dam. It was about 30 to 50 metres away”]; **E1/340.1** Mean Loey, T. 2 Sept 2015, 15.05.32-15.07.55; **E1/333.1** Chhum Seng, T. 19 Aug 2015, 10.05.01-10.07.12. One witness said that workers had to run with their loads to get sufficient momentum to reach the top of the embankment: **E1/336.1** Nhip Horl, T. 25 Aug 2015, 10.36.51-10.38.40.

⁴⁸³³ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.41.05-14.43; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.56.30-13.59.56; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.05.28-15.07.09 [“The only things that we were

1123. Workers were given daily quotas of one⁴⁸³⁴ to five⁴⁸³⁵ cubic metres of earth to dig and transport, with three cubic metres being the most commonly cited quota.⁴⁸³⁶ Units often struggled or failed to reach the designated quotas,⁴⁸³⁷ and workers who failed to meet their quota were sometimes threatened with punishment⁴⁸³⁸ or had their food rations cut.⁴⁸³⁹ Workers viewed as disloyal or lazy were put in a “Special Case Unit” in which they were closely monitored and received less food than other workers despite being forced to work harder.⁴⁸⁴⁰

given were baskets, carrying poles and hoes. Q: Were heavy machines used to aid your work? A: No, the things we had were the hoes”]; **E1/325.1** Mam Soeum, T. 29 July 2015, 10.48.06-10.51.07 [“No heavy machinery. ... we had only earth-carrier baskets and hoes as tools to work”]; **E3/7323** Heng Samuot WRI, EN 00289999. *See contra* **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 15.44.16-15.46.46 [“There were many of heavy machinery. There were vehicles, there were heavy machinery, there were asany (phonetic)”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.06.52-14.10.26.

4834 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.11.22-15.13.00.

4835 **E1/336.1** Nhiep Horl, T. 25 Aug 2015, 09.35.21-09.39.49 [“Within five cubic metres per person, we had to complete it. And we had our meal in the pit that we actually dug and carried the earth”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.13.11-14.15.39.

4836 **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.17.04-11.19.15; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54, 14.03.54-14.06.03; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.35.29-10.37.33; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.50.27-13.52.20; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.09.03-14.10.26; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.25.20-14.27.52; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 14.32.44-14.35.25; **E3/9094** 2-TCW-918, DC-Cam Statement, EN 00728670; **E3/7323** Heng Samuot WRI, EN 00289999; **E3/9076** 2-TCW-996 DC-Cam Statement, EN 00731166. *See also* **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.20.15-11.23.10; **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.11.22-15.13.00. **Method of measuring the relevant areas:** **E1/336.1** Nhiep Horl, T. 25 Aug 2015, 09.32.52-09.46.21 [“They measure it for us and they would put the pole sign there for individual worker. ... So they would plant the post, the signpost there for us, and the next morning, they would measure it again”]; **E1/324.1** Sen Sophon, T. 28 July 2015, 10.44.15-10.45.54 [“The stick or branch of the tree was used as a measurement and then the stick was used to measure the earth”]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 10.55.12-10.58.16.

4837 **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.10.26-14.12.45 [“At the earlier stage, you know when we had to dig only the upper layer of soil and the dam was still low, we could accomplish it. But later on, it was very hard to do it”]; **E1/324.1** Sen Sophon, T. 28 July 2015, 09.42.40-09.45.25 [“Q: ... you were never able to finish the quota; is that correct? A: Yes, that is correct”]; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.25.20-14.27.52.

4838 **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23 [“Q: Were you ever told by your unit chief that there would be any type of punishment if you did not complete your quota? A: Yes, we were told. We were advised to do our best to accomplish the work quota. Otherwise, later on, problem will happen to you, Comrade. Q: And it was your unit chief that said this? A: Yes, my unit chief”].

4839 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.09.12-15.11.22 [“if you completed the work quota that day, then you would have your normal food ration. And if you could not, then your food ration would be reduced”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.06.04-09.08.22 [“the ration was three ladles. And for failure to meet the quota, the ration would reduce to two ladles of gruel”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.43.40-09.46.03 [“If we did not complete the work quota, our food ration for the whole group would be reduced”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.54.30-13.56.39; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.09.34-15.11.44; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36.

4840 **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.21.31-11.25.34 [“the Special Case Unit was allegedly said exploiting other workers' workforce. ... The food ration were given less than other members in other units”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.53.33-10.55.33 [“So at that time, those who dared to complain that they were forced to work intensively day and night and they were not given enough food, were considered protestors against Angkar. And eventually, they were gathered in one group and then they were placed under the supervision of one person, so that it was easier for Angkar to monitor them”];

1124. Witnesses gave somewhat different accounts of their own units' working hours, but were consistent in their descriptions of long hours of hard work. Many described rising at or before dawn; working a morning session until 11am; resting from 11am until 1pm in the afternoon; working again from 1pm until 5 pm; resting again; and then sometimes working in the evening from 6 or 7 pm until 10 or 11 pm.⁴⁸⁴¹ Some workers gave accounts of starting work as early as 3 or 4 in the morning,⁴⁸⁴² and many also indicated that night work (lasting until approximately 10 pm) was sometimes⁴⁸⁴³ or always⁴⁸⁴⁴ required. This is consistent with **Khieu Samphan's** own observation of

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- E1/323.1** Sen Sophon, T. 27 July 2015, 15.11.48-15.14.30 ["There were workers who were accused of being lazy and they were deprived of gruel"]; **E3/7323** Heng Samuot WRI, EN 00289999, EN 002900001 ["The Khmer Rouge sent a person to a 'Case Unit' if he or she could not be improved by a series of criticism"]; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.30.40-15.34.15 ["if you were considered inactive, you would be assigned to work in the special case unit and the work condition there was harder than the regular unit workload"]; **E3/9504** 2-TCW-918 WRI, EN 00738313; **E3/9567** 2-TCW-918 WRI, A56.
- 4841 **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.07.55-15.10.47 ["Regarding working hours, in the morning we had to arrive at the worksite to dig the earth when the sun rose. We took a short break at 11.00 and we resumed work at 1.00 in the afternoon. We continued from - working from 1.00 until 5.00 p.m. after which we had another short break. Q: And after that other short break, what were the working hours after that? A: Concerning night shift, we started from perhaps 6.00 p.m. There was no clock no watch for us to watch -- to see the time. I think it was -- we started night shift from 6.00 until 10.00"] (NB: Mean Loeuy indicated that night work occurred "only when we were told to be on offensive." **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.17.55-15.20.45); **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 ["Every morning at 4.00 or 5.00, we were woken up to work. And when we were at the working place, we could hear only the sounds of hoes digging. We had to work from the morning until 11.00 when we were given a short time to break. We had lunch for a short period of time and we resumed work at 1 p.m. We continued to work until 5 p.m. in the evening, then we had another short break. ... we had dinner and we took a short break and we started work at night-time. We also worked at night from 7 p.m. until 10 p.m."], 10.45.29-10.47.58; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.46.21-09.48.33, 10.54.01-10.56.29; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.16.58-14.18.21; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.20.28-15.22.11; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.07.19-15.10.13. *See contra* **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 14.32.44-14.35.25 [Asserting that some workers could finish their work in the morning and rest in the afternoon]; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.27.52-14.30.00 ["No, we did not work at night. In a case where one or two workers could not complete his or her quota; we would assist them so that we could return to the sleeping quarter together"].
- 4842 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["As I said, they died because of overwork and because of insufficient food. We started working at 3 o'clock in the early morning"]; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.42.24-13.45.02 ["At 4 a.m. in the morning, unit chief bang the bell so that everyone woke up and went to carry the earth"]; **E3/7323** Heng Samuot WRI, EN 00290000; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.07.19-15.10.13.
- 4843 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["And then we had to work until 5.00 in the afternoon, and we only stopped for about five minutes. Then we continued working until about 10.00 or 11 p.m."], 15.25.17-15.28.05 ["after the meal, we had to work again until 10 o'clock at night"]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 09.36.37-09.39.03; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.56.39-14.00.24 ["They had to work overnight. ... Sometimes, worker has to work overnight for a period of one week or perhaps more than that"]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.18.21-14.20.28; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.10.13-15.11.51; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.09.29-11.11.20 ["If we were not able to complete the work quota in the day, we had to continue working during the night-time"]; **E1/324.1** Sen Sophon, T. 28 July 2015, 11.00.08-11.02.05; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.36.43-14.38.29. *See contra* **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 14.35.25 ["When I was there, I did not see anyone working during night-time"].
- 4844 **E1/334.1** Yi Laisov, T. 20 Aug 2015, 15.34.56-15.37.07 ["We had to work every single evening"];

workers being awakened by 3 or 4 am and working to midnight.⁴⁸⁴⁵ During periods of so-called “offensives” or “storm attacks,” workers were sometimes required to work with just a few hours’ break in a 24-hour period.⁴⁸⁴⁶ Workers sometimes collapsed from exhaustion.⁴⁸⁴⁷

1125. *Inhumane living conditions*: Workers slept in open thatched-roof shelters that they built themselves,⁴⁸⁴⁸ for the most part without blankets or mosquito nets.⁴⁸⁴⁹ Movement and family contacts were severely restricted. Workers were prohibited from moving freely around the worksite or visiting other units.⁴⁸⁵⁰ They were not even permitted to visit family in other locations to reassure themselves that they were safe.⁴⁸⁵¹

1126. *Inadequate food and water*: Miserable living conditions compounded the suffering caused by overwork. The food was mostly rice gruel,⁴⁸⁵² and only occasionally cooked

⁴⁸⁴⁵ **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36 [“They continued working these [night] shifts every day until the dam project was completed”].

⁴⁸⁴⁶ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498304 [“I recall the gathering up of the people to build dams and dig feeder canals. They rang bells to wake up the people at 3 or 4 a.m. In the afternoon they ate communally, and the work was not even finished by midnight. ... In the morning they rang the bells to wake the people at 3 or 4 a.m. to get into formation. By the time they were in formation, it was daybreak”].

⁴⁸⁴⁷ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.00.24-14.10.04 [Witness says that during offensives, workers would get just two two-hour breaks in a 24-hour period]. **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.35.55-14.38.33 [Witness — who was a child at the time he worked at the dam worksite — testified that he was so exhausted by his work that he sometimes fell asleep leaning against the handle of his pick axe].

⁴⁸⁴⁸ **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.13.45-15.16.43 [“I never saw anybody die while working over there, but I saw some people who fell down and convulsed. I actually saw that by my own eyes that some just fell down when they were working”].

⁴⁸⁴⁹ **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.09.29-11.11.39; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.49.22-09.51.06; **E3/7323** Heng Samuot WRI, EN 00290000.

⁴⁸⁵⁰ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 10.44.19-10.45.55 [“there was no blanket, no mosquito net, but there was shelter”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 14.05.55-14.07.37; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 10.49.52-10.52.41 [“We actually had the bamboo -- bamboo bed. But it was not actually a bed just bamboo, and then we laid a bamboo stick directly on the ground, and then we slept on it”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.19.45-15.21.26 [“There was no mosquito net, no pillow, no mat”]; **E3/7803** Kan Thorl WRI, EN 00277822; **E3/7323** Heng Samuot WRI, EN 00290000.

⁴⁸⁵¹ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.34.30-14.36.51 [“We were not allowed to go from one unit to the other”]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.55.53-09.58.19.

⁴⁸⁵² **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.46.03-09.47.39; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.06.21-11.08.20 [“During the time, we could not even move from one unit to another one. we had no rights to make a request so that we would be allowed to visit home”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.52.51-13.54.57 [“I had made a request to visit my parents but the request was rejected. I was not allowed to visit my parents”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.21.53-14.23.36; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 10.11.00-10.12.15; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.09.30-11.11.14.

E1/352.1 Sot Sophal, T. 30 Sept 2015, 14.01.22-14.03.33 [“Roeun was my small cell chief who was the one who reduced our food ration”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.08.08-14.09.40 [“Initially, we had cooked rice once in a while. Later, we had thick gruel. And we received only a small bowl of food ration. We were weak, no strength at all”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“We were given thick gruel in a small bowl. I could not eat my fill; it was not enough for me”]; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.48.33-09.50.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015,

rice.⁴⁸⁵³ A few witnesses described the food as adequate,⁴⁸⁵⁴ but the great majority described the ration as woefully insufficient.⁴⁸⁵⁵ Sot Sophal testified that “While I was working there, I was so emaciated. And compared to the condition of sick people now, it’s like you were sick from AIDS or HIV.”⁴⁸⁵⁶

1127. Flies were everywhere and often in the food.⁴⁸⁵⁷ Sen Sophon testified that “there were swarms of flies and you could actually see the darkness of flies on your bowl of gruel.”⁴⁸⁵⁸ Sam Sak testified that workers were so hungry they talked of being willing to trade their lives for just one satisfying last meal.⁴⁸⁵⁹ Things worsened with the arrival of the Southwest Zone cadres, when even this meager ration was reduced.⁴⁸⁶⁰

14.10.04-14.11.13; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 15.52.32-15.54.22; **E3/9483** 2-TCW-918 WRI, EN 00937033.

4853 **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.49.56-13.52.27 [“We ate ordinary steamed rice and we had enough to eat in order to build the dyke”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.11.55-11.14.41 [“we were given thick gruel and during the dry season we were given rice to eat”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36; **E3/9483** 2-TCW-918 WRI, EN 00937033; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.33.40-14.38.29 [rice rations varied depending on workload. They would be larger during periods of intense work. At other times, they could decrease by two-thirds or even be entirely absent].

4854 **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.46.38-13.49.56; **E3/7803** Kan Thorl WRI, ERN 00277822. *See also* **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.35.49-15.38.18; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.05.08 [“Regarding the food ration, in fact the food was sufficient”]; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 11.29.35; **E3/9483** 2-TCW-918 WRI, EN 00937033; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728671.

4855 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.02.42-15.04.39 [“The food was not sufficient. A bowl of rice was for four workers”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.08.23-09.10.58 [“Those people who had yam, they threw away the burnt part or the skin. And we did not dare to pick up the thrown away yam, but we actually secretly used our food to get it and to share it among the three of us, because if we were caught picking up the thrown yam, we would be tortured”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.08.08-14.09.40 [“While I was working at Trapeang Thma Dam worksite, I did not have enough food to eat. Initially, we had cooked rice once in a while. Later, we had thick gruel. And we received only a small bowl of food ration. We were weak, no strength at all”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“I had to go and collect edible leaves to mix with the thick gruel to fill my stomach”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.23.44-14.26.08; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.48.33-09.50.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.10.04-14.11.13; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.35.19-15.37.11; **E3/7323** Heng Samuot WRI, EN 00290000; **E1/324.1** Mam Soeurm, T. 28 July 2015, 15.14.19-15.16.23. *See also* **E3/5283** Chhuy Huy WRI, EN 00321201.

4856 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.28.05-15.28.44 [“While I was working there, I was so emaciated. And compared to the condition of sick people now, it’s like you were sick from AIDS or HIV”]; *See also* **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.39.24-15.41.13.

4857 **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.49.56-13.52.27; **E3/5283** Chhuy Huy WRI, EN 00321201 [“There were so many flies gathering over our cooked rice, making it become black”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.16.42-14.19.14; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39.

4858 **E1/323.1** Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55.

4859 **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.02.42-10.05.30 [“Sometimes we were so hungry and we spoke to one another. As long as I could be given just a plate full of rice and a cooked chicken, I would change it for my life as my last meal. Some other would say just a bowl of food would be sufficient for them to feel satisfied and they could rest in peace. You can imagine how terrible the situation was. We could feel that just give us a good last meal and we would feel satisfied”].

4860 **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.05.08-11.07.52 [“After the arrival of the southwest group, Ta Nhaav set a quota for us, that is, half a can of – half a milk can of rice for lunch and another half a milk can of rice for dinner [as opposed to the two cans of rice per day they were previously afforded]”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.34.56-15.37.07; **E1/327.1** Kan Thorl, T. 10 Aug 2015,

1128. In addition to a lack of food, there was also a shortage of clean drinking water.⁴⁸⁶¹

Workers were forced to drink dirty water, resulting in diarrhoea.⁴⁸⁶² Workers were also required to use pit toilets and had very limited opportunities and facilities for bathing or washing their clothes.⁴⁸⁶³

1129. *Inadequate sanitation and medicine*: Workers fell ill as a result of the terrible conditions at the worksite. Common diseases included malnutrition (and resulting swelling), fever, malaria, cholera, and diarrhoea.⁴⁸⁶⁴ One worker recounted that two to five workers would get sick in his platoon per day.⁴⁸⁶⁵ Workers who fell ill often had to keep working in spite of their illnesses⁴⁸⁶⁶ and also sometimes had their food rations

15.35.49-15.38.18.

⁴⁸⁶¹ **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.47.58-10.50.35 [“the water was not hygienic and I had to use my shirt as filter so that I would not drink in insects in the water”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.02.40-10.04.38 [“At that time, we drank water directly. ... It was from a pond nearby the construction site”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.19.14-14.20.35, 14.20.35-14.22.27 [“The water was not hygienic, it was not clean because it was taken directly from the pond. ... sometimes, there were some weed as well mixed with the water”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.11.14-11.12.33; **E3/9076** 2-TCW-996 DC-Cam Statement, EN 00731169 [“There was a great shortage of water at that time. The water was so dirty”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 10.57.50-11.00.05. The Party Centre was well aware of this shortage, as demonstrated by the description of the worksite in *Revolutionary Youth* magazine. **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686-87 [“Geographically, there were rarely any lakes or ponds on this plain field, and since there were tens of thousands of people working at the Trapeang Thma water reservoir worksite, our male-female youths had to face and fight to solve other problems besides their daily core task. Obviously, they had to face with the problem of water shortage. That was because the carts and trucks were not able to deliver water to the worksite on time and as needed”].

⁴⁸⁶² **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.52.27-13.54.32 [“some people had diarrhoea, it was hot and people drank dirty water, and so they fell sick and were sent to hospitals”]; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 14.24.55-14.27.19 [“There was a problem with drinking water and for that sometimes they had problem with their bowel”].

⁴⁸⁶³ **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.13.08-11.15.41; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27 [“My clothes, my shirts and trousers were full of lice, and they were smelly”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.29.53-14.31.35; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55 [“there was no toilet or anything. Actually people relieved themselves in bushes nearby”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.41.28-09.43.03.

⁴⁸⁶⁴ **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.50.43-09.52.31 [“I only contracted a fever and a swollen disease. My legs, my feet were swollen. I could barely walk. And when I used my fingers to touch my feet and legs, I could see that -- I could feel the pain. So I had the two kinds of disease -- that is, swollen disease and fever during the Khmer Rouge”], 10.42.26-10.45.29; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.52.27-13.54.32; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.15.20-11.17.25 [“I got malaria for one month and a half. I was deprived of rice at that time”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 09.58.38-10.00.14 [“Four or five workers would fall sick at the minimum. And at most, 20 people would fall sick [in a company-sized unit]”, 13.59.02-14.00.35 [“Some had cholera at their accommodations. And usually if they fell sick, they could rest at their places”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.08.20-11.09.37 [“The main disease was malnutrition. Some of them got swelling in the body and the cause was because of the lack of food”], 13.40.52-13.43.20; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.23.55-15.25.57 [“Actually I contracted fever twice”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15. 32.27-15.35.19; **E3/7323** Heng Samuot WR1, EN 0029000.

⁴⁸⁶⁵ **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39 [“I knew only what happened in my platoon; two, three or five of them got sick per day”].

⁴⁸⁶⁶ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.39.31-09.41.28 [“We were sick, but we dare not stop working.

reduced as punishment for being ill.⁴⁸⁶⁷ The local hospital did not have any effective modern medicines or medical care⁴⁸⁶⁸ and those workers who did receive treatment for illnesses usually received ineffective “rabbit dropping pellets” regardless of the disease they were suffering from.⁴⁸⁶⁹ The “medics” available to treat workers at the worksite itself had little or no training.⁴⁸⁷⁰

1130. *Psychological harm*: Workers were kept in a state of subjugation with regular explicit and implicit threats to their safety. Those who could not meet their quotas were called by their unit chiefs to criticism and self-criticism meetings,⁴⁸⁷¹ where they were told to “be mindful of Angkar’s phrase—that is, ‘to keep is no gain and to kill is no loss’.”⁴⁸⁷² One worker testified that he understood this phrase as meaning that “one who did not follow the guidelines of Angkar, would be taken away ... and killed.”⁴⁸⁷³ This phrase

We had to continue working until we collapse. And then if we refuse to carry out the work for the days, they would accuse us of being conscious illness”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.19.20-11.21.31; **E3/9076** 2-TCW-996 DC-Cam Statement, EN 00731170.

⁴⁸⁶⁷ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.15.20-11.17.25 [“I got malaria for one month and a half. I was deprived of rice at that time. Because it was said that I fled the worksite and my food ration was deprived of”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.00.14-10.02.40 [“There was a plan that the sick had to be given only porridge. And after they had recovered, they would have rice to eat”]; **E3/5283** Chhuy Huy WRI, EN 00321201 [“They reduced food ration as a warning so that less people would report sickness”]; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.55.52-09.58.31; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.27.40-09.30.00.

⁴⁸⁶⁸ **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.52.27-13.56.30; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.22.27-14.24.02.

⁴⁸⁶⁹ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.09.40-14.14.51 [“[Medics] would come with a bag, and the so-called rabbit dropping pellets were given to all of us for any kind of diseases”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27 [“One time, I felt sick. There was no medicine for me and I was given with the rabbit dropping pellets. ... I had a fever. ... only rabbit dropping pellets were given to all of us for every kind of diseases”], 09.52.31-09.55.10; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.52.37-13.54.32; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.08.20-11.09.37 [“Every time one fell sick, he or she would be given a tablet which looked like the rabbit dropping pellets”], 13.30.48-13.32.31 [“Those medics were all illiterates, they were not educated”]; **E3/7323** Heng Samuot WRI, EN 00290001. *See contra* **E3/9076** 2-TCW-996 DC-Cam Statement, EN 00731170.

⁴⁸⁷⁰ **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.54.32-13.56.30 [“The healthcare workers assigned to work in those units had not undergone any studies”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 13.30.48-13.32.31; **E3/7803** Kan Thorl WRI, EN 00277822; **E3/7323** Heng Samuot WRI, EN 00290001.

⁴⁸⁷¹ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.03.54-14.06.03 [“If we failed to meet the work quota, we were invited to be in criticism and in self-criticism sessions. And if we did not deter our mistakes, we would be in trouble”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“During that time there were self-criticism and criticism sessions in order to encourage us to work hard for Angkar, for the sake of Angkar”], 10.37.33-10.39.18; **E3/7323** Heng Samuot WRI, EN 00289999 [“If a worker could not finish an assignment, the Khmer Rouge punished him or her by a warning and criticism to reinforce his or her ideological belief”]; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.26.25-15.28.36.

⁴⁸⁷² **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.59.35-15.01.44 [“For criticism and self-criticism meetings, it was the unit chief who called us to the meeting. ... [At the meeting] they warned us that if you keep doing that then you should be mindful of the Angkar’s phrase — that is, ‘to keep is no gain and to kill is no loss’. And upon hearing that we were so afraid”].

⁴⁸⁷³ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.17.55-15.20.45 [“The so — called slogan or proverb was no — ‘to keep you is no gain to lose you is no loss’, one who did not follow the guidelines of Angkar, would be taken away and kill — and killed. This is my understanding”].

was used at meetings at which Ta Val was present,⁴⁸⁷⁴ indicating that the use of this kind of threats was a matter of policy. It was also used by armed militia patrolling the worksite.⁴⁸⁷⁵

1131. Workers who lost a basket or broke a hoe were also identified as “enemies,” as were those who complained about working conditions or the difficulty of the work.⁴⁸⁷⁶ Workers feared that an infraction as minor as walking around the worksite without authorisation could result in being killed.⁴⁸⁷⁷

1132. *Physical harm*: These threats were accompanied by physical violence. Unit chiefs sometimes whipped or beat workers they deemed lazy or suspected of theft, often within sight of other workers.⁴⁸⁷⁸ Members of the militia beat workers or poked them with swords if they thought they were not working hard enough — even if the workers

⁴⁸⁷⁴ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.19.26-15.23.44 [“Q: At any of those meetings, did you ever hear a phrase used: ‘to keep you is no gain, to lose you is no loss’? Did you ever hear those words, or anything similar, at a meeting? A: Yes, I heard that phrase every day at the time. When they approached us, they would use such a phrase. They said that we were useless workers, and it was no gain to keep us, and it was no loss to remove us. Q: Who said that? A: It was the militia, the group of people who had their weapons and swords. ... They mentioned those words both inside and outside the meetings Q: And in the meeting, who was it who said those words? A: He was referred to as the big chief, and from my recollection, his name was Val, Ta Val”].

⁴⁸⁷⁵ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.19.26-15.23.44 [“Q: At any of those meetings, did you ever hear a phrase used: ‘to keep you is no gain, to lose you is no loss’? ... A: Yes, I heard that phrase every day at the time. When they approached us, they would use such a phrase. They said that we were useless workers, and it was no gain to keep us, and it was no loss to remove us. Q: Who said that? A: It was the militia, the group of people who had their weapons and swords”].

⁴⁸⁷⁶ **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.01.44-15.03.58 [“If one basket was lost one individual would be accused of being an enemy. The same applies to the hoe if we broke the hoe. ... It was the unit chief who checked the equipment and the unit chief would go around and monitor the tools whether the baskets were broken, the hoes were broken. The unit chief would go around and check”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.13.45-15.16.43; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.15.58-11.18.04 [“if we happened to complain just in a word or a phrase about the harsh working condition these kinds of verbal complaint or activities were considered those against Angkar”]. The authorities at the dam worksite actively sought out potential enemies; witnesses described the workers as being “under surveillance” by soldiers patrolling the worksite: **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 14.12.57-14.16.30; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.21.53-14.23.36; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.55.53-09.58.19 [“After working hours there were undercover who tried to monitor us and observe people so we dare not talk, we would not say anything about our hard working conditions they wanted to hear only the pleasant words”]; **E3/7323** Heng Samuot WRI, EN 00289999 [“The Khmer Rouge assigned a spy for each group to spy on us while we were working”]; **E1/324.1** Mam Soeurm, T. 28 July 2015, 14.33.40.

⁴⁸⁷⁷ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.34.30-14.36.51 [“No, nobody would move about freely; everyone was afraid. Everyone was afraid of being taken away and shot”].

⁴⁸⁷⁸ **E1/323.1** Sen Sophon, T. 27 July 2015, 15.11.48-15.14.30 [“If, for example, a worker was lazy the unit chief would come and whip him and then chase him to go to work”]; **E3/7323** Heng Samuot WRI, EN 00290001 [“The Khmer Rouge hit the victim with a hoe’s head to threaten the others not to follow the complainant’s footsteps”]; **E3/510** Saom Phan WRI, EN 00290357; **E3/9353** Chhit In WRI, EN 00277811; **E3/7802** Dan Thev WRI, EN 00280020; **E3/9354** Dan Sa WRI, EN 00289932. *See contra* **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 15.34.31-15.36.35.

in question were “shivering from fever”.⁴⁸⁷⁹ On at least one occasion, Ta Val himself beat workers who were not working hard enough.⁴⁸⁸⁰

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1133. Those who were assigned to the worksite understood that they had no choice but to go. Many feared that they would be killed or come to other harm if they refused the assignment.⁴⁸⁸¹ As a result of the climate of terror prevailing at the worksite, workers focused on day-to-day survival; some believed that they would not live to see the end of their time at the Trapeang Thma Dam worksite.⁴⁸⁸² It was this fear of death or other

⁴⁸⁷⁹ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.16.35-09.18.28 [“While I was working, yes, I did see the beatings. However, it was not too severe to make the people collapse or faint. Sometimes they pushed the workers with their long swords to force them to work hard. ... They ordered us to work harder. And if we were actually working hard, then they didn't poke us with the sword. But if some of the -- was thought not to work hard or was shivering from fever, then the person would be poked with a sword”]; **E3/7755** Sot Phal WRI, EN 00293004 [“There were children carrying guns and long swords supervising us when we were working. At that time, I saw them beat the people”]; **E3/9575** Thang Thoeuy WRI, A120. *See also* **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.25.34-11.27.53 [“Q: ... I wanted to ask if you had ever seen or heard of anyone being beaten or whipped while you were at the worksite? A: No. I heard of those incidents, but I myself did not see with my own eyes. Q: Can you tell us what you heard about? A: People said if one could not carry the dirt, he or she would be kicked”]; **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.16.58-15.21.17 [“when the person returned, I asked what happened? Then he said that he had been hanged upside down and pulled up and down. Then they dropped him off, and that after a few drops, then he was let go to return to work harder. If he kept continuing doing that, he would be killed next time. That's how he was warned. ... Later on he was taken away and killed”]; **E3/7803** Kan Thorl WRI, ERN 00277821.

⁴⁸⁸⁰ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 14.21.13-14.22.45 [“Ta Val disguised himself as a worker by putting on a palm leaf hat and wearing old clothes. And he just went to oversee the workers working in the construction site. ... if anybody was not working, he would beat that person with the stick he was carrying”].

⁴⁸⁸¹ **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.08.03-11.09.29 [“Back then, we were required. We were forced to work at that place. No one could refuse the assignment. Otherwise, we would disappear”, 14.18.00-14.20.58 [“The work was not voluntary”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.01.59-11.03.45 [“We had to go. If we were to stay at home, we would be considered exploiting other workers' workforce”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.41.25-10.43.58 [“I had to go, female and male youths had to go based on the instruction”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 14.16.15-14.18.05 [“If I refused to go, I would be accused of being an enemy and I would be taken away and killed”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.48.38-13.51.36 [“Q: ... Why did you not refuse? ... A: I was afraid of them. ... I was afraid that I would be taken away and killed”], 14.06.52-14.09.03; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.04.59-11.06.21 [“No one dared to refuse the assignment. One who dared to refuse the assignment means that this individual opposed Angkar. Sooner or later, he or she would be killed”]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.05.18-09.08.53; **E1/324.1** Mam Soeurm, T. 28 July 2015, 13.58.28-13.59.54.

⁴⁸⁸² **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.55.20-14.59.35 [“During the time that I stayed at the Trapeang Thma Dam worksite I could not ever imagine that I could survive. Every morning when I opened my eyes I knew that I lived for another day and I could not possibly know what would happen the next day. We kept saying to one another that if we lived through the day we might not survive during the night and we only looked forward to one day at a time”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.41.28-09.45.25; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 [“I did not think at that time I could survive the regime. I never expected that I would survive the other day. If I probably made mistake I would be taken away and killed. So I did not dare to say anything”], 10.05.30-10.07.05; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 14.09.20-14.11.59; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.18.30-11.21.12.

punishment that motivated workers to do what they were instructed to do⁴⁸⁸³ in spite of the horrible conditions in which they suffered. In the absence of the threats and violence to those forced to work at the site, the CPK could not have achieved its goal of constructing the Trapeang Thma Dam in such a brief period of time with such limited resources. The workers themselves were viewed as expendable assets which Angkar could do with as it pleased. As 2-TCW-996 testified, they were used “as if we were cattle.”⁴⁸⁸⁴

MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

4. Murder and Extermination

1134. Workers at the Trapeang Thma Dam died as a result of exhaustion, illness, or starvation caused by the conditions at the worksite. Because of the punishing workload at the site, workers collapsed from exhaustion;⁴⁸⁸⁵ one witness testified that he saw workers collapse from overwork “almost every day.”⁴⁸⁸⁶ Though attempts were made to resuscitate these workers, some died.⁴⁸⁸⁷ The victims included both children and

⁴⁸⁸³ **E1/340.1** Mean Loey, T. 2 Sept 2015, 14.09.40-14.14.51 [“We followed the guideline, the line of Angkar. If we did not follow -- if we had not followed, we would have been killed”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.23.44-14.26.08 [“Q: ... You were required to carry dirt and your unit chief told you at that time that you had to complete the work, otherwise problem will bestow on you. This is what I heard from your testimony. How did you feel at that time when you heard such words towards you? A: I was so fearful. The chief said that, please be careful, I would be taken away and killed”]; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.50.52-09.54.18 [“we had to do it because we fear for our life. We had to work, actually we tried to work but physically, we could not endure it. But we had to do it out of our fear for our life. We dare not protest against Angkar. We had to do it out of our fear”], 10.57.32-10.59.10 [“Q: Earlier on you told the Court that you had to complete this work out of fears. What were you fear of? A: We were fear of being taken away for execution”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.04.59-11.06.21 [“We had to work because we were afraid of being killed by Angkar”].

⁴⁸⁸⁴ **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 11.09.30-11.11.14 [“when one project here was concluded, we moved on to work on another project over there without knowing when it would stop. Thus, I was using a metaphor to describe our situation as being used as if we were cattle”].

⁴⁸⁸⁵ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.27.32-11.28.49 [“No one collapsed and died at the worksite. But yes, I observed that people collapsed, fell down to the ground. And this happened also within my company”]; **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.30.00-14.32.44 [“I heard from other comrades that some workers fainted”].

⁴⁸⁸⁶ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 11.03.40-11.05.30 [“Q: How many of those instances did you actually see? How often did you see that the person collapsed and died on the spot after co-workers had tried to resuscitate him or them? A: I saw it rather often, but I did not count--did not count how many times I saw it. It happened almost every day. Sometime[s] a person collapsed, sometime[s] two workers collapsed on one day, but sometimes they could be resuscitated and did not die”], 11.05.30-11.07.45 [“Q: Now, I know there are a couple of difficulties with numbers. Let me try. I understand that people collapsed daily, but they didn't die daily. ... Did you see more than 10 of those incidents where people died or less than 10? A: It is more than 10 because it happened almost every day. ... Q: Again, I'm interested in those who collapsed and died. So the number of those who collapsed and died was more than ten, at least. Is that correct? A: Yes, that is correct”].

⁴⁸⁸⁷ **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.06.20-15.09.12 [“A: They died after they collapsed. Some of them collapsed there, and then they tried to resuscitate the worker but to no avail, and the person died

adults.⁴⁸⁸⁸ Workers who did not personally see labourers die from overwork nevertheless heard about such occurrences.⁴⁸⁸⁹ In addition to these deaths from exhaustion, other workers died from diseases contracted due to conditions at the worksite.⁴⁸⁹⁰ Workers ate worms, lizards, and poisonous leaves to stave off starvation, but some starved to death anyway.⁴⁸⁹¹

1135. The Party Centre's acceptance of the risk that these deaths would occur follows not only from its knowledge of the conditions at the site (as reflected in the *Revolutionary Youth* article and leaders' frequent visits to the worksite) but also from its use of the language of armed struggle, describing the worksite as a "hot battlefield"⁴⁸⁹² and work projects as "offensives."⁴⁸⁹³ The Party also justified the conditions at the worksite by

there on the spot. And some died from starvation, lack of food. ... Q: Did you actually watch as attempts were made to resuscitate workers who had collapsed? A: Yes, I saw it. Q: And you also saw that those attempts were unsuccessful, and that's how you know that those people died; is that what you're telling us? A: Yes, that is correct"].

4888 **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["Q: The workers who you saw collapse and die, were those adults or children, or both? A: It was both children and adults"].

4889 **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.13.23-11.15.20.

4890 **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.50.43-10.53.33; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.51.06-09.53.52 ["Some of them died of malaria and others died of over work, they carried too much soil"]; **E1/324.1** Mam Soeurn, T. 28 July 2015, 15.19.17-15.20.48 ["People died from dysentery. And the death was the result of lack of medical treatment or medicine. And I myself knew at least one person died from dysentery"]; **E3/9483** 2-TCW-918 WRI, A10 ["I did not witness any killing. I would like to clarify that people died, but they died at hospitals, in regiments or companies due to diseases such as dysentery"]; **E3/9567** 2-TCW-918 WRI, A52 ["some people in my mobile units died of sickness such as from diarrhoea, malaria and other diseases"]; **E3/7803** Kan Thorl WRI, EN 00277822; **E3/7323** Heng Samuot WRI, EN 00290000.

4891 **E1/323.1** Sen Sophon, T. 27 July 2015, 15.17.51-15.19.45 ["I saw with my own eye that a person died from starvation, however, that happened, when I was at the ploughing unit, the person was actually starving and begged for a piece of rice but no rice was given and the person actually died and it happened in front of me"]; **E3/5657** Im Chaem DC-Cam Statement, EN 00089780 ["People were thin and ate poisonous leaves. ... They died of food shortage. As I mentioned earlier, food were found but not distributed to the people. Crops were collected and kept at houses of sub-district chiefs and district chiefs. People, however, had nothing to eat. Even, earthworm did not exist. Lizards were eaten"]; **E3/508** Tann Than WRI, EN 00277842; **E3/9353** Chhit In WRI, EN 00277812; **E3/9354** Dan Sa WRI, EN 00289932; **E3/7757** Kiv Mao WRI, EN 00288616; **E3/9575** Thang Thoeuy WRI, A114-115; **E3/9562** [REDACTED] WRI, A124; **E3/9516** [REDACTED] WRI, A108.

4892 **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 ["The Trapeang Thma dam worksite was considered a hot battlefield at that time and I had to work very hard"]; **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.28.13-14.31.06 ["This was frequently mentioned that Trapeang Thma Dam worksite was a hot battlefield... To my understanding, the term used was harsh and it motivated us to work very hard. We had to do our best, and we could not be lazy. If someone was not working hard enough, he would be accused of having a different political tendency. So I could say it was one of the hottest battlefields. It was a harsh battlefield"]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.23.15-11.25.34 ["Q: Did you ever hear of Trapeang Thma Dam site being referred to as a "hot battlefield"? A: Yes. Q: And what did you understand that to mean? A: I understand that we were required to try our best and work hard. Q: And who did you hear refer to the dam site as a hot battlefield? A: The chief of a 100-person unit, who led our unit"]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 10.40.06-10.43.04; **E1/359.1** 2-TCW-918 T. 30 Nov 2015, 10.55.44-10.58.47. See also **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728655.

4893 **E1/334.1** Yi Laisov, T. 20 Aug 2015, 10.59.22-11.00.25.

comparing them to the conditions endured by Khmer Rouge combatants during the civil war,⁴⁸⁹⁴ thus implying that similar sacrifices could be expected from workers.

1136. Other workers were intentionally killed by soldiers, militia, or cadres. Such killings occurred throughout the period the worksite was active, under the authority first of the Northwest Zone cadres and later of the Southwest Zone cadres.⁴⁸⁹⁵ The “upper echelon ... made it clear that if anybody betrayed Angkar or disobeyed the instructions of Angkar, they were subject to be executed.”⁴⁸⁹⁶ Val issued an “absolute order” to company chiefs to kill any workers who were not following the instructions of their company chiefs.⁴⁸⁹⁷ Ta Val also gave company and battalion chiefs “the right to kill any individual who opposed Angkar or against the Revolution, former Lon Nol soldiers, especially the ‘Yuon’ enemies and the CIA agents. A unit chief had the right to kill anyone that fell into the said categories.”⁴⁸⁹⁸ These instructions were part of a specific, organised effort to identify and kill soldiers and civil servants of the Lon Nol regime, intellectuals, as well as ‘Yuon’ agents and CIA agents.”⁴⁸⁹⁹ Undercover informants in each unit identified people in these categories.⁴⁹⁰⁰

⁴⁸⁹⁴ **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“brothers agreed with a view and stance that our hardship here, whatever it was, still could not be comparable to that of our elder cadres and male-female combatants of the revolutionary army when they were fighting to build the revolutionary forces and bases, to destroy the enemy during the underground struggle and the internal war, and during over the past 5 years of the revolutionary war”].

⁴⁸⁹⁵ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.48.02-15.49.27 [“In that period, before the arrival of Southwest Zone cadres, it was soldiers of the Northwest Zone who killed those people. And later on, the Northwest Zone broke up and I did not know where the previous cadres from the Northwest Zone went, and I could see that the Southwest Zone cadres came to replace and they continued arresting those people and took them away to be killed”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.22.37-14.27.03 [“What I heard was that some members of the workers committed some wrongdoings and then they disappeared. The unit chiefs made such a report to Ta Val and Ta Val subsequently made the order for the arrest and the killing”].

⁴⁸⁹⁶ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.50.43-10.53.33 [“For the upper echelon, they only made it clear that if anybody betrayed Angkar or disobeyed the instructions of Angkar, they were subject to be executed”]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.53.52-09.58.19 [“If any unit failed to meet the quota, then Angkar would take them for education and they actually considered us as betraying Angkar. Q: You said that they take them education or so, what do you mean by that? A: It means that they would be taken for execution; they would be shot to death”].

⁴⁸⁹⁷ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.32.03-15.33.38 [“As for the order that came down from Ta Val, the pistol was for killing anyone that was not following the order. That was the absolute order of Ta Val”].

⁴⁸⁹⁸ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.33.38-15.38.18 [“Ta Val convened meetings among company and battalion chiefs. For me, I was a company chief, I had the right to kill any individual who opposed Angkar or against the Revolution, former Lon Nol soldiers, especially the ‘Yuon’ enemies and the American CIA agents. A unit chief had the right to kill anyone that fell into the said categories”].

⁴⁸⁹⁹ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.41.31-15.43.27 [“There was a meeting held by Ta Val, and the meeting was held among the chiefs of companies and battalions, that we had to monitor one person a day and to search out who was a student, an intellectual or a Lon Nol soldier in the former regime. Q: And what were Ta Val’s instructions? Once a company chief, for instance, had succeeded in identifying a former Lon Nol soldier or an intellectual, what did he do with such a person at that time? A: It depended

1137. Murders sometimes were committed in public. One witness describes how, on two occasions, he saw members of the militia beat prisoners to death in front of 50 or 100 workers.⁴⁹⁰¹ The other workers present were warned that, if they did not work hard, the same thing would happen to them.⁴⁹⁰² Workers were required to bury the bodies by covering them with earth, sometimes even building the dead bodies into the dam embankment itself.⁴⁹⁰³ Workers who claimed to have night-blindness but were judged to be faking were also taken away and killed.⁴⁹⁰⁴ Other workers described personally

on the immediate supervisor, I mean company chief. If the supervisor did not report on that person to Ta Val he/she could survive. If the company chief reported on one particular individual, then that individual would be surely taken away and killed”, 15.54.06-15.56.18 [“Q: Let us come back to the meeting you attended during which he told you that you had to monitor at least one member of your company a day. Can you tell us who, specifically, attended that meeting? And were such instructions issued only once during that meeting or several times and at several meetings? A: Company chief and chiefs of battalion were invited into a meeting, and the instruction was distributed to all of us”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.33.38-15.36.31 [“former Lon Nol soldiers, especially the Yvon’ enemies and the American CIA agents. A unit chief had the right to kill anyone that fell into the said categories”]; **E3/9562** [REDACTED] WRI, A125 [“Former teachers were taken to be killed. I could not know the number of deaths: many died, because there were graves nearby”]; **E3/9104** Pich Ham DC-Cam Statement, EN 00982770 [“The Southwest cadres investigated and traced the background of the people. For example, those who were known to be soldier or in the military in previous regime, they would be killed. If the Southwest cadres learnt that you were Vietnamese or Chinese, you would not be safe”]. See also **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.16.43-15.18.40 [“Q: I have a question. Can you explain us a little more on why they needed biography from the workers? A: It is my understanding, the biography was to get the information from individual person, particularly the background of that person, whether or not that person received any education or they were from the rich family or poor family. So they prepared this biography because they wanted to know the backgrounds of all workers. ... But I think that they wanted to know whether or not they were from wealthy family or poor family backgrounds and education background”].

4900 **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.43.06-10.45.24 [“[The informants] were the cadres from the Northwest Zone. At that time, Angkar designated a monitor in each unit or company or battalion. ... he kept asking us about our biographies and what we did during the Lon Nol”].

4901 **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.29.25-09.41.28, 10.57.15-10.59.51, 13.40.14-13.46.40 [describing two separate occasions on which militiamen beat a worker to death in public, in front of many other workers].

4902 **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.33.50-09.35.36 [“When they killed that person, they told the comrades saying: ‘Comrades, in the future, if you fail to follow them, then your fate will eventually be like that person.’ So, if they required us to dig the canal, we had to do; otherwise we would end up like the person who was killed”], 13.40.14-13.42.21 [“After they killed that person, they warned to other workers that everyone had to continue to work hard otherwise our fate would eventually be like the person who was just killed”], 13.42.21-13.44.34 [“They would beat that person to death and then they warned other workers that everyone had to continue working hard, if they could not complete the work they would eventually be killed”].

4903 **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.35.36-09.39.31 [witness describes personally participating in the burial of bodies into the dam structure]; **E3/9341** Chhoeung Uo WRI, EN 00316785.

4904 **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.47.39-09.50.43 [describes people being tested for night blindness by being walked into latrine pits and says that those who failed the test disappeared]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.49.27-15.51.48 [describes 12 people being tested for night blindness by being walked toward hot coals and says that the 11 who failed the test were killed]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.38.18-15.41.21 [describes participating in the burying of the bodies of the 11 who had been killed]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.30.00-09.32.53 [testing for night blindness]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.04.33-15.06.13 [testing], 15.13.29-15.15.55 [killing]; **E3/9562** [REDACTED] WRI, A144.

witnessing killings not intended to be public at the dam worksite.⁴⁹⁰⁵ Those who did not witness the killings often heard about or knew about them.⁴⁹⁰⁶

1138. Workers were also sometimes required to bury the bodies of workers whose killings they had not witnessed,⁴⁹⁰⁷ and they also sometimes came across decomposing bodies in the course of their work.⁴⁹⁰⁸ Workers generally were aware of the burial of victims at the worksite.⁴⁹⁰⁹ Pregnant women were murdered and their dead bodies were buried within the structure of the dam itself.⁴⁹¹⁰

5. Enforced Disappearances

1139. Disappearances were also a fact of life at the worksite. Workers were told by senior leaders that those who attempted to avoid work would disappear,⁴⁹¹¹ and indeed, workers whose performance did not improve following self-criticism meetings would sometimes disappear or be taken away for reeducation.⁴⁹¹² Workers simply vanished on a regular basis, without any explanation to their fellow workers of where they had been

⁴⁹⁰⁵ **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.46.01-11.05.53 [describing the arrest and killing of one person]; **E3/7818** Saing Nham WRI, EN 00290385-86; **E3/9552** [REDACTED] WRI, A22; **E3/9514** [REDACTED] WRI, A15.

⁴⁹⁰⁶ **E1/356.1** 2-TCW-996, T. 26 Oct 2015, 14.32.44-14.34.28 [“I did not witness the killings myself but I heard that some of my colleagues did witness them”]; **E3/9562** [REDACTED] WRI, A133 [“When they were arrested, they were taken to be killed”], A146-149; **E3/7805** Chiep Chhean WRI, EN 00277816; **E3/9528** [REDACTED] WRI, A46, A44; **E3/510** Saom Phan WRI, EN 00290358.

⁴⁹⁰⁷ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.01.00-14.02.33 [witness personally participated in the burial of people who had been killed]. There are estimates that as many as 2000 workers died at the dam worksite as a result of conditions and intentional killings. **E3/2067** DC-Cam Mapping Report, Banteay Meanchey, 19-20 Aug 1998, EN 00078071 [the Phnom Srok Deputy Governor “estimated the number of victims at about 2,000”].

⁴⁹⁰⁸ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.01.00-14.02.33, 14.08.54-14.16.53, 15.13.40-15.19.05 [witness describes coming across a corpse when he went to relieve himself and states that a number of corpses were buried at Veal Ta Kuy near the dam worksite].

⁴⁹⁰⁹ **E3/510** Saom Phan WRI, EN 00290358; **E3/9514** [REDACTED] WRI, A15; **E3/9562** [REDACTED] WRI, A161; **E3/9492** [REDACTED] WRI, A24; **E3/9575** Thang Thoeuy WRI, A83-84, A86; **E3/7799** Liv Saleang WRI, EN 00277833.

⁴⁹¹⁰ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 13.47.08-13.58.41 [affirming statement about the killing of pregnant women in her WRI]; **E3/9575** Thang Thoeuy WRI, A83-90 [describing five pregnant women who were killed and buried at Bridge 1]; **E3/9562** [REDACTED] WRI, A161.

⁴⁹¹¹ **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.26.34-14.28.13 [“I was instructed that there should be no one from my unit that avoided the work, otherwise they would disappear. ... It was Comrade Bo (phonetic) who was the battalion chief [who said this]”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.16.22-15.17.51 [“It was spread through the unit chief during the meeting that if anyone did not obey Angkar, the person would be taken away and killed”].

⁴⁹¹² **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.06.03-14.08.08 [“If we were criticized for a few times, and we still failed to meet the work quota, we would disappear, or we would be taken away for re-education”]; **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.37.42-15.01.10 [“If a given worker was lazy, he was immediately uprooted”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.15.55-15.18.34 [“If after re-education, the person was not refashioned or changed, then the unit chief would have to deal with that issue. ... The solution was to kill that worker”]. One witness testified that superiors would sometimes intentionally increase individuals’ quotas to levels they could not meet in order to facilitate their arrests. **E1/324.1** Mam Soeum, T. 28 July 2015, 14.35.24-14.37.09.

taken or why.⁴⁹¹³ Sometimes, workers saw or heard arrests taking place.⁴⁹¹⁴ Workers who fell sick were sometimes accused of faking their illnesses and either disappeared⁴⁹¹⁵

⁴⁹¹³ **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.18.28-09.27.18 [“Sometimes, I saw it every few days, two or three workers were arrested and taken away. And I’d like to stress that those who were taken away never returned. I did not know where they were kept or whether they were kept in this so-called lazy group. I did not know. ... They worked in a group and they worked near where I worked. So usually they were put into three small groups. And of course, when we worked close to one another, I could see that one person from that group was missing since yesterday. And sometimes, the person who was missing was replaced by someone else. So we could see straight away that it was not the same person, the same worker that was taken away”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.47.39-09.50.43 [“There were a lot of incidents happened within the mobile unit. People were taken away and killed”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.46.01-10.53.03 [“one person was arrested. ... I heard that the arrest was made because of the biography. ... it was known that the individual was working in the civil aviation and that individual -- the request was made to individual to strip off and to get away his or her clothes”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.43.06-10.45.24 [“In my company, two members disappeared, namely Phon and Rom (phonetic). Because it could have been that they failed to conceal their backgrounds. To the best of my knowledge, Phorn had been allegedly a lieutenant in the Lon Nol army, while the other one was from a rich family ... during the previous regime. So the Khmer Rouge soldiers arrested both of them, and they were taken away, and they disappeared ever since”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.44.50-15.46.50 [“Members from my unit or group disappeared. Ouen disappeared; he was taken away and killed”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.48.28-13.50.56 [“I noticed that people disappeared from the unit. I noticed that members of my unit disappeared one after another from time to time”]; **E1/325.1** Mam Soeurn, T. 29 July 2015, 11.04.42-11.07.39 [“From what I understood, the workers who were put on the truck and sent away could not survive, because I was told that truck was to come and take away prisoners”]; **E3/510** Saom Phan WRI, EN 00290357; **E3/9353** Chhit In WRI, EN 00277811; **E3/7802** Dan Thev WRI, EN 00280020; **E3/5270** Than Hoch WRI, EN 00284685; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/7323** Heng Samuot WRI, EN 00289999; **E3/9526** [REDACTED] WRI, EN 00738216; **E3/9547** [REDACTED] WRI, A20; **E3/9490** [REDACTED] WRI, A31; **E3/9502** Tum Soeun WRI, A109; **E3/7800** Liv Peou WRI, EN 00277828; **E3/9562** [REDACTED] WRI, A155; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.18.20-11.21.12, 15.18.30-15.20.18. *Contra* **E1/360.1** 2-TCW-918 T. 1 Dec 2015, 14.20.25; **E3/9567** 2-TCW-918 WRI, A50.

⁴⁹¹⁴ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 13.35.38-13.40.40 [“Q: Madam Witness, did you ever see any arrests while you were at the Trapeang Thma Dam? A: Yes. One day when I was standing guard, I saw between 15 to 20 people being arrested. ... Q: Could you tell if the persons being arrested had their hands tied at the time? A: Well, as far as I saw, they were tied up one behind the other. Q: And was it men and women, or just men, or just women? A: There were men and women, mixed. And I was able to note that because of their cries. Q: And what were they crying when you heard them? A: They were begging, such as what did I do, what was my offence, please release us. Q: And did you hear anything else during those arrests? A: I heard them being beaten with sticks, then they were silent”]; **E1/359.1** 2-TCW-918, T. 30 Nov 2015, 15.40.50-15.45.15 [describing a large group of intellectuals being taken away by zone soldiers for a meeting]; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 14.11.10-14.14.05 [“Those who were arrested and put on to the vehicle while I was present there, I did not know what happened to them later on or whether they were sent to be killed. What I saw was that they were arrested and put on the vehicle and the vehicle drove off”]; **E3/7820** Pai Koeut WRI, EN 00290352 [“People were arrested and taken to be killed. I witnessed this with my own eyes. At that time, I saw them arrest and escort both women and youths from mobile units ... I saw the arrests and escorting of men every day and every evening. ... Those who escorted people were the soldiers. During the escort, some soldiers walked at the front, some walked in the middle, while others would walk at the rear. There were only four to five of them, and all of them carried guns. I never saw those who had been taken away return again”]; **E3/7754** Sim Leang WRI, EN 00284313 [“During that time, I saw the mobile unit chief tie people’s hands behind their back in the evening and walk them away”]; **E3/7799** Liv Saleang WRI, EN 00277833 [“At night they came to arrest people and take them away to be killed; two or three people [were arrested] each night”]; **E3/510** Saom Phan WRI, EN 00290357 [“Some of my members disappeared because there were orders from the upper echelon to have them arrested and taken to be killed at night. Many night arrests took place but I witnessed only two of them”].

⁴⁹¹⁵ **E1/340.1** Mean Loey, T. 2 Sept 2015, 14.06.03-14.08.08, 14.55.20-15.01.44; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.29.05-09.31.25; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.37.15-10.39.49; **E3/5283**

or were taken for execution.⁴⁹¹⁶ Those who asked what had happened to workers who disappeared were told to mind their own business or risk being killed.⁴⁹¹⁷ Those arrested and disappeared included children as well as adults.⁴⁹¹⁸ These unexplained disappearances caused terror in the other workers, who wondered whether they would be next.⁴⁹¹⁹

PERSECUTION

1140. As they did throughout the country, Khmer Rouge cadres at the Trapeang Thma Dam singled out members of certain groups for additional mistreatment. Witnesses testified that 17 April People were mistreated or received worse assignments than Base People.⁴⁹²⁰ Most workers in the “case unit” were New People from Phnom Penh.⁴⁹²¹ Lon Nol soldiers and officials were also sometimes targeted.⁴⁹²²

1141. Unit chiefs were also instructed to locate “Yuong” at the Trapeang Thma Dam worksite.⁴⁹²³ One witness gave evidence that if Vietnamese people were found at the worksite, they “would be sent away to be executed.”⁴⁹²⁴

Chhuy Huy WRI, EN 00321202; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.13.07-15.17.02; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.25.35-09.30.00.

⁴⁹¹⁶ **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.16.42-14.19.14 [“And many people fell sick and many were taken away for executions because they were accused of conscious illness”]; **E3/9562** [REDACTED] WRI, A145 [“The people who pretended to be ill were taken to be killed”].

⁴⁹¹⁷ **E1/334.1** Yi Laisov, T. 20 Aug 2015, 13.47.08-13.50.01 [“Q: And Madam Witness, I would like to read a brief excerpt from your written record of interview. ... you stated: ‘Then I asked my unit chief to ask but she replied that’, and this is you quoting her, ‘don’t be curious about other’s business. Do you want to die?’ I was so frightened and I could not sleep that night.’ Does that refresh your memory that you asked your unit chief and were warned not to ask questions or be curious, should you possibly want to die? A: Yes, that’s true”].

⁴⁹¹⁸ **E1/352.1** Sot Sopha, T. 30 Sept 2015, 09.27.18-09.29.25 [“Q: Were these people who were arrested children or adults, or were there some of both? A: The workers who were arrested were children. For the segments that I worked consisted only of children workers, not adult workers. Adult workers work on a Separate segment”].

⁴⁹¹⁹ **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.50.43-09.52.31 [“In that period, it was a terrible situation. I was terrified. People were taken away. And I was afraid of my life”]; **E1/357.1** 2-TCW-996, T. 27 Oct 2015, 14.09.20-14.11.59 [after the arrival of the Southwest Zone cadres, “I was very afraid because I was afraid that I would be arrested as other company chiefs who fled to Thai border but they were not successful. They had been arrested within Thma Puok district. So in my capacity as one of the unit chiefs I was so concerned about my safety. I did not know when the day come that I would be arrested”].

⁴⁹²⁰ **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27; **E1/323.1** Sen Sopha, T. 27 July 2015, 15.39.45-15.42.20; **E1/324.1** Sen Sopha, T. 28 July 2015, 09.53.50-09.56.14. *Contra* **E1/328.1** Kan Thorl, T. 11 Aug 2015, 10.43.48-10.45.39; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.06.52-15.08.23.

⁴⁹²¹ **E3/510** Saom Phan WRI, EN 00290357.

⁴⁹²² **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.51.12-10.53.03.

⁴⁹²³ **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.33.01-11.35.40 [“Generally speaking, meetings chaired by Ta Val were for that purpose. We were instructed to search for these groups of people, ... particularly, ‘Yuong’”]; **E3/7805** Chiep Chhean WRI, EN 00277817 [“I saw them arrest people to take them to Phnom Srok ... they accused them of being connected to the Yuon during 1977”].

⁴⁹²⁴ **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.21.26-09.23.35 [“I heard other people said that any Vietnamese who was found would be sent away to be executed”]; **E3/9562** [REDACTED] WRI, A151; **E3/9528** [REDACTED]

10. 1ST JANUARY DAM WORKSITE

*By the time we arrived at the sleeping quarter ... it was almost midnight already. I was so exhausted; I just fell on to the floor and I was not yet in my deep sleep and I was woken by the whistle blowing.*⁴⁹²⁵

– Civil Party Chao Lang

1142. Tens of thousands of men, women, and children were forced to labour under inhumane conditions at the 1st January Dam worksite. The dams and canals constituting the worksite were manually constructed pursuant to the Party Centre instructions and operated under Central Zone control as part of an attempt to rapidly increase rice production. The authorities used threats, arrests, disappearances, imprisonment, and killings to terrorise the workforce and compel labourers to work to exhaustion with little food and no hygiene. **Nuon Chea** and other DK leaders visited this site and saw the harsh working and living conditions of the labourers while **Khieu Samphan** and Pol Pot praised it as a model in speeches.

1143. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity in relation to the 1st January Dam worksite: murder, extermination, enslavement, persecution on political grounds, persecution on religious grounds, and other inhumane acts.⁴⁹²⁶

LOCATION AND OPERATION

1144. The 1st January Dam worksite⁴⁹²⁷ was a vast irrigation system for the river Stoeung Chinit and its tributary Tang Krasang located in the communes of Balaing (Baray District, Sector 42) and Kampong Thma and Boeng Lovea (Santuk District, Sector

⁴⁹²⁵ WRI, A44 [“a person working in my mobile unit accused being Yuon was taken to be killed”].

⁴⁹²⁶ **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.18.09.

⁴⁹²⁶ **D427** Closing Order: paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement], 1415-1416 [persecution on political grounds]; 1415, 1420 [persecution on religious grounds, *see* section **Crimes against the Cham**; 1434 [other inhumane acts (attacks against human dignity)]; 1442 [other inhumane acts (forced marriage, *see* section **Forced Marriage**)]; 1470 [other inhumane acts (enforced disappearances)]. **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

⁴⁹²⁷ **E3/8132** Photograph depicting 1st January Dam main reservoir and dam; **E3/2351R** Video, *Bophana: Une Tragédie Cambodgienne* (Rithy Panh), 1996, 20:38-22:18; **E3/3089R** Video, *Lost Woman*, 00:00-02:06, authenticated at the hearing by Meas Layhuor: **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.16.58 [“The dam I saw in the film is the 1st January Dam”]; **E3/3014R** Video, *Khmer Rouge: collective labour at the dam building sites*, 00:00-00:34, 02:06-02:23, described by Meas Layhuor and Chao Lang as a footage of the 1st January Dam worksite: **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.24.24-09.25.45; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22. The First January Dam was restored and modified after the DK era: **E3/8139** Photograph depicting 1st January Dam new sluiceway; **E3/8026** 1 Jan Dam Site ID Report, EN 00290634; **E3/5267** Ut Seng WRI, EN 00282354.

43).⁴⁹²⁸ The worksite was composed of two connected dams, the 1st and 6th January Dams, and a series of feeding canals and dykes.⁴⁹²⁹ It irrigated 10,000 hectares of rice fields in the Central Zone (old North Zone).⁴⁹³⁰ The main artery comprised a rammed earthen embankment more than 60 kilometres long, 20 metres wide at the base, and seven metres wide at the top.⁴⁹³¹ A 20 metre wide canal (the “6 January canal”) ran for 33 kilometres in Santuk District.⁴⁹³²

1145. The construction of the 1st January Dam started between October and December 1976 when the forest was cleared, the dam was surveyed, and the Stung Chinit was blocked,⁴⁹³³ but it was officially launched by Pol Pot and Ke Pauk on 1 January 1977.⁴⁹³⁴ Although there was an inauguration ceremony on 6 December 1977, the 1st January

⁴⁹²⁸ **E1/301.1** Or Ho, T. 19 May 2015, 10.53.38; **E3/7785** Choeu Saing WRI, ERN 00244149; **E3/5267** Ut Seng WRI, ERN 00282354 [located in Boeng Lovea and Kampong Thma communes in Santuk District, and partially in Baray District]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290633; **E3/8028** Wat Baray Choan Dek Site ID Report, EN 00342223; **E3/9167** Map of Baray District; **E3/9067** Map of Santuk District; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23-10.19.55; **E3/8303** Ut Seng OCP Statement, EN 00491747; **E3/7770** Chhun Sakhan WRI, EN 00233266; **E3/5247** Pouk Pon WRI, EN 00232820.

⁴⁹²⁹ **E3/403** Pech Sokha WRI, EN 00403008 [“The 1st January dam was Kampong Thmor tributary, called Chinit tributary ... As for the 6th January dam, it was called Tang Krasang tributary. These two dams were systematically linked”]; **E1/302.1** Or Ho, T. 20 May 2015, 13.36.18-13.38.47 [“The dam of 1st January ... connected to the bridge of 6th January. So the two dams connected to each other”]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290636; **E3/5267** Ut Seng WRI, EN 00282354; **E3/8131** Photograph depicting 6th January dam; **E1/309.1** Uth Seng, T. 3 June 2015, 11.02.35-11.04.18.

⁴⁹³⁰ **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit Reported*, 23 Dec 1977, EN 00498181 [“brought 10,000 hectares of land under irrigation”]; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, 1 May 1978, EN 00011314 [“will bring over 10,000 hectares of land under irrigation this year”]; **E1/301.1** Or Ho, T. 19 May 2015, 10.53.38; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.11.46-15.13.02; **E3/5249** Vann Theng WRI, EN 00231858; **E3/9349** Chuop Non WRI, EN 00244156.

⁴⁹³¹ **E3/8026** 1 Jan Dam Site ID Report, EN 00290634; **E1/309.1** Uth Seng, T. 3 June 2015, 11.02.35 [“The 1st January Dam and the 6th January Dam [are] simply a continuation of a long stretch of dam, and the total length is 60 kilometres”], 14.44.55-14.47.51; **E1/302.1** Or Ho, T. 20 May 2015, 13.38.47 [58 kilometres]; **E1/303.1** Pech Sokha, T. 21 May 2015, 11.36.29; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, EN 00011314; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.13.02-15.16.28.

⁴⁹³² **E3/5267** Ut Seng WRI, EN 00282354 [“The canal within Santuk District was 20 meters wide and 33 kilometers long”]; **E3/75** FBIS, *Activities of Belgian...*, 8 Aug 1978, EN 00168941 [“the guests also visited the ‘1 January’ and ‘6 January’ dams and took a boat trip along the ‘6 January’ canal”]. *Other Activities*, **E3/75** FBIS, *Departure*, 26 Aug 1978, EN 00169017; **E3/8026** 1 Jan Dam Site ID Report, EN 00290634; **E3/403** Pech Sokha WRI, EN 00403004.

⁴⁹³³ **E1/301.1** Or Ho, T. 19 May 2015, 10.49.44 [“construction started before 1 January [1977]”, 15.22.55 [“the actual dam ... started in October the previous year”]; **E1/302.1** Or Ho, T. 20 May 2015, 09.07.17 [The request to bring work force “was made in October [1976] ... to clear the land and the bushes”]; **E1/307.1** Un Ron, T. 28 May 2015, 15.21.40 [Speaking of the period October-December 1976 when workers tried to block the Chinit River: “I heard that actually the water broke through and some workers had been killed”]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.52.48; **E1/306.1** Un Ron, T. 27 May 2015, 15.42.26-15.45.22; **E1/307.1** Un Ron, T. 28 May 2015, 15.08.25; **E1/308.1** Uth Seng, T. 2 June 2015, 15.22.01; **E3/4790** Hun Sethany SIF, EN 00940139; **E3/5513** Ieng Chham WRI, A56; **E3/5294** Sou Soeun WRI, EN 00360117.

⁴⁹³⁴ **E1/301.1** Or Ho, T. 19 May 2015, 15.22.55 [The 1st January Dam “was named so when it [was] inaugurated on 1st January by Comrade Pol Pot”]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.49.15; **E1/310.1** Sou Soeun, T. 4 June 2015, 11.31.04; **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit Reported*, 23 Dec 1977, EN 00498181 [to mark the day of the offensive on Phnom Penh on 1 Jan 1975].

Dam main reservoir was completed only in early 1978 when construction activities moved to the 6th January dam.⁴⁹³⁵ According to an inscription on the 6th January Dam Bridge, the construction of that dam started on 6 January 1978 and took seven months⁴⁹³⁶ but Pech Sokha, a site technician, stated it was never fully completed.⁴⁹³⁷ Indeed, in August and September 1978, the DK radio officially reported that thousands of labourers were still at work at the 6th January Dam site in order to finish “the water projects”.⁴⁹³⁸ Other dam sections and irrigation canals were still under construction during most of 1978⁴⁹³⁹ and the construction of the entire irrigation system was still incomplete as of January 1979.⁴⁹⁴⁰ Moreover, repairs on portions of the dams that were completed continued until the end of the regime.⁴⁹⁴¹ The construction of the 1st and 6th January Dams was essentially made during the dry seasons and at the beginning of the rainy seasons; many workers, but not all, were reassigned to rice culture during the rainy season.⁴⁹⁴²

⁴⁹³⁵ **E1/326.1** Om Chy, T. 30 July 2015, 11.07.55 [the 1 January Dam was completed at the time of his arrival at a canal in February 1978]; **E3/5267** Ut Seng WRI, EN 00282354 [The 1 January Dam was built in 1977-1978; the 6 January Dam in 1978]; **E1/307.1** Un Ron, T. 28 May 2015, 15.12.25-15.14.15; **E3/7785** Choeu Saing WRI, EN 00244152; **E3/5249** Vann Theng WRI, EN 00231858; **E3/5513** Ieng Chham WRI, A86-87; About the inauguration ceremony on 6 December 1977, see below fn 4954.

⁴⁹³⁶ **E3/8026** 1 Jan Dam Site ID Report, EN 00290639 (Photo 3); **E3/403** Pech Sokha WRI, EN 00403308 [the 6th January dam’s name comes from the date the Vietnamese withdrew from Cambodia on 6th January 1978].

⁴⁹³⁷ **E3/403** Pech Sokha WRI, EN 00403008 [“the 6th January dam was not completed, and the construction of this dam was continued by Sector 43. ... [On] 6th January 1979, the dam was not completely finished”]. See also **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 11.22.30 [in Dec 1978: “The monsoon had been heavy ... and [the 1 or 6 Jan Dam] was in the process of being repaired”].

⁴⁹³⁸ **E3/75** FBIS, *Activities of Danish M-L...*, 9 Aug 1978, EN 00168945 [at both dams the labourers “were working to finish the water projects”]; *Other Activities, Departure*, 26 Aug 1978, EN 00169017 [“thousands ... were striving to complete the [6 Jan Dam] project”]; **E3/76** FBIS, *French, Turkish Delegations...*, 19 Sept 1978, EN 00170396; *Tour by Delegation*, 27 Sept 1978, EN 00170431.

⁴⁹³⁹ **E1/301.1** Or Ho, T. 19 May 2015, 11.03.24 [“the construction of the dam was not yet concluded [in July 1978]”, 15.11.43; **E3/403** Pech Sokha WRI, EN 00403004 [“The upper echelon gave the duration of one year to complete this plan, but it was not completed according to the plan”]; **E1/326.1** Om Chy, T. 30 July 2015, 11.06.09 [“assigned to build a canal ... in 1978 ... in February”, 13.01.00 [“I worked on the canal until it was closed down ... in August [1978]”]; **E3/5265** Um Chi WRI, EN 00282346.

⁴⁹⁴⁰ **E1/301.1** Or Ho, T. 19 May 2015, 11.03.24 [“[Before the fall of DK] “the construction was not completely concluded, however I believe it was 90 percent complete, as irrigation water was already used”]; **E3/403** Pech Sokha WRI, EN 00403008 [“The 1st January dam ... was completely finished, but only hydroelectricity such as water wheel and water dynamos were not yet installed. ... [On] 6th January 1979, the [6th January] dam was not completely finished”]; **E1/303.1** Pech Sokha, T. 21 May 2015, 09.36.55.

⁴⁹⁴¹ **E3/5513** Ieng Chham WRI, A86 [“In 1978 ... I looked after this dam until the Vietnamese entered”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.05.18 [about 100 people were deployed to watch over the dam and patch any leaking area]; **E1/307.1** Un Ron, T. 28 May 2015, 09.41.44 [“two small units were sent to work for the second time ... where the dam was broken or we had to carry and fill in the deep holes”].

⁴⁹⁴² **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.25.42 [assigned to work at the 6th January Dam at the end of the dry season and continued working through the raining season]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.02.01; **E1/307.1** Un Ron, T. 28 May 2015, 09.23.18-09.30.15 [During the rainy season, “we were not allowed to rest. If we were allowed to rest, it means that we could not complete our work

AUTHORITY STRUCTURE AND COMMUNICATION

Above the Worksite (Central Zone)

1146. Ke Pauk, a member of the CPK Central Committee and Secretary of Central (old North) Zone directly supervised the worksite.⁴⁹⁴³ He inspected the dam site almost every day⁴⁹⁴⁴ and the evidence shows that he was aware of the appalling working and living conditions of the workers.⁴⁹⁴⁵ Once or twice a year, Ke Pauk chaired a Central Zone assembly attended by commune, district, sector, and zone committee members, where work results, including the construction of the dams, were reported.⁴⁹⁴⁶

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- quota. ... when it was raining and the water was knee deep, it would be extremely difficult”, 09.39.54 [“When ... there was heavy raining, the workers were sent to Ballangk to work in the field”]; **E1/301.1** Or Ho, T. 19 May 2015, 14.20.30, 15.16.07; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.14.02; **E3/4790** Hun Sethany SIF, EN 00940139 [“I worked there until July 1977”]; **E1/306.1** Un Ron, T. 27 May 2015, 15.47.51, 15.55.01; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.51.37; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.38.22-09.40.54.
- ⁴⁹⁴³ **E3/5513** Ieng Chham WRI, A53, 59, 61, 63, 85, 94 [“A63: It was under the North zone, comprised of Sectors 41, 42 & 43”]; **E1/308.1** Uth Seng, T. 2 June 2015, 15.23.59-15.27.00; **E1/309.1** Uth Seng, T. 3 June 2015, 09.56.00 [“the dam was under the zone responsibility”]; **E3/27** Khieu Samphan WRI, EN 00156751 [“The central committee consisted of more than 30 members [including] Koy Thuon and Ke Pauk”]; **E3/2782** Ke Pauk Autobiography, EN 00089711-12 [Ke Pauk became the North Zone Secretary at the time Koy Thuon became Minister of Commerce]; **E3/5293** 2-TCW-850 WRI, EN 00351703; **E3/162** Prak Yut WRI, A16 & A18; **E3/5255** Or Ho WRI, EN 00250044-45; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.20.04; **E3/344** Suon Kanil WRI, EN 00384434; **E3/35** Ke Pich Vannak WRI, EN 00346149 [“The committee of the Central Zone was in charge of that Dam project. The committee composed of four people ... my father [Ke Pauk], Uncle Sreng, Uncle Tol, and Uncle Chan”]; **E3/8987** Ao An DC-Cam Statement, EN 01025316.
- ⁴⁹⁴⁴ **E3/5264** Ke Un WRI, EN 00283342-44 [Ke Pauk’s driver and nephew states that Ke Pauk worked at Office 71 ... located about 6-7 km away and “visited the Dam regularly and almost every day”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.07.04 [“almost on a daily basis”]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.16.28; **E3/403** Pech Sokha WRI, EN 00403007; **E1/309.1** Uth Seng, T. 3 June 2015, 14.43.22-14.44.55 [“Ta Pauk had a house at the 1st January Dam worksite, and he frequently came to the worksite”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.41.55 [“I went to the 1st January Dam site many times ... I visited my husband who was working there”]; **E3/5249** Vann Theng WRI, EN 00231859; **E3/9349** Chuop Non WRI, EN 00244159.
- ⁴⁹⁴⁵ **E3/5264** Ke Un WRI, EN 00283343-44 [Ke Pauk’s nephew stated: “When I accompanied [Ke Pauk] to the 1 January Dam ... tens of thousands people ... working hard in harsh conditions. Especially the women, when they were having a menstrual period, they didn’t have any water to clean up themselves, so their buttocks were followed and surrounded by flies”], EN 00283344 [“there were skinny persons. The dam workers included adults, children and youths”]; **E3/35** Ke Pich Vannak WRI, EN 00346150 [Ke Pauk’s son stated: “Obviously, there were food shortages. I saw sick persons in each shelter ... They said that they did not have any medicines to take. I told those facts to my father who then ordered the sectors to assign medics to help ... but the sectors said they did not have medicines. ... patients dying because of the lack of medicines”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.49.45 [Ke Pauk’s wife stated: “There were no beds ... And the halls had either canvas or coconut leave roof”], 10.52.01 [“When they needed water, they could drink from the stream or the canals ... There were no toilets”], 14.21.41 [“There could be up to 40,000 workers ... relieving themselves in the bushes... excessive number of workers [and] the sanitary issues and large number of flies”], 15.29.24-15.39.27, 15.56.33 [although the rice yield was abundant, workers at the dam worksite complained there was not enough food]; **E3/5294** Sou Soeun WRI, EN 00360117.
- ⁴⁹⁴⁶ **E3/411** Suon Kanil WRI, EN 00390074-75 [“The agenda ... included the plans for building the irrigation system, dams, and digging canals”].

1147. All levels of the Central Zone hierarchy were assigned specific responsibilities for the dam construction. The zone leadership distributed work and gave orders to sectors, sectors to districts, and districts to communes, cooperatives, and villages. The lower echelons had to report back to the upper echelon about the implementation of the plan,⁴⁹⁴⁷ the discipline, and the work quotas.⁴⁹⁴⁸ The secretaries of the three sectors in the Central Zone (Sectors 41, 42, and 43), who also served as members of the Zone Committee, provided and supervised workers from all their districts.⁴⁹⁴⁹

1148. Ke Pauk's brother-in-law, Oeun, the Secretary of Sector 42, was second in charge of the dam project under Ke Pauk.⁴⁹⁵⁰ Starting in February 1977, the Centre organised a massive purge of the Zone using cadres from the Southwest Zone. Oeun replaced Sector 42 Secretary Chan Mon alias Tol who was sent to S-21⁴⁹⁵¹ and Ao An replaced both Chun Chhum alias Taing as Secretary of Sector 41 and Chor Chhan alias Sreng as Zone Deputy Secretary.⁴⁹⁵² Koam Chan continued to serve as Secretary of Sector 43 until his arrest in September 1977 (replaced by Ta Ngien).⁴⁹⁵³

⁴⁹⁴⁷ **E1/307.1** Un Ron, T. 28 May 2015, 09.21.35 [the Sector mobile big unit chief attended meetings and upon return gave work instructions]; **E1/302.1** Or Ho, T. 20 May 2015, 13.46.53 [Commune chiefs Born and Vut received plans from the district and sector]; **E3/5255** Or Ho WRI, EN 00250045; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.36.45, 11.13.45 [as district chief, she met with commune chiefs who reported on the building of the dam]; **E3/344** Suon Kanil WRI, EN 00384427 [details telegram communication between the Zone and 3 sectors]; **E3/5293** 2-TCW-850 WRI, EN 00351701-03; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.38.34; **E1/326.1** Om Chy, T. 30 July 2015, 11.25.54.

⁴⁹⁴⁸ **E1/326.1** Om Chy, T. 30 July 2015, 11.38.20 [Chief of a commune 500 workers mobile unit reporting daily to the district regarding the work quota]; **E1/301.1** Or Ho, T. 19 May 2015, 13.36.34 [ideological fever (fake sickness) was reported to superiors]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.01.33-14.04.15; **E3/5265** Um Chi WRI, EN 00282346 ["During meetings, the District Com said, 'If any of the people do not respect and follow the principles of upper-echelon, they will be considered to be enemies'"]; **E3/5293** 2-TCW-850 WRI, EN 00351704; **E3/5513** Ieng Chham WRI, A94,108; **E3/7812** Khiev Sokh WRI, EN 00282328.

⁴⁹⁴⁹ **E3/162** Prak Yut WRI, A16, 19; **E3/344** Suon Kanil WRI, EN 00384430-31 [details the names of each district and of their sector secretaries]; **E3/20** Becker, *When the War was Over*, EN 00237945; **E3/35** Ke Pich Vannak WRI, EN 00346149-50.

⁴⁹⁵⁰ For example: **E1/310.1** Sou Soeurn, T. 4 June 2015, 09.57.32 [Oeun was her own biological brother who became Sector 42 secretary in 1977]; **E3/7808** Ov Yae WRI, EN 00282817; **E3/9349** Chuop Non WRI, EN 00244159; **E3/5264** Ke Un WRI, EN 00283343; **E3/415** Yung Yem WRI, EN 00375694.

⁴⁹⁵¹ **E3/2956** S-21 Prisoner List from the North Zone, EN 00222966 (No. 42) [Tol entered S-21 on 19 February 1977]; **E3/2462** S-21 Confession of Chan Mon alias Tol; **E3/3646** S-21 Confession of Chan Mon alias Tol; **E3/411** Suon Kanil WRI, EN 00390076-78; **E3/35** Ke Pich Vannak WRI, EN 00346151 ["Uncle Sreng and Uncle Tol, were arrested. These two men were called by the upper echelon to Phnom Penh and disappeared ever since. Later there was a telegram to inform the Zone that these two persons had been arrested"]; **E1/353.1** Ban Seak, T. 5 Oct 2015, 09.28.47-09.30.35; **E3/2782** Ke Pauk Autobiography, EN 00089713.

⁴⁹⁵² **E3/2956** S-21 Prisoner List from the North Zone, EN 00222965 (No.1), 00222967 (No. 56) [Sreng and Taing, entered S-21 on 18 February 1977]; **E3/2464** S-21 Confession of Chun Chhum alias Taing; **E3/3857** & **E3/9407** S-21 Confessions of Chor Chhan alias Sreng; **E3/2797** S-21 Confession of Chor Chhan alias Sreng; **E3/3861** S-21 List of prisoners smashed on 8 July 1977, EN 00657720 (No.103: Sreng); **E3/35** Ke Pich Vannak WRI, EN 00346151 [Taing replaced Sreng; after Taing's arrest, An came to take charge"]; 00346157 ["Ta An was the deputy of the Central Zone, and ... chairman of Sector

1149. *Between the Central Zone and the Party Centre*: The Party Centre instructed the Central Zone to finish the construction of the main reservoir by May 1977 and the entire dam in one year. The 1st January Dam was part of the CPK's economic plan to use manpower to increase agricultural production throughout the country.⁴⁹⁵⁴ It was a CPK "hot battlefield", a major worksite in the Central Zone where discipline was unrelenting and night work was often required to meet the time frame set.⁴⁹⁵⁵

1150. Central Zone Secretary Ke Pauk communicated to the Party Centre, in particular his superiors Pol Pot, **Nuon Chea**, and **Khieu Samphan**,⁴⁹⁵⁶ daily by telegram, or weekly/monthly through messenger for longer missives and reports.⁴⁹⁵⁷ According to

41"]; **E3/1339** FBIS, *Chen Yung-Kuei Leaves...*, 6 Dec 1977, EN 00168330, 35 [An was Central Zone Deputy Secretary].

⁴⁹⁵³ **E3/10275** S-21 Prisoner List, 20 Sept 1977, EN 01368867 [No.34: Koam Chan]; **E3/10090** S-21 Prisoner List, EN 01399026 [No.129: entry on 18 Sept 1977]; **E3/3654** S-21 Confession of Koam Chan alias Chorn; **E3/344** Suon Kanil WRI, EN 00384428 ["After [Chan] died, Ngim, who was from the Central Zone, replaced him"]; **E3/35** Ke Pich Vannak WRI, EN 00346151; **E3/375** Ban Seak WRI, EN 00360761; **E3/394** Duch WRI, EN 00398233.

⁴⁹⁵⁴ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 ["Across the nation, all construction sites will fulfill the 1977 plan by the end of May. These projects include dams for watering the fields all the year round and containing the water of Prek Thnot, Chinit and other streams"]; **E3/2782** Ke Pauk Autobiography, EN 00089712 ["the Central Committee held another meeting ... on the Four-Year Plan ... the Party ... would have ... labor forces to construct dams and irrigation system"]; **E3/213** CPK Central Committee Directive, *The Party's Four Year Plan*, EN 00104042, 00104095 ["We must solve the problem of water ... reservoirs, streams, feeder canals, and dikes. In 1977, it is planned to build many reservoirs"]; **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit...*, EN 00498181 ["Comrade Nhim Ros ... said that the [Trapeang Thma] reservoir was built ... in response to the call of the party Central Committee to build water conservancy projects in a big way"]; **E3/20** Becker, *When the War was Over*, EN 00237945; **E3/403** Pech Sokha WRI, EN 00403004 ["The upper echelon gave the duration of one year to complete this plan, but it was not completed"]; **E3/5513** Ieng Chham WRI, A54-56, 59-60 ["A56: they required that we finished the lower foundation before the rainy season in 1977"].

⁴⁹⁵⁵ **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.29.23 ["Hot battlefield" "means that we had to complete the work quota ... we had to work through the night"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.36.41 ["hot battlefield; we had to run while carrying earth"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.35.56 ["Hot battlefield": "I heard it over the loudspeakers ... we were told ... to actively engage in our work"]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.17.20; **E1/308.1** Seang Sovida, T. 2 June 2015, 13.49.36; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52 [confronted by the Defence to the fact that night work should have been limited, Om Chy reiterated: "On some occasions, workers were required us to work at night at the worksite ... workers were required to get the job done in time"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33; **E3/5513** Ieng Chham WRI, A56, A66; **E3/2412** Ponchaud, *Kampuchea: a Revolutionary Economy*, 25 Jan 1979, EN 00598532.

⁴⁹⁵⁶ **E1/310.1** Sou Soeun, T. 4 June 2015, 14.12.49 [About Ke Pauk's superiors: "I only knew... Pol Pot, Nuon Chea and Khieu Samphan"]; **E3/2782** Ke Pauk Autobiography, EN 00089713 [Describes the purge of early 1977, at the request of Pol Pot and Nuon Chea, of all Central Zone cadres who were replaced by Southwest Zone cadres sent by the 'upper brothers']. Written reports from the Zones were delivered to K-7 in Phnom Penh, and then circulated to Pol Pot, Nuon Chea, Khieu Samphan and Ieng Sary; **E1/120.1**, Norng Sophang, T. 3 Sept 2012, 15.37.11 [telegrams were copied to Khieu Samphan]; **E3/33** Oeun Tan WRI, EN 00235133; **E3/59** Yeng Lin WRI, EN 00226103; **E3/359** Duch WRI, EN 00434339; **E3/64** Norng Sophang WRI, EN 00334047-49; **E3/67** Norng Sophang OCIJ Statement, EN 00483967-69.

⁴⁹⁵⁷ **E3/130** CPK Statute, Article 19.4. Examples of telegrams: **E3/952** Telegram 4 from Pok to Brother Pol, 2 Apr 1976; **E3/239** Telegram 16 from Ke Pauk to the Chief of 870, 30 April 1977; **E3/1146** Telegram 32 from Pok to Committee 870, 29 March 1978; **E3/344** Suon Kanil WRI, EN 00384429 ["I used to

Suon Kanil, Ke Pauk's Chief of telegram group, specific information was regularly exchanged with the Party Centre about the building of the 1st January Dam.⁴⁹⁵⁸ Ke Pauk would also directly report orally on the dam construction whenever he was required to meet the CPK leadership in Phnom Penh, alone or together with the other Zone secretaries.⁴⁹⁵⁹ In addition, Central Zone sector and district leaders regularly went to Phnom Penh to receive specific instructions, notably from **Nuon Chea**.⁴⁹⁶⁰

1151. Senior CPK leaders closely monitored the progress of the dam's construction. Pol Pot visited the worksite on multiple occasions,⁴⁹⁶¹ **Nuon Chea** at least twice,⁴⁹⁶² and Ieng Sary,⁴⁹⁶³ Son Sen, Ta Mok,⁴⁹⁶⁴ Ieng Thirith,⁴⁹⁶⁵ and Pang also visited.⁴⁹⁶⁶ During these visits and whenever a film crew was present, the workers were usually ordered to work

receive the telegrams from the Centre ... Most of those telegrams were directives ... from the Centre"], 00384431-32 ["they sent the short text message by telegram and the long text by mail"]; **E3/373** Pon Oi WRI, EN 00336526 ["Telegrams sent from the upper echelon had the code number 870. 870 was the Centre"], EN 00336527 [explaining the process of decoding and encoding telegrams from and to the Party Centre and the fact that he received 4-5 messages daily, mostly from 870]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.12.49-14.15.10.

⁴⁹⁵⁸ **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23 ["I focused mainly ... on receiving or reporting information on the activities of building this [1 Jan] dam"]. See similar 1976 telegram from Ke Pauk to Pol Pot, copied to Nuon Chea, on "making the water sluice gates for the dike and canal systems", "building the new rice field dike system according to the goals set by Angkar": **E3/952** Telegram 04, 2 April 1976, EN 00182658-59.

⁴⁹⁵⁹ **E1/86.1** Oeun Tan, T. 13 June 2012, 11.14.15, 11.39.40 ["Pol Pot told me that there would be sectors and zones to participate in the meetings"]; **E3/429** Duch WRI, EN 00403919 ["Ke Pork came to Phnom Penh on several occasions"]; **E3/61** Duch WRI, EN 0195576 ["There was an annual meeting of the Heads of Zone and ... extraordinary meetings ... example of a Zone Secretary coming to Phnom Penh: Ke Pork ... summoned by Pol Pot"]; **E3/462** Seng Lytheng WRI, EN 00223564 ["at Office Ka 1 ... I saw Ke Pok and Thuch come for meetings"]; **E3/2782** Ke Pauk Autobiography, EN 00089713 [In "Phnom Penh, I met Pol Pot and Brother Nuon Chea"], EN 00089714; **E3/1120** DK Telegram from San to Nhim, 6 Nov 1977.

⁴⁹⁶⁰ **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.39.27 [Chamkar Leu District Secretary was regularly invited to study sessions in Phnom Penh to receive tasks to be implemented in her district, once every month or every 2/3 months], 15.44.43-15.46.35 ["Yes, I met [Nuon Chea]. He went to organize workforces in the districts. He came to the district to instruct people on how to dig canals"].

⁴⁹⁶¹ **E3/35** Ke Pich Vannak WRI, EN 00346151 ["Pol Pot made 2 official visits, but he made multiple unofficial visits"]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.49.39-10.54.15 ["I escorted only Pol Pot. He went to meet zone committees and to inspect the dam construction sites"], 11.10.31 ["It was Stueng Chinit or Chinit river"]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.58.07-16.04.00; **E3/1339** FBIS, *Chen Yung Kuei Visits...*, 8 Dec 1977, EN 00168335; **E1/307.1** Un Ron, T. 28 May 2015, 09.37.13-09.39.54; **E3/9349** Chuop Non WRI, EN 00244159; **E3/7812** Khiev Sokh WRI, EN 00282329.

⁴⁹⁶² **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.11.29 [[Nuon Chea] "visited the 1st January Dam and other dams ... he visited that dam [on Chinit River] ... he may have visited it twice or so"]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 11.25.14-11.28.27 ["Nuon Chea visited the 1st January Dam worksite on that day"]; **E3/423** Saut Toeung WRI, A77-A82; **E3/2348R** Video, *Khmer Rouge History of Genocide (Part 1)*, V00172506, 35:30-35:55; **E3/2350R** Video, *Pol Pot et les Khmers Rouges (Part 1)*, V00172512, 33:31-33:39.

⁴⁹⁶³ **E3/35** Ke Pich Vannak WRI, EN 00346151; **E3/545** Sao Phoeung WRI, EN 00223611-12.

⁴⁹⁶⁴ **E3/7785** Choeu Saing WRI, EN 00244152.

⁴⁹⁶⁵ **E3/35** Ke Pich Vannak WRI, EN 00346150; **E1/310.1** Sou Soeurn, T. 4 June 2015, 11.17.15; **E3/3282** and **E3/3283** Photographs depicting Ieng Thirith leading a Lao delegation to visit the First January Dam; **E3/286** FBIS, *Delegation Concludes Visit*, 28 Apr 1977, EN 00168253.

⁴⁹⁶⁶ **E3/2782** Ke Pauk Autobiography, EN 00089714 ["Ta An had already arrived. I was at January 1st Dam, Pang was also at the dam. Returning, Pang gave me a lift to Phnom Penh"].

faster.⁴⁹⁶⁷ While the evidence at trial does not establish clearly that **Khieu Samphan** visited the site,⁴⁹⁶⁸ he stressed in a 15 April 1977 speech the importance of its construction to contain the water of Chinit River.⁴⁹⁶⁹ Pol Pot also referred to the 1st and 6th January Dams in his 30 September 1977 and April 1978 speeches.⁴⁹⁷⁰ Through their visits and the information received from the Central Zone, the DK leaders must have been aware of the extremely harsh work conditions and of the physical dangers to which the workers (including children) were exposed.⁴⁹⁷¹ Nevertheless, DK leaders were proud to systematically show visiting foreign delegations the model 1st and 6th January dam construction sites.⁴⁹⁷² For example, on 6 December 1977, Chinese Vice-

⁴⁹⁶⁷ **E1/309.1** Uth Seng, T. 3 June 2015, 14.02.05 [“our baskets were fully loaded and we had to carry it quicker”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.41.05 [“we had to be quicker”]; **E1/301.1** Or Ho, T. 19 May 2015, 13.33.59, 15.25.29; **E1/302.1** Or Ho, T. 20 May 2015, 10.00.56 [“the filming process took about two hours ... I did not run for the two hours, we took turn”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.25.45; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.44.12-09.48.10.

⁴⁹⁶⁸ **E3/7322** Yean Lon WRI, EN 00330720 [“I saw Chan and Khieu Samphan come to inspect the 1 January Dam construction site”]. *But see* **E1/317.1** Yean Lon, T. 16 June 2015, 11.35.50 [“I only heard people or workers talking about him. I did not see him clearly ... I personally did not know who Khieu Samphan was ... it was rather dusty, and it was difficult to identify who was who ... From what I could see, it was not Khieu Samphan”]; **E3/5513** Ieng Chham WRI, A81.

⁴⁹⁶⁹ **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“all construction sites will fulfill the 1977 plan by the end of May. These projects include dams for watering the fields all the year round and containing the water of Prek Thnot, Chinit and other streams ... Each construction of a reservoir, canal or dam is manned by as many as 10,000, 20,000 or even 30,000 workers ... Have these achievements been made possible by machines? No, we have no machines ... we work completely self-reliantly ... Though barehanded, they can do everything”].

⁴⁹⁷⁰ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486260-61 [“In the past dry season of 1977, the people of our cooperatives built many large water reservoirs ... two dams on the Chinit stream ... with their own bare hands and hoes”]; **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519843 [“We have built many water reservoirs of 100 million cubic meters and above, like seas ... Two were built on the Steung Chinit”].

⁴⁹⁷¹ **E1/307.1** Un Ron, T. 28 May 2015, 09.37.13 [The senior leaders “did not come to visit the workers or ask how workers were”], 11.07.27 [his unit was not told to prepare for the leaders’ visit and they worked as usual during their visit]; **E3/464** Tha Sot WRI, EN 00226110 [Head of K-12 drivers unit: “Nuon Chea saw the hardship of and the destitute of the people” at the dam sites he visited about 5 to 6 times a month]; **E3/35** Ke Pich Vannak WRI, 00346150-51 [Pol Pot “joined people to carry soil on the shoulder ... Pol Pot said “this is the result of our efforts which is from our real sweat and blood”]; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.38.31-11.49.27 [while accompanying Nuon Chea at the dam, he saw “torture inflicted on the people” for failing to meet the work quota]; **E1/309.1** Uth Seng, T. 3 June 2015, 14.02.05 [their baskets were loaded over their rims]; **E1/310.1** Sou Soeun, T. 4 June 2015, 15.44.43-15.49.05; **E3/5294** Sou Soeun WRI, EN 00360116-17; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.51.30 [Pol Pot was with the witness who “saw some children among the workers”]; **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514.

⁴⁹⁷² **E3/284** FBIS, ...*Visiting DPRK Journalists*, 9 Feb 1977, EN 00168413; **E3/286** FBIS, *Romanian Journalist...*, 5 Apr 1977, EN 00168194, *Delegation Concludes Visit*, 29 Apr 1977, EN 00168253; **E3/287** FBIS, *Lao Delegation Leader’s Speech*, 4 May 1977, EN 00168124; **E3/1245** DK Media Report, *The Lao Women’s Delegation...*, May 1977, EN 00280609; **E3/1359** FBIS, *Ambassadors Depart ...*, 23 Jan 1978, EN 00169642; **E3/1360** FBIS, *Yugoslav Press Delegation...*, 14 Mar 1978, EN 00169917 [Visit of the 1st January Dam and 6th January Dam where “23,000 members of our mobile youth units are striving to build another reservoir”], *Romanian Delegation Visits...*, EN 00169952; **E3/1361** FBIS, *[Madagascar] Ambassador...*, 18 Apr 1978, EN 00168837; **E3/1362** FBIS, *U.S. Marxist-Leninist Delegation...* 1 May 1978, EN 00169972; *Visiting Singapore Delegation...*, 16 May 1978, EN 00170025; **E3/1363** FBIS, *Algerian Presidential Envoy...*, 13 June 1978, EN 00169808, *Malaysian Ambassador*

Premier Chen Yung-Kuei visited and inaugurated the 1st January Dam, accompanied by Pol Pot, Vorn Vet, Ke Pauk, and An.⁴⁹⁷³ Despite the CPK leaders' pride in the construction project, due to the poor planning of the construction, parts of both dams collapsed in 1978, causing casualties.⁴⁹⁷⁴

At the Worksite

1152. Based on the Party Centre directives, the plan to build the 1st January Dam was given by the Zone Secretary Ke Pauk to the Public Works Office⁴⁹⁷⁵ whose chairman was Sao until his arrest on 20 September 1977.⁴⁹⁷⁶ He was replaced by Ieng Chham alias Chhi,⁴⁹⁷⁷

Visits..., 28 June 1978, EN 00169857; **E3/293** FBIS, *Reportage on Italian Unified CP...*, 18 July 1978, EN 00169731, *DPRK's Kim Hyong-Yul Visits...*, 21 July 1978, EN 00169739-40, 42; **E3/75** FBIS, *Activities of Belgian Friendship...*, 8 Aug 1978, EN 00168941, *Activities of Danish M-L Labor...*, 9 Aug 1978, EN 00168945, *Departure [Swedish Friendship Group]*, 26 Aug 1978, EN 00169017; **E3/76** FBIS, *French, Turkish Delegations...*, 19 Sept 1978, EN 00170396, *Hong Kong Journalists...*, 26 Sept 1978, EN 00170423, *...Delegation [Japanese Friendship]*, 27 Sept 1978, EN 00170431; **E3/294** FBIS, *...Visiting Norwegian...*, 4 Oct 1978, EN 00170186; **E3/295** FBIS, *[PRC Trade] Delegation...*, 11 Dec 1978, EN 00169073-74, *[German Communist League] Delegation...*, 12 Dec 1978, EN 00169084, *[Japanese Workers Party]...*, 19 Dec 1978, EN 00169119, *Romanian Aviation Delegation*, 28 Dec 1978, EN 00169158, *Details of Tour by US Professor...*, 29 Dec 1978, EN 00169169; **E3/35** Ke Pich Vannak WRI, EN 00346151.

⁴⁹⁷³ **E3/1783** FBIS, *Chen Yung-Kuei...* 23 Dec 1977, EN 00498181 [Ke Pauk noted that "Buddhist monks used to say that only God can dam the Chinit River"; Pol Pot added: "the people themselves are gods"]; **E3/1339** FBIS, *Chen Yung Kuei Visits...*, 8 Dec 1977, EN 00168335; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.20.09; **E1/309.1** Uth Seng, T. 3 June 2015, 10.37.06-10.42.02, 14.43.22; **E3/7812** Khiev Sokh WRI, EN 00282329; **E3/9349** Chuop Non WRI, EN 00244159.

⁴⁹⁷⁴ **E3/5513** Ieng Chham WRI, A52 [the French dam method using a culvert was not chosen]; **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 11.22.30 [In Dec 1978: "The monsoon had been heavy that year ... it was in the process of being repaired"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.45.37 ["during the rainy season when the dam broke, we had to work at night to ... repair"]; **E1/307.1** Un Ron, T. 28 May 2015, 09.41.44 ["where the dam was broken ... we had to carry and fill in the deep holes"]; **E3/20** Becker, *When the War was Over*, EN 00237945-46 [About the 1 Jan Dam (erroneously placed in the Northwest Zone): "in the 1978 rainy season the dam burst. It had been constructed without a spillway, a shortcut that ... made it certain that the dam would not hold up under heavy rains and swelling rivers ... One engineer ... described the criminal neglect of these construction schemes. 'Without a spillway there is no effective way to control the water and it broke through the dam. When the dam broke there was little protection for the people who lived downstream and they were flooded'"]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290634 [the modern 1 Jan Dam reservoir is built to prevent flooding while during the DK era, the waters were not contained and the whole area was flooded]; **E3/5513** Ieng Chham WRI, A36-39, A44, A50, A59 A68 [A50: "after I tried opening the rear water gate, half of the front part of the spillway was broken"]; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.45.12 -11.49.27 ["Q. When you witnessed that the [1 January] dam was not constructed very well, did Nuon Chea see that? A. Yes, he did. ... He did not react noticeably; he simply summoned others to advise them"]; **E3/213** Chandler, Kiernan, Boua, *The Party's Four Year Plan, 1977-1980*, EN 00104017; **E3/5120** Yung Chann SIF, EN 00937096.

⁴⁹⁷⁵ **E3/5513** Ieng Chham WRI, A53, 59 ["A53: Sao was from the Ministry of Public Work ... A59: Sao and I received the master plan from Ke Pauk ... it was just an image plan ... not following technical standards"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.09.05 ["It was a sketch ... a single sheet"]; **E3/403** Pech Sokha WRI, EN 00403003-04; **E3/35** Ke Pich Vannak WRI, EN 00346149; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, EN 00011314 ["The "Chief Engineer" of the [1 January Dam] is comrade Pok"].

⁴⁹⁷⁶ **E3/2166** S-21 Prisoner List (Central Zone), EN 00785263 [No.6, Yab Yeun alias Sao, 36, 20 Sept 1977]; **E3/7414** S-21 Confession of Yap Yan alias Sao, 25 Sept 1977. The previous chief also ended up at S-21; **E3/2956** S-21 Prisoner List, EN 00222965 [No.10, Yoek Hong alias Khoem].

assisted by Pech Sokha.⁴⁹⁷⁸ Regular units and youth mobile group workers (from sectors, districts, communes, or cooperatives) were forcibly assigned to work at the 1st January Dam.⁴⁹⁷⁹ Each regular or mobile unit was divided into companies (big units, 100-120 workers), small units (platoons of 30-36 workers), group units (10-12 workers), and teams of three.⁴⁹⁸⁰

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

1153. *Forced Labour*: The construction of the 1st January Dam was completed primarily by human labour although some explosives and limited heavy machinery were used.⁴⁹⁸¹

Khieu Samphan insisted in his 15 April 1977 speech that dams (including on Chinit River) were being built “barehanded”.⁴⁹⁸² Tens of thousands of workers (between 20,000 and 40,000 at a time) from all districts and communes in Sectors 41, 42, and 43

⁴⁹⁷⁷ **E1/310.1** Sou Soeurn, T. 4 June 2015, 09.59.37 [“I knew [Chham and Pech Sokha] ... Chham ... was worked my husband ... throughout the entire Khmer Rouge regime”]; **E1/290.1** Pech Chhim, T. 22 Apr 2015, 15.58.43 [“Chham ... was sent to be in charge of the construction of 1st January Dam”]; **E3/35** Ke Pich Vannak WRI, EN 00346149-50; **E3/403** Pech Sokha WRI, EN 00403007; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23; **E3/5513** Ieng Chham WRI, A83-86, A94-95, 97-99 [Ieng Chham denies he was responsible for the entire 1 Jan Dam worksite, but admits he was appointed by Pauk “to be in charge of continuing the construction” after Sao].

⁴⁹⁷⁸ **E1/303.1** Pech Sokha, T. 21 May 2015, 09.36.55-09.43.25, 09.45.15-09.47.56, 10.57.01; **E3/403** Pech Sokha WRI, EN 00403003; **E3/35** Ke Pich Vannak WRI, EN 00346150; **E3/5513** Ieng Chham WRI, EN 00410236.

⁴⁹⁷⁹ **E1/326.1** Om Chy, T. 30 July 2015, 11.09.48 [“Nobody actually volunteered to go there ... everyone was forced”], 11.18.25 [“everybody had to adhere... he or she would be accused of opposing the society under their leadership”]; **E1/306.1** Un Ron, T. 27 May 2015, 15.42.26, 15.46.51; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.45.06; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.29.24 [“None of them refused, for we, the district, had instructed them to work hard, and to adhere to work disciplines and regulations”].

⁴⁹⁸⁰ **E1/306.1** Un Ron, T. 27 May 2015, 15.45.22; **E3/5265** Um Chi WRI, EN 00282346; **E1/308.1** Uth Seng, T. 2 June 2015, 15.27.00; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.22.05; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/302.1** Or Ho, T. 20 May 2015, 09.20.54; **E3/7812** Khiev Sokh WRI, EN 00282325; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.34.30; **E3/7785** Choeu Saing Statement, EN 00244149-50.

⁴⁹⁸¹ **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486260-61 [“the people ... built ... two dams on the Chinit ... with their own bare hands and hoes”]; **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30 [“I have never seen any heavy machinery. Manpower was used”]; **E1/308.1** Uth Seng, T. 2 June 2015, 15.45.10 [“no heavy machinery at the site”], 13.42.39 [“I never saw the heavy equipment, but after ... 1979, I saw the heavy machinery ... in the forest”]; **E1/301.1** Or Ho, T. 19 May 2015, 15.28.04; **E3/5247** Pouk Pon WRI, EN 00232820 [“Pure human labor force was used”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.29.43 [“work was merely done with the shoulders of ... people with all their might to carry the dirt. And only later on did units of heavy machinery became available”]; **E1/311.1** Sou Soeurn, T. 5 June 2015, 14.28.30; **E3/5513** Ieng Chham WRI, A64, A67; **E3/7812** Khiev Sokh WRI, EN 00282326; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237945; **E1/303.1** Pech Sokha, T. 21 May 2015, 10.57.01; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.39.27 [“the explosive was used to break the rock ... men were carrying the broken rocks”].

⁴⁹⁸² **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“we have no machines ... We work completely self-reliantly ... Though barehanded, they can do everything”]; About the CPK self-reliance policy. See also **E3/2667** French Telegram 1477-81, Aug 1975, EN 00503979 [reporting that Khieu Samphan refused North Korean President’s donation of 10,000 tractors to Cambodia].

were forced by the CPK to build the two dams and the network of canals and dykes.⁴⁹⁸³ In March 1978, 23,000 youth units were still building the 6th January Dam.⁴⁹⁸⁴ In mobile units, workers were young and single, mostly between 16 and 30 years of age.⁴⁹⁸⁵ Once married, they were placed in regular units for middle-aged adults and sometimes relocated.⁴⁹⁸⁶ There were some children who were forced to perform the same tasks than the adults, including Civil Party Seang Sovida, who was 12-13 years old in 1977.⁴⁹⁸⁷ A large proportion of the workers were New People,⁴⁹⁸⁸ and Cham who had been relocated from their homes in Kampong Cham.⁴⁹⁸⁹

⁴⁹⁸³ **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.21.41 [“between 20 to 30,000 workers working in total at the 1st January Dam worksite ... there could be up to 40,000 workers”]; **E1/311.1** Sou Soeurn, T. 5 June 2015, 14.25.4 [“between 30 to 40,000 workers”]; **E3/35** Ke Pich Vannak WRI, EN 00346149-50 [“each Sector had to send ten thousand people to join”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.00.28; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.22.05-11.24.30; **E1/322.1** Kong Uth, T. 25 June 2015, 09.30.12; **E3/286** FBIS, *Delegation Concludes Visit*, 28 Apr 1977, EN 00168253; **E3/287** FBIS, *Lao Delegation Leader’s Speech*, 4 May 1977, EN 00168124; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.20.15-09.23.04, 11.21.34; **E1/326.1** Om Chy, T. 30 July 2015, 11.07.55-11.11.10; **E3/5264** Ke Un WRI, EN 00283343; **E3/162** Prak Yut WRI, A16, 19 & 23; **E3/5247** Pouk Pon WRI, EN 00232820-21; **E3/5255** Or Ho WRI, EN 00250045; **E1/308.1** Uth Seng, T. 2 June 2015, 15.23.59-15.27.00.

⁴⁹⁸⁴ **E3/1360** FBIS, *Yugoslav Press Delegation...*, 14 Mar 1978, EN 00169917 [Visiting the 1 January Dam and 6 January Dam where “23,000 members of our mobile youth units are striving to build another reservoir”].

⁴⁹⁸⁵ **E1/301.1** Or Ho, T. 19 May 2015, 11.09.09 [“The majority ... was from 18 years old and above, as they were the main force in the mobile units”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.40.29 [“most of them were teens –16, 17”], 11.26.35 [“At the worksite, we were all single, unmarried”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.25.23; **E1/326.1** Om Chy, T. 30 July 2015, 11.20.12; **E1/322.1** Kong Uth, T. 25 June 2015, 09.30.12; **E3/9350** Van Sorn WRI, EN 00244169; **E3/162** Prak Yut WRI, A26-27.

⁴⁹⁸⁶ **E1/301.1** Or Ho, T. 19 May 2015, 11.09.09 [“at the feeding canals, usually they were married men and women”]; **E3/7770** Chhun Sakhan WRI, EN 00233266 [“The majority of people working at the worksite were middle-aged, both men and women”]; **E1/326.1** Om Chy, T. 30 July 2015, 14.29.08 [“Back then, I was single. And later in August [1978], I was required to get married after which I was dispatched to work and live in a village”]; **E1/322.1** Kong Uth, T. 25 June 2015, 13.34.17-13.39.33.

⁴⁹⁸⁷ **E1/308.1** Seang Sovida, T. 2 June 2015, 09.13.29, 09.19.02-09.26.18 [“I was sent to a mobile unit at the 1st January worksite ... for about three months ... I was 11 or 12 years old”], 09.36.40 [“I was told to carry the earth from the canal and I had to carry it to the dam site”], 11.28.18-11.33.24; **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [the presence of children building dams is confirmed by Khieu Samphan himself: “Our children do not play with toy[s]... Our children are happy with ... helping to build dams and embankments and dig reservoirs and ditches”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.05.32-09.09.15 [“The children were instructed to do the same work as that of the adults ... their health condition actually deteriorated dramatically”], 14.16.12-14.20.31 [explains children were not collecting cow dung but “carrying earth like we did [...they] were around nine years old and the oldest were around 13 years old”]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.51.30 [escorted Pol Pot at the dam where he “saw some children”]; **E3/5264** Ke Un WRI, EN 00283344; **E3/3048R** Video *Building a Khmer Rouge Dam*, 00:00-04:01 [Images of a DK dam construction showing faces of children or very young teenagers actively working at 00:16-00:17, 00:29-00:33, 03:46-03:47, 03:58-04:01].

⁴⁹⁸⁸ **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.27.17; **E1/322.1** Kong Uth, T. 25 June 2015, 09.32.06 [“most of them were New People”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 11.19.24; **E3/5267** Ut Seng WRI, EN 00282356; **E3/7812** Khiev Sokh WRI, EN 00282327.

⁴⁹⁸⁹ **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18 [The “Cham working with us [they] had been evacuated ... from Kampong Cham”]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.32.06-09.37.09; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5265** Um Chi WRI, EN 00282345; **E3/4893** Hak Mat SIF, EN 00851264-65.

1154. Forced labourers were overworked and exhausted at the 1st January Dam.⁴⁹⁹⁰ Normal working hours were from 5 or 6 am until 5 or 6 pm with a lunch break and two 15-minute breaks, but in some units or during certain peak periods, work started as early as 3 or 4 am.⁴⁹⁹¹ As the sleeping quarters were often far away from work places, mobile unit workers had to wake up two to three hours before and walk a long time in the dark before starting work.⁴⁹⁹² Most units worked night shifts from 6 or 7 pm to 10 pm up to midnight,⁴⁹⁹³ after the dinner break and an occasional criticism/self-criticism meeting.⁴⁹⁹⁴

⁴⁹⁹⁰ **E1/306.1** Hun Sethany, T. 27 May 2015, 09.09.15-09.12.33 [“We were not allowed to be idle ... we overworked. Sometime I fainted”], 09.12.33-09.17.17 [“Everybody was so tired from the previous night and sometimes we were walk sleeping and sometimes some of us fell down while working”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.59.00; **E1/308.1** Uth Seng, T. 2 June 2015, 15.49.22; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 10.48.00; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22 [“It was beyond my physical strength”]; **E3/9350** Van Som WRI, EN 00244170.

⁴⁹⁹¹ **E3/7775** Kang Ut WRI, EN 00233533 [“Failing to respect the times would be resulted in being re-educated ... We started work from 4 a.m. (by around 7 a.m. we were allowed to take a fifteen-minute break) to 11 a.m. ... Work resumed at 1 p.m. and continued until 5 p.m.”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.11.31 [“started from 4 o’clock in the early morning”]; **E1/302.1** Or Ho, T. 20 May 2015, 13.49.21; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.32.50 [3.00 to 12.00, 13.00 to 17.00 then 18.00 to 00.00]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.42.29; **E1/306.1** Hun Sethany, T. 27 May 2015, 13.47.47 [Hun Sethany strongly denied that work for Balaing commune workers would only start at 7.00: “It was not the same situation ... I started work at 5.00 a.m., and I had to work until 11.00 a.m. ... we had to resume work at 1 p.m., not 2 p.m.”], 14.02.03 [“As for the one who told you that work started at 7.00 a.m., this individual may be a former unit chief or a cadre during that time”]; **E1/306.1** Un Ron, T. 27 May 2015, 15.57.02; **E1/307.1** Un Ron, T. 28 May 2015, 13.56.36-14.01.12; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52-11.27.10; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/322.1** Kong Uth, T. 25 June 2015, 09.19.18, 09.37.00; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22-14.12.20.

⁴⁹⁹² For example, Hun Sethany worked in three successive locations but the sleeping quarters remained at Wat Trapeang Chrey: **E1/305.1** Hun Sethany, T. 26 May 2015, 15.54.32; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 [“at Trapeang Chrey, we woke up by whistle at 4 o’clock in the morning and we started working at 5.00 ... near the national road, it was quite far distance so we had to wake up by a whistle sound at 3 o’clock”], 15.09.37-15.12.41. See also **E1/308.1** Seang Sovida, T. 2 June 2015, 09.31.22-09.36.40, 09.46.01; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.29.29; **E1/306.1** Un Ron, T. 27 May 2015, 15.53.04-15.55.01.

⁴⁹⁹³ **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.29.23 [“we had to work through the night until 12 o’clock midnight”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.45.37 [“When the reservoir was being built we worked day and night ... and during the rainy season when the dam broke, we had to work at night”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.02.03-14.04.50 [“We work from 6.00 p.m., until 10.00 p.m.”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41 [“in order to expedite the work at the worksite, we started working again, and we worked through the night until 10 o’clock”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.50.55-09.51.37 [“During the [dry] season, we would work at night. And torch was used to light our working site”], 13.49.36-13.53.19 [“during the time which the moon was not waxing, they would use the torch, they burn the torch to light the worksite ... when we were asked to be in full swing, we would work until 10 p.m.”]; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52-11.27.10; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.29.00; **E1/322.1** Kong Uth, T. 25 June 2015, 09.19.18-09.22.07, 13.49.47-13.53.08 [Night work was regular work], 13.58.35; **E3/5267** Ut Seng WRI, EN 00282355; **E3/5513** Ieng Chham WRI, A66, 71; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.42.43; **E1/307.1** Un Ron, T. 28 May 2015, 10.00.13-10.02.48, 13.56.36.

⁴⁹⁹⁴ **E1/307.1** Un Ron, T. 28 May 2015, 09.06.38 [“[At the meeting] The main topic was for us to actively involve in the work and not to get sick that often”], 10.47.05; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.10.20-10.14.19; **E3/5249** Vann Theng WRI, EN 00231859; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22-14.12.20.

While some mobile units workers were given a day off every ten days, many had to work every day.⁴⁹⁹⁵

1155. Unit chiefs assigned workers high quotas of soil or rocks to excavate and transport, ranging from one to four cubic metres per day, depending on the land condition and the type of unit.⁴⁹⁹⁶ The workers carried soil in baskets weighing between 30 and 40 kilograms from the bottom of canals to the top of the dam.⁴⁹⁹⁷ The workers who repeatedly carried these heavy loads suffered pain in the back, shoulders, and legs.⁴⁹⁹⁸ Workers who were weak or mildly sick were forced to continue to work.⁴⁹⁹⁹ Only a portion of the workers were able to meet the onerous quotas set by the hierarchy.⁵⁰⁰⁰ Those who could not meet the quota were subject to a range of measures. Some were required to make up the incomplete work at night, early the next day, or during lunchtime.⁵⁰⁰¹ Others were required to attend refashioning sessions where they were

⁴⁹⁹⁵ **E3/7770** Chhun Sakan WRI, EN 00233267 [“After ten working days, we were allowed to have a day off”]; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/307.1** Un Ron, T. 28 May 2015, 09.17.59, 13.34.15 [Sector mobile unit worker: “Q. Did you have a free day every tenth day of the month? A. No. ... only when we were too weak to work”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.57.42.

⁴⁹⁹⁶ **E1/308.1** Uth Seng, T. 2 June 2015, 15.32.34 [“The land was measured based on the land condition. If the land condition was quite good, then the person, or the group or unit, would receive a large amount of work to do”]; **E3/5255** Or Ho WRI, EN 00250045 [“three cubic meters of soil during a period of one day one night”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.25.45 [1 or 2 m³ depending on the soil condition], 14.26.56; **E1/326.1** Om Chy, T. 30 July 2015, 11.33.16 [3m³], 14.05.28; **E1/306.1** Un Ron, T. 27 May 2015, 15.55.01 [4 m³]; **E1/307.1** Un Ron, T. 28 May 2015, 09.20.10; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.51.19 [2 m³]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.35.56-10.38.34 [1.5 to 2 m³]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.26.06 [1 m³]; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.24.21; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.34.38; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.20.06 [2m³]; **E3/5247** Pouk Pon WRI, EN 00232820; **E3/9350** Van Sorn WRI, EN 00244169; **E3/7785** Choeu Saing WRI, EN 00244149; **E3/9349** Chuop Non WRI, EN 00244156; **E1/318.1** Yean Lon, T. 17 June 2015, 09.59.18-10.05.57 [2 to 4 m³].

⁴⁹⁹⁷ **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.33.51 [“it was far, about 200 metres away. So I had to carry earth from the bottom of the canal and brought the dirt to the upper level of the dam ... the total weight was about 30 kilo[grams]”]; **E1/307.1** Un Ron, T. 28 May 2015, 09.54.46-09.57.48 [“The distance ... was about 40 metres ... it was about 30 to 40 kilograms ... sometimes ... heavier”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.39.39; **E1/322.1** Kong Uth, T. 25 June 2015, 09.43.55-09.46.30.

⁴⁹⁹⁸ For example: **E1/307.1** Un Ron, T. 28 May 2015, 10.00.13 [“[Carrying dirt was] very painful and sometimes I had muscle cramps on my calves”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.31.24 [“The skin on my shoulder peeled from heavy load of earth”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.37.29.

⁴⁹⁹⁹ **E1/317.1** Yean Lon, T. 16 June 2015, 11.21.51; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 09.32.46-09.35.58; **E1/307.1** Un Ron, T. 28 May 2015, 11.05.41.

⁵⁰⁰⁰ **E1/301.1** Or Ho, T. 19 May 2015, 11.25.45, 15.36.09-15.41.25 [admits that the work quota could not always be met although his 100-men group was an elite group]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.35.56; **E1/326.1** Om Chy, T. 30 July 2015, 11.33.16 [“some of [the workers digging the earth] were able to meet the [3 cubic metres] quota but some were not”]; **E3/5265** Um Chi WRI, EN 00282347 [“only about 30 percent could meet that quota”]; **E3/9349** Chuop Non WRI, EN 00244156; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.24.21; **E1/309.1** Uth Seng, T. 3 June 2015, 14.23.20. Two unit chiefs, concerned *a posteriori* about their image or aware of the fatigue of the workers, said they sometimes lied to the upper echelon about the quota to avoid punishment: **E3/5255** Or Ho WRI, EN 00250045; **E3/5265** Um Chi WRI, EN 00282347.

⁵⁰⁰¹ **E1/306.1** Un Ron, T. 27 May 2015, 15.57.02 [assigned each 2 cubic metres to complete at night

threatened⁵⁰⁰² or had their food allotment reduced.⁵⁰⁰³ The authorities also punished those who refused to work, were sick too often, or those perceived as lazy by assigning extra work, depriving them of food, requiring them to collect human waste by hand, sending the offenders to reeducation, or by beatings, arrest, or disappearance.⁵⁰⁰⁴ For example, a dam worker, Uth Seng, remembers that undisciplined or “lazy” people were placed in a special unit where they had to work harder and longer for less food and were publicly beaten with whips in order to deter laziness and disobedience.⁵⁰⁰⁵ Another worker, Meas Layhuor, testified that lazy people in her village mobile unit were detained in cages for refashioning purposes.⁵⁰⁰⁶

otherwise they had to wake up and start working earlier, precisely at 4.00 or 4.30 in the morning before starting the new work quota]; **E1/307.1** Un Ron, T. 28 May 2015, 09.10.49; **E1/309.1** Uth Seng, T. 3 June 2015, 14.23.20; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.55.55 [“if we could not complete the work during the day time, we had to get it finished at night”]; **E3/7770** Chhun Sakan WRI, EN 0023266-67; **E3/403** Pech Sokha WRI, EN 00403006; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 [“[The] blind at night, they could not work properly at night-time and they sometimes had to work during the lunch break”]. *See also* **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.39.39-10.42.43.

5002 **E3/9350** Van Sorn WRI, EN 00244169 [“If the daily quota was not met, they took me to instruction and refashioning meetings ... they said, ‘Comrade, if you don’t meet the quota, you’d better be careful’ ... since I was afraid of them, I strove to work regardless of whether I was sick or healthy”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.00.34; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.52.48-10.56.16.

5003 **E1/306.1** Un Ron, T. 27 May 2015, 15.55.01 [“if we could not complete the work quota, then the food ration would be deprived”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.44.12.

5004 **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.35.58 [“some of my colleagues were mistreated although they were really sick ... those four of five were beaten and they were instructed to carry dirt they were given with a big earth basket”], 10.44.12 [“the lazy ones were considered the enemies of the regime ... who obstructed the wheel of the history ... One of them fell sick at that time ... the shoulder pole was used to beat that person. When she went to work, two cubic metres of soil was given to her to complete, and big earth-carrying baskets were provided to her to carry earth. And she was told that if she could not finish the work, there was no meal for her”], 11.07.37; **E1/307.1** Un Ron, T. 28 May 2015, 09.06.38, 09.17.59, 09.30.15 [“Those who were sick had their food ration reduced [...and] would be sent for re-fashioning ... re-fashioning, re-education, or tempering meant the same thing – that is, the person would be sent to be killed”], 13.36.55, 13.41.41 [“that person told me she was instructed to go and collect human waste along the field with her bare hands”]; **E1/326.1** Om Chy, T. 30 July 2015, 14.50.26; **E3/5255** Or Ho WRI, EN 00250045 [“the team leaders were the ones who reported and arrested their own team members after having accused them of being enemies”]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15 [“sent for re-education ... the worker never re-appeared, and that happened continuously”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.00.34, 15.16.01; **E3/5249** Vann Theng WRI, EN 00231858; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.12.30-10.14.19; **E1/301.1** Or Ho, T. 19 May 2015, 13.36.34. *See section 1st January Dam – Unlawful Arrest and Imprisonment.*

5005 **E1/308.1** Uth Seng, T. 2 June 2015, 15.28.23 [“The purpose of having special units was to deter other people from being lazy”], 15.57.54 [“The special unit comprised of people who were considered lazy, or who evaded the work, or who went back to their village without authorisation, or who violated work-related disciplines”], 15.59.25 [“they would be instructed to work longer hours ... [They were] only beaten up with a whip. ... They were instructed to line up, and they were whipped [by two distinct unit chiefs], so that the rest of the workers could see and not to follow their example”]; **E1/309.1** Uth Seng, T. 3 June 2015, 09.13.14 [“their food ration was less ... their workload was more”], 10.05.42-10.08.16, 11.28.40-11.33.40.

5006 **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.16.01-15.19.38 [“Try, was re-educated to carry earth ... he was considered not to be reformed. He was then handed to the security and the security placed him in a cage a bit far for the dam construction site ... when I went to relieve myself in a forest, I saw Try being in

1156. Inhumane conditions: Workers at the 1st January Dam site were housed in long shacks which did not protect them from rain. They were given no mosquito nets, blankets, or decent mats.⁵⁰⁰⁷ They did not sleep well or enough.⁵⁰⁰⁸ Men and women's housing was segregated (including for married couples).⁵⁰⁰⁹ The food provided to workers by their units under the responsibility of the Central Zone⁵⁰¹⁰ was largely insufficient in both quantity and quality, as food rations generally consisted of gruel or watery soup provided twice a day (lunch and dinner).⁵⁰¹¹ Some workers resorted at their own security risk to eat whatever they could find.⁵⁰¹² Although the daily food consumed did

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- a cage ... from that day onward he disappeared ... if the person reformed then the person would be allowed to return to work. And if not then the security would take them away”], 15.22.07 “[Neary Leap] didn't go to work so she was placed in a cage for re-education”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.52.48-10.57.42.
- 5007 **E1/306.1** Hun Sethany, T. 27 May 2015, 11.25.25 [they had to sleep on pieces of tree barks or tree trunks laid on the floor; sleeping on such hard surface was very difficult; whenever it rained they could not sleep]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.54.03 [“we were told to sleep in the open air with no mosquito nets ... If there was heavy rain, everyone got soaked”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.47.36; **E1/301.1** Or Ho, T. 19 May 2015, 11.07.04, 13.41.07, 14.20.30; **E1/302.1** Or Ho, T. 20 May 2015, 09.44.28; **E3/5255** Or Ho WRI, EN 00250046-47; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.38.22; **E1/302.1** Pech Sokha, T. 20 May 2015, 16.03.38; **E1/306.1** Un Ron, T. 27 May 2015, 15.47.51-15.53.04; **E1/309.1** Uth Seng, T. 3 June 2015, 10.04.09-10.05.42; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.49.45, 14.21.41; **E1/317.1** Yean Lon, T. 16 June 2015, 11.14.16-11.17.30; **E1/326.1** Om Chy, T. 30 July 2015, 13.27.48-13.30.16, 14.48.14-14.50.26; **E3/5265** Um Chi WRI, EN 00282347; **E3/5267** Ut Seng WRI, EN 00282356.
- 5008 **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.29.29 [“it was only a few hours before we were woken up again by a whistle blow”], 09.38.22; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.18.09 [“by the time we arrived at the sleeping quarter ... it was almost midnight already. I was so exhausted; I just fell on to the floor and I was not yet in my deep sleep and I was woken by the whistle blowing”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.58.32; **E1/322.1** Kong Uth, T. 25 June 2015, 09.56.15.
- 5009 **E1/306.1** Hun Sethany, T. 27 May 2015, 13.32.44; **E3/7785** Choeu Saing WRI, EN 0244152; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5267** Ut Seng WRI, EN 00282356; **E3/9350** Van Sorn WRI, EN 00244170; **E3/5247** Pouk Pon WRI, EN 00232821.
- 5010 **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.25.23 [Ke Pauk's wife states: “Angkar had the responsibility to assist with the food supply”], 15.51.52-15.56.33 [despite good rice harvests, there were food shortages; wonders why paddy rice was exported while people did not have enough to eat], 15.58.58 [“It was the zone that was in charge of the workforce at the dam in terms of supervision, food supply and welfare of workers”].
- 5011 **E3/5249** Vann Theng WRI, EN 00231859 [“I was the person who transported food supply ... people did not have enough food to eat as there were too many people”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41, 11.17.25 [“one or two ladles of gruel ... Sometimes ... cooked rice”]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.32.06; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.41.50-10.46.34 [despite waking up at 3.00 am and walking a long distance, no breakfast was given]; **E1/307.1** Un Ron, T. 28 May 2015, 10.35.34; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.30.25; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.49.45-10.52.01, 10.56.39; **E3/9351** Meas Layhuor WRI, EN 00244164; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.47.14 [“As for gruels for pigs these days, we put many things in the gruel. And during that period, morning glory soup consisted of only a little bit fish”]; **E3/35** Ke Pich Vannak WRI, EN 00346150 [“Obviously, there were food shortages”]; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/326.1** Om Chy, T. 30 July 2015, 13.30.16; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/5267** Ut Seng WRI, EN 00282356; **E3/7785** Choeu Saing WRI, EN 00244150; **E3/5513** Ieng Chham WRI, A73; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5255** Or Ho WRI, EN 00250046; **E3/9349** Chuop Non WRI, EN 00244157. Unit chiefs had a better food ration: **E1/307.1** Un Ron, T. 28 May 2015, 09.10.49-09.14.28; **E1/309.1** Uth Seng, T. 3 June 2015, 14.35.15-14.38.07.
- 5012 **E1/309.1** Uth Seng, T. 3 June 2015, 10.45.03 [“We would resort to anything to eat whenever we found it ... tree leaves, the ripe palm fruits or even the herbs”]; **E3/5267** Ut Seng WRI, EN 00282356; **E1/307.1**

not provide sufficient nutrients to achieve the work required,⁵⁰¹³ the workers did not dare complain by fear of being arrested and killed.⁵⁰¹⁴ The food shortage at the worksite was in part due to rice exports and re-distribution. The goal pursued by the Centre to increase the rice production through the building of the two dams did not benefit the very workers constructing them.⁵⁰¹⁵

1157. The health care and sanitation was also the responsibility of the Central Zone.⁵⁰¹⁶

Workers were forced to live with grossly inadequate hygiene and sanitation standards. The worksite lacked proper latrines, was infested with flies and other insects, and had particularly bad sanitary conditions for women.⁵⁰¹⁷ The occasional measures taken against the countless flies did not address the cause and were insufficient.⁵⁰¹⁸ The

Un Ron, T. 28 May 2015, 09.14.28 ["If I were to get caught [stealing rice crusts] then I would be killed"]; **E1/326.1** Om Chy, T. 30 July 2015, 15.21.31 ["if we had done so to supplement our food, and the commune later found out, we would have been accused of going against their assignment. ... In the case of Or Ho ... he was a village chief. So he had the authority to assign people to go fishing"]. Or Ho's case was unique: **E1/301.1** Or Ho, T. 19 May 2015, 09.39.55-09.43.55.

5013 For example: **E1/309.1** Uth Seng, T. 3 June 2015, 10.01.40 ["Our strengths were becoming weaker and weaker from day to day because we did not have enough food to eat"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.52.29 ["We had no strength and energy, but we had to try to carry earth"].

5014 **E1/309.1** Uth Seng, T. 3 June 2015, 14.35.15 ["No one dared to challenge the food ration"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.48.41 [no one complained because everyone was afraid to be killed].

5015 **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.51.52-15.56.33 [food shortages existed despite good harvests; does not understand why paddy rice was exported while people did not have enough to eat], 15.56.33-15.58.58 ["the yield of rice was high ... it was confirmed by the Sangkat chiefs that they had plenty of food supply ... those workers at canal and dam worksites were complaining that they did not have enough to eat"]; **E3/5294** Sou Soeun WRI, EN 00360113 ["the district committee reported [this] to the upper echelon; but the upper echelon did not respond"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.05.50 ["after the harvest trucks came to transport the rice away ... They said Angkar required to take the harvest away ... to the military"].

5016 **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.58.58.

5017 **E1/307.1** Un Ron, T. 28 May 2015, 09.17.59 ["my body sometimes was covered with lice"], 09.23.18 [As for menstrual periods: "sometimes, we had to share a piece of cloth and use it as pad to stop it from flowing"], 10.38.57 [no latrines were built, only pits were dug and there was no soap; ashes were used to wash clothes and herself]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.56.15 ["There were bed bugs"]; **E1/301.1** Or Ho, T. 19 May 2015, 13.41.07 ["There was no hygiene in the worksite ... we had to relieve ourselves everywhere in the forest, in the pits that we dug and there were big flies everywhere"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33-09.29.29, 09.35.58-09.40.54 ["Women had periods and they had cramps in their abdomen. They need sanitation but we were deprived of this. We were treated as animals"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.58.32, 14.08.34-14.12.20; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.05.14; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.17.17 ["every ladle of soup ... contained many flies"], 09.17.17-09.23.04, 09.35.12-09.39.20 ["carry earth with the stain of the periods on our trousers"]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.45.31 ["living like in a hell"]; **E1/309.1** Uth Seng, T. 3 June 2015, 10.01.40; **E3/5264** Ke Un WRI, EN 00283343 ["when they were having a menstrual period, they didn't have any water to clean up themselves, so their buttocks were followed and surrounded by flies"]; **E3/5267** Ut Seng WRI, EN 00282357; **E3/403** Pech Sokha WRI, EN 00403005-06; **E3/5513** Ieng Chham WRI, A77; **E3/5249** Vann Theng WRI, EN 00231859; **E3/9350** Van Sorn WRI, EN 00244170; **E3/5265** Um Chi WRI, EN 00282348; **E3/5255** Or Ho WRI, EN 00250046-47; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.52.01-10.54.10, 14.21.41; **E1/317.1** Yean Lon, T. 16 June 2015, 11.25.01.

5018 **E1/303.1** Pech Sokha, T. 21 May 2015, 10.49.10 ["many, many flies"]; 11.30.45 ["In order to eliminate those many flies, they actually used pesticide to kill them"]; **E1/305.1** Meas Layhuor, T. 26 May 2015,

workers were very rarely provided any drinkable water, forcing them to drink the muddy water of the river, streams, or ponds.⁵⁰¹⁹ Most labourers worked “in rags” and were only provided with a new set of clothes once a year.⁵⁰²⁰

1158. Due to the inadequate food supplies, excessive labour, and poor sanitation and hygiene, many workers were emaciated or had swollen bodies.⁵⁰²¹ They were regularly ill with fever, dysentery, malaria, or cholera.⁵⁰²² Sick workers were untreated or provided inadequate medical care, including insufficient and ineffective medicine, administered by youths who lacked proper medical training or equipment.⁵⁰²³ Most hospitals were a

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- 14.05.14 [“Yes [they used pesticide], but they were still many flies [explaining that several months passed between each pesticide spray]. *Contra*: **E1/306.1** Hun Sethany, T. 27 May 2015, 14.23.35 [“there was nothing at all in regards to the elimination of flies”]; **E1/307.1** Un Ron, T. 28 May 2015, 14.30.55 [pesticide was never used]; **E1/317.1** Yean Lon, T. 16 June 2015, 11.27.22.
- 5019 **E3/403** Pech Sokha WRI, EN 00403005-06 [“boiled water was not enough for them, so they had to drink water from tributary”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.50.45 [“everyone drank that water from the river”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.20.15 [“thousands of workers from upstream and downstream had to drink the same water ... there was no time for us to boil water; we didn’t have any pot to boil the water; we didn’t have firewood”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.52.01 [“only water from the streams, canals or wells”]; **E1/311.1** Sou Soeurn, T. 5 June 2015, 14.34.44-14.37.10; **E1/322.1** Kong Uth, T. 25 June 2015, 09.53.12 [“If the water was not boiled in time and if I was too thirsty, I would drink it. ... I knew that I would fall sick”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.57.22; **E1/326.1** Om Chy, T. 30 July 2015, 13.30.16-13.32.28, 15.27.16; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.29.00; **E3/5267** Ut Seng WRI, EN 00282357; **E1/307.1** Un Ron, T. 28 May 2015, 10.36.51-10.41.03, 14.30.55-14.34.00.
- 5020 **E3/5247** Pouk Pon WRI, EN 00232821 [“People wore black clothes some of which were in rags”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.31.05-09.37.55; **E1/307.1** Un Ron, T. 28 May 2015, 09.16.17 [“We only had two sets of clothes, one set was old and the other one was very old, and there were patches at the back of the pant”], 14.41.45-14.43.20; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.45.31; **E1/326.1** Om Chy, T. 30 July 2015, 13.27.48; **E3/7775** Kang Ut WRI, EN 00233534; **E3/9350** Van Sorn WRI, EN 00244170; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.25.23. No shoes or hats were provided; workers made their own hats from palm leaves: **E1/307.1** Un Ron, T. 28 May 2015, 11.18.55 [“walked bare feet”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 13.33.29; **E1/307.1** Un Ron, T. 28 May 2015, 14.10.44 [“the hats were made out of the palm leaves, we made those hats by hand”]; **E1/309.1** Uth Seng, T. 3 June 2015, 11.22.08.
- 5021 **E1/301.1** Or Ho, T. 19 May 2015, 15.07.06 [“workers were not in good shape ... they were skinnier”]; **E3/5255** Or Ho WRI, EN 00250046 [“most of the people were emaciated and fell ill”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.52.29; **E1/309.1** Uth Seng, T. 3 June 2015, 10.39.20 [“most of them were sick with swelling bodies ... the body was swelling as the result of lack of food”], 10.45.03; **E1/326.1** Om Chy, T. 30 July 2015, 14.09.05; **E3/5265** Um Chi WRI, EN 00282347; **E3/9350** Van Sorn WRI, EN 00244170; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.39.39; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.12.20, 14.29.00.
- 5022 **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.57.17 [“Some people had malaria ... people fell sick and got dysentery”]; **E3/9350** Van Sorn WRI, EN 00244170 [“The diseases were mostly dysentery, fevers, cholera, etc.”]; **E3/5267** Ut Seng WRI, EN 00282357; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5255** Or Ho WRI, EN 00250 047; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.32.06-15.34.04 [“If we worked day and night with insufficient food given, it was not reasonable for us to survive”]; **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30, 10.42.44-10.45.17.
- 5023 **E1/301.1** Or Ho, T. 19 May 2015, 10.58.12 [“no modern medicines ... the medicine was made from rabbit drops”]; **E3/9350** Van Sorn WRI, EN 00244169; **E3/5513** Ieng Chham WRI, A74-77 [“A74: not enough medicines for treatment ... home-made medicine ... A76: medicine lacked quality, and the medics did not have capacity”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.06.59; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.01.55; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.23.09; **E3/35** Ke Pich Vannak WRI, EN 00346150 [“I saw sick persons [who] did not have any medicines to take. I told those facts to my

long distance away, in poor condition and poorly managed and equipped,⁵⁰²⁴ and people were sent there only when severely or critically ill, in some instances too late to be saved.⁵⁰²⁵ However, people were generally transferred to the hospital before dying at the worksite.⁵⁰²⁶ As admitted by site cadres, many dam labourers died at the worksite or at the hospital from starvation, diseases, exhaustion due to overwork, or a combination of those factors.⁵⁰²⁷

1159. The 1st January Dam worksite was closely monitored. Supervisors at all levels walked around to inspect whether the quotas were being met and work was going according to plan.⁵⁰²⁸ Armed militiamen, and district, sector, or zone soldiers patrolled the worksite to prevent workers from evading work or escaping, and sometimes made arrests.⁵⁰²⁹

father ... the Sectors said they did not have medicines”]; **E3/5267** Ut Seng WRI, EN 00282356; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/9349** Chuop Non WRI, EN 00244157; **E3/7785** Choeu Saing WRI, EN 00244152; **E3/7812** Khiev Sokh WRI, EN 00282328; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/5293** 2-TCW-850 WRI, EN 00351704; **E3/5265** Um Chi WRI, EN 20082348; **E1/307.1** Un Ron, T. 28 May 2015, 09.27.45-09.30.15; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.00.25-10.02.28, 13.58.23-14.02.56.

⁵⁰²⁴ **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.59.58 [The Baray District hospital was 10 km away]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.07.05; **E3/7775** Kang Ut WRI, EN 00233534 [“seriously ill...would be sent to the far-away hospital”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.59.04 [“[Kampong Thma hospital] was not in a good condition ... It was built from wooden planks; as for the walls and the roof, it was from leaves ... the patients who did not have a bed ... would sleep on the floor”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.04.16; **E3/411** Suon Kanil WRI, EN 00390079 [“Chan Srean alias Chit was the chairperson of the hospital ... although he did not have any medical knowledge. Later on he was arrested”].

⁵⁰²⁵ **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30 [“a person became seriously ill [...with] dysentery ... she was sent to the district hospital. And I never saw her return. ... that happened to two workers in my group ... they were gone”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.10.30 [“In certain cases we could not save the life of the patients”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.59.58, 13.46.03-13.48.18 [“The unit chief would tell this particular individual died of dysentery because he could not be cured in time”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.32.28-13.34.00 [“Some people ... died at the hospital”], 14.36.32.

⁵⁰²⁶ **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.01.55 [“Was anybody ever left dead at the 1st January Dam site ...? A. No ... When people were seriously ill, they would not be allowed to stay”]; **E3/7775** Kang Ut WRI, EN 00233534 [“When someone was seriously ill they would be sent to the far-away hospital. No one wanted to be left dead at the site”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.24.05; **E3/403** Pech Sokha WRI, EN 00403006 [“Regarding the death caused by diseases, we could not know because people who were seriously sick were sent to the provincial hospital”]; **E1/302.1** Pech Sokha, T. 20 May 2015, 16.00.21.

⁵⁰²⁷ **E3/35** Ke Pich Vannak WRI, EN 00346150 [“I knew that they were patients dying because of the lack of medicines”]; **E3/5513** Ieng Chham WRI, A74, 77 [“A77: it lacked sanitation; there was no enough food to eat; the medics did not have quality or knowledge. These were the reasons causing death of the patients”]; **E1/301.1** Or Ho, T. 19 May 2015, 15.09.30 [“the treatment failed as it was mainly a traditional form of treatment”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.04.37; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.46.03 [“The unit chief would [say] this particular individual died of dysentery”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.23.04, 14.09.11-14.16.12; **E1/326.1** Om Chy, T. 30 July 2015, 13.32.28-13.34.00; **E3/5267** Ut Seng WRI, EN 00282357; **E3/9350** Van Sorn WRI, EN 00244169; **E3/5249** Vann Theng WRI, EN 00231859 [“Some people died of exhaustion, insufficient food and medicines”]; **E3/5255** Or Ho WRI, EN 00250047 [“The majority of those who fell ill died”]; **E1/322.1** Kong Uth, T. 25 June 2015, 10.01.08; **E3/6853** Sao Roern CPA, EN 01148033. A suicide was reported: **E3/7812** Khiev Sokh WRI, EN 00282327.

⁵⁰²⁸ **E1/307.1** Un Ron, T. 28 May 2015, 14.16.41-14.22.32 [“every afternoon unit chief would go around and

1160. As safety measures were not sufficiently enforced, accidents, such as collapsing soil or water breakthrough, killed several workers.⁵⁰³⁰ Others were injured when hit by rock chips that flew whenever rocks were broken manually or explosives were used.⁵⁰³¹

ENSLAVEMENT

1161. The CPK authorities controlled every single aspect of the lives of the workers at the worksite; workers were dehumanised and considered as expendable assets to be utilised to reach the immediate CPK gain to master the Chinit River and Tang Krasang tributary.⁵⁰³² In addition to being forced to work and being subject to high work quotas

see whether anyone could finish the assignment or work quota”], 15.51.55-15.53.36 [the big or small unit chiefs came to inspect]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.38.34; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.35.39; **E3/7785** Choeu Saing WRI, EN 00244150, 00244152; **E3/9350** Van Sorn WRI, EN 00244169; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5264** Ke Un WRI, EN 00283343-44; **E3/9349** Chuop Non WRI, EN 00244159 [“I saw District Committee Pauch come down to inspect the dam construction site”]; **E3/5513** Ieng Chham WRI, A82, 85, 94; **E3/5267** Ut Seng WRI, EN 00282358; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5249** Vann Theng WRI, EN 00231859. *See also 1st January Dam – Authority Structure and Communication* [for discussion of reporting structure and regular visits of Ke Pauk, Oeun, Chan and An].

⁵⁰²⁹ **E1/306.1** Hun Sethany, T. 27 May 2015, 09.26.16 [“they were there [armed] in order to watch over the workers and to prevent workers from escaping the worksite or to deter workers from staying too long in the forest when they went to relieve themselves”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37; **E3/5265** Um Chi WRI, EN 00282346 [“The District Com's security personnel went around and inspected, and if anyone did not respect orders, they would arrest them, and take them away to be killed”], EN 00282347; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18, 15.03.43-15.06.28; **E1/305.1** Meas Layhuor, T. 26 May 2015, 11.05.20; **E1/317.1** Yean Lon, T. 16 June 2015, 13.47.12; **E1/260.1** Becker, T. 10 Feb 2015, 09.33.10 [when she wanted to take pictures of soldiers at the water gate, they ran away with their arms]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.51.30-10.54.15; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.42.43-10.44.12; **E1/322.1** Kong Uth, T. 25 June 2015, 10.05.40; **E3/7812** Khiev Sokh WRI, EN 00282327; **E1/303.1** Pech Sokha, T. 21 May 2015, 10.14.49; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.35.39-10.39.01. *Contra* **E1/302.1** Or Ho, T. 20 May 2015, 09.55.22-09.58.12.

⁵⁰³⁰ **E1/301.1** Or Ho, T. 19 May 2015, 11.32.18 [“some members of my unit died from a landslide”]; **E1/302.1** Or Ho, T. 20 May 2015, 10.09.09; **E1/307.1** Un Ron, T. 28 May 2015, 09.34.36 [“I heard that a soil collapse covered three workers and one person died on the spot”], 15.21.40 [Speaking of the period October-December 1976 when workers tried to block the Chinit River: “I heard that actually the water broke through and some workers had been killed”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.40.37; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.44.13-15.49.15; **E1/309.1** Uth Seng, T. 3 June 2015, 13.42.39; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.39.01 [denies that safety directions were broadcast through loudspeakers]; **E3/7775** Kang Ut WRI, EN 00233534; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.16.12.

⁵⁰³¹ **E1/306.1** Hun Sethany, T. 27 May 2015, 09.31.05 [“They wore shorts and the rock fragments flew and hit their legs; that’s why they had wounds all over their legs”], 10.35.56-10.38.34 [“we were not told about the explosive ... we had to run and escape while we heard the explosion and some fragments of the rock would fly and hit the workers”], 15.15.45-15.17.53, 15.21.20 [Confronted to Pech Sokha and Meas Layhuor’s statements: “there was no broadcast or announcement concerning explosive was used”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.25.33; **E1/322.1** Kong Uth, T. 25 June 2015, 09.46.30-09.49.07. *Contra* **E1/303.1** Pech Sokha, T. 21 May 2015, 11.28.52-11.30.45; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.26.27.

⁵⁰³² **E1/190.1** Philip Short, T. 7 May 2013, 14.21.34 [“the lack of concern for human values, for human suffering, for individual values ... Later on, in the collectives, exactly the same attitude prevailed”], 14.31.14-14.35.32 [referring to **E3/9** Philip Short, *Pol Pot, The History of a Nightmare*, EN 00396501-02], 15.39.20-15.42.21 [“the idea that people are expendable...that the goal of making Kampuchea

and appalling living and work conditions, the labourers were deprived of all their fundamental individual rights.⁵⁰³³ A climate of fear existed among the workers and cadres as they believed they would be punished for any mistake or mere suspicion, and/or would be arrested and taken away to be killed; this climate was maintained in order to facilitate the ownership and domination of the CPK cadres over the dam workers.⁵⁰³⁴ The workers and cadres were obliged to strictly obey any order given by their superiors at, or above the worksite.⁵⁰³⁵ Specifically, once transferred to the worksite, workers were deprived of their physical liberty as they were not allowed by cadres and armed guards to leave, not even to walk around freely; unauthorised movement or attempt to escape was punished,⁵⁰³⁶ workers had no freedom of

strong and prosperous outweighs any considerations of the well-being of the population”, referring to **E3/9 E3/9** Philip Short, *Pol Pot, The History of a Nightmare*, EN 00396517 [“no longer individual human beings... soulless instruments”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 [About the night blindness: “How come we were treated so inhumanely?”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33-09.29.29, 09.35.58-09.40.54 [“Women ... were treated as animals”]; **E1/307.1** Un Ron, T. 28 May 2015, 10.59.41-11.05.41; **E3/2412** Francois Ponchaud, *Kampuchea: a Revolutionary Economy*, 25 Jan 1979, EN 00598533 [“The scant consideration given to human factors and the ideological intransigence with which hydraulic infrastructure was constructed”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02; **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [regarding the CPK leaders’ willingness to exploit the workforces in the countryside for short-term gain, **Khieu Samphan** remarked that: “Whether the dams and reservoirs that we have built last only five or 10 years does not matter”]

⁵⁰³³ For example: **E1/306.1** Hun Sethany, T. 27 May 2015, 15.24.14-15.28.56 [“I have PTSD and trauma. I lived my life with no freedom and rights in that period”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.51.56 [“At the 1st January Dam worksite, workers had no rights, not any right at all”]. See also section **1st January Dam – Other Inhumane Acts (Attacks Against Human Dignity) – Forced Labor**.

⁵⁰³⁴ **E1/301.1** Or Ho, T. 19 May 2015, 11.14.34 [the workers were afraid that if they didn't do exactly what they were told something very bad would happen to them]; **E1/307.1** Un Ron, T. 28 May 2015, 10.10.10 [“If we were to tell the chief so, we were afraid that we would be sent for re-fashioning. And that means we would be sent to be killed”], 11.05.41; **E1/326.1** Om Chy, T. 30 July 2015, 15.44.41 [afraid of the new Southwest Zone cadres who were harsher]; **E3/5264** Ke Un WRI, EN 00283344-45 [“people were so afraid of Ke Pauk's car; afraid of being taken away to be killed”]; **E3/403** Pech Sokha WRI, EN 00403008; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233533; **E3/5267** Ut Seng WRI EN 00282356; **E3/5294** Sou Soeun WRI, EN 00360114; **E3/7812** Khiev Sokh WRI 00282327.

⁵⁰³⁵ **E1/308.1** Seang Sovida, T. 2 June 2015, 10.12.30 [“‘To keep is no gain, to lose is also no gain’ ... after they took control of the regime, we had to conform to what they need”]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.07.10 [“Q. To sum up, were you obliged to comply strictly with the instructions and orders given by your chiefs at the 1st January Dam construction site? A. Yes”], 11.14.16-11.19.59; **E1/301.1** Or Ho, T. 19 May 2015, 11.14.34-11.15.41; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.09.15-09.12.33 [“we had to try to work as were instructed to do so in order to survive”], 10.50.31-10.53.02; **E1/307.1** Un Ron, T. 28 May 2015, 10.05.57; **E1/326.1** Om Chy, T. 30 July 2015, 11.14.45, 11.16.30-11.20.12, 11.27.10-11.32.13; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.02.25, 15.34.04; **E3/403** Pech Sokha WRI, EN 00403006-07; **E1/322.1** Kong Uth, T. 25 June 2015, 10.42.40-10.45.30.

⁵⁰³⁶ **E3/7785** Choeu Saing WRI, EN 00244150 [“They would penalize people for moving around without authorization. ... They had us go carry more soil and did not let us rest”]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.41.30 [“we could not walk freely”], 15.44.57 [“I [did] not know where to escape”]; **E1/307.1** Un Ron, T. 28 May 2015, 10.33.28 [“If we moved around freely we would be sent for re-fashioning or re-education ... We dare[d] not [leaving the worksite]”], 10.54.18; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.31.43-14.33.51, 15.11.32-15.13.27; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.07.10-09.09.07; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.22.57, 11.26.35; **E1/306.1** Hun Sethany,

expression, and no right to freely gather, interact, or exchange views with co-workers,⁵⁰³⁷ conversation between male and female workers, including between siblings, was strictly prohibited and considered a moral offence;⁵⁰³⁸ workers had no right to choose any specific task at the work location,⁵⁰³⁹ were not entitled to any salary for the hard labour performed,⁵⁰⁴⁰ and were deprived of the freedom of religion.⁵⁰⁴¹

UNLAWFUL ARREST AND IMPRISONMENT

1162. Numerous workers and cadres at the worksite were arrested, mostly at night,⁵⁰⁴² sometimes in front of other workers.⁵⁰⁴³ At one meeting, Sector 42 and Baray District leaders discussed *Angkar*'s construction plans and stated that "Anyone who violated the regulations would be considered enemy",⁵⁰⁴⁴ accordingly, enemies had to be arrested.⁵⁰⁴⁵

T. 27 May 2015, 09.26.16; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.35.28; **E1/326.1** Om Chy, T. 30 July 2015, 15.08.58; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.11.28-11.13.47.

⁵⁰³⁷ **E1/303.1** Pech Sokha, T. 21 May 2015, 09.53.35; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.45.06, 11.00.22 ["we could not chit-chat in groups and we could not have a free conversation ... We taught ourselves to plant kapok trees"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.02.12; **E1/307.1** Un Ron, T. 28 May 2015, 13.50.00; **E3/5265** Um Chi WRI, EN 00282346 [A child was arrested for playing around and talking]. Regarding the same arrest: **E1/326.1** Om Chy, T. 30 July 2015, 13.16.31; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.11.28; **E3/9349** Chuop Non WRI, EN 00244156; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233533-34.

⁵⁰³⁸ **E1/306.1** Hun Sethany, T. 27 May 2015, 09.39.20 ["We were warned to be not involved in the moral offences. Even if we were siblings we could [not] stand talking to each other"]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.03.42.

⁵⁰³⁹ **E1/307.1** Un Ron, T. 28 May 2015, 10.08.09 ["we were not given any choice whether we could opt for lighter work"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.00.02 ["If we did not go we would be taken for refashioning. We would be deprived of meals"]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.56.12.

⁵⁰⁴⁰ **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.02.12 ["money was not used then. No salary actually"]; **E1/307.1** Un Ron, T. 28 May 2015, 10.05.57.

⁵⁰⁴¹ **E3/7785** Choeu Saing WRI, EN 00244152 ["There were no pagodas, there were no monks, and there were no religious observances"]; **E3/375** Ban Seak WRI, EN 00360759 ["the Muslim Chams were not allowed to pray ... all religions were abolished; only the [CPK] was to be paid respect for"]; **E3/9350** Van Sorn WRI, EN 00244171; **E3/7812** Khiev Sokh WRI, EN 00282329; **E3/5255** Or Ho WRI, EN 00250047-48; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5265** Um Chi WRI, EN 00282348.

⁵⁰⁴² **E3/9349** Chuop Non WRI, EN 00244157 ["I saw them trick people and take them away"]; **E3/9351** Meas Layhuor WRI, EN 00244163 ["The arrests were carried out at night while the people were sleeping"]; **E3/403** Pech Sokha WRI, EN 00403006 [about two 1 January Dam technicians who studied in Phnom Penh together with Ieng Chham and Pech Sokha: "in my group, two people named Long and Hao disappeared. Both of them were summonsed by *Angkar* to return. Both of them showed me the letter and said goodbye to me ... both of them were arrested and killed"]; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/5255** Or Ho WRI, EN 00250045-46; **E1/309.1** Uth Seng, T. 3 June 2015, 09.21.24; **E1/308.1** Uth Seng, T. 2 June 2015, 15.51.33; **E3/7775** Kang Ut WRI, EN 00233534.

⁵⁰⁴³ **E3/5265** Um Chi WRI, EN 00282346 [regarding arrest by District security personnel: "I personally saw them arrest a child who had only been playing around and talking in a mobile unit ... they called the child from the work location up to the crest of the dam, where they made the arrest"], EN 00282347. Regarding the same arrest: **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37 [He "was either 18 or 19 years old ... The arrest was made in order to deter other workers from following his example"]; **E3/5255** Or Ho WRI, EN 00250046.

⁵⁰⁴⁴ **E1/326.1** Om Chy, T. 30 July 2015, 13.09.32 ["Anyone who did not follow the regulations would be considered enemy ... Regarding the fate of those people, I heard that they would be smashed as they were blocking the progress of their construction"]; **E1/301.1** Or Ho, T. 19 May 2015, 13.47.21 [At commune

Workers were arrested for any perceived wrongdoing such as “stealing” food, failing to meet work quotas, being sick or “lazy” often, being talkative, complaining, or being accused of serving the CIA;⁵⁰⁴⁶ many workers arrested were New People or Cham.⁵⁰⁴⁷

1163. Cadres and workers arrested at the 1st January Dam worksite were often taken to be imprisoned at Wat Baray Choan Dek Security Centre, the Baray district prison⁵⁰⁴⁸ which was located in Tras Village, Balaing Commune and was visible from the worksite.⁵⁰⁴⁹ The number of people imprisoned, including mobile unit members, increased after the construction of the 1st January Dam began.⁵⁰⁵⁰ Following the Central Zone purge, Southwest cadres led by Soeun took over the security centre and relocated it to Sralao Toung Village sometime in 1978.⁵⁰⁵¹ Prisoners at Wat Baray Choan Dek were detained

meetings “They said enemies had to be removed ... the worm[s] need to be removed one by one”].
5045 **E3/5255** Or Ho WRI, EN 00250045 [“the team leaders were the ones who reported and arrested their own team members after having accused them of being enemies”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.27.20; **E1/326.1** Om Chy, T. 30 July 2015, 13.09.32-13.13.37, 13.16.31-13.18.15; **E3/5265** Um Chi WRI, EN 00282346; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.04.21-15.10.54 [“the enemy ... taken away”].
5046 **E3/5264** Ke Un WRI, EN 00283344 [“Even if someone stole a potato, he/she would be taken away to be killed”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.47.14; **E1/307.1** Un Ron, T. 28 May 2015, 09.14.28; **E3/5267** Ut Seng WRI, 00282355-56; **E3/5255** Or Ho WRI, EN 00250045-46; **E1/301.1** Or Ho, T. 19 May 2015, 11.29.21; **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37; **E3/5265** Um Chi WRI, EN 00282346.
5047 **E3/9351** Meas Layhuor WRI, EN 00244163 [“Four or five people in my team were taken to the security site at Baray Choan Dek Pagoda, including Try ... [the 4 others] were new people”], EN 00244165 [“accusing them of being CIA networks ... Most of those transported into that security site were new people or Cham”]; **E3/7775** Kang Ut WRI, EN 00233533; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28.
5048 **E1/301.1** Or Ho, T. 19 May 2015, 11.27.20 [those people “arrested and sent to be detained at the security office, and most of them would not return to the worksite ... the pagoda was turned into a security office”], 14.44.45 [“This pagoda was called Baray Choan Dek”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02 [“Baray Choan Dek was a main prison. Every prisoner, not only from the 1st January Dam worksite, but from other areas, would be arrested and put in that detention place”], 09.48.10-09.55.05; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.45.41-15.49.03 [“the village chief ... told me that these people were put at Baray Choan Dek”]; **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26; **E3/9351** Meas Layhuor WRI, EN 00244163, 65 [Those arrested and sent to the security office were villagers and mobile units workers”]. *See also* **E3/6854** Luch Channtho CPA, KH 00571003-06 [eye-witnessed the execution of her uncle at Wat Baray Choan Dek, a 1 January Dam worker; she had escaped in the nearby forest]; **E3/6850** May Lunn CPA, EN 01148027.
5049 **E3/8028** Wat Baray Choan Dek Site ID Report, EN 00342223; **E3/8026** 1 Jan Dam Site ID Report, EN 00290640 [photograph 4 showing a view of Wat Baray Choan Dek from the First January Dam]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.22.07, 15.31.03; **E1/326.1** Om Chy, T. 30 July 2015, 13.18.15-13.20.36, 13.22.24-13.25.33; **E3/9755** Hin Long WRI, A21; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02.
5050 **E3/5287** Men Le WRI, EN 00330776 [“After the [1 Jan] dam construction started, there was an increase in the number of prisoners transported in trucks and horse carts”]; **E319/33.3.11** Veng Vuthy WRI, A12 [estimates that Southwest cadres arrived in the area in late 1977 as many killings took place].
5051 **E3/7765** Yin Daut WRI, EN 00333351 [“The person named Soeun from the Southwest took over from Mao until the Khmer Rouge regime fell”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.22.24 [“the place was used as a security centre ... The security centre had been relocated from that pagoda”]; **E3/9755** Hin Long WRI, A19-21 [“A small house in Sralao Toung was used as a security office ... they took them to be kept at that small house temporarily before [killing them]; A20: Sralao Toung Office ... a district-level

without any hygiene and were shackled 24 hours a day,⁵⁰⁵² except for those forced to work during daytime.⁵⁰⁵³ The prisoners included women and children.⁵⁰⁵⁴ The food ration provided to prisoners was so meagre that many died of starvation;⁵⁰⁵⁵ there were no medics for treating sick prisoners.⁵⁰⁵⁶ Prisoners were tortured and beaten during interrogations.⁵⁰⁵⁷

MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

1. Murder and Extermination

1164. As a general policy, cadres were told at sector or district meetings that any enemy would be smashed.⁵⁰⁵⁸ When work was not progressing according to plan at the dam worksite, members of the “lower level” were accused of treason and killed.⁵⁰⁵⁹ A number of workers from the worksite, particularly New People, were killed either at security centres such as Wat Baray Choan Dek⁵⁰⁶⁰ or later at Sralao Toung,⁵⁰⁶¹ or at

office ... A21: They were afraid that the secrecy would be revealed because so many people were killed at Wat Baray Choan Dek Pagoda, so they closed that site and sent people to be killed at Sralao Toung Village instead”; **E319/33.3.11** Veng Vuthy WRI, A13, A17, A19-22, A39 [“A13: After the Southwest cadres arrived, more killings took place. They took people to be killed in Sralao Tong and Wat Baray Choan Daek Pagoda ... A19: When Sralao Tong was open, the pagoda was almost quiet ... A21: The killings in Sralao Tong increased in early 1978 ... They were probably afraid of their secrets becoming known, so they changed to the Sralao Tong Security Office instead”; **E3/5287** Men Le WRI, EN 00330776 [“in that same year of 1978, the Southwest group came to take control of that prison”];
5052 **E3/5287** Men Le WRI, EN 00330774 [“They were shackled by the leg 24 hours a day”], EN 00330775 [“a bath once a month ... When the prisoners relieved themselves, they had a container and passed it from one to another”]; **E3/7765** Yin Daut WRI, EN 00333351 [“The prisoners were put feet-to-feet and shackled with iron rings ... 24 hours a day”], EN 00333352 [“a bath once in every five to six days or a week ... They urinated in a container”]; **E3/9755** Hin Long WRI, A40. *See also* **E319/33.3.11** Veng Vuthy WRI, A31.
5053 **E319/33.3.11** Veng Vuthy WRI, A34-35 [Inside “A34: I saw people making ox-cart wheels”]; **E3/5287** Men Le WRI, EN 00330775 [“[After two or three months] They had me make ploughs and ox carts”].
5054 **E3/7765** Yin Daut WRI, EN 00333351; **E319/33.3.11** Veng Vuthy WRI, A30-31.
5055 **E3/5287** Men Le WRI, EN 00330775-76 [“approximately 20 people died of starvation. I saw guards drag the dead bodies outside, put them on a trailer, and transport them to be buried east of the pagoda”]; **E3/7765** Yin Daut WRI, EN 00333352 [“The prisoners received 2 to 3 scoops of gruel per day”].
5056 **E3/5287** Men Le WRI, EN 00330776.
5057 **E3/5287** Men Le WRI, EN 00330775; **E3/7765** Yin Daut WRI, EN 00333352 [“If the prisoners did not answer in the second interrogation, they would be beaten with a bamboo stick”]; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59 [“I actually saw bloodstains on the walls of the main hall and the eating hall”]; **E3/9755** Hin Long WRI, A40 [They “were tortured by having their ears pinched with pliers”].
5058 **E1/326.1** Om Chy, T. 30 July 2015, 13.11.42 [“Regarding the fate of those [enemies], I heard that they would be smashed as they were blocking the progress of their construction”].
5059 **E3/5255** Or Ho WRI, EN 00250045 [“After upper level inspected and saw that work was not going to plan, upper level accused lower level of betrayal and killed them. Sometimes middle level arrested and killed lower level too”].
5060 **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.50.16 [“when the music was played over the loudspeakers, there would be killings”], 13.52.13; **E3/9351** Meas Layhuor WRI, EN 00244163 [“All those put inside Baray Choan Dek Pagoda were killed ... I knew ... because I quietly asked the security chief”], EN 00244165; **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26, 10.45.30-10.50.00, 11.23.15; **E3/5255** Or Ho WRI, EN 00250046 [explains why he is sure that Commune cadres Born and Vut were taken to Wat Baray Choan Dek and never returned]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02; **E3/9349**

locations bordering the dam worksite such as wells or bamboo groves where they were buried in pits.⁵⁰⁶²

1165. Confessions forcibly obtained from prisoners at Wat Baray Choan Dek were sent to the Baray District chief, who then decided which prisoners would be “smashed”.⁵⁰⁶³ Prisoners were blindfolded, killed by a blow to the back of the head with a bamboo stick or a hoe, and then buried in pits at night.⁵⁰⁶⁴ Loudspeakers were played during the killings to cover the screams of the victims.⁵⁰⁶⁵ There was a “very unpleasant smell outside” the Wat⁵⁰⁶⁶ and bloodstains were still visible on the walls of the buildings in

Chuop Non WRI, EN 00244157-58; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/5287** Men Le WRI, EN 00330775 [“In 1978, I saw many people sent to the pagoda, but none survived”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.55.25-11.00.22; **E3/5264** Ke Un WRI, EN 00283345; **E1/309.1** Uth Seng, T. 3 June 2015, 09.44.15; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59; **E3/9755** Hin Long WRI, A15, A19, A47; **E319/33.3.11** Veng Vuthy WRI, A13-14 [people killed at Wat Baray Choan Dek Pagoda “A14: Most ... were accused of having affiliations with former teachers, capitalists, soldiers, or government officials ... evacuees from Phnom Penh and from various places, including the Cham population”]; **E3/7765** Yin Daut WRI, EN 00333352.

⁵⁰⁶¹ **E319/33.3.11** Veng Vuthy WRI, A13-A14 [“A13: The [Southwest cadres] took people to be killed in Sralao Tong”], A21 [“The killings in Sralao Tong increased in early 1978”]; **E3/9755** Hin Long WRI, A7-8, A11 [at Sralao Tong: “A7: When I arrived at the foot of the mountain, I heard a loudspeaker ... I saw them killing and dropping people into a pit. I also saw them killing children by holding their legs and beating them against tree trunks ... A8: about 30 to 40 people ... killed by two waiting executioners ... beat them with a club on their necks and dropped them into the pit ... A11: I heard the loudspeaker every day”].

⁵⁰⁶² **E319/33.3.11** Veng Vuthy WRI, A13 [“When a mobile unit member complained about hot weather or exhaustion, they would accuse the person of being an enemy and take them to be killed behind the bamboo groves near the dam construction worksite ... They did not need to bring victims to Sralao Tong or to Wat Baray Choang Daek Pagoda to be killed: they killed them in bamboo groves near the dam site”], A17 [“When people made a mistake at the dam site, most of the time they did not take them to the pagoda. They just killed the victims at the worksite and threw the bodies into a well or buried them in a grave. I witnessed a killing first-hand ... I saw them hack people to death with a machete behind a bamboo grove near the dam”]; **E1/309.1** Uth Seng, T. 3 June 2015, 09.21.24-09.25.23 [“at night-time, the militia called a few [17 April] workers to go with them ... the chief of the youth unit [and a militiaman from that unit] actually were speaking to each other and I overheard that, they said that those few workers had been put in a well”], 14.00.12-14.02.05; **E3/5267** Ut Seng WRI, EN 00282355-56 [“the wells ... became killing sites ... There was another site where more people were killed: Veal Treas, adjacent to the Steung Chinit behind Tuol Sangke Village, Kampong Thma Subdistrict”]; **E3/7785** Choeu Saing WRI, EN 00244151 [“I saw two soldiers shoot and kill Hieng, who had escaped and fled from the security site. Then they dragged him down along a feeder canal ... I was walking to dig bamboo shoots and encountered two pits full of bodies, and there were bloodstains at the edges of the pits”]; **E3/5025** Hun Sochara CPA, EN 01060045; **E1/306.1** Hun Sethany, T. 27 May 2015, 11.06.10, 11.10.54-11.15.04.

⁵⁰⁶³ **E3/7765** Yin Daut WRI, EN 00333352 [“confessions were written by hand by Mao, Choeun, Yum and Mang. The confessions were sent to the district chief Moul [...who] decided which prisoners to be smashed”].

⁵⁰⁶⁴ **E3/7765** Yin Daut WRI, EN 00333352-53 [“Their hands were tied up ... blindfolded. The prisoners were smashed when it was dark ... They hit the prisoners on the head with a bamboo stick or a hoe. Then they dragged the bodies to be buried in the pits”]; **E3/9755** Hin Long WRI, A37, 45, 47; **E3/5267** Ut Seng WRI, EN 00282355-56; **E3/5287** Men Le WRI, EN 00330775; **E3/9349** Chuop Non WRI, EN 00244158; **E319/33.3/11** Veng Vuthy WRI, A32.

⁵⁰⁶⁵ **E1/309.1** Uth Seng, T. 3 June 2015, 09.46.42; **E3/5267** Ut Seng WRI, EN 00282355-56; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.50.16; **E3/9755** Hin Long WRI, A44.

⁵⁰⁶⁶ **E3/7775** Kang Ut WRI, EN 00233533; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59-13.25.33.

late 1978.⁵⁰⁶⁷ The killings at Wat Baray Choan Dek peaked in 1977-1978.⁵⁰⁶⁸ Thousands of victims were killed there.⁵⁰⁶⁹

2. Enforced Disappearances

1166. Most witnesses knew people who disappeared from the 1st January Dam worksite or heard of arrests followed by such disappearances.⁵⁰⁷⁰ Disappearances happened mainly at night.⁵⁰⁷¹ Workers were called to attend meetings or to study,⁵⁰⁷² or were tied up and taken away into trucks or oxcarts, in effect disappearing.⁵⁰⁷³ Disappearance applied notably to people who did not obey orders.⁵⁰⁷⁴ Many of them were New People.⁵⁰⁷⁵

⁵⁰⁶⁷ **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59 [“When I attended the meeting [...] saw bloodstains on the walls of the main hall and the eating hall”]; **E3/5265** Um Chi WRI, EN 00282348.

⁵⁰⁶⁸ Men Le said that the killings peaked “in 1978” when the Southwest group came to take control of the prison and the dam construction had started; however, the Southwest cadres came at the time of the purges in early 1977 and the construction officially started in January 1977; therefore, the Southwest Zone cadres more likely took control of the prison in mid- to late 1977: **E3/5287** Men Le WRI, EN 00330775 [“In 1978, I saw many people sent to the pagoda, but none survived ... I estimate that they killed approximately five thousand people in 1978”], EN 00330776 [“after the [1 January dam] construction started, there was an increase in the number of prisoners transported in trucks and horse carts ... In 1978, more trucks and horse carts came in than before, and ... the Southwest group came to take control of that prison”].

⁵⁰⁶⁹ **E3/3207**, **E3/3217**, **E3/8135** Photographs depicting human skeletal remains at Wat Baray Choan Dek Memorial; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.55.55-10.59.14; **E1/322.1** Kong Uth, T. 25 June 2015, 11.24.51 [saw 4 or 5 large pits after the regime; confirms skeleton remains are preserved in a stupa]; **E3/8295** DC-Cam Mapping Report “Srok Baray, Wat Baray Choan Dek, 1997”, EN 00068527; **E3/3218** Henri Locard, *Kampong Thom-Uddor Region 43*, EN 00208424; **E3/5287** Men Le WRI, EN 00330775 [“I estimate that they killed approximately five thousand people in 1978”], EN 00330776-77 [“bones of thousands of people”]; **E3/8303** OCP Analytical Report, *OCP Field Trip to Kampong Thom*, 30 Jan 2007, EN 00096744-45 [estimates of more than 20,000 victims, including 7,000 mobile youth unit people].

⁵⁰⁷⁰ **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.36.45-10.39.35 [“Concerning disappearance of people at the 1st January Dam, ... people were being taken away ... Each sangkat chief told me”], 14.27.18 [“There were disappearances of both Base People and New People and when I asked about their disappearance, I was told that they had been sent for study sessions”]; **E3/5294** Sou Soeun WRI, EN 00360117 [At the 1st Jan Dam worksite “not only the 17 April People disappeared but also the Base People”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 10.44.12-10.48.00, 10.49.39 [“three or four of co-workers disappeared. Danet who was ... a New Person, disappeared”]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.35.00; **E1/326.1** Om Chy, T. 30 July 2015, 13.16.31-13.18.15; **E3/403** Pech Sokha WRI, EN 00403006; **E1/301.1** Or Ho, T. 19 May 2015, 11.29.21; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28; **E1/308.1** Seang Sovida, T. 2 June 2015, 13.30.00-13.36.50; **E1/322.1** Kong Uth, T. 25 June 2015, 10.38.00; **E3/9349** Chuop Non WRI, EN 00244157-58; **E3/7785** Choeu Saing WRI, EN 00244151; **E3/7775** Kang Ut WRI, EN 00233533; **E3/7812** Khiev Sokh WRI, EN 00282327, 29; **E3/5255** Or Ho WRI, EN 00250046; **E3/5249** Vann Theng WRI, EN 00231859.

⁵⁰⁷¹ **E3/5267** Ut Seng WRI, EN 00282355 [“Night work was a special thing, because people disappeared from the other units”]; **E3/7775** Kang Ut WRI, EN 00233534; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15.

⁵⁰⁷² **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.36.45 [“Concerning disappearance of people at the 1st January Dam site, I only knew that people were being taken away for study sessions”]; **E3/5267** Ut Seng WRI, EN 00282356; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.29.50; **E3/403** Pech Sokha WRI, EN 00403006.

⁵⁰⁷³ **E3/5267** Ut Seng WRI, EN 00282357 [“I saw them tie-up people and walk them away from District Security; a person carrying a hoe was walking along behind”]; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5255** Or Ho WRI, EN 00250044 [[17 April] families “were taken away by truck ... I think [it] was a

PERSECUTION

1167. The working and living conditions at the 1st January Dam worksite were globally the same for New and Base People.⁵⁰⁷⁶ However, there were meaningful differences of treatment because New People were categorised as “depositees” and were considered as political enemies of the regime, rendering them particularly vulnerable to strict disciplinary measures and repression. New People, identified as such as a political group, were more prone to be punished, arrested, and killed than Base People for any wrongdoing.⁵⁰⁷⁷ In order to survive, the New People had to obey even more strictly than others any instruction given without complaining.⁵⁰⁷⁸ The lack of trust towards New People was also reflected by the fact that they were never appointed to key positions such as mobile group, unit or team chiefs, or cooks.⁵⁰⁷⁹

11. KAMPONG CHHNANG AIRFIELD CONSTRUCTION SITE

Your Honour, the airfield in Kampong Chhnang was a location that we could refer to it as a prison without walls. Nobody could walk freely. It was the same as the other concentration camps throughout the country, and the

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- 5074 killing site, because I never saw those people return”]; **E3/9351** Meas Layhuor WRI, EN 00244165.
E1/304.1 Meas Layhuor, T. 25 May 2015, 15.08.12; **E3/7775** Kang Ut WRI, EN 00233533; **E3/5267** Ut Seng WRI, EN 00282355.
- 5075 **E1/308.1** Seang Sovida, T. 2 June 2015, 13.30.00-13.36.50; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.49.39; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5255** Or Ho WRI, EN 00250044; **E3/5265** Um Chi WRI, EN 00282345; **E3/9351** Meas Layhuor WRI, EN 00244163, 65; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.27.18; **E3/5294** Sou Soeun WRI, EN 00360117. *See also* on executions at Wat Baray Choan Dek / Sralao Toung: **E3/9755** Hin Long WRI, A47; **E319/33.3.11** Veng Vuthy WRI, A14.
- 5076 **E1/308.1** Seang Sovida, T. 2 June 2015, 11.21.13; **E1/326.1** Om Chy, T. 30 July 2015, 15.13.55; **E1/311.1** Sou Soeurn, T. 5 June 2015, 15.09.42; **E1/302.1** Or Ho, T. 20 May 2015, 09.53.35; Uth Seng pointed to differences for food and clothing: **E3/5267** Ut Seng WRI, EN 00282356; **E1/309.1** Uth Seng, T. 3 June 2015, 10.05.00, 11.16.57, 11.22.08, 14.35.15.
- 5077 **E1/301.1** Or Ho, T. 19 May 2015, 14.10.37 [“those who were transferred from Phnom Penh or the Cham people, they were considered the depositee people”], 09.46.11 [“For depositee people, when they had committed wrongdoings ... they were easily found to be at fault”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.21.13 [“New People didn't have any rights. We were considered as their enemies”]; **E1/309.1** Uth Seng, T. 3 June 2015, 11.16.57; **E3/5255** Or Ho WRI, EN 00250047; **E3/5294** Sou Soeun WRI, EN 00360114; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28; **E3/9351** Meas Layhuor WRI, EN 00244163, 65; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.20.31; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.49.39; **E1/322.1** Kong Uth, T. 25 June 2015, 11.27.35. *See sections above 1st January Dam – Murder, Extermination, and Enforced Disappearances. See also E3/5293* 2-TCW-850 WRI, EN 00351703.
- 5078 **E1/306.1** Hun Sethany, T. 27 May 2015, 09.28.17 [“As for the New People, no, they didn't violate any instruction; they were so afraid ... Old People had a bit more right[s]; they could go, for example, 10 or 20 metres far from the lines that they were standing guard but the New People didn't dare do so ... If the Old People made a minor mistake, the Old People could provide justification ... this did not apply to the New People. The New People ... did not dare to protest ... in order to survive”]; **E1/307.1** Un Ron, T. 28 May 2015, 09.45.50.
- 5079 **E1/305.1** Hun Sethany, T. 26 May 2015, 15.58.40; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.37.26; **E3/7812** Khiev Sokh WRI, EN 00282327; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.33.33; New people were neither trusted to attend the inauguration of the dam or other ceremonies chaired by CPK leaders: **E1/305.1** Hun Sethany, T. 26 May 2015, 15.49.15-15.52.48.

*work at the airfield was intensive and pure labour. Therefore, life there was extremely difficult... the people who were transferred into the unit at the airfield was already decided as partly a prison already, so their status was like the status of those who were sent to Prey Sar*⁵⁰⁸⁰

– Kaing Guek Eav alias Duch

1168. Thousands of soldiers from units suspected of lacking loyalty to the DK regime were forced to work under conditions of enslavement at the Kampong Chhnang Airfield. The airfield was intended for military defence⁵⁰⁸¹ and was the responsibility of Division 502, the DK air force. These former soldiers suffered under inhumane conditions which led to many illnesses and deaths. Many were executed or taken away and disappeared because of their perceived enemy status.

1169. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity⁵⁰⁸² committed in relation to the airfield: murder, extermination, enslavement, persecution on political grounds and other inhumane acts through attacks against human dignity and enforced disappearances.⁵⁰⁸³

LOCATION AND OPERATION

1170. The airfield was located in Kraing Leav commune, Rolea P'ier District, Kampong Chhnang province, within Sector 31 of the West Zone (Zone 401),⁵⁰⁸⁴ seven kilometres northwest of Kampong Chhnang town.⁵⁰⁸⁵ The airfield construction commenced by at least March 1976⁵⁰⁸⁶ and continued until January 1979 when the Vietnamese captured the area before construction was complete.⁵⁰⁸⁷

⁵⁰⁸⁰ **E3/7477** Kaing Guek Eav alias Duch, T. 15 Sept 2009, 15.57.16-16.00.14.

⁵⁰⁸¹ **E1/317.1** Keo Loeur, T. 16 June 2015, 10.02.28-10.04.35.

⁵⁰⁸² For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

⁵⁰⁸³ **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; 1470 [other inhumane acts (enforced disappearances)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689.

⁵⁰⁸⁴ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378432; **E3/7892** Som Chhom WRI, A2; **E3/5284** Khin Vat WRI, EN 00315914.

⁵⁰⁸⁵ **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436944.

⁵⁰⁸⁶ **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 0018266; **E3/5532** Him Han alias Ream WRI, EN 00425233; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5273** Keo Kin WRI, EN 00290500; **E1/319.1** Sem Hoeun alias Kim, T. 22 June 2015, 10.51.34-10.54.13; **E1/320.1** Sem Hoeun, T. 23 June

1171. Covering around 300 hectares⁵⁰⁸⁸ and stretching seven kilometres,⁵⁰⁸⁹ the airfield consisted of two 2,400 metre-long runways designed for large aircraft,⁵⁰⁹⁰ a five-storey control tower and administration building,⁵⁰⁹¹ soldier and guard buildings, regiment headquarters and a commander's house,⁵⁰⁹² a field kitchen,⁵⁰⁹³ a fuel dump,⁵⁰⁹⁴ a saw mill,⁵⁰⁹⁵ a stone quarry,⁵⁰⁹⁶ as well as a tunnel which was under construction in the adjacent hill.⁵⁰⁹⁷ Three kilometres southeast of the airfield proper, on the other side of Route 145, situated in a series of low hills, was a complex of excavated caverns, which were to be used as a fuel depot, command bunkers, and aircraft hangars.⁵⁰⁹⁸

1172. The Chinese government provided up to 500 engineers and technicians who offered advice and supervision,⁵⁰⁹⁹ as well as machinery and equipment for the airfield's construction.⁵¹⁰⁰

AUTHORITY STRUCTURE AND COMMUNICATION

Above the Worksite

1173. The Standing Committee decided upon the location and construction of the airfield at Kampong Chhnang at least by 21 April 1976,⁵¹⁰¹ having discussed its military

2015, 10.57.59-11.00.14; **E3/5278** Chan Morn WRI, EN 00292822; **E3/7892** Som Chhom WRI, A2; **E3/5526** Srun Chey WRI, EN 00426307-08; **E3/5530** Kaot Rin WRI, EN 00423584-86.
⁵⁰⁸⁷ **E3/5532** Him Han WRI, EN 00425236; **E3/5273** Keo Kin WRI, EN 00290502; **E3/5280** Sem Hoeun WRI, EN 00290517; **E3/5272** Loeung Kimchhong WRI, EN 00290659; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/471** Prak Yoeun WRI, EN 00223337.
⁵⁰⁸⁸ **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436944.
⁵⁰⁸⁹ **E3/5278** Chan Morn WRI, EN 00292822.
⁵⁰⁹⁰ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378437; **E3/5274** Sum Sokhan WRI, EN 00292864.
⁵⁰⁹¹ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378435-36; **E3/7892** Som Chhom WRI, A5.
⁵⁰⁹² **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378438, 39, 41-42; **E3/5532** Him Han WRI, EN 00425233.
⁵⁰⁹³ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378439-40.
⁵⁰⁹⁴ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378442-44; **E3/5526** Srun Chey WRI, EN 00426309.
⁵⁰⁹⁵ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378439.
⁵⁰⁹⁶ **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444-45; **E3/5532** Him Han WRI, EN 00425234; **E3/5278** Chan Morn WRI, EN 00292823; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.44.55-13.46.20; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5284** Khin Vat WRI, EN 00315914.
⁵⁰⁹⁷ **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436950; **E3/8055** Site Identification Report, 8 Apr 2010, EN 00519581-87; **E3/7321** Cambodia Daily, *Tunneling for Total Revolution*, 27 Mar 2010, EN 00583653-57; **E3/7892** Som Chhom WRI, A5.
⁵⁰⁹⁸ **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.38.10-13.40.34; **E3/5284** Khin Vat WRI, EN 00315914; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.37.55-10.40.42; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979.
⁵⁰⁹⁹ **E3/5278** Chan Morn WRI, EN 00292822-23; **E1/320.1** Sem Hoeun, T. 23 June 2015, 10.37.12-10.40.27, 10.43.06-10.47.26; **E3/5284** Khin Vat WRI, EN 00315915; **E3/3961** Sum Chea WRI, EN 00223348; **E3/416** Hen Sophal WRI, EN 00374048; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5276** Sin Sot WRI, EN 00287356.
⁵¹⁰⁰ **E3/5278** Chan Morn WRI, EN 00292822; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.44.55-13.46.20.

importance from at least October 1975.⁵¹⁰² The airfield and its construction was the responsibility of Division 502⁵¹⁰³ and the Division Secretary Sou Met,⁵¹⁰⁴ by virtue of the division's overall responsibility for DK's air force and airports.⁵¹⁰⁵ Sou Met reported directly to Son Sen, the Chief of the General Staff⁵¹⁰⁶ and Standing Committee Member.

1174. There was regular communication between the Standing Committee members, the General Staff, and Division 502 leadership on the progress of construction and the implementation of the CPK enemy policy. Son Sen would report to other members of the Standing Committee on the progress of the airfield construction.⁵¹⁰⁷ Son Sen,⁵¹⁰⁸ Ta Mok,⁵¹⁰⁹ Ieng Sary,⁵¹¹⁰ and **Khieu Samphan**⁵¹¹¹ visited the airfield during its construction to monitor its progress and meet with the supervisors.⁵¹¹² Sou Met visited the airfield regularly to chair meetings with workers and inspect the progress.⁵¹¹³

1175. Sou Met would also meet with Son Sen and commanders of the RAK centre divisions and independent regiments on a regular basis. Between 18 August 1976 and December 1976, this military leadership group agreed to purge anyone in the RAK that they categorised as being traitorous,⁵¹¹⁴ disloyal,⁵¹¹⁵ or unclean⁵¹¹⁶ due to real or perceived

⁵¹⁰¹ **E3/235** CPK Standing Committee Minutes, 21 Apr 1976, EN 00183419; **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 00182666.

⁵¹⁰² **E3/183** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183407; **E3/229** CPK Standing Committee Minutes, 22 Feb 1976, EN 00182627.

⁵¹⁰³ **E3/5278** Chan Morn WRI, EN 00292822; **E3/416** Hen Sophal WRI, EN 00374048; **E3/5536** Seng Mon WRI, EN 00359932.

⁵¹⁰⁴ **E3/1136** DK Military List, EN 00543743 ["No.6 Unit Number 502, Unit Chair comrade Met"]. See further **Annex A**.

⁵¹⁰⁵ **E3/8366** DK Military Meeting Minutes, 3 Mar 1976, EN 00234008; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/416** Hen Sophal WRI, EN 00374046; **E3/5536** Seng Mon WRI, EN 00359932.

⁵¹⁰⁶ **E3/183** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393; **E3/70** Lonh Dos WRI, A45-46.

⁵¹⁰⁷ **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 00182665-66.

⁵¹⁰⁸ **E3/3962** Khoem Samhuon WRI, EN 00293368.

⁵¹⁰⁹ **E1/312.1** Chan Morn, T. 9 June 2015, 16.06.22-16.11.51; **E3/5278** Chan Morn WRI, EN 00292824; **E1/325.1** Khin Vat, T. 29 July 2015, 15.22.55-15.25.20 *confirming* **E3/5284** Khin Vat WRI, EN 00315915; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/3962** Khoem Samhuon WRI, EN 00293368.

⁵¹¹⁰ **E1/312.1** Chan Morn, T. 9 June 2015, 13.33.12-12-13.41.01.

⁵¹¹¹ **E1/312.1** Chan Morn, T. 9 June 2015, 13.33.12-12-13.41.01; **E1/320.1** Sem Hoeun T. 23 June 2015, 9.37.50-9.39.36; **E1/325.1** Khin Vat, T. 29 July 2015, 15.18.32-15.25.20.

⁵¹¹² **E1/312.1** Chan Morn, 9 June 2015, 13.33.12-13.41.01; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.08.50-10.11.05.

⁵¹¹³ **E3/5273** Keo Kin WRI, EN 00290501-02; **E1/312.1** Chan Morn, T. 9 June 2015, 10.37.01-10.41.23; **E3/5278** Chan Morn WRI, EN 00292824; **E1/325.1** Khin Vat, T. 29 July 2015, 14.05.23-14.07.18; **E1/316.1** Keo Loeur, T. 16 June 2015, 10.01.14-10.04.11; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/416** Hen Sophal WRI, EN 00374048; **E3/7892** Som Chhom WRI, A8; **E3/5284** Khin Vat WRI, EN 00315914; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5272** Loeung Kimchhong WRI, EN 00290657.

⁵¹¹⁴ **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183984-84; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844; **E3/809**, **E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183974.

opposition to the CPK. At these meetings Son Sen instructed these divisional and regimental leaders to constantly monitor their units and be on guard against enemies that “bore from within.”⁵¹¹⁷ He instructed these men to continuously seek out the “biographies” of their personnel to identify who should be purged.⁵¹¹⁸ Sou Met stated that he was “happy”⁵¹¹⁹ and had “faith in the Party”⁵¹²⁰ to rid the RAK of traitorous links, agreeing that the Party must “dare absolutely”⁵¹²¹ to continue the purges. At these meetings Sou Met would report on how he and his Division was successful in implementing the purge.⁵¹²²

At the Worksite

1176. The on-site supervisor of the airfield was the deputy secretary of Division 502, Lvey, Sou Met’s direct subordinate.⁵¹²³ Under Sou Met and Lvey, Division 502 established a security force to maintain internal and external control over the airfield. Internally, guards were organised into squads of two or three and assigned a group of workers to patrol.⁵¹²⁴ Workers, as well as their unit chiefs,⁵¹²⁵ were under constant surveillance⁵¹²⁶

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- ⁵¹¹⁵ **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844; **E3/809 E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183974.
- ⁵¹¹⁶ **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183986; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844.
- ⁵¹¹⁷ **E3/815** DK Military Meeting Minutes, 18 Oct 1976, EN 00143500; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933840; **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183986.
- ⁵¹¹⁸ **E3/158** DK Military Meeting Minutes, 9 Sept 1976; **E3/800** DK Military Meeting Minutes, 16 Sept 1976; **E3/802** DK Military Meeting Minutes, 11 Nov 1976; **E3/804** DK Military Meeting Minutes, 15 Dec 1976, EN 00233718; **E3/725** *Revolutionary Flag*, Dec 1977-Jan 1978, EN 00184312, EN 00184315, EN 00184317.
- ⁵¹¹⁹ **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990.
- ⁵¹²⁰ **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990.
- ⁵¹²¹ **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990; **E3/797** DK Military Meeting Minutes, 18 Aug 1976, EN 00183965.
- ⁵¹²² **E3/809, E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183970; **E3/801** DK Military Meeting Minutes, 30 Sept 1976; **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183983; **E3/725** *Revolutionary Flag*, Dec 1977-Jan 1978.
- ⁵¹²³ **E3/1139** DK Military List, 22 Jan 1976; **E3/1138** DK Report, 27 Feb 1976; **E3/316.1** Keo Loeur, T. 15 June 2015, 09.59.28-10.01.14; **E3/5532** Him Han WRI, EN 00425235; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5278** Chan Morn WRI, EN 00292822; **E3/5284** Khin Vat WRI, EN 00315914; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5530** Kaot Rin WRI, EN 00423584; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, A8; **E3/5526** Srun Chey WRI, EN 00426308; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278685; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/5277** Pel Kan WRI, EN 00292834-35; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5654** Haur Ly DC-Cam Statement, EN 00183592; **E3/3959** Kung Kim WRI, EN 00278685.
- ⁵¹²⁴ **E1/313.1** Keo Kin, T. 10 June 2015, 15.58.08-16.00.14; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.10.20; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.16.57-10.21.36.
- ⁵¹²⁵ **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.58.56-11.00.57.
- ⁵¹²⁶ **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.42.29.

and guards would report transgressions to the supervisors.⁵¹²⁷ Guards would arrest workers⁵¹²⁸ and order workers who were further accused as being enemies onto trucks to be sent away from the airfield.⁵¹²⁹

1177. Externally, police groups,⁵¹³⁰ mainly from the Southwest,⁵¹³¹ were organised into squads and assigned tasks including protecting the airfield from outside threats such as entry of enemies and civilians,⁵¹³² and protecting senior CPK leaders⁵¹³³ and a Chinese delegation when they were present.⁵¹³⁴ These guard and protection units reported directly to Lvey and Sou Met.⁵¹³⁵

1178. At the airfield, Lvey would hold daily meetings giving orders to his assistants.⁵¹³⁶ Arrested workers were brought to his office at gunpoint, tied up, and then placed on trucks and sent towards Phnon Penh.⁵¹³⁷ Outside of the airfield, the West Zone committee would send monthly reports to the Centre on various issues such as reported escapes of airfield workers.⁵¹³⁸

OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

1179. One worker at the airfield testified how the conditions imposed on him made him feel: “[a]t that time, I felt that I was like a dead person, that I already died, and I never thought that I would survive. I thought that I would die from overwork or exhaustion”.⁵¹³⁹ The evidence heard at trial demonstrates that the effect of these conditions would have made tens of thousands of other workers feel the same.

⁵¹²⁷ **E1/320.1** Him Han, T. 23 June 2015, 15.57.48-15.59.43; **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.12.29; **E1/320.1** Sem Houen alias Kim, T. 23 June 2015, 15.57.48-15.59.43; **E3/5280** Sem Hoeun WRI, EN 00290516; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15.

⁵¹²⁸ **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/313.1** Chan Morn, T. 10 June 2015, 14.26.21-14.31.46.

⁵¹²⁹ **E3/5279** Sreng Thi WRI, EN 00293010.

⁵¹³⁰ **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.12.29.

⁵¹³¹ **E1/320.1** Sem Houen, T. 23 June 2015, 15.19.55-15.22.30.

⁵¹³² **E1/320.1** Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57.

⁵¹³³ **E1/317.1** Keo Loeur, T. 16 June 2015, 10.08.50-10.11.05.

⁵¹³⁴ **E1/313.1** Chan Morn, T. 10 June 2015, 14.14.37-14.18.01; **E1/314.1** Keo Kin, T. 11 June 2015, 09.58.44-10.00.07.

⁵¹³⁵ **E1/313.1** Chan Morn, T. 10 June 2015, 14.12.56-14.18.01; **E1/314.1** Keo Kin, T. 11 June 2015, 09.28.44-09.30.50.

⁵¹³⁶ **E3/5278** Chan Morn WRI, EN 00292823-25.

⁵¹³⁷ **E1/314.1** Keo Kin, T. 11 June 2015, 09.16.00-09.21.30, 09.26.33-09.28.44, 15.14.20-15.18.05.

⁵¹³⁸ **E3/1094** DK Report, 4 Aug 1978, EN 00315368-69.

⁵¹³⁹ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.23.14-15.25.22

1180. The number of workers at the airfield increased over time. When construction started in 1976 there were only a handful of people and Chinese experts.⁵¹⁴⁰ Within six months, approximately 1,000 soldiers had arrived⁵¹⁴¹ and by March 1977 there were more than 2,500 soldiers at the airfield.⁵¹⁴² Hundreds of workers were sent to the airfield at a time,⁵¹⁴³ and the worksite was crowded with many people working in the same areas.⁵¹⁴⁴ On one occasion, after the purge of the East Zone, approximately 5,000 East Zone soldiers were arrested and sent to the airfield.⁵¹⁴⁵ By 1978, there were more than 30,000 people at the airfield, mostly from the East Zone but also from the North, Southwest, and Central Zones.⁵¹⁴⁶

1181. All the workers at the airfield were former soldiers.⁵¹⁴⁷ They had been stripped of their military status, disarmed⁵¹⁴⁸ and forced to work.⁵¹⁴⁹ They retained no ranks⁵¹⁵⁰ and their movements were restricted. The workers wore the same black clothes,⁵¹⁵¹ in contrast to the Division 502 supervisors⁵¹⁵² and guards, who wore khaki military uniforms.⁵¹⁵³ The RAK used the construction of the airfield to temper and refashion soldiers⁵¹⁵⁴ that were

⁵¹⁴⁰ **E1/312.1** Chan Morn, T. 9 June 2015, 14.07.23-14.09.23; **E1/314.1** Keo Kin, T. 11 June 2015, 14.29.02-14.31.16; **E3/5273** Keo Kin WRI, 00290500.

⁵¹⁴¹ **E1/314.1** Keo Kin, T. 11 June 2015, 14.10.22-14.12.49; **E1/320.1** Sem Hoeun, T. 23 June 2015, 15.54.20-15.57.48.

⁵¹⁴² **E3/849** DK Report, 7 Apr 1977, EN 00183956.

⁵¹⁴³ **E3/5280** Sem Hoeun WRI, EN 00290515; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.15.48-14.21.08 confirming **E3/467** Keo Loeur WRI, EN 00205074; **E3/5276** Sin Sot WRI, EN 00287355.

⁵¹⁴⁴ **E1/312.1** Chan Morn, T. 9 June 2015, 10.08.10-10.09.31, 10.50.25-10.52.26; **E3/5276** Sin Sot WRI, EN 00287355.

⁵¹⁴⁵ **E3/361** Chhouk Rin WRI, EN 00766457.

⁵¹⁴⁶ **E1/319.1** Sem Houen, T. 22 June 2015, 11.03.38-11.05.43; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/7894** Khvae Ni WRI, A3.

⁵¹⁴⁷ **E1/312.1** Chan Morn, T. 9 June 2015, 09.57.40-09.59.32; **E1/316.1** Keo Loeur, T. 15 June 2015, 15.39.23-15.42.55.

⁵¹⁴⁸ **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.29.14-9.30.42; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.14.28-14.15.48; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 14.28.47-14.30.49.

⁵¹⁴⁹ **E1/320.1** Him Han, T. 23 June 2015, 15.13.50-15.16.00; **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/321.1** Chum Samoeun, T. 24 June 2015, 13.55.50-13.58.50; **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.05.43-11.08.06; **E1/326.1** Khin Vat, T. 30 July 2015, 09.59.42-10.05.12.

⁵¹⁵⁰ **E1/315.1** Keo Loeur, T. 12 June 2015, 14.14.28-14.15.28.

⁵¹⁵¹ **E1/321.1** Him Han, T. 24 June 2015, 10.01.30-11.04.11; **E1/313.1** Keo Kin, T. 10 June 2015, 16.05.50-16.08.50; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.28.17-14.31.29; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.46.42-09.49.00; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.04.35-10.11.05, 10.14.34-10.16.57.

⁵¹⁵² **E1/325.1** Khin Vat, T. 29 July 2015, 13.51.23-13.53.25; **E1/326.1** Khin Vat, T. 30 July 2015, 09.52.03-09.54.54.

⁵¹⁵³ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.14.34-10.16.57.

⁵¹⁵⁴ **E1/320.1** Sem Hoeun alias Kim, T. 23 June 2015, 10.57.59-11.00.14; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979.

suspected of disloyalty,⁵¹⁵⁵ had a “bad” biography,⁵¹⁵⁶ or were accused of moral misconduct.⁵¹⁵⁷ The majority of the tempered former soldiers were from Divisions 310,⁵¹⁵⁸ 450,⁵¹⁵⁹ 170,⁵¹⁶⁰ 703,⁵¹⁶¹ and “bad elements” from 502.⁵¹⁶²

1182. The former North Zone soldiers were brought for tempering in 1977⁵¹⁶³ following the arrest of the commanders of Division 310, Oeun, Kim and Voeung.⁵¹⁶⁴ Handicapped soldiers from this Division were also sent to the airfield.⁵¹⁶⁵ The former East Zone soldiers began arriving at the airfield as early as 1976.⁵¹⁶⁶ By late 1977,⁵¹⁶⁷ the purge of

⁵¹⁵⁵ **Betraying Angkar: E1/314.1** Keo Kin, T. 11 June 2015, 09.16.00-09.21.30; **E3/5532** Him Han WRI, EN 00425235; **E3/3961** Sum Chea WRI, EN 00223347. **Links to Traitorous Networks: E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/319.1** Sem Hoeun T. 22 June 2015, 10.42.50-10.45.02, 10.46.08-10.51.34; **E3/5280** Sem Hoeun WRI, EN 00290517; **E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.53-14.04.05; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.47.11-15.52.15 *confirming* **E3/467** Keo Loeur, 00205073-74; **E3/369** Koy Mon WRI, EN 00272716. **Links to Vietnam: E1/325.1** Khin Vat, T. 29 July 2015, 13.37.09-13.41.28; **E3/421** Chhouk Rin WRI, EN 00414059-60. **Links to Former Lon Nol Regime: E1/316.1** Keo Loeur, T. 15 June 2015, 09.37.00-09.38.20, 09.40.48-09.42.45, 14.24.32-14.26.38; **E3/5278** Chan Morn WRI, EN 00292825.

⁵¹⁵⁶ **Bad Biography: E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.33-14.01.13; **E3/5526** Srun Chey WRI, EN 00426310; **E3/5537** Sokh Chhay WRI, EN 00404294-95. **Bad Elements: E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/319.1** Sem Hoeun T. 22 June 2015, 11.05.43-11.08.06; **E3/5530** Kaot Rin WRI, EN 00423585 [“You indicated to us about two types of soldiers who worked at the airport by saying that some were ordinary soldiers while the others were the ones who had affiliation. Could you elaborate further on this? The soldiers with bad elements were those who were affiliated with the former Lon Nol's officers. They were put to work to the East of the Kampong Chhnang airport. Those who worked to the West of the airport were non affiliated soldiers. They were exposed to lighter labour in which they were made to just drive cars, saw timbers or supervise the East of the airport workers”]; **E3/5526** Srun Chey WRI, EN 00426310. **Enemy Tendencies: E1/319.1** Sem Hoeun, T. 22 June 2015, 10.40.58-10.42.50; **E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.53-14.01.13; **E3/369** Koy Mon WRI, EN 00272717.

⁵¹⁵⁷ **E3/362** Chhouk Rin WRI, EN 00268895; **E3/5526** Srun Chey WRI, EN 00426310; **E3/5537** Sokh Chhay WRI, EN 00404294-95.

⁵¹⁵⁸ **E1/319.1** Sem Hoeun, T. 22 June 2015, 14.16.31-14.19.10; **E3/5280** Sem Hoeun WRI, EN 00290515; **E3/467** Keo Loeur WRI, EN 00205072-73; **E3/5526** Srun Chey WRI, EN 00426308; **E3/3962** Khoem Samhuon WRI, EN 00293364; **E3/3959** Kung Kim WRI, EN 00278681, 00278685; **E3/376** Lay Ean WRI, EN 00278690; **E3/7877** Nuon (Tes) Trech WRI, EN 00346978-79.

⁵¹⁵⁹ **E1/318.1** Kong Siek, T. 17 June 2015, 11.38.48-11.40.31; **E3/467** Keo Loeur WRI, EN 00205074; **E3/7477** Kaing Guek Eav, T. 15 Sept 2009, 15.53.14-16.00.14; **E3/5526** Srun Chey WRI, EN 00426308; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/5537** Sokh Chhay WRI, EN 00404295; **E3/5554** Pol Nhan WRI, EN 00377400.

⁵¹⁶⁰ **E3/5526** Srun Chey WRI, EN 00426308, EN 00426310; **E3/369** Koy Mon WRI, EN 00272715-17.

⁵¹⁶¹ **E3/5526** Srun Chey WRI, EN 00426308.

⁵¹⁶² **E1/314.1** Keo Kin, T. 11 June 2015, 13.38.52-13.45.42; **E3/5273** Keo Kin WRI, EN 00290498; **E1/321.1** Chum Samouern, T. 24 June 2015, 15.31.55-15.34.19; **E3/5263** Sreng Thi WRI, EN 00282224-25; **E3/5537** Sokh Chhay WRI, EN 00404294.

⁵¹⁶³ **E1/320.1** Him Han, T. 23 June 2015, 15.08.58-15.10.13; **E3/5532** Him Han WRI, EN 00425233, EN 00425235; **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.40.58-10.42.50; **E3/467** Keo Loeur WRI, EN 00205073-74; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/5537** Sokh Chhay WRI, EN 00404295; **E3/3959** Kung Kim WRI, EN 00278684-85.

⁵¹⁶⁴ **E3/5532** Him Han WRI, EN 00425236; **E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/316.1** Keo Loeur, T. 15 June 2015, 11.05.30-11.08.05; **E3/467** Keo Loeur WRI, EN 00205073-74; **E3/3959** Kung Kim WRI, EN 00278684, 00278684.

⁵¹⁶⁵ **E1/315.1** Keo Loeur, T. 12 June 2015, 14.26.13-14.28.17.

⁵¹⁶⁶ **E1/313.1** Keo Kin, T. 10 June 2015, 15.38.18-15.41.38.

⁵¹⁶⁷ **E3/362** Chhouk Rin WRI, EN 00268896; **E3/361** Chhouk Rin WRI, EN 00766453-54.

the East Zone leaders had begun with many East Zone commanders arrested.⁵¹⁶⁸ The purges intensified in 1978. Surviving East Zone troops were disarmed and sent to build the airfield.⁵¹⁶⁹ As part of this purge, Son Sen ordered commanders to be arrested and sent to S-21 and their troops to be sent to the airfield as punishment and for tempering.⁵¹⁷⁰

1183. *Forced labour*: The nature of the work was physically arduous and often dangerous. Workers were organised into sections, with each unit having various duties.⁵¹⁷¹ They were forced to undertake strenuous manual labour, including: dismantling buildings,⁵¹⁷² constructing garages;⁵¹⁷³ collecting waste;⁵¹⁷⁴ clearing forest, uprooting trees, digging tree stumps, and pulling grass;⁵¹⁷⁵ making fertiliser;⁵¹⁷⁶ blasting rocks;⁵¹⁷⁷ breaking, carrying and laying stones;⁵¹⁷⁸ crushing, tamping and leveling earth;⁵¹⁷⁹ carrying sand

⁵¹⁶⁸ **E3/5273** Keo Kin WRI, EN 00290500; **E3/362** Chhouk Rin WRI, EN 00268896-97; **E3/361** Chhouk Rin WRI, EN 00766452; **E3/5530** Kaot Rin WRI, EN 00423585.

⁵¹⁶⁹ **E3/361** Chhouk Rin WRI, EN 00766453-54; **E3/362** Chhouk Rin WRI, EN 00268897; **E3/421** Chhouk Rin WRI, EN 00414059-60; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184109.

⁵¹⁷⁰ **E1/314.1** Keo Kin, T. 11 June 2015, 09.26.33-09.28.44; **E3/5532** Him Han WRI, EN 00425235; **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 14.28.47-14.30.49; **E3/5273** Keo Kin WRI, EN 00290500; **E3/361** Chhouk Rin WRI, EN 00766456-57; **E3/7894** Khvae Ni WRI, A3; **E3/5279** Sreng Thi WRI, EN 00293009.

⁵¹⁷¹ **E1/312.1** Chan Morn, T. 9 June 2015, 09.59.32-10.01.40; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.19.16-15.21.26; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.06.50-10.08.40.

⁵¹⁷² **E3/5273** Keo Kin WRI, EN 00290500.

⁵¹⁷³ **E1/314.1** Keo Kin, T. 11 June 2015, 14.42.23-14.44.36.

⁵¹⁷⁴ **E1/312.1** Chan Morn, T. 9 June 2015, 09.59.32-10.01.40.

⁵¹⁷⁵ **E3/5532** Him Han WRI, EN 00425233-34; **E3/5150** Him Han WRI, EN 00223352; **E1/313.1** Keo Kin, T. 10 June 2015, 15.36.52-15.38.18; **E1/313.1** Keo Kin, T. 10 June 2015, 15.38.18-15.41.38; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 00292823; **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.54.13-10.56.04; **E3/5284** Khin Vat WRI, EN 00315914; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.19.16-15.21.26; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.38.20-09.40.48; **E3/467** Keo Loeur WRI, EN 00205074; **E3/3961** Sum Chea WRI, EN 00223348; **E3/5530** Kaot Rin WRI, EN 00423586; **E3/5276** Sin Sot WRI, EN 00287355; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5526** Srun Chey WRI, EN 00426309; **E3/5274** Sum Sokhan WRI, EN 00292864-65; **E3/3959** Kung Kim WRI, EN 00278685; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/5663** Kung Chanthi DC-Cam Statement Summary, EN 00184196.

⁵¹⁷⁶ **E1/326.1** Khin Vat, T. 30 July 2015, 10.03.25-10.05.12.

⁵¹⁷⁷ **E3/5532** Him Han WRI, EN 00425234; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 00292823; **E3/5284** Khin Vat WRI, EN 00315914; **E3/369** Koy Mon WRI, EN 00272717; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, EN 00422367; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979; **E3/5526** Srun Chey WRI, EN 00426309-10; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.

⁵¹⁷⁸ **E3/5532** Him Han WRI, EN 00425233-34; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/5530** Kaot Rin WRI, EN 00423584; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5277** Pel Kan WRI, EN 00292834.

⁵¹⁷⁹ **E3/5532** Him Han WRI, EN 00425233-34; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5530** Kaot Rin WRI, EN 00423584, EN 00423585; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5277** Pel Kan WRI, EN 00292834-35; **E3/5526** Srun Chey WRI, EN 00426309.

and concrete;⁵¹⁸⁰ digging canals;⁵¹⁸¹ building sewage pipes;⁵¹⁸² and digging caves in the mountainside for hiding aircrafts.⁵¹⁸³ Workers also had to farm rice paddies,⁵¹⁸⁴ transplant seedlings and grow vegetables in addition to their main tasks.⁵¹⁸⁵ Some units, like Unit 17, were forced to do heavy labour to weaken them and thereby reduce their perceived threat to the CPK.⁵¹⁸⁶

1184. Workers had to labour for long hours each day with little rest. A typical day started as early as 4 am, when workers attended group criticism meetings⁵¹⁸⁷ or farmed rice paddies.⁵¹⁸⁸ Others began around 6 or 7 am, and worked until 5 or 6 pm with a one or two hour lunch break in between.⁵¹⁸⁹ The unit chief had the discretion to allow short breaks,⁵¹⁹⁰ but rest was generally not permitted and workers had to continue until they were told to stop.⁵¹⁹¹ Supervisors would require workers to spend extra hours working if their quotas were not met.⁵¹⁹²

1185. After working all day labourers were often required to work into the night.⁵¹⁹³ Women went for meetings at 5 am, worked in the field from 7 to 5 pm, then sometimes made fertiliser at night until 9 pm.⁵¹⁹⁴ Lights were installed so that work could continue at

⁵¹⁸⁰ **E1/318.1** Kong Siek, T. 17 June 2015, 11.00.10-11.04.45; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5663** Kung Chanthi DC-Cam Statement Summary, EN 00184196.

⁵¹⁸¹ **E1/318.1** Kong Siek, T. 17 June 2015, 10.45.11-10.46.57; **E3/5277** Pel Kan WRI, EN 00292834.

⁵¹⁸² **E3/5277** Pel Kan WRI, EN 00292834-35.

⁵¹⁸³ **E1/316.1** Keo Loeur, T. 15 June 2015, 10.37.55-10.40.42; **E3/5284** Khin Vat WRI, EN 00315914.

⁵¹⁸⁴ **E1/325.1** Khin Vat, T. 29 July 2015, 13.46.32-13.51.23; **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184109-10.

⁵¹⁸⁵ **E1/314.1** Keo Kin, T. 11 June 2015, 13.58.12-14.00.34, 14.42.23-14.44.36; **E3/5273** Keo Kin WRI, EN 00290501.

⁵¹⁸⁶ **E1/320.1** Him Han, T. 23 June 2015, 15.16.00-15.17.40.

⁵¹⁸⁷ Some other workers like Sem Hoeun had the meetings in the evening: **E3/5280** Sem Hoeun WRI, EN 00290515; **E3/5284** Khin Vat WRI, EN 00315914-15; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5279** Sreng Thi WRI, EN 00293010; **E3/3962** Khoem Samhuon WRI, EN 00293367.

⁵¹⁸⁸ **E3/5273** Keo Kin WRI, EN 00290501.

⁵¹⁸⁹ **E1/315.1** Keo Loeur, T. 12 June 2015, 14.33.16-14.35.16; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/7892** Som Chhom WRI, EN 00422366-67; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5278** Chan Morn WRI, EN 00292823; **E3/5284** Khin Vat WRI, EN 00315915; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/5526** Srun Chey WRI, EN 00426309-10; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980.

⁵¹⁹⁰ **E1/312.1** Chan Morn, T. 9 June 2015, 15.41.44- 15.43.01.

⁵¹⁹¹ **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.00.53-14.02.53, 14.05.35-14.07.23; **E1/318.1** Kong Siek, T. 17 June 2015, 10.55.03-10.56.45 [“We had to accomplish the target and we had to all work together even those we got injured. When we were doing the job, we dared not stop. We had to work, even though we could hardly hold a hoe anymore due to the overwork, but we dare not stop, we had to continue working”].

⁵¹⁹² **E1/321.1** Him Han, T. 24 June 2015, 11.23.04-11.24.46.

⁵¹⁹³ **E1/321.1** Him Han, T. 21 June 2015, 09.50.54-09.51.57; **E1/314.1** Keo Kin, T. 11 June 2015, 15.52.23-15.54.17.

⁵¹⁹⁴ **E1/325.1** Khin Vat, T. 29 July 2015, 14.14.20-14.16.45.

night,⁵¹⁹⁵ with some sections working from 7 to 11 pm or later.⁵¹⁹⁶ If a worker had to work at night, they would not go back to their sleeping quarters for rest before starting work again.⁵¹⁹⁷ Work continued seven days a week, every single day of the month.⁵¹⁹⁸

1186. Workers could not rest or sleep if they were tired.⁵¹⁹⁹ One worker testified he thought he would “die from overwork”.⁵²⁰⁰ Workers were expected to carry out their labour-intensive duties without showing signs of fatigue.⁵²⁰¹ They had to be ready whenever the bell rang for them to work, and sometimes had to continue working while it was raining.⁵²⁰² Sometimes, workers would fall unconscious from the intensity of the work⁵²⁰³ or become sick.⁵²⁰⁴ The working hours increased over time⁵²⁰⁵ as the authorities needed the airport to become operational quickly.⁵²⁰⁶

1187. Inhumane living conditions: Workers were forced to sleep in crowded, inadequate facilities that provided little to no protection from the environment. They had to build shelters to house their entire units, usually in a designated area near their worksite.⁵²⁰⁷ Sometimes, the units were so large that some workers slept outside on the ground

⁵¹⁹⁵ **E1/314.1** Keo Kin, T. 11 June 2015, 14.44.36-15.02.03 [“I build the garage during the day time and I went to collect dead woods at night and there was light at night so that we could go and collect woods”]; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980.

⁵¹⁹⁶ **E3/5532** Him Han WRI, EN 00425234; **E1/314.1** Keo Kin, T. 11 June 2015, 11.05.27-11.08.15, 14.00.34-14.02.56; **E3/5273** Keo Kin WRI, EN 00290501; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 13.58.50-14.00.53; **E1/318.1** Kong Siek, T. 17 June 2015, 10.55.03-10.56.45; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.15.48-14.19.20 *confirming* **E3/467** Keo Loeur WRI, EN 00205074; **E1/316.1** Keo Loeur, T. 15 June 2015, 15.29.48-15.31.57; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, EN 00422367; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5279** Sreng Thi WRI, EN 00293010.

⁵¹⁹⁷ **E1/321.1** Him Han, T. 24 June 2015, 09.57.00-09.58.58.

⁵¹⁹⁸ **E3/5150** Him Han WRI, EN 00223352; **E1/314.1** Keo Kin, T. 11 June 2015, 09.35.32-09.37.10; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13; **E3/5277** Pel Kan WRI, EN 00292835; **E3/5274** Sum Sokhan WRI, EN 00292865.

⁵¹⁹⁹ **E1/321.1** Him Han, T. 24 June 2015, 09.54.51-09.57.00; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13.

⁵²⁰⁰ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.23.14-15.25.22.

⁵²⁰¹ **E1/318.1** Kong Siek, T. 17 June 2015, 10.48.30-10.51.27, 11.04.45-11.07.15 [“When I walked with my lower, bent posture, the group unit -- the group chief, actually, blamed me: Why I was so weak while other women could carry cement rather fine? I told the chief that it's because of the heavy weight of the bag”].

⁵²⁰² **E1/321.1** Him Han, T. 24 June 2015, 11.06.04-11.08.54; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.14.21-14.18.32.

⁵²⁰³ **E1/316.1** Keo Loeur, T. 15 June 2017, 10.04.11-10.06.50.

⁵²⁰⁴ **E1/325.1** Khin Vat, T. 29 July 2015, 14.21.19-14.24.05.

⁵²⁰⁵ **E1/314.1** Keo Kin, T. 11 June 2015, 13.45.42-13.47.51, 14.00.34-14.02.56.

⁵²⁰⁶ **E3/5278** Chan Morn WRI, EN 00292824; **E3/5280** Sem Hoeun alias Kim WRI, EN 00290516; **E1/325.1** Khin Vat, T. 29 July 2015, 14.07.18-14.09.57; **E3/5284** Khin Vat WRI, EN 00315914-15; **E3/467** Keo Loeur WRI, EN 00205074.

⁵²⁰⁷ **E1/314.1** Keo Kin, T. 11 June 2015, 10.18.32-10.20.00; **E1/312.1** Chan Morn, T. 9 June 2015, 14.09.23-14.13.35, 14.32.22-14.34.29; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.34.33-13.37.02; **E1/320.1** Sem Hoeun, T. 23 June 2015, 10.35.19-10.37.12; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.46.42-09.53.02.

nearby.⁵²⁰⁸ Makeshift shelters where hammocks could be hung were often open on the sides.⁵²⁰⁹ Workers typically slept without a mat or blanket, and in many cases mosquito nets were not provided to protect against insect-borne illnesses.⁵²¹⁰

1188. Inadequate food rations: The quantity and quality of food provided to the workers was insufficient to sustain them given the work demanded.⁵²¹¹ Meals were only provided twice a day, at midday and in the evening.⁵²¹² Some units received sour soup and rice,⁵²¹³ while others had only watery gruel⁵²¹⁴ or vegetable soup with a small amount of fish.⁵²¹⁵ Food was rationed⁵²¹⁶ and decreased after 1977.⁵²¹⁷ One worker testified that she had to drink water to fill up her stomach because the rations were not enough.⁵²¹⁸

1189. Without proper nourishment, workers were hungry and unhealthy.⁵²¹⁹ Most workers were thin and sick,⁵²²⁰ with one witness describing that “the workers were so starved

⁵²⁰⁸ **E1/325.1** Khin Vat, T. 29 July 2015, 15.31.16-15.35.47.

⁵²⁰⁹ **E1/314.1** Keo Kin, 11 June 2015, 10.15.24-10.18.32 [“Usually, about ten of us would sleep on a hammock in the buildings where the vehicles were parked. And as I said, there was no proper bedding or mosquito net. We only slept on a hammock. There was no proper sleeping room or there was no -- actually no wall at all for the building where the vehicles were parked”]; **E1/312.1** Chan Morn, T. 9 June 2015, 14.32.22-14.34.29.

⁵²¹⁰ **E1/321.1** Him Han, T. 24 June 2015, 09.54.51-09.57.00; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.07.23-14.09.35; **E1/318.1** Kong Siek, T. 17 June 2015, 10.56.45-11.00.10; **E1/325.1** Khin Vat, T. 29 July 2015, 15.33.32-15.35.47; **E1/314.1** Keo Kin, T. 11 June 2015, 10.15.24-10.17.10.

⁵²¹¹ **E1/320.1** Him Han, T. 23 June 2015, 15.26.35-15.28.59; **E1/314.1** Keo Kin, T. 11 June 2015, 09.37.10-09.39.52; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.00.53-14.05.35; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/9349** Chuop Non WRI, EN 00244157; **E3/5267** Ut Seng WRI, EN 00282356; **E3E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.35.16-14.40.58; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.04.11-10.08.40.

⁵²¹² **E3/5247** Pouk Pon WRI, EN 0023820; **E3/5249** Vann Theng WRI, EN 00231859; **E3/5265** Um Chi WRI, EN 00282347.

⁵²¹³ **E1/325.1** Khin Vat, T. 29 July 2015, 14.18.13-14.21.19; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.38.38-14.40.58.

⁵²¹⁴ **E1/312.1** Chan Morn, T. 9 June 2015, 14.15.55-14.18.11; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5272** Loeung Kimchhong WRI, EN 00290658; **E3/7894** Khvae Ni WRI, A3; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196; **E1/314.1** Keo Kin, T. 11 June 2015, 14.22.04-14.27.08.

⁵²¹⁵ **E3/5532** Him Han WRI, EN 00425234; **E3/5278** Chan Morn WRI, EN 00292825; **E3/5280** Sem Hoeun WRI, EN 00290515; **E3/5284** Khin Vat WRI, EN 00315915; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5530** Kaot Rin WRI, EN 00423585.

⁵²¹⁶ **E1/316.1** Keo Loeur, T. 15 June 2015, 10.04.11-10.08.40; **E1/314.1** Keo Kin, T. 11 June 2015, 14.22.04-14.27.08; **E1/325.1** Khin Vat, T. 29 July 2015, 14.18.13-14.21.19; **E1/319.1** Sem Hoeun T. 22 June 2015, 13.49.39-13.52.48.

⁵²¹⁷ **E3/5526** Srun Chey WRI, EN 00426309.

⁵²¹⁸ **E1/325.1** Khin Vat, T. 29 July 2015, 14.18.13-14.21.19 [“The food was rationed, so those with a big appetite could not eat their fill since we were given only a ration. And sometimes I had to drink more water to fill up my stomach”].

⁵²¹⁹ **E3/5150** Him Han WRI, EN 00223352; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.46.20-13.48.39; **E3/7892** Som Chhom WRI, EN 00422367; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979-80; **E3/374** Sao Phen WRI, EN 00336534; **E3/5279** Sreng Thi WRI, EN 00293010; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/5276** Sin Sot WRI, EN 00287356; **E3/3961** Sum Chea WRI, EN 00223348; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5274** Sum Sokhan WRI, EN 00292865.

that their knees were bigger than their heads”.⁵²²¹ Flies would collect around the workers’ unprotected food.⁵²²² Workers were too scared to complain about the lack of food⁵²²³ and were killed if they were caught supplementing their rations.⁵²²⁴ In sharp contrast to the workers, the Chinese technicians were provided with three meals a day that were prepared separately.⁵²²⁵

1190. Inadequate sanitation and medicine: Workers did not have access to basic sanitation facilities. There were no toilets or proper bathrooms forcing workers to relieve themselves outside in the nearby forest.⁵²²⁶ There was no running water or soap to wash their clothes and body.⁵²²⁷ Workers were forced to drink from the same water they bathed in.⁵²²⁸

1191. Workers were also denied access to basic medical treatment and facilities. When available, it was often insufficient to care for the workers.⁵²²⁹ As a result of the difficult work conditions, the insufficient food, and unhygienic living conditions, many workers suffered from various diseases⁵²³⁰ such as swollen limbs, high temperatures and fevers,⁵²³¹ and malaria.⁵²³² Sick detainees were treated by unqualified medics with locally made medicines,⁵²³³ such as rabbit drop pellets.⁵²³⁴

⁵²²⁰ **E3/5272** Loeung Kimchhong WRI, EN 00290658; **E3/7537** Tes Ol DC-Cam Statement, EN 00251256.
⁵²²¹ **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184109; **E1/318.1** Kong Siek, T. 17 June 2015, 11.07.15-11.09.55.
⁵²²² **E1/315.1** Keo Loeur, T. 12 June 2015, 15.01.00-15.04.42.
⁵²²³ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.15.29-15.17.22 [“In terms of having food with no sanitation whatsoever, we didn’t dare to complain, even if the sour soup, the Khmer sour soup of morning glory that we had was mixed with crickets, we had to bear it because we were afraid of their powers”].
⁵²²⁴ **E3/5263** Sreng Thi WRI, EN 00282225.
⁵²²⁵ **E1/312.1** Chan Morn, T. 9 June 2015, 15.26.56-15.30.38; **E1/325.1** Khin Vat, T. 29 July 2015, 15.06.30-15.08.45.
⁵²²⁶ **E1/314.1** Keo Kin, T. 11 June 2015, 11.10.03-11.13.01.
⁵²²⁷ **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.09.35-14.11.55 [“We worked and after work we had to bathe ourselves and there was no soap or whatever, nothing at all. We sometimes had to use the dry bark from fruit in order to clean our skin and many of us were infected by lice both on our head and our skin”]; **E1/318.1** Kong Siek, T. 17 June 2015, 10.56.45-11.00.10.
⁵²²⁸ **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.05.35-14.07.23.
⁵²²⁹ **E1/320.1** Him Han, T. 23 June 2015, 15.41.44-15.47.00; **E1/314.1** Keo Kin, T. 11 June 2015, 10.14.03-10.15.24.
⁵²³⁰ **E1/325.1** Khin Vat, T. 29 July 2015, 14.18.13-14.21.19.
⁵²³¹ **E1/314.1** Keo Kin, 11 June 2015, 11.10.03-11.13.01 [“there were cases of swollen limbs, of high temperature and fever. The latter was the common symptom. And it happened in almost every unit”].
⁵²³² **E1/312.1** Chan Morn, T. 9 June 2015, 14.37.54-14.40.20; **E1/314.1** Keo Kin, T. 11 June 2015, 11.10.03-11.13.01.
⁵²³³ **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.48.39-13.49.39; **E3/5526** Srun Chey WRI, EN 00426309; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.51.00-09.55.21.
⁵²³⁴ **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.20.18-14.22.48.

1192. Workers who fell sick were often still forced to work,⁵²³⁵ and those that were not had their food rations reduced.⁵²³⁶ One worker testified that “even if we were sick, we had to work otherwise we would be accused of being [the] enemy”.⁵²³⁷ Those who fell seriously ill were transported to the Kampong Chhnang hospital.⁵²³⁸ In many cases, workers did not return.⁵²³⁹

1193. *Psychological harm*: The workers lived in a constant state of fear at the airfield.⁵²⁴⁰ At criticism meetings, workers were told by the upper level “to stick to only the lines of the Revolution ... and that if we were to betray the revolution, we would be dead”.⁵²⁴¹ They followed their instructions and worked hard to avoid being arrested and tortured.⁵²⁴² One worker testified that the workers were resigned to the fact that it would only be a matter of time before they were killed or died from the conditions.⁵²⁴³ The combined impact of the deplorable work and living conditions caused serious mental and physical suffering and injury, and constituted a serious attack on the human dignity of the workers.

⁵²³⁵ **E1/320.1** Him Han, T. 23 June 2015, 15.41.44-15.44.36; **E1/318.1** Kong Siek, T. 17 June 2015, 11.15.35-11.18.23; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.15.29-15.17.22; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.18.32-14.20.18.

⁵²³⁶ **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.56.04-10.58.56 [“And for those who fell sick, they would be put under surveillance, and they did not receive sufficient food to eat. And if they fell sick, their food ration was reduced to half of the plate or bowl”], 13.52.48-13.54.33 [“[I]f people got sick, they did not receive enough food to eat and, for example, one would receive one can of rice to eat, but when they fell sick they would receive only half of the can”].

⁵²³⁷ **E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13.

⁵²³⁸ **E1/320.1** Him Han, T. 23 June 2015, 15.44.36-15.47.00; **E3/5150** Him Han WRI, EN 00223352; **E3/5273** Keo Kin WRI, EN 00290502; **E1/312.1** Chan Morn, T. 9 June 2015, 14.37.54-14.40.20; **E3/5278** Chan Morn WRI, EN 00292824; **E3/5284** Khin Vat WRI, EN 00315916; **E3/3962** Khoem Samhuon WRI, EN 00293369; **E3/5272** Loeung Kimchhong WRI, EN 00293369; **E3/5279** Sreng Thi WRI, 7 Mar 2009, EN 00293010.

⁵²³⁹ **E3/5532** Him Han WRI, EN 00425234; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.49.39-13.52.48.

⁵²⁴⁰ **E1/313.1** Chan Morn, T. 10 June 2015, 10.45.37-10.47.01; **E1/314.1** Keo Kin, T. 11 June 2015, 10.57.28-10.59.07.

⁵²⁴¹ **E1/312.1** Chan Morn, T. 9 June 2015, 13.50.32-13.52.20.

⁵²⁴² **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32, [“After the criticism and if the person did not deter, he or she would disappear. And the meeting would be called later to advise and warn others not to follow the steps of the individual that disappear”], 11.23.03-11.25.00 [“We didn't dare to speak truly to anyone, despite how close we were to that person, as we were afraid that later on, we would face negative consequences from what we had spoken earlier to that person, and that would expose ourselves to being arrested”]; **E1/312.1** Chan Morn, T. 9 June 2015, 13.52.20-13.54.13; **E1/318.1** Kong Siek, T. 17 June 2015, 11.02.33-11.04.45, 11.31.25-11.33.45; **E1/325.1** Khin Vat, T. 29 July 2015, 15.15.48-15.18.32; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.40.48-09.42.45; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5276** Sin Sot WRI, EN 00287355; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.

⁵²⁴³ **E1/312.1** Chan Morn, T. 9 June 2015, 11.37.26-11.39.55.

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1194. Workers described the airfield as a prison without walls.⁵²⁴⁴ They could not leave⁵²⁴⁵ nor could others enter.⁵²⁴⁶ Their movement and communication was severely restricted⁵²⁴⁷ as they were placed under strict guard control⁵²⁴⁸ with constant surveillance.⁵²⁴⁹ Workers in one unit were handcuffed when not working.⁵²⁵⁰ Units were separated and prohibited from meeting,⁵²⁵¹ and all contact between men and women was prohibited.⁵²⁵² Workers could not bathe when they wished⁵²⁵³ nor visit their families.⁵²⁵⁴ This restricted movement and constant surveillance left workers anxious and fearful for their wellbeing.⁵²⁵⁵ Anyone who did not obey the movement restrictions were viewed as the “enemy”⁵²⁵⁶ and would be monitored.⁵²⁵⁷

⁵²⁴⁴ **E1/320.1** Him Han, T. 23 June 2015, 15.16.00-15.17.4 [“we were not allowed to move freely. We could only move within the limited assigned area. And you could also say that we were imprisoned, in a prison without walls”]; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.22.13-09.24.38 *confirming* **E3/7516** Sem Hoeun, DC-Cam Statement, EN 00876519; **E3/7477** Kaing Guek Eav, T. 15 Sept 2009, 15.57.16-16.00.14.

⁵²⁴⁵ **E1/320.1** Him Han alias Ream, T. 23 June 2015, 15.16.00-15.17.40; **E1/314.1** Keo Kin, T. 11 June 2015, 14.19.27-14.22.04; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.11.55-14.15.54; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26.

⁵²⁴⁶ **E1/320.1** Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57.

⁵²⁴⁷ **E1/320.1** Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57; **E1/317.1** Keo Loeur, T. 16 June 2015, 09.46.27-09.48.56, 14.21.08-14.26.13, 15.06.26-15.08.15; **E1/314.1** Keo Kin, T. 11 June 2015, 09.39.52-09.42.05; **E1/313.1** Keo Kin, T. 10 June 2015, 15.51.57-15.53.39.

⁵²⁴⁸ **E1/313.1** Keo Kin, T. 10 June 2015, 15.58.08-16.00.14; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5280** Sem Hoeun WRI, EN 00290515-16; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.08.15-15.12.39; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15; **E3/5276** Sin Sot WRI, EN 00287355-56; **E3/5274** Sum Sokhan WRI, EN 00292865.

⁵²⁴⁹ **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32; **E3/5273** Keo Kin WRI, EN 00290501; **E1/320.1** Sem Hoeun, T. 23 June 2015, 11.07.02-11.09.57; **E3/5280** Sem Hoeun WRI, EN 00290516, EN 00290517.

⁵²⁵⁰ **E3/5663** Kung Chanthi DC-Cam Statement Summary, EN 00184196.

⁵²⁵¹ **E1/320.1** Him Han, T. 23 June 2015, 15.16.00-15.17.40; **E1/320.1** Him Han, T. 23 June 2015, 15.19.55-15.22.30, 15.57.48-15.59.43; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.14.21-14.15.54; **E1/318.1** Kong Siek, T. 17 June 2015, 11.25.55-11.27.56; **E3/467** Keo Loeur WRI, EN 00205074; **E3/3961** Sum Chea WRI, EN 00223348.

⁵²⁵² **E1/318.1** Kong Siek, T. 17 June 2015, 14.29.45-14.32.27.

⁵²⁵³ **E1/314.1** Keo Kin, T. 11 June 2015, 14.19.27-14.22.04.

⁵²⁵⁴ **E1/314.1** Keo Kin, T. 11 June 2015, 09.35.32-09.37.10.

⁵²⁵⁵ **E1/321.1** Him Han, T. 24 June 2015, 11.16.13-11.18.41 [“The distinction that I observed was discrimination. They regarded us as traitors, and they controlled us. They never spoke pleasant words to us. They were firm on their words, and they were firm on the work assignment given to us. And we were not allowed to protest or to refuse otherwise, we would be disappeared. For that reason, none of us dared to express our protest or objection. Even if we could not complete the work quota during the daytime, we had to do it during the afternoon, the evening, or sometimes we had to work throughout the night to complete the work quota”]; **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.42.29; **E1/313.1** Chan Morn, T. 10 June 2015, 10.45.37-10.47.01; **E1/318.1** Kong Siek, T. 17 June 2015, 11.15.35-11.18.23; **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.58.56-11.00.57.

⁵²⁵⁶ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15.

⁵²⁵⁷ **E1/319.1** Sem Hoeun T. 22 June 2015, 11.09.59-11.13.04.

1195.If a worker escaped from the airfield he or she was viewed as an enemy. West Zone sector troops working in Kampong Chhnang town were sent to capture escapees caught fleeing the airfield.⁵²⁵⁸ In one instance, the West Zone Office Committee reported that “3 enemies were escaping from the airport location ... our comrades fired some shots and later captured two of them.”⁵²⁵⁹ The third escapee was later captured and transferred to a “reeducation place for further investigation.”⁵²⁶⁰

1196.The authorities at the airfield treated their workers as slaves. They targeted them as enemies and used them as economic commodities to build the airfield at maximum speed with little concern to the cost to the worker’s lives and their quality of life. The authorities exercised powers of ownership by depriving workers of their freedom of movement, security (physical and psychological), association, opinion, religion,⁵²⁶¹ family,⁵²⁶² food, hygiene, medical care, sleeping quarters and work — including reasonable working conditions, working hours, and safety.

MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

1. Enforced Disappearances

1197.Soldiers feared that if they refused the order to go to the airfield they would become “disappeared”.⁵²⁶³ However, once at the airfield disappearances of these former soldiers occurred frequently across all units.⁵²⁶⁴ Workers were arrested for supposed infractions,⁵²⁶⁵ being “enemies”,⁵²⁶⁶ links to the Vietnamese or the prior regime,⁵²⁶⁷

⁵²⁵⁸ **E3/1094** DK Report, 4 Aug 1978, EN 00315368.

⁵²⁵⁹ **E3/1094** DK Report, 4 Aug 1978, EN 00315368.

⁵²⁶⁰ **E3/1094** DK Report, 4 Aug 1978, EN 00315369.

⁵²⁶¹ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26 [“At that time, if a worker died, there would be no ritual ceremony for the dead, but the dead body would simply be buried away”].

⁵²⁶² **E1/315.1** Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26 [“Q. Did workers from your unit have the opportunity to leave the worksite and visit families and friends? A. We could not even go crossing to another unit working nearby. That was even prohibited”].

⁵²⁶³ **E1/320.1** Him Han, T. 23 June 2015, 15.12.05-15.13.50.

⁵²⁶⁴ **E1/314.1** Keo Kin, T. 11 June 2015, 09.25.01-09.26.33; **E1/312.1** Chan Morn, T. 9 June 2015, 14.42.29-14.45.35; **E3/5278** Chan Morn WRI, EN 002924824; **E1/325.1** Khin Vat, T. 29 July 2015, 14.33.03-14.38.02; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5526** Srun Chey WRI, EN 00426310; **E3/3961** Sum Chea WRI, EN 00223348; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196; **E1/318.1** Kong Siek, T. 17 June 2015, 11.09.55-11.13.26.

⁵²⁶⁵ **E1/320.1** Him Han, T. 23 June 2015, 15.47.00-15.48.28; **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57; **E1/313.1** Chan Morn, T. 10 June 2015, 10.49.55-10.52.32, 11.08.37-11.12.30; **E3/3962** Khoem Samhuon WRI, EN 00293368.

⁵²⁶⁶ **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/314.1** Keo Kin, T. 11 June 2015, 11.15.10-11.18.39; **E3/5278** Chan Morn WRI, EN 00292825; **E3/5280** Sem Hoeun WRI, EN 00290517; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.21.08-14.23.39, 15.31.55-15.34.39; **E3/467** Keo Loeur WRI, EN 00205074.

breaking equipment,⁵²⁶⁸ failing to meet plans,⁵²⁶⁹ arguing or disobeying orders,⁵²⁷⁰ moving between units or talking,⁵²⁷¹ being lazy or emotionally ill,⁵²⁷² stealing food or tobacco,⁵²⁷³ attempting to escape,⁵²⁷⁴ moral misconduct,⁵²⁷⁵ complaining,⁵²⁷⁶ being sick too often,⁵²⁷⁷ or being accused of giving rice to the enemy.⁵²⁷⁸ A single accusation or misstep was sufficient for a person to disappear,⁵²⁷⁹ and workers quickly learned this lesson and passed the warning on to others.⁵²⁸⁰

1198. The number of workers successively arrested increased over time.⁵²⁸¹ One worker testified to seeing groups of workers being arrested and taken away outside of Lvey's office:

I saw Lvey present at the location where those workers were tied up. He was with his bodyguards ... My workplace was about only 100 metres from where it happened, and I saw the arrests. And those people who were to be arrested were called to enter his office, then, they would be arrested and tossed onto the vehicle... [the vehicles] belonged to Division 502.⁵²⁸²

⁵²⁶⁷ **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32, 11.15.10-11.18.39; **E3/5284** Khin Vat WRI, EN 00315915.

⁵²⁶⁸ **E1/319.1** Sem Hoeun alias Kim, T. 22 June 2015, 11.09.59-11.13.04; **E3/5280** Sem Hoeun WRI, EN 00290516.

⁵²⁶⁹ **E3/5280** Sem Hoeun WRI, EN 00290517.

⁵²⁷⁰ **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/5276** Sin Sot WRI, EN 00287355.

⁵²⁷¹ **E1/320.1** Him Han, T. 23 June 2015, 15.19.55-15.22.30; **E1/320.1** Him Han, T. 23 June 2015, 15.57.48-15.59.43; **E1/321.1** Him Han, T. 24 June 2015, 11.20.53-11.23.04; **E1/318.1** Kong Siek, T. 17 June 2015, 11.25.55-11.27.56; **E1/318.1** Kong Siek, T. 17 June 2015, 11.24.00-11.27.56.

⁵²⁷² **E3/5276** Sin Sot WRI, EN 00287355; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3962** Khoem Samhuon WRI, EN 00293367.

⁵²⁷³ **E1/314.1** Keo Kin, T. 11 June 2015, 11.15.10-11.18.39; **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.24.28-11.26.31; **E3/5280** Sem Hoeun WRI, EN 00290517; **E3/5263** Sreng Thi WRI, EN 00282225.

⁵²⁷⁴ **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.

⁵²⁷⁵ **E1/314.1** Keo Kin, T. 11 June 2015, 15.11.55-15.14.20.

⁵²⁷⁶ **E1/315.1** Keo Loeur, T. 12 June 2015, 15.17.22-15.19.16.

⁵²⁷⁷ **E3/5280** Sem Hoeun WRI, EN 00290516.

⁵²⁷⁸ **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57.

⁵²⁷⁹ **E1/320.1** Him Han, T. 23 June 2015, 15.44.36-15.47.00 ["I noticed that those who stood and looked at the injured, who were transported into the ambulances, would be -- would disappear. So if we dared to stand and watch, they were transporting or taking the injured worker into the ambulances, they would disappear"]; **E1/321.1** Him Han, T. 24 June 2015, 11.20.53-11.23.04 ["One day I was told by my peer worker that a person from another unit went to a nearby unit, and as a result, he was arrested...[W]e warned our peer workers not to move freely or to go to another nearby unit. And we stayed wherever we were assigned to work. We didn't even dare to take shelter under a tree nearby"]; **E1/314.1** Keo Kin, T. 11 June 2015, 11.18.39-11.20.31; **E1/312.1** Chan Morn, T. 9 June 2015, 13.44.45-13.46.12, 14.01.46-14.04.21, 14.27.24-14.28.37; **E3/5278** Chan Morn WRI, 4 Mar 2009, EN 002924824; **E3/5280** Sem Hoeun WRI, EN 00290516.

⁵²⁸⁰ **E1/321.1** Him Han, T. 24 June 2015, 11.20.53-11.23.04; **E3/5532** Him Han WRI, EN 00425234.

⁵²⁸¹ **E1/315.1** Keo Loeur, T. 12 June 2015, 14.21.08-14.23.39; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184110.

⁵²⁸² **E1/314.1** Keo Kin, 11 June 2015, 09.19.54-09.23.06, 15.16.42-15.18.05, .

1199. Workers inevitably became aware of the disappearances of their peers.⁵²⁸³ Sem Hoeun alias Kim testified that in his unit of 36 workers, 12 disappeared.⁵²⁸⁴ Sum Sokhan provided evidence that all of the other 28 workers from his unit disappeared.⁵²⁸⁵ Chan Morn testified that many of his colleagues disappeared as well as workers from other units.⁵²⁸⁶
1200. Workers were warned at daily self-criticism meetings that they would be arrested and killed if they did not improve.⁵²⁸⁷ Most arrests were carried out at night.⁵²⁸⁸ Workers were called under the guise of meetings,⁵²⁸⁹ training sessions, transfers, or for harvesting rice, and subsequently arrested.⁵²⁹⁰ Workers would be blindfolded, tied up at gunpoint, and loaded onto covered trucks.⁵²⁹¹
1201. Arrested workers were also transported away from the airfield.⁵²⁹² Workers could be heard screaming⁵²⁹³ as they were taken away in trucks along National Road No. 5⁵²⁹⁴

⁵²⁸³ **E1/325.1** Khin Vat, T. 29 July 2015, 14.25.47-14.29.05 [“my friends who were workers in the unit spoke or whispered quietly about disappearances of certain workers; for example, why or where did this person go? And we learnt that it was probably he or she was called away for a study by the upper echelon, and the person disappeared. And it was our conclusion that the person had been arrested”], 14.33.03-14.38.02.

⁵²⁸⁴ **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.26.31-11.28.08.

⁵²⁸⁵ **E3/5274** Sum Sokhan WRI, EN 00292866.

⁵²⁸⁶ **E1/312.1** Chan Morn, T. 9 June 2015, 14.42.29-14.45.35.

⁵²⁸⁷ **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32 [“After the criticism and if the person did not deter, he or she would disappear. And the meeting would be called later to advise and warn others not to follow the steps of the individual that disappear. If we did not follow the order by the leadership, we would disappear”]; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5284** Khin Vat WRI, EN 00315915; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865, EN 00292866; **E3/5526** Srun Chey WRI, EN 00426310.

⁵²⁸⁸ **E3/5273** Keo Kin WRI, EN 00290501; **E1/312.1** Chan Morn, T. 9 June 2015, 11.11.59-11.13.40; **E3/5278** Chan Morn WRI, EN 002924824; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.56.23-13.58.23; **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/467** Keo Loeur WRI, EN 00205074.

⁵²⁸⁹ **E1/313.1** Chan Morn, T. 10 June 2015, 11.08.03-11.08.37; **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.31.55-15.34.39.

⁵²⁹⁰ **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57; **E3/5278** Chan Morn WRI, EN 002924824; **E3/5280** Sem Hoeun WRI, EN 00290517 [“There was a meeting before the arrests”]; **E3/5284** Khin Vat WRI, EN 00315915; **E3/467** Keo Loeur WRI, EN 00205074; **E3/3962** Khoem Samhuon WRI, EN 00293367, EN 00293368; **E3/5279** Sreng Thi WRI, EN 00293010; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.

⁵²⁹¹ **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.26.33; **E3/5273** Keo Kin WRI, EN 00290500, EN 00290501; **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57, 11.33.37-11.35.42; **E1/313.1** Chan Morn, T. 10 June 2015, 11.14.20-11.16.13; **E3/5278** Chan Morn WRI, EN 002924824; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.56.23-13.58.33 [“They were all tied. Their hands were tied behind their backs and after that they were thrown up on the trucks and they used the -- the truck or vehicle was fully covered so that no one could see”]; **E3/5280** Sem Hoeun WRI, EN 00290516; **E1/318.1** Kong Siek, T. 17 June 2015, 11.12.02-11.13.26, 11.18.23-11.22.36; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/3962** Khoem Samhuon WRI, EN 00293367.

⁵²⁹² **E3/5532** Him Han WRI, EN 00425234; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5278** Chan Morn WRI, EN 002924824; **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/5276** Sin Sot WRI, EN 00287356; **E3/3962** Khoem Samhuon WRI, EN 00293369; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/7892** Som Chhom WRI, A6.

bound for Phnom Penh⁵²⁹⁵ and Prey Sar (S-24).⁵²⁹⁶ Other trucks headed to Amleang,⁵²⁹⁷ Piem Lok Mountain,⁵²⁹⁸ and Romeas railway station.⁵²⁹⁹ The remaining workers at the airfield that were not arrested were provided no information regarding the fate of those that were taken.⁵³⁰⁰

2. Murder and Extermination

1202. Some workers were executed in a forest near to the airfield,⁵³⁰¹ and others may have been killed west of the airfield.⁵³⁰² Workers were prohibited from entering areas that were suspected killing sites. Suspected mass grave sites have been discovered near the airfield,⁵³⁰³ with dead bodies — presumed to be workers from the airfield — observed in pits at Piem Lok Mountain, approximately five kilometres from the airfield.⁵³⁰⁴ One worker testified that he identified a site near the airfield where he witnessed trucks carrying arrested workers stop, after which he heard screams.⁵³⁰⁵

1203. Other workers were sent from the airfield to S-21.⁵³⁰⁶ Kaing Gueak Eav alias Duch, the Chairman of S-21, and Saom Met, a S-21 prison guard, both testified that their brother-in-law and brother, respectively, were sent to S-21 from the airfield.⁵³⁰⁷ In late 1978,

⁵²⁹³ **E1/312.1** Chan Morn, T. 9 June 2015, 11.33.37-11.35.42 [“The trucks came from the other side of the mountain while I was on the opposite side of the mountain. I heard the sounds of the trucks and I heard the sound of its turning at the corner”].

⁵²⁹⁴ **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E3/5273** Keo Kin WRI, EN 00290500, EN 00290502; **E3/5278** Chan Morn WRI, EN 002924824; **E3/3962** Khoem Samhuon WRI, EN 00293367.

⁵²⁹⁵ **E1/325.1** Khin Vat, T. 13.41.28-13.43.40; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 002924824; **E1/312.1** Chan Morn, T. 9 June 2015, 11.11.59-11.13.40.

⁵²⁹⁶ **E3/5276** Sin Sot WRI, EN 00287355, 00287356.

⁵²⁹⁷ **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278686.

⁵²⁹⁸ **E3/5279** Sreng Thi WRI, EN 00293010.

⁵²⁹⁹ **E3/5279** Sreng Thi WRI, EN 00293010.

⁵³⁰⁰ **E1/325.1** Khin Vat, T. 13.39.20-13.43.40, 14.29.05-14.33.03; **E3/7520** Saom Met, DC-Cam Statement, EN 00337619-20.

⁵³⁰¹ **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.54.33-13.56.23; **E3/5280** Sem Hoeun WRI, EN 00290516.

⁵³⁰² **E3/5272** Loeung Kimchhong WRI, EN 00290658.

⁵³⁰³ **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436946.

⁵³⁰⁴ **E3/5279** Sreng Thi WRI, EN 00293010.

⁵³⁰⁵ **E1/312.1** Chan Morn, T. 9 June 2015, 11.22.20-11.27.05-11.35.42; **E1/313.1** Chan Morn, T. 10 June 2015, 10.52.32-10.55.04; **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436946, 00436951, 00436952.

⁵³⁰⁶ **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/7657** Uk Bunseng WRI, EN 00189048; **E3/756** DC-Cam Statement of UK Bun Seng EN 00656360; **E3/7796** Ung Ien WRI, EN 00268646; **E3/5278** Chan Morn WRI, EN 00292826.

⁵³⁰⁷ **E3/7477** Kaing Guek Eav, T. 15 Sept 2009, 15.53.14-15.57.16; **E1/61.1** Kaing Guek Eav, T. 11 Aug 2009, 09.21.58-09.24.08; **E3/7470** Chuun Phal, T. 10 Aug 2009, 09.27.22-09.30.43; **E3/7669** Saom Met WRI, EN 00163665 [“NI: Are those you just named still alive? SM: I don't know, because before the Vietnamese came, they moved me to Prey Sa, because I had the problem of involvement with my elder brother whom they had arrested and brought to S-21. But Huy sent me outside. NI: What was your elder brother's name? Where did he work? SM: My elder brother's name was Saom Meng. He worked at the airfield at Kampong Chlmang. He was handicapped. But I don't know what his job was. NI: Why did

Yim Sam Ol, alias Nha, a worker at the airfield, was also transferred to S-21.⁵³⁰⁸ Sou Met regularly communicated with Duch to explain why individuals were sent to S-21,⁵³⁰⁹ advise which prisoners had been or would be sent,⁵³¹⁰ request confessions to search for further enemies,⁵³¹¹ and receive copies of confessions to further purge.⁵³¹²

1204. During the time the airfield was being constructed, records show that large numbers of former soldiers from the same Divisions being tempered at the airfield were sent to S-21. For example, 429 prisoners were from Division 502,⁵³¹³ 1302 from Division 310,⁵³¹⁴ 590 from Division 450,⁵³¹⁵ and 796 prisoners from Division 703 were recorded as being detained at S-21.⁵³¹⁶

1205. At the end of the DK period in early January 1979, as the Vietnamese were approaching the airfield, all work ceased and the authorities and workers fled.⁵³¹⁷ Some workers were told to arm and fight the Vietnamese.⁵³¹⁸ However, many of the workers were killed *en masse* in the days following 6 January 1979.⁵³¹⁹ In particular, workers from the East Zone were separated from the others and executed at Mongol Khan

they send you to Prey Sar? SM: Because Huy knew that my elder brother had been arrested and put in S-21. So Huy sent me to Prey Sa because he was afraid they would arrest all of us. NI: What year did you go to Prey Sa? SM: Approximately late 78”]; **E3/7520**DC-Cam Statement of Soam Met pp.1-4, 33, 83-87.

⁵³⁰⁸ **E3/10547** S-21 Biography of Yim Sam Ol alias Nhar, EN 01220314.

⁵³⁰⁹ **E3/450** Kaing Guek Eav WRI, EN 00178065-70; **E3/1140** DK Military Report, To Brother Comrade Duch for information, 1 Apr 1977; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977; **E3/1049** DK Military Report, Attention to Comrade Brother Duch to be informed, 1 June 1977; **E3/1090** DK Military Report, To Brother Comrade Duch for information, 3 Oct 1977; **E3/8385** DK Military Report, To Comrade Brother Duch for information, 4 Oct 1977.

⁵³¹⁰ **E3/450** Kaing Guek Eav WRI, EN 00178059, EN 00178065-70; **E3/1140** DK Military Report, To Brother Comrade Duch for information, 1 Apr 1977; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977; **E3/1054** DK Military Report, Dear Beloved Comrade Duch, 1 June 1977; **E3/1049** DK Military Report, Attention to Comrade Brother Duch to be informed, 1 June 1977; **E3/1090** DK Military Report, To Brother Comrade Duch for information, 3 Oct 1977; **E3/8385** DK Military Report, To Comrade Brother Duch for information, 4 Oct 1977.

⁵³¹¹ **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/1043** DK Military Report, Dear Beloved Brother Duch, 10 Aug 1977.

⁵³¹² **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977.

⁵³¹³ **Annex F.2** Figure 2.9 *RAK Division 502 Arrests by Month at S-21*, p. 21.

⁵³¹⁴ **Annex F.2** Figure 2.4 *RAK Division 310 Arrests by Month at S-21*, p. 16.

⁵³¹⁵ **Annex F.2** Figure 2.6 *RAK Division 450 Arrests by Month at S-21*, p. 18.

⁵³¹⁶ See **Annex F.11** *List of RAK Division 502 S-21 Prisoners*; **Annex F.6** *List of RAK Division 310 Prisoners*; **Annex F.8** *List of RAK Division 450 Prisoners*; **Annex F.7** *List of RAK Division 703 Prisoners*.

⁵³¹⁷ **E3/5280** Sem Hoeun WRI, EN 00290517; **E3/5284** Khin Vat WRI, EN 00315916; **E3/5272** Loeung Kimchhong WRI, EN 002906589; **E3/374** Sao Phen WRI, EN 00336534.

⁵³¹⁸ **E3/3962** Khoem Samhuon WRI, EN 00293368.

⁵³¹⁹ **E3/7893** Um Man WRI, EN 00455251-52; **E3/7894** Khvae Ni WRI, A1, A5, A6; **E3/5277** Pel Kan WRI, EN 00292835; **E3/3962** Khoem Samhuon WRI, EN 00293368-69; **E3/374** Sao Phen WRI, EN 00336534.

Pagoda in Tuol Kpos Village.⁵³²⁰ Another group of workers were tied up and transported by truck to Romeas railway station (20 km south of the airfield) and then to Kbal Lan Village in Teuk Phos District⁵³²¹ where they were executed.⁵³²² While these murders in January were outside of the jurisdictional period of the court, they demonstrate that the CPK viewed the workers as expendable, and “enemies”, better dead than alive.

1206. Aside from workers who were taken for execution from the airfield many workers died at the airfield from exhaustion, malnutrition, starvation, illness, and disease.⁵³²³ As the number of workers increased, the work conditions and health of the workers decreased, resulting in a rising number of deaths.⁵³²⁴ The bodies of these dead workers were often taken away by truck, some transported and placed in pits in a nearby forest near Watt Steung.⁵³²⁵

1207. Workers also died due to the unsafe nature of the work.⁵³²⁶ The stone quarry was particularly dangerous due to the use of explosives for breaking rocks; workers were blinded, their bones were broken, and some died instantly from flying fragments and falling rocks⁵³²⁷ particularly as some were too exhausted to avoid being hit.⁵³²⁸ The

⁵³²⁰ **E3/7893** Um Man WRI, EN 00455252; **E3/3962** Khoem Samhuon WRI, EN 00293368-69; **E3/5274** Sum Sokhan WRI, EN 00292866.

⁵³²¹ **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436945-46, 0043695960; **E3/7894** Khvae Ni WRI, A2 A4 A5 A6 A13; **E3/7893** Um Man WRI, EN 00455252; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5277** Pel Kan WRI, EN 00292835; **E3/374** Sao Phen WRI, EN 00336534; **E3/7893** Um Man WRI, EN 00455251-52.

⁵³²² **E3/7894** Khvae Ni WRI, A5, A6, A9, A10.

⁵³²³ **E3/5273** Keo Kin WRI, EN 00290502; **E1/312.1** Chan Morn, T. 9 June 2015, 14.15.55-14.18.11; **E3/5278** Chan Morn WRI, EN 00292824; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.35.16-14.38.38; **E3/467** Keo Loeur WRI, EN 00205074; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.52.48-13.54.33; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.12.39-15.15.29. **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278685. *Contra* **E3/3962** Khoem Samhuon WRI, EN 00293369; **E1/325.1** Khin Vat, T. 29 July 2015, 14.24.05-14.25.47.

⁵³²⁴ **E3/5278** Chan Morn WRI, EN 00292824.

⁵³²⁵ **E3/5278** Chan Morn WRI, EN 00292824; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5279** Sreng Thi WRI, EN 00293010.

⁵³²⁶ **E1/313.1** Chan Morn, T. 10 June 2015, 14.10.45-14.12.56.

⁵³²⁷ **E1/320.1** Him Han, T. 23 June 2015, 15.24.28-15.26.35, 15.41.44-15.44.36; **E1/321.1** Him Han, T. 24 June 2015, 09.44.10-09.50.54; 10.04.15-10.05.52; **E3/5532** Him Han WRI, EN 00425234; **E1/314.1** Keo Kin, T. 11 June 2015, 11.13.01-11.15.10; **E3/5273** Keo Kin WRI, EN 00290500; **E1/312.1** Chan Morn, T. 9 June 2015, 14.15.55-14.21.35, 15.24.51-15.26.56; **E3/369** Koy Mon WRI, EN 00272717; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.

⁵³²⁸ **E1/312.1** Chan Morn, T. 9 June 2015, 15.24.51-15.26.56 [“Usually they would do the blasting just before lunch break. Because it was closer to lunch, and most of them got very exhausted already as a worker was required to blast several places, they did not run fast enough; and as a result, the fragments from the rock hit an injured workers. Some of them got injury in their legs while others got injury in their head. And of course, they knew what was coming but it was from the over-exhaustion that sometimes they could not run fast enough. And they were hit by rock fragments when explosive was ignited”].

workers, unlike the engineers, had little protection from projectiles.⁵³²⁹ The dangerous rock blasting was used as a form of torture or punishment for those considered as “bad elements.”⁵³³⁰ Deaths from people falling off the crags trying to drill the rock occurred on a daily basis.⁵³³¹

1208. The authorities caused the death of many of the workers by creating conditions of life which were aimed at destroying their well-being. They intentionally did not allow the workers to protect themselves. These deaths caused by the overall inhumane conditions, although not easily quantifiable, occurred on regular occasions, and were preventable. It was obvious to the authorities that the extremely inadequate living and work conditions were likely to cause a certain number of deaths. The unbearable conditions often led workers to commit suicide by running under the wheels of trucks or rollers.⁵³³²

PERSECUTION

1209. All of the crimes committed against the workers were done with a discriminatory intent as the workers at the airfield were targeted because of their perceived membership of a political group that objected to the CPK political goals.

E. NATURE OF THE ARMED CONFLICT⁵³³³

*[T]he disputes with Vietnam had begun in 1975. In actuality, the clashes between Vietnamese forces and the Khmer Rouge never abated after the day that the Vietnamese penetrated deeply into the country during 1970. In truth, after the liberation of the country, Kampuchea never knew peace.*⁵³³⁴

–Khieu Samphan October 2007

1210. An international armed conflict existed between Cambodia and the Socialist Republic of Vietnam (SRV) from May 1975 until 7 January 1979. Almost immediately following the Khmer Rouge victory over Lon Nol forces on 17 April 1975, conflict broke out

⁵³²⁹ **E1/313.1** Chan Morn, T. 10 June 2015, 14.03.04-14.04.55; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.

⁵³³⁰ **E1/319.1** Sem Hoeun T. 22 June 2015, 11.09.59-11.13.04.

⁵³³¹ **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.46.20-13.48.39, 13.54.33-13.56.23; **E3/5280** Sem Hoeun WRI, EN 00290516.

⁵³³² **E1/312.1** Chan Morn, T. 9 June 2015, 14.23.32-14.25.20 [“It was due to starvation, sickness and fatigue and they even had to work while they were sick. So they did not have any hope to hang on to ... And out of desperation from overwork and starvation sometimes they just rolled themselves on the ground to be crushed by a roller”]; **E3/5278** Chan Morn WRI, EN 00292824; **E3/5284** Khin Vat WRI, EN 00315915; **E1/325.1** Khin Vat, T. 29 July 2015, 15.11.25-15.15.48.

⁵³³³ **D427** Closing Order, paras 150-155.

⁵³³⁴ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia From the Early Stage to the Period of Democratic Kampuchea*, EN 00498265.

along the borders.⁵³³⁵ Armed clashes commenced in May 1975, when the DK forces seized the islands of Phu Quoc (“Koh Tral” in Khmer) and Tho Chu (“Koh Krachak” in Khmer), causing numerous casualties.⁵³³⁶ These islands were retaken by Vietnamese forces two weeks later. In June 1975, in retaliation, the Vietnamese captured the island of Puolo Wai, returning it to DK two months later.⁵³³⁷ More clashes between DK and SRV forces occurred in and around Koh Ses and Koh Thmei islands⁵³³⁸ with attacks continuing in the territorial waters between DK and Vietnam until early 1976.⁵³³⁹

1211. On the mainland, DK forces encroached on Vietnamese territory in May 1975.⁵³⁴⁰ In May and June 1975, in Svay Rieng Province (Parrot’s Beak area), armed incidents also erupted between the two sides on the border.⁵³⁴¹ Incursions and occupation of both countries’ border territories by both DK⁵³⁴² and Vietnam forces⁵³⁴³ were frequent during 1975. In November, in Ratanikiri province, DK forces planned attacks into Vietnam⁵³⁴⁴ and carried out attacks in December in the villages of Gia Lai-Kontum and Darlac, 10

⁵³³⁵ **E3/1285** FBIS, *Revolutionary Army Adopts Resolutions on SRV Dispute*, 4 Jan 1978, EN 00169538.

⁵³³⁶ **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001759; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192197-98; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.34.11-09.36.16, 13.44.10-13.48.37, 13.57.46-14.00.18; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550; **E3/2305** Washington Post, *Cambodia Says It Repulsed Attacks by Vietnam*, 14 Apr 1978; **E3/3515** Facts and Documents on Democratic Kampuchea’s Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196223, 00196229, 00196233; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387.

⁵³³⁷ **E3/18** Khieu Samphan *Cambodia’s Recent History*, EN 00103758; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.34.11-09.36.16, 13.57.46-14.00.18; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192190; **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59; **E1/383.1** Prum Sarat, T. 27 Jan 2016, 11.09.49-11.12.01; **E1/132.1** Meas Voeun, T. 9 Oct 2012, 09.16.58-09.19.41; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387; **E3/8225** New York Times, *Vietnam Said to Capture Island off Cambodia*, 14 June 1975, EN 00165960-61; **E3/8226** The Times of London, *Vietnam Cambodia in Fierce Clash*, 14 June 1975.

⁵³³⁸ **E1/511.1** 2-TCW-823, T. 12 Dec 2016, 14.53.58-14.55.15, 15.05.00-15.06.30; **E3/9069** 2-TCW-823DC-Cam Statement, EN 00969934; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550; **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183414 (*Koh Thmei, after mid 1975*).

⁵³³⁹ **E1/382.1** Prum Sarat, T. 26 Jan 2016, 10.42.02-10.43.34 (*Koh Tral*); **E3/1016** DK Report, 5 Jan 1976 (*Koh Tral*).

⁵³⁴⁰ **E3/2371** Foreign Languages Publishing House, *The Vietnam-Kampuchea Conflict (A Historical Record)*, EN 00187338 (*Ha Tien to Tay Ninh, 1 May 1975*); **E3/3515** Facts and Documents on Democratic Kampuchea’s Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196229 (*Ha Tien and Tay Ninh, 8 May 1975*).

⁵³⁴¹ **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464060-61 (*Ratanakiri, Svay Rieng & Kampot, May 1975 onwards*); **E3/8223** Los Angeles Times, *Cambodian and Vietnamese Said to Battle Over Islands*, 13 June 1975; **E3/8230** New York Times, *Vietnamese Forces Reported in Clash with Cambodia*, 22 June 1975; **E3/8243** Fact on File World News Digest, *Vietnamese, Thai clashes*, 26 July 1975.

⁵³⁴² **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396505.

⁵³⁴³ **E3/18** Khieu Samphan *Cambodia’s Recent History*, EN 00103758; **E3/879** Telegram 45 from Chhon to Brother Pol, 11 Nov 1975, EN 00182596 (*Romheas Hek District*).

⁵³⁴⁴ **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183413 (*Ratanakiri*); **E3/1150** Telegram from Angkar to Northeast Zone Secretary Ya, 11 Nov 1975 EN 00539053-54.

kilometres inside Vietnam.⁵³⁴⁵ Throughout 1976, armed clashes and incursions continued on both sides of the border⁵³⁴⁶ with witnesses specifically testifying to clashes in Mondulkiri,⁵³⁴⁷ Svay Rieng,⁵³⁴⁸ and Takeo provinces.⁵³⁴⁹ In early 1976, DK engaged in negotiations with the Vietnamese⁵³⁵⁰ while hoping to “gain time to prepare forces.”⁵³⁵¹

1212. On 30 April 1977, DK troops crossed the border and killed hundreds of civilians in Tinh Bien District and in a string of villages in An Giang Province in South Vietnam.⁵³⁵² In response, Vietnam bombed DK in May 1977 before peace negotiations

⁵³⁴⁵ **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196223, 00196239.

⁵³⁴⁶ **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550-51; **E3/1257** SWB, *Far East Relations*, 19 Jan 1978, EN S 00008671; **E3/893** Telegram 78 from But to M-870 and Brother Vi, 26 Jan 1976, EN 00182621; **E3/903** Telegram from Chhin to Brother 89, 8 Feb 1976; **E3/903** Telegram from Chhin to Brother 89, 8 Feb 1976 (*Ratanakiri and Svay Rieng*); **E3/911** Telegram 12 from Ya to Respected Brother(s), 17 Feb 1976; **E3/911** Telegram from Ya, 17 Feb 1976 (*O Vay and Muy Chass*); **E3/8377** Telegram from Chhin to Say, 19 Feb 1976 (*Mondulkiri*); **E3/229** CPK Standing Committee Minutes, 22 Feb 1976; **E3/887** Telegram from Kolaing to Uncle 89, 23 Feb 1976 (*O Vay, Northeast Zone*); **E3/8373** Telegram from Chhin to Brother 89, 29 Feb 1976 (*Kodang*); **E3/866** Telegram 25 from Ya to Pol, Nuon, Khieu, Van, Doeun, 7 Mar 1976 (*Northeast Zone, Dak Hut Vietnam*); **E3/865** DK Report, 18-19 Mar 1976; **E3/923** Telegram from Chhin to Brother 89, 3 Mar 1976, EN 00185238; **E3/871** Telegram 21 from Chhon to Brother Pol, 21 Mar 1976 (*East Zone-Sector 24*); **E3/872** Telegram from S-21 to Angkar, 23 March 1976 (*Southwest Zone-Sector 25, Ka-am Samnar*); **E3/217** CPK Standing Committee Minutes, 11 Mar 1976, EN 00182636 (*Ratanakiri, Takeo, Kratie*); **E3/1022** Report from Chhin to Brother 89, 9 Mar 1976; **E3/218** CPK Standing Committee Minutes, 26 Mar 1976, EN 00182657 (*Kbal Cham-East Zone*); **E3/221** CPK Standing Committee Minutes, 14 May 1976, EN 00182693 (*Mondulkiri*); **E3/799** DK Military Meeting Minutes, 7 Sept 1976 (*East and Southwest Zones*); **E3/800** DK Military Meeting Minutes, 16 Sept 1976; **E3/809** DK Military Meeting Minutes, 19 Sept 1976, EN 00183971, 00183977-78 (*Gulf of Thailand*); **E3/804** DK Military Meeting Minutes, 15 Dec 1976, EN 00233712-18; **E3/805** DK Military Meeting Minutes, 16 Dec 1976, EN 00923160-61 (*Mondulkiri*); **E3/806** DK Military Meeting Minutes, 16 Dec 1976 (*Northeast Zone*); **E3/1019** Report from Sector 23 to East Zone Standing Committee, 20 Feb 1976 (*Ratanakiri and Svay Rieng*); **E3/1164** Report from Roeun to Brother 89, 25 Nov 1976, EN 00516708 (*Northeast Zone*); **E3/8397** DK Report, 17 April 1978, EN 00305342-43; **E3/229** CPK Standing Committee Minutes, 22 Feb 1976, EN 00182625 (*Ratanakiri and Svay Rieng*); **E3/9289** A summary of situations from July 15 to August 31 1976, EN 00233965-67; **E3/1132** Report on Overall Situation in the Country and along the Border via Telegrams from 01 to 31 December 1976, EN 00548772-74; **E3/1025** Telegram 34 from Chhean to Nuon, Van, Vorn, Khieu, 29 Apr 1977, EN 00305248-50; **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196223, EN 0019629-30; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387.

⁵³⁴⁷ **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.55.37-13.57.44, 14.35.01-14.37.02; **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 09.55.40-09.58.02 (*Ou Reang District*); **E1/454.1** Chin Sarouen, T. 3 Aug 2016, 09.13.05-09.15.08.

⁵³⁴⁸ **E1/445.1** Chhun Samorn, T. 28 June 2016, 09.40.12-09.43.50, 13.38.29-13.41.03 (*Kampong Rou District, Romeas Haek District*).

⁵³⁴⁹ **E1/449.1** Moeng Vet, T. 27 July 2016, 11.22.14-11.24.32 (*Kiri Vong District*).

⁵³⁵⁰ **E3/893** Telegram 78 from But to M-870 and Brother Vi, 26 Jan 1976, EN 00182620 (*24 Jan 1976*); **E3/1017** Telegram 79 from But to Pol, Nuon, Van, Vi, Khieu, Doeun, 17 Jan 1976, EN 00305242.

⁵³⁵¹ **E3/217** CPK Standing Committee Minutes, 11 Mar 1976, EN 00182636-37; **E3/866** Telegram 25 from Ya to Pol, Nuon, Khieu, Van, Doeun, 7 Mar 1976, EN 00183709 (*Northeast*); **E3/218** CPK Standing Committee Minutes, 26 Mar 1976, EN 00182651 (*Northeast*).

⁵³⁵² **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.09.08-14.13.00; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-66; **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and*

were attempted in June, which proved unsuccessful.⁵³⁵³ DK incursions and attacks into Vietnam continued in the following months.⁵³⁵⁴ Then, on 24 September 1977, DK conducted its second large-scale attack into Vietnam where hundreds more civilians were killed in villages in Tay Ninh Province.⁵³⁵⁵ During this March to September period in 1977, the ongoing conflict widened along the border, extending from Ratanakiri to Kampot provinces with particular intensity in Svay Rieng, and in the Vietnamese provinces of Kien Giang (Ha Tien), Long An, Tay Ninh, and An Giang.⁵³⁵⁶

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- Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196226-27.
- ⁵³⁵³ **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192271-72, EN 00192276-77; **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977, EN 00182762; **E3/267** Statement by the SRV Government on the Vietnam-Cambodia border issue, 31 Dec 1977, EN S 00008733 (7 June 1977); **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 Oct 1978, EN 00187387-88; **E3/8241** FBIS, *NCNA Cites Phnom Penh on SRV Bombing of Cambodia*, 26 July 1978, EN 00166085-86; **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725-26 (*Kampong Chhnang*).
- ⁵³⁵⁴ **E3/8269** New York Times, *Refugees report clashes on Cambodia-Vietnam lines*, 9 Aug 1977 (*An Giang and Kien Giang*); **E3/882** Telegram 62 from Chhean to Beloved Mo-81, 14 Aug 1977; **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977 (*An Yang, Hien Yang, Long An and Tay Ninh*).
- ⁵³⁵⁵ **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.09.08-14.14.16; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001766; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.47.41- 09.52.02 confirming **E3/56** Nayan Chanda, T. 26 May 2009, 10.04.02-10.07.11 **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192405-06 confirming **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192378-79 & 83; **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196238.
- ⁵³⁵⁶ **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-67; **E1/449.1** Moeng Vet, T. 27 July 2016, 11.07.07-11.13.32, 11.14.40-11.19.12 (*Ratanakiri to Kampot*); **E1/448.1** Moeng Vet, T. 26 July 2016, 15.29.14-15.33.55 (*Kratie*); **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 10.01.36-10.03.30 (*Mondulkiri*); **E1/409.1** Chan Bun Leath alias Bun Loeng Chauy, T. 28 Mar 2016, 14.19.46-14.21.31, 15.10.00-15.11.55, 15.20.00-15.21.44 (*Mondulkiri*); **E3/5178** Chan Bun Leath (Bun Loeng Chauy) WRI, EN 00274097. **E3/5180** Chan Bun Leath (Bun Loeng Chauy) DC-Cam Statement, EN 00274112; **E1/445.1** Chhun Samorn, T. 28 June 2016, 09.47.49-09.49.22 (*Svay Rieng*); **E1/492.1** Ieng Phan, T. 31 Oct 2016, 09.55.03-09.57.20, 09.58.42-10.00.47 (*Takeo, Kampot*); **E3/419** Ieng Phan WRI, A6; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498268; **E3/1058** DK Report from Vy to Duch, 20 Feb 1977, EN 00583685 (*Northeast Zone*); **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933843; **E3/9367** DK Report, 24 Mar 1977 (*Stung Treng, Ratanakiri*); **E3/9367** DK Report, 24 Mar 1977, EN 00184016 (*Steung Treng*); **E3/1061** Report from Roeun to Uncle 89, 24 Mar 77, EN 00538731 (*Northeast Zone; Au Khlieng*); **E3/852** Report to M-870, Apr 1977 (*Svay Rieng*); **E3/876** Telegram 43 from Leu to Beloved Brother Reuan, 23 Apr 1977 (*Ratanakiri*); **E3/877** Telegram 54 from Chhan to M-870, 20 May 1977 (*Mondulkiri*); **E3/850** DK Report, 21 May 1977 (*Svay Rieng*); **E3/1028** DK Report, 20-21 May (*East Zone-Tramoung*); **E3/179**, **E3/180** DK Report, 29 May 1977, EN 00183010-12; **E3/853** DK Report, 3 June 1977, EN 00185243 (*Kampot*); **E3/854** DK Report, 8 June 1977 (*Prey Veang*); **E3/151** DK Report, 14-18 June 1977 (*Svay Rieng*); **E3/240** Telegram 7 from Vi to Nuon, Van, Vorn and Khieu, 15 June 1977 (*Ratanakiri*); **E3/878** Telegram 46 from Chhean, 15 June 1977, EN 01347938 (*Kien Giang*); **E3/151** DK Report, 18 June 1977 (*Svay Rieng*); **E3/1030** Telegram 03 from Sophea to Brother Chhan, 20 June 1977 (*Au Phlay, Pou Chri, Chas Tonh*); **E3/855** DK Report, 24 June 1977 (*Kampong Cham*); **E3/954**, **E3/955** DK Report, 25 June 1977 (*Kampong Cham*); **E3/570** Telegram 38 from Nhim, 12 Aug 1977 (*Au Chreou*); **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977, EN 00182762 (*An Yang, Hien Yang, Long An, Tay Ninh*); **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725 (*An Giang, Kien Giang*); **E3/8268** Washington Post, *Thai Says Cambodians Attack Vietnam, Laos*, 7 Aug 1977; **E3/8273** New York Times, *Cambodia and*

1213. In October and November 1977, Vietnamese forces attacked across the border into Kampong Cham, Prey Veng, and Takeo provinces and up to 24 kilometres into Svay Rieng.⁵³⁵⁷ From late September to November 1977, DK forces attacked villages in Vietnam's Tay Ninh Province.⁵³⁵⁸ Expert Nayan Chanda testified that up until mid-1977, the Vietnamese were extremely careful to not provoke the DK regime,⁵³⁵⁹ emphasising that this Vietnamese offensive in late 1977 followed the large-scale DK attacks on Vietnam in April and September.⁵³⁶⁰ Expert Stephen Morris also testified to

Vietnam in Clashes on Border, 19 Sept 1977; **E3/885** Telegram 39 from Chhon to Brother Pol, 24 Sept 1977 (*East Zone*); **E3/886** Telegram 41 from Chhon to Brother Pol, 26 Sept 1977 (*Svay Rieng*); **E3/5883** Statement of the Socialist Republic of Viet Nam on Viet Nam-Kampuchea Border Issue, 31 Dec 1977, EN 00419879 (*Kien Giang, An Giang, Dong Thap, Long An, Tay Ninh, 18 June 1977*); **E3/981** Telegram 96 to Office 81, EN 00314585 (*Tay Ninh, Sept 77*); **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388 (*Svay Rieng*); **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, U.S. Aides Say*, 4 Jan 1978 (*Chao Doc, Kien Giang-Ha Tien*); **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977, EN 00165995 (*Kien Giang-Ha Tien*); **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196235-36 (*Kien Giang, An Giang, Dong Thap, Long An*); **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725-26; **E3/2371** Foreign Languages Publishing House, *The Vietnam-Kampuchea Conflict (A Historical Record)*, EN 00187340; **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196226-27, EN 00196235-39 (*An Giang, Long An, Tay Ninh, Kien Giang, Dong Thap; East Zone*); **E3/1383** Statement Issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866 (*East Zone, Sept 1977*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*East Zone, Sept 1977*).

⁵³⁵⁷ **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192381-84 (*Svay Rieng*); **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001768; **E3/8369** Telegram 54 from Chhon to M-870, 26 Oct 1977 (*Svay Rieng*); Telegram 55 from Chhon to M-870, 26 Oct 1977 (*Kampong Cham*); **E3/888** Telegram 55 from Chhon to M-870, 26 Oct 1977 (*Kampong Cham*); **E3/975** Telegram from On to M-870, 27 Oct 1977 (*Kampong Cham*); **E3/889** Telegram 56 from Chhon to M-870, 26 Oct 1977 (*Svay Rieng*); **E3/8369** Telegram 54 from Chhon to M-870, 26 Oct 1977, EN 00182815-16 (*Svay Rieng*); **E3/554** Telegram 57 from Chhon to M-870, 27 Oct 1977 (*Svay Rieng*); **E3/890** Telegram 59 to M-870, 28 Oct 1977, EN 00185187 (*Svay Rieng*); **E3/891** Telegram 61 from Chhon to M-870, 29 Oct 1977 (*Kampong Cham*); **E3/892** Telegram 60 from Chhon to M-870, 29 Oct 1977, EN 00185189 (*Svay Rieng*); **E3/978** Telegram 46 from Thuon to Yi via M-870, 5 Nov 1977 (*Kien Giang-Ha Tien*); **E3/976** Telegram 68 from Chhon to Pa, 6 Nov 1977 (*Trapeang Phlong, East Zone*); **E3/894** Telegram 69 to M 870, 6 Nov 1977, EN 00183619-20 (*Svay Rieng*); **E3/895** Telegram 76 from Chhon to M-870, 12 Nov 1977 (*Svay Rieng*); **E3/896** Telegram 82 from Chhon to Brother Pol, 18 Nov 1977 (*Svay Rieng*); **E3/979** Telegram 85 from Chhon to Brother Pol, 19 Nov 1977, EN 00335207 (*Svay Rieng*); **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, US Aides Say*, 4 Jan 1978, EN 00166022 (*Svay Rieng*); **E3/1263** Declaration of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00337187 (*Kompong Cham*); **E3/1383** Statement Issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866 (*Svay Rieng, Nov 77*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*Svay Rieng, Nov 77*); **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294785 (*Kampong Cham, Svay Rieng, Takeo and Kampot, Nov-Dec 77*).

⁵³⁵⁸ **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196239.

⁵³⁵⁹ **E3/7449** Nayan Chanda T. 25 May 2009, 11.14.28-11.19.55, 11.23.00-11.25.01, 11.39.57-11.42.26.

⁵³⁶⁰ **E3/56** Nayan Chanda, T. 26 May 2009, 10.04.02-10.07.11.

this cautious and conciliatory policy the Vietnamese adopted in early 1977 in an effort to lower the tensions in the conflict by moving from the battlefield to negotiations.⁵³⁶¹ He believed that the Vietnamese hoped that the CPK central authorities would rein in their local commanders so the conflict could be solved quietly and secretly,⁵³⁶² but that Pol Pot and his circle acted under the delusion that they faced an imminent danger of domination from Vietnam.⁵³⁶³

1214. In December 1977, Vietnamese forces attacked along the border in Kampong Cham, Svay Rieng, Takeo, and Kampot⁵³⁶⁴ provinces and penetrated up to 40 kilometres into

⁵³⁶¹ **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.11.24-14.17.28; **E1/487.1** Stephen Morris, T. 20 Oct 2016, 13.43.29-13.45.20.

⁵³⁶² **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.05.40-14.06.54.

⁵³⁶³ **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001781.

⁵³⁶⁴ **E3/897** Telegram 85 from Chhon to M-870, 7 Dec 1977 EN 00183613 (*Svay Rieng, early Dec 77*); **E3/983** Telegram 90 from Chhon to M-870, 9 Dec 1977 (*Ponhea Kraek District*); **E3/8370** Telegram 91 from Chhon to M-870, 10 Dec 1977; **E3/899** Telegram 92 from Chhon to M-870, 12 Dec 1977 (*Prey Veng*); **E3/900** Telegram 95 from Chhon to M-870, 13 Dec 1977; **E3/901** Telegram 96 from Chhon to M-870, 13 Dec 1977 (*Svay Rieng*); **E3/1015** Telegram 97 from Chhon, 17 Dec 1977, EN 00305390-91 (*Svay Rieng*); **E3/242** Telegram 22 from Nhim and Hem to M-870, 22 Dec 1977 (*Chan Kiri, Chambak & Makk Heun*); **E3/987** Telegram 27 from Kuon to Yi, 22 Dec 1977; **E3/8371** Telegram 68 from Kuon to Yi through 870, 22 Dec 1977; **E3/904** Telegram 05 to M-870, 22 Dec 1977; **E3/988** Telegram 01 from Peam to Brother Pa, 22 Dec 1977; **E3/8372** Telegram 2 from Chhon, 22 Dec 1977 (*Mondulkiri*); **E3/905** Telegram 06 from Phuong to M-870, 23 Dec 1977 (*Krek rubber plantation, East Zone, 12 Dec 77*); **E3/906** Telegram 07 from Phuong to M-870, 23 Dec 1977; **E3/8177** New York Times, *Raids from Cambodia are Worring Thais*, 23 Dec 1977 (*Svay Rieng*); **E3/907** Telegram from Chhon to Brother Pa, 24 Dec 1977; **E3/908** Telegram 9 from Phuong to M-870, 24 Dec 1977 EN 00183638 (*Mondulkiri*); **E3/909** Telegram 08 from Phuong to M-870, 24 Dec 1977 (*Mondulkiri*); **E3/912** Telegram 11 from Phuong to M-870, 27 Dec 1977 (*Mondulkiri*); **E3/2291** Associated Press, *Cambodia Accuses Hanoi of Invasion, Breaks Ties*, 31 Dec 1977; **E3/8304** FBIS, 31 Dec 1977, EN 00166065, EN 00166070; **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977, EN 00165995; **E3/248** Telegram 47 from Sarun to M-870, 1 Jan 1978 (*Mondulkiri*); **E3/916** Telegram 15 from Phuong to M-870, 1 Jan 1978 (*Tboung Khmum*); **E3/917** Telegram 63 from Ry to Respected Brother, 1 Jan 1978 (*Northeast Zone*); **E3/8187** New York Times, *Cambodia Refuses to Talk with Vietnam over Border until Forces Are Removed*, 3 Jan 1978; **E3/1382** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 3 Jan 1978, EN 00419885; **E3/1583** News from Kampuchea, *Statement by Ieng Sary, Minister of Foreign Affairs*, 17 Mar 1978, EN S 00011306 (*South of Phnom Penh & Svay Rieng, 4-8 Jan 78*); **E3/8192** Times of London, *Vietnam forces said to control most of Parrot's Beak after bitter fighting with Cambodia*, 5 Jan 1978 (*Svay Rieng*); **E3/8191** Washington Post, *Vietnam-Cambodia Clash Wanes as Hanoi Gains Ground*, 5 Jan 1978 (*Svay Rieng*); **E3/1383** Statement Issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866-88 (*Takeo, Kampot & Kompong Trach, Dec. 77*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*Ratanakiri, Mondulkiri, Kratie, Takeo, Kampot & Kompong Trach, Dec. 77 & early Jan 78*); **E3/1263** Declaration of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00337187-88 (*Takeo, up to 30km, Dec 77*); **E3/8195** New York Times, *Phnom Penh charges big gains by Vietnam*, 6 Jan 1978, EN 00166024-25 (*Mondulkiri, Svay Rieng, Kampong Cham, Takeo, Kampot*); **E3/913** Telegram 17 from Phuong to M-870, 15 Jan 1978 1977; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061 (*Svay Rieng, Takeo and Kampot, Nov 77 to Jan 78*); **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519840; **E3/8397** DK Report, 17 April 1978, EN 00305342-43; **E3/727** *Revolutionary Flag*, May – June 1978, EN 00185324 (*Ratanakiri to Kampot, Dec 77*); **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721426-27 (*Ratanakiri, Mondulkiri, Svay Rieng and Kampot, 11 Dec – early Jan 78*); **E1/492.1** Ieng Phan, T. 31 Oct

Svay Rieng,⁵³⁶⁵ inflicting major defeats on the DK forces.⁵³⁶⁶ On 31 December 1977, DK leaders publicly severed diplomatic relations with Vietnam,⁵³⁶⁷ with the Vietnamese issuing a response on the same day.⁵³⁶⁸ Vietnamese forces withdrew on 6 January 1978.⁵³⁶⁹

1215. From mid-January until November 1978, border clashes continued.⁵³⁷⁰ DK forces continued to cross the border into Vietnam and carry out attacks particularly in Chau

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- 2016, 09.55.03-09.57.20; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082551-52, EN 00082554; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.
- ⁵³⁶⁵ **E3/5882** Los Angeles Times, *Viet Invaders Seen Routing Cambodians*, 5 Jan 1978 (*Svay Rieng*); **E3/8178** New York Times, *Vietnamese Said to use Warplanes in battles along Cambodian Border*, 25 Dec 1977 (*Svay Rieng*); **E3/8180** Times of London, *Vietnam Cambodia Fighting Reported*, 29 Dec 1977 (*Svay Rieng*); **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061 (*Svay Rieng, Takeo and Kampot, Nov 77 to Jan 78*).
- ⁵³⁶⁶ **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192391-92; **E3/983** Telegram 90 from Chhon to Beloved M-870, 9 Dec 1977 (*Kampong Cham*); **E3/8372** Telegram 2 from Chhon to Respected Brothers, 22 Dec 1977; **E3/907** Telegram from Chhon to Brother Pa, 24 Dec 1977, EN 00183634.
- ⁵³⁶⁷ **E3/7449** Nayan Chanda, T. 25 May 2009, 11.32.58-11.36.03, 11.42.26-11.43.32, 14.27.20-14.30.50, **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001768-70; **E3/1265** Minister of Foreign Affairs of DK Statement, 31 Dec 1977; **E3/8305** Foreign Ministry Statement, 3 Jan 1978; **E3/1265** Statement of the Minister of Foreign Affairs of Democratic Kampuchea, 31 Dec 1977, EN 00282392; **E3/1393** Communiqué of The Government of Democratic Kampuchea to the Revolutionary Armed Forces and the People of Cambodia, 31 Dec 1977, EN 00713102-11; **E3/2291** Associated Press, *Cambodia Accuses Hanoi of Invasion, Breaks Ties*, 31 Dec 1977; **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977; **E3/8182** Washington Post, *Cambodia Cuts Diplomatic Ties with Vietnam*, 31 Dec 1977; **E3/8279** International Media Article, *Viets invading us in thousands says Cambodia*, 1 Jan 1978, EN 00419881; **E3/8183** Los Angeles Times, *Cambodia's Admission of Vietnam Border War Anticlimactic*, 1 Jan 1978; **E3/2292** Bangkok Post, *Battles Rage as Khmers Sever Ties with VN, Hanoi blamed Coup bid*, 1 Jan 1978; **E3/8184** New York Times, *Cambodia and Vietnam Trade Aggression Charges*, 1 Jan 1978; **E3/8186** Los Angeles Times, *Vietnam Accuses Cambodia Troops*, 2 Jan 1978, EN 00166159; **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, U.S. Aides Say*, 4 Jan 1978; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.
- ⁵³⁶⁸ **E3/5883** Statement of the Socialist Republic of Viet Nam on Viet Nam-Kampuchea Border Issue, 31 Dec 1977, EN 00419877-80; **E3/267** Statement by the SRV Government on the Vietnam-Cambodia border issue, 31 Dec 1977, EN S 00008731-33; **E3/8185** Reuters, *Hanoi Says Cambodia Seizes Land*, 2 Jan 1978; **E3/8188** Los Angeles Times, *Thousands Slain, Vietnam Says, Raps Cambodia*, 3 Jan 1978.
- ⁵³⁶⁹ **E3/1691** David Chandler, T. 6 Aug 2009, 15.02.39-15.05.26; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192397-98; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001769-70; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150194; **E3/8199** New York Times, *Vietnamese Driven Out Cambodian Radio Says*, 9 Jan 1978; **E3/8202** Los Angeles Times, *Cambodian Success Claims Discounted*, 10 Jan 1978; **E3/2293** Washington Post, *Vietnam Seen Slowing Drive into Cambodia*, 12 Jan 1978; **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488622; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061-62; **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721426; **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294785.
- ⁵³⁷⁰ **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.29.06-14.30.29, 14.43.41-15.03.10; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082554-55; **E3/920** Telegram 12 from Chhon to Brother Pol, 15 Jan 1978, EN 00301417; **E3/921** Telegram 17 from Chhon to Brother Pa, 27 Jan 1978, EN 00183646-47; **E3/922** Telegram 62 from Chhon to Par, 29 Jan 1978; **E3/1269** DK Radio Broadcast, 6 Mar 1978, EN S 00009874; **E3/868** Telegram 16 from 47 to Brother 009, 20 Mar 1978, EN 00185195; **E3/1012** Telegram 05 from Vi to Respected Brother, 21 Mar 1978 (*Northeast Zone*); **E3/998** Telegram 28 from Peam, 23 Mar 1978 (*Trapeang Phong*); **E3/999** Telegram 30 from Peam, 24 Mar 1978 (*Paung*); **E3/833** S-21 Notebook of Mam Nai alias Chan, 22 Mar 1978, EN 00184594; **E3/928** Phone call from Mut to Nuon and Van, 1 Apr 1978; **E3/870** Telegram 35 from Roeun to Grand Uncle 89, 5 Apr 1978; **E3/860** DK

Doc, Binh Phuoc, An Giang, Kien Giang and Tay Ninh, Gia Lai, Cong Tum and Dong Thap provinces.⁵³⁷¹ Similarly, Vietnamese forces continued to cross the border into Rattanakiri, Kampong Cham, Svay Rieng, and Prey Veng provinces.⁵³⁷² In July 1978,

Report, 15 Apr 1978 (*Tramaung*); **E3/859** Phone call with Nuon, Van and Vorn, 15 Apr 1978; **E3/1062** Telegram 02 from Mok to Brother Pol, 8 Apr 1978; **E3/1009** Telegram 5 from Pork to Committee 870, 18 Apr 1978, EN 00305346 (*Kampong Cham*); **E3/932** Telegram 02 from Pauk to Committee 870, 12 Apr 1978, EN 00185199; **E3/169** Khieu Samphan Speech, 17 Apr 1978, 17 Apr 1978, EN 00280391; **E3/1009** Telegram 5 from Pork to Committee 870, 18 Apr 1978, EN 00305346; **E3/157** Telegram 8 from Ri to Van, 21 April 1978, EN 00348086; **E3/943** Telegram 09 from Vy to Respected Brother, 25 Apr 1978; **E3/946** Telegram 20, 26 Apr 1978, EN 00185205-06; **E3/245** Telegram 09 to Committee 870, 29 Apr 1978; **E3/862** DK Report, May 1978, EN 00185207-08 (*Sector 23 and 24, May 1978*); **E3/253** Telegram 13 from Pauk to Committee 870, 9 May 1978, EN 003217181; **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294786; **E3/834** S-21 Notebook of Tuy and Hoeung Song Huor alias Pon, 11 May 1978, EN 00184491; **E3/8236** New York Times, *Attack on Cambodia Denied by Vietnam; Fighting Reported*, 30 June 1978; **E3/791** CPK Circular, Views on Current Revolutionary Situation in Kampuchea, 13 July 1978, EN 00721431; **E3/8398** SWB, *Cambodia's Strategy of Defence against Vietnam*, 10 May 1978, EN 00003959; **E3/8252** Washington Post, *Border Clashes Signal Feared Vietnamese Drive*, 22 Oct 1978; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.

⁵³⁷¹ **E1/487.1** Stephen Morris, T. 20 Oct 2016, 09.28.27-09.29.57 (*Prey Veng, Dong Thap, An Giang*); **E3/7449** Nayan Chanda, T. 25 May 2009, 09.52.02-09.58.14 *confirming* **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192407-09 (*Kien Giang-Ha Tien*); **E3/1593** Ben Kieman, *The Pol Pot Regime*, EN 01150201-02; **E1/449.1** Moeng Vet, T. 27 July 2016, 11.27.23-11.28.50 (*Kratie*); **E3/7819** Meakh Satum WRI, EN 00285604 (*Chau Thanh District*); **E3/1257** SWB, *Vietnamese Report of Cambodian Border Encroachments*, 18 Jan 1978, EN S 00008675-76 (*Tay Ninh, Cong Tum, Gia Lai, An Giang, Dong Thap, Long An*); **E3/243** Telegram 15 from Chhon to Pa, 19 Jan 1978 (*Svay Rieng, Prey Veng*); **E3/8206** Los Angeles Times, *Cambodian Forces Gain in Vietnam, Refugees Say*, 27 Jan 1978 (*Kien Giang*); **E3/244** Telegram 16 from Chhon to Par, 23 Jan 1978, EN 00182755; **E3/992** Telegram 06 from Division 117 to General Staff, 2 Mar 1978 (*Binh Phuoc*); **E3/1269** SWB, *Statements by Cambodian Prisoners and Refugees*, 3 Mar 1978, EN S 00009871-72 (*Tay Ninh*); **E3/1271** SWB, *French journalists on Cambodian attack on Vietnam*, 11 Mar 1978, EN S 00009912 (*Dong Thap*); **E3/8220** Washington Post, *Vietnam Claims Cambodia Is Attacking Along Coast*, 17 Mar 1978 (*Kien Giang*); **E3/868** Telegram 16 from 47 to Brother 009, 20 Mar 1978 (*Tay Ninh*); **E3/870** Telegram 35 from Roeun to Grand Uncle 89, 5 Apr 1978 (*O Nang*); **E3/1064** Telegram 18 from 47 to Van, 8 Apr 1978 (*Dong Thap*); **E3/1076** Telegram 18 from 47 to Van, 9 Apr 1978 (*Dong Thap*); **E3/859** DK Report, 15 Apr 1978 (*Kien Giang; Tay Ninh*); **E3/498** Telegram 55 from Sarun to Respected Brother, 25 Apr 1978 (*Teg*); **E3/943** Telegram 09 from Vi to Respected Brother, 25 Apr 1978 (*Northeast Zone*); **E3/727** *Revolutionary Flag*, May-June 1978; **E3/8232** Los Angeles Times, *Vietnam-Cambodia Border War Subsides*, 23 June 1978, EN 00166204 (*Tay Ninh and Kien Giang*); **E3/8234** Washington Post, *Vietnam Claims Major Victories In Border Fighting With Cambodia*, 28 June 1978 (*Au Giang and Tay Ninh*); **E3/2298** Los Angeles Times, *Cambodians Counterattack Into Vietnam*, 16 Jan 1978 (*An Giang*); **E3/8240** FBIS, *VNA Report of Rout of Cambodian Invading Troops Cited*, 11 July 1978 (*Tay Ninh*); **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Kien Giang*); **E3/1280** SWB, *Cambodian troops encroach on Tay Ninh and An Giang*, 19 Sept 1978, EN S 00013065 (*Tay Ninh*); **E3/1281** SWB, *Cambodian refugees settled in Tay Ninh*, 22 Sept 1978, EN S 00013118 (*Tay Ninh*); **E3/1283** SWB, *Cambodian incursions into Vietnam*, 20 Dec 1978, EN S 00013340 (*Dong Thap, Tay Ninh, An Giang*); **E3/3325** Reuters, *Vietnam Says Its Troops Blunted Cambodian Drive*, 31 Dec 1978 (*Tay Ninh*); **E3/741** CPK Directive, 3 Jan 1978, EN 00296009.

⁵³⁷² **E3/244** Telegram 16 from Chhon to Par, 23 Jan 1978, EN 00182755; **E3/181** Telegram 11 from 47 to Brother, 14 Feb 1978 (*Svay Rieng*); **E3/9375** Telegram 11 from 47, 14 Feb 1978, EN 01185439 (*Svay Rieng*); **E3/1064** Telegram 18 from 47 to Van, 8 Apr 1978 (*Sector 24*); **E3/860** DK Report, 15 Apr 1978 (*East Zone*); **E3/169** Khieu Samphan Speech, 17 Apr 1978, 17 Apr 1978, EN 00280401, EN 00280391; **E3/1072** Telegram 55 from Sarun to Vann, 24 Apr 1978 (*Tes*); **E3/812** Telegram 20 from 47 to Brother Vann, 26 Apr 1978, EN 00340535 (*Svay Rieng*); **E3/516**, **E3/9372** Telegram 10 from Pauk to Committee 870, 4 May 1978, EN 00052886 (*Kampong Cham*); **E3/250** Telegram 11 from Pok to Van, 6 May 1978, EN 00322057 (*Kampong Cham*); **E3/499** Telegram 11 from Pauk to Missed Brother, 6 May 1978 (*Kampong Cham*); **E3/948** Telegram 13 from Pauk to Committee 870, 9 May 1978; **E3/8232** Los

Vietnam started bombing at four locations along the DK-SRV border.⁵³⁷³ Witnesses testified to an increase in the tempo of the conflict between the two countries from mid-1978 to the end of 1978.⁵³⁷⁴

1216. In late December 1978, Vietnam began a massive invasion, sending 150,000 troops into DK. The resistance was ineffective and Vietnamese forces captured Phnom Penh on 7 January 1979.⁵³⁷⁵ Thus, the evidence demonstrates the existence of an international armed conflict between DK and the SRV from May 1975 until 7 January 1979.⁵³⁷⁶

F. WIDESPREAD & SYSTEMATIC ATTACK

1217. The crimes against humanity discussed in this brief were committed as a part of a widespread and systematic attack against the civilian population of Cambodia. The crimes constituted an “attack” as defined by the relevant jurisprudence: the Cambodian people were subjected to murder, extermination, persecution, enslavement, torture, and other violence as detailed in this brief. The population targeted in this attack was predominantly civilian in character.

1218. The attack was widespread: the Chamber has heard evidence of the commission of crimes ranging across the territory of Cambodia. It was also systematic: the attack was carried out in furtherance of centrally designed policies that were distributed through

Angeles Times, *Vietnam-Cambodia Border War Subsides*, 23 June 1978, EN 00166204 (*Svay Rieng and Mondulhiri*); **E3/8233** New York Times, *60000 Vietnamese Invade Areas of Cambodia*, 28 June 1978; **E3/8234** Washington Post, *Vietnam Claims Major Victories In Border Fighting With Cambodia*, 28 June 1978 (*Parrot's Beak*); **E3/1264** Press Communique of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 1 July 1978, EN 00078180 (*Kampong Cham, Svay Rieng*); **E3/8237** Los Angeles Times, *Vietnam, Cambodia Both Claim Border Victories*, 2 July 1978; **E3/2308** Times of London, *Big Victories claimed by Cambodia over Vietnam*, 4 July 1978; **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721428, EN 00721432; **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Ratanakiri, Kampong Cham and Parrot's Beak*).

⁵³⁷³ **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001772-75; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082555; **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Kampong Cham, Ratanakiri, Parrot's Beak and Ha Tien.*).

⁵³⁷⁴ **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.46.14-10.50.34; **E1/492.1** Ieng Phan, T. 31 Oct 2016, 10.05.18-10.09.15, 13.35.18-13.39.49; **E3/419** Ieng Phan WRI, A7 (*Svay Rieng*); **E1/489.1** Chuon Thi, T. 25 Oct 2016, 14.33.26-14.35.12; **E1/490.1** Chuon Thi, T. 26 Oct 2016, 10.05.52-10.09.47.

⁵³⁷⁵ **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192526-28; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001775-78; **E3/555** Telegram from Ieng Sary to the President of the UN Security Council, 31 Dec 1978, EN 00081489 (*Ratanakiri, Mondulhiri, Kratie, Kampong Cham, Stung Rieng, 25-30 Dec 78*); **E3/722** Announcement of steady and absolute combat against the Yuon enemy aggressors and expansionist land-grabbers, 1 Jan 1979; **E3/5720** Statement of Comrade Pol Pot, 5 Jan 1979, EN S 00017564-65; **E3/8265** Wall Street Journal, *Vietnam Takes Cambodian Capital, Port But Guerilla War is Seen as Continuing*, 9 Jan 1979 (*Phnom Penh, 7 Jan 1979*).

⁵³⁷⁶ **E3/56** Nayan Chanda, T. 26 May 2009, 11.34.50-11.38.17 [“If war can occur without declaration, Cambodia and Vietnam were at war right from '75”].

the CPK hierarchy for the express purpose of ensuring consistent implementation throughout the country.

1219. The attack was undertaken on political grounds, as a way of preserving the political power of the CPK leadership and implementing the political programme they had designed. The regime's targeting of its perceived enemies, including anyone associated with the Lon Nol regime, "New People" viewed as inherently suspect, and CPK cadres suspected of disloyalty or betrayal demonstrate that the attack was inherently grounded in politics. The attack was also based on religious and ethnic grounds with respect to the Cham and Vietnamese minorities, respectively, as the CPK eventually decided to eliminate these communities not on the basis of political characteristics but rather in their entirety as distinct groups.

1220. Given their prominent positions in the national leadership, access to reports from local cadre and security personnel, attendance at meetings of the Standing Committee and other DK bodies, and their travels the country, **Nuon Chea** and **Khieu Samphan** were well aware of the existence and character of this attack. Indeed, they were among its principal architects. As detailed in this brief, their participation in the design, implementation and facilitation of the policies underlying the attack furthered the attack and formed a key part in the attack.

IV. CONVICTION AND SENTENCING

A. CONVICTION

1221. Considering the legal characterisation of the material facts as set out above, the Co-Prosecutors respectfully request the Chamber to find that the evidence establishes, beyond reasonable doubt, the criminal responsibility of **Nuon Chea** and **Khieu Samphan** for genocide, the crimes against humanity of murder; extermination; enslavement; deportation; imprisonment; torture; persecution on political, religious and racial grounds; and other inhumane acts (through forced transfer; attacks against human dignity; forced marriage; rape; and enforced disappearances) and grave breaches of the Geneva Conventions, specifically wilful killing; torture; inhuman treatment; wilfully causing great suffering or serious injury to body or health; wilfully depriving protected

persons of the rights of fair and regular trial; and unlawful confinement of civilians punishable under articles 4, 5, 6, 29^{new} and 39^{new} of the ECCC Law.⁵³⁷⁷

B. SENTENCING

1. SENTENCING RANGE

1222. The Chamber may impose any fixed term of imprisonment that is equal to or greater than five years, or impose a life sentence;⁵³⁷⁸ and “may impose a single sentence that reflects the totality of the criminal conduct where an accused is convicted of multiple offences.”⁵³⁷⁹ The sentences should “reassure the surviving victims, their families, the witnesses and the general public that the law is effectively implemented and enforced, and applies to all regardless of status or rank.”⁵³⁸⁰ It should be “proportionate and individualised” to reflect the culpability of the convicted persons based on an objective, reasoned and measured analysis of their conduct and its consequential harm.⁵³⁸¹

1223. In determining the appropriate sentence, the gravity of the crimes and all relevant aggravating and mitigating circumstances should be taken into account,⁵³⁸² which the Co-Prosecutors now address in turn.

2. GRAVITY OF THE CRIMES

1224. The gravity of the criminal conduct is the “litmus test for the appropriate sentence”⁵³⁸³ and must include “consideration of the particular circumstances of the case” and the “form and degree of the participation of the Accused in the crime.”⁵³⁸⁴ These factors include examination of: (a) the number and the vulnerability of victims; (b) the impact of the crimes upon them and their relatives; (c) the discriminatory intent of the

⁵³⁷⁷ The Co-Prosecutors do not seek a conviction on the charge of unlawful deportation or transfer of civilians at S-21 (**D427** Closing Order, paras 1515-1517, citing Vietnamese prisoners at S-21; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981690) as they do not consider that the evidence in this trial has proven beyond reasonable doubt that civilians were transferred from or within “occupied territory”.

⁵³⁷⁸ ECCC Law, art. 39^{new}; Case 001-**F28** *Duch* AJ, para. 344; **E313** Case 002/01 TJ, para. 1065. See also ECCC Agreement, art. 10 imposing a maximum penalty of life imprisonment. The SCC has determined that as *lex specialis*, the ECCC Law should govern the range of penalties in proceedings before the ECCC. See Case 001-**F28** *Duch* AJ, paras 348-351.

⁵³⁷⁹ Case 001-**E188** *Duch* TJ, para. 590; **E313** Case 002/01 TJ, para. 1072.

⁵³⁸⁰ **E313** Case 002/01 TJ, para. 1067; Case 001-**E188** *Duch* TJ, para. 579.

⁵³⁸¹ **E313** Case 002/01 TJ, para. 1067; Case 001-**E188** *Duch* TJ, para. 580.

⁵³⁸² Case 001-**E188** *Duch* TJ, paras 582-583; **E313** Case 002/01 TJ, paras 1068-1069.

⁵³⁸³ **F36** Case 002/01 AJ, para. 1118; **E313** Case 002/01 TJ, para. 1068; Case 001-**E188** *Duch* TJ, para. 582; *Jelisić* AJ, para. 94.

⁵³⁸⁴ Case 001-**E188** *Duch* TJ, para. 582; **E313** Case 002/01 TJ, para. 1068.

Accused, when this is not already an element of the crime,⁵³⁸⁵ (d) the scale and brutality of the offences; (e) the role played by the convicted person,⁵³⁸⁶ and (f) the geographic and temporal scope of the victimisation.⁵³⁸⁷

1225. The previous pages of this brief and accompanying annexes detail the massive nature of the Khmer Rouge's crimes that fall within the scope of Case 002/02, and the Accused's central role in their commission. **Nuon Chea** and **Khieu Samphan** each played unique and critical roles in these crimes as discussed in the sections on their contributions to the JCE and the crimes. The magnitude of the crimes and resulting suffering speak for themselves. Nothing the Co-Prosecutors can say could possibly add to the articulate voices of the surviving victims who have spoken at this trial of the suffering they endured.

3. AGGRAVATING FACTORS

1226. This Chamber has cited with approval the aggravating factors enumerated in the ICC Rules.⁵³⁸⁸ The most relevant factors in Case 002/02 include (1) an abuse of power or official capacity;⁵³⁸⁹ and (2) the commission of the crime with particular cruelty or where there were multiple victims. The Chamber may also take into account a convicted person's educational background,⁵³⁹⁰ as well as prolonged and systematic involvement in the criminal conduct.⁵³⁹¹

1227. The crimes were committed through the utter domination of the State by the CPK, while **Nuon Chea** and **Khieu Samphan** sat at the very apex of its authority. Their contributions to the crimes, including through their respective participation in the JCE, were undertaken in their official capacities. **Nuon Chea** served as the Deputy Secretary of the CPK and its Standing and Central Committees throughout the DK period, among other roles.⁵³⁹² **Khieu Samphan** was a full-rights member of the Central Committee; a regular attendee of the highest-level policy-making body, the Standing Committee; a

⁵³⁸⁵ With the exception of persecution as a CAH and genocide, discrimination is not a material element of any of the crimes under the jurisdiction of the ECCC. See **F36** Case 002/01 AJ, paras 745-746, 748.

⁵³⁸⁶ **F36** Case 002/01 AJ, paras 1118, 1120; Case 001-**F28** *Duch* AJ, para. 375. See further **E313** Case 002/01 TJ, paras 1073, 1077.

⁵³⁸⁷ **E313** Case 002/01 TJ, para. 1075.

⁵³⁸⁸ Case 001-**E188** *Duch* TJ, paras 583-584; **E313** Case 002/01 TJ, para. 1069, *citing* ICC Rules, Rule 145(2)(b).

⁵³⁸⁹ See further **F36** Case 002/01 AJ, para. 1113; *Šainović* AJ, para. 1802; *Ndindabahizi* AJ, para. 136.

⁵³⁹⁰ **F36** Case 002/01 AJ, para. 1114; **E313** Case 002/01 TJ, paras 1086, 1089.

⁵³⁹¹ *Popović* AJ, para. 2038; *Milošević (Dragomir)* AJ, para. 304; *Martić* AJ, para. 340.

⁵³⁹² See section **Role and Contribution of the Accused to Common Criminal Plan – Role of Nuon Chea – DK Positions & Authority**.

member of the Political Office 870 Committee; and President of the State Presidium, by virtue of which position he served as the DK Head of State.⁵³⁹³

1228. **Nuon Chea** and **Khieu Samphan** were both educated, intelligent, and experienced in life by the time these crimes occurred, and were *fully* able to grasp the nature and seriousness of their acts and understand their consequences. **Nuon Chea** was one of a privileged few given the opportunity to attend university outside Cambodia, and studied law in Thailand.⁵³⁹⁴ **Khieu Samphan**, who also studied law,⁵³⁹⁵ holds a doctorate in economics,⁵³⁹⁶ and describes himself as a highly educated intellectual.⁵³⁹⁷

4. MITIGATING FACTORS

1229. This Chamber has also approved the ICC Rules definition of mitigating factors to be taken into account in considering sentence.⁵³⁹⁸ These mitigating factors include (1) circumstances short of constituting grounds for exclusion of criminal responsibility, such as substantially diminished mental capacity or duress; and (2) the convicted person's conduct after the act, including any efforts by the person to compensate the victims and any cooperation with the Court. Advanced age may be considered as a mitigating factor, and ill-health will be considered in *exceptional circumstances*.⁵³⁹⁹ However, the existence of mitigating factors does not preclude the imposition of a life sentence where, as here, the gravity of the crimes so dictates.⁵⁴⁰⁰

1230. In any event, there are no relevant mitigating factors that may be given any significant weight in sentencing **Nuon Chea** and **Khieu Samphan**. There is simply no evidence of diminished mental capacity or duress, and no such defences have been advanced. Whilst the Co-Prosecutors acknowledge both Accused's advanced years, they submit

⁵³⁹³ See section **Role and Contribution of the Accused to Common Criminal Plan – Role of Nuon Chea – DK Positions & Authority**.

⁵³⁹⁴ **E3/26** Suspect Statement of Nuon Chea, 7 Oct 2006, EN 00329505-6; **E3/701** Interview with Nuon Chea by Nusara Thaitawat, EN 00062412-3; **E1/16.1** Nuon Chea, T. 5 Dec 2011, 11.11.12-11.14.06.

⁵³⁹⁵ **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.03.34-14.06.16; 14.18.47-14.23.32; **E3/110** Analytical Report by Sasha Sher "The biography of Khieu Samphan", EN 00280537.

⁵³⁹⁶ **E3/579** Khieu Samphan Interview by Radio Free Asia, 6 Dec 2007, EN 00659091-2; **E3/110** Analytical Report by Sasha Sher "The biography of Khieu Samphan", EN 00280537; **E1/21.1** Khieu Samphan, T. 13 Dec 2011, 14.23.32-14.25.33.

⁵³⁹⁷ **E1/199.1** Khieu Samphan, T. 30 May 2013, 09.42.58 to 09.45.07. See further **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498305.

⁵³⁹⁸ Case 001-**E188** Duch TJ, paras 583-584; **E313** Case 002/01 TJ, para. 1070, citing ICC Rule 145(2)(a).

⁵³⁹⁹ **E313** Case 002/01, para. 1095 (*emphasis added*).

⁵⁴⁰⁰ Case 001-**F28** Duch AJ, para. 372; *Renzaho* AJ, para. 612; *Stakić* AJ, para. 407; *Niyitegeka* AJ, para. 267; *Musema* AJ, para. 396. As the SCC pointed out, the 2009 Cambodian Criminal Code, art. 95 merely grants a discretion as to whether or not to grant the benefit of mitigating factors in the form of a fixed term sentence in cases where a life sentence would otherwise be imposed. See Case 001-**F28** Duch AJ, para. 372.

that this should be given no weight in light of the gravity of the crimes and aggravating factors outlined above.⁵⁴⁰¹ Similarly, the health of the two Accused provides no grounds for mitigation.

1231. Nor is the conduct of the two Accused after the DK period in any way significant in mitigation. **Nuon Chea** and **Khieu Samphan** have shown no real cooperation with the Tribunal, beyond their legally required attendance at Court, nor have they shown any true remorse. In order to be a factor in mitigation, expressions of remorse must be real and sincere,⁵⁴⁰² with acceptance of some moral or criminal responsibility for *personal wrongdoing*.⁵⁴⁰³ **Khieu Samphan** has neither accepted any criminal responsibility for the crimes committed, nor expressed remorse for them. To the contrary, he believes that he has “done nothing to make [him] ashamed before anyone”.⁵⁴⁰⁴

1232. **Nuon Chea** has similarly shown no meaningful regret or remorse. While asserting that he shares responsibility with the leaders of the regime,⁵⁴⁰⁵ and that he takes responsibility morally for “what happened” during the DK period,⁵⁴⁰⁶ he has consistently refused to accept any personal responsibility for his own actions.⁵⁴⁰⁷ When asked if he would make revolution again if he was reborn, his unequivocal response was to “[d]o it again, do it again.”⁵⁴⁰⁸ He has “no regrets” for those killed during the DK regime.⁵⁴⁰⁹

5. SENTENCE REQUESTED

1233. Considering the singular gravity of the crimes, which have left an indelible imprint of horrific trauma upon a nation, the significant aggravating factors, and the absence of relevant mitigating factors, the Co-Prosecutors respectfully submit that the Chamber should impose a sentence of life imprisonment upon **Nuon Chea** and **Khieu Samphan** for the crimes proven in Case 002/02.

⁵⁴⁰¹ See *Taylor* SJ, para. 79.

⁵⁴⁰² **E313** Case 002/01 TJ, para. 1093; *Blaškić* AJ, para. 705.

⁵⁴⁰³ **E313** Case 002/01 TJ, para. 1093; *Strugar* AJ, para. 367.

⁵⁴⁰⁴ **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498305.

⁵⁴⁰⁵ **E1/199.1** Nuon Chea, T. 30 May 2013, 09.47.54-09.50.48.

⁵⁴⁰⁶ **F1/4.1** Nuon Chea, T. 17 Nov 2015, 09.23.37-09.24.05; **E1/199.1** Nuon Chea, T. 30 May 2013, 14.14.43-14.16.25; **E1/237.1** Nuon Chea, T. 31 Oct 2013, 10.47.26-10.49.29.

⁵⁴⁰⁷ **E3/3821** Associated Press, ‘Ex Khmer Rouge bask in luxury Disagreement continues over granting amnesty’ 31 Dec 1998, EN 00133399 [“Khieu Samphan and Nuon Chea told a news conference Tuesday they were ‘very sorry’ for the Khmer Rouge terror but refused to accept personal responsibility.”];

⁵⁴⁰⁸ **E3/26** Nuon Chea Interview, Oct 2006, EN 00329523.

⁵⁴⁰⁹ **E3/7209R** Video *Enemies of the People* additional footage: interview by Thet Sambath, “Nuon Chea on the Nation”, 2010, 0:44-0:49.

| Date | Name | Place | Signature |
|------------|------------------------------------|------------|-----------|
| 2 May 2017 | CHEA Leang Co-Prosecutor | Phnom Penh | |
| | Nicholas KOUMJIAN Co-Prosecutor | | |