

BEFORE THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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REGARDING THE REVOLUTIONARY ARMY OF KAMPUCHEAFiled by:

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INTRODUCTION

1. We, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia (ECCC):
 - (1) Considering Rules 53 and 63(3)(a) of the Internal Rules of the ECCC (“The Internal Rules”) and the definition of “Introductory Submission” provided in the Internal Rules Glossary;
 - (2) Having conducted a preliminary investigation and having concluded that crimes within the jurisdiction of the ECCC have been committed;
 - (3) Request the Co-Investigating Judges to open a new investigation into the following facts related to the liability of the suspects **SOU Met** and **MEAS Mut** and to arrest and provisionally detain them during the judicial investigation.
2. From June 1975 until January 1979, **SOU Met** was the Secretary of Division 502 of the Revolutionary Army of Kampuchea (“RAK”) and commander of the RAK air force. He was also a member of the Assisting Committee of the Central Committee of the Communist Party of Kampuchea (“CPK”), one of the highest ranks within the CPK hierarchy. Finally, he exercised considerable influence within the General Staff, the highest body within the RAK.
3. From April 1975 until January 1979, **MEAS Mut** was the Secretary of Division 164 of the RAK and commander of the RAK navy. He was either a member of the Central Committee of the CPK or a member of the Assisting Committee of the Central Committee. In addition to his military and Party responsibilities, he also effectively controlled the town of Kompong Som, the surrounding area and Cambodia’s coastal islands.
4. The Co-Prosecutors have reason to believe that **SOU Met** and **MEAS Mut** participated in the perpetration of the crimes described in paragraphs 43 to 66 of this Second Introductory Submission, including forced labour, inhumane living conditions, unlawful arrest and detention, physical and mental abuse, torture and killing. In particular, **SOU Met** and **MEAS Mut** participated in a criminal plan to purge the RAK of all undesirable elements, which resulted in at least thousands and quite probably tens of thousands of deaths. In addition, tens of thousands of people were unlawfully

detained and used as forced labour. **SOU Met** and **MEAS Mut** used their authority and influence to further the criminal plan and significantly contributed to the commission of the crimes described below.

5. This request relates to the suspects' involvement in both criminal acts that were identified in the Introductory Submission filed on 18 July 2007 (the First Introductory Submission) and the Supplementary Submission filed on 26 March 2008* and criminal acts that were not identified in the earlier submissions. The crimes included in this Second Introductory Submission that overlap with the crimes described in the previous Introductory and Supplementary Submission occurred at the following locations:
 - (1) the S-21 Security Centre;
 - (2) the Stung Tauch execution site;
 - (3) the Kampong Chhnang airfield construction site;
 - (4) the Central Zone;
 - (5) the New North Zone;*
 - (6) the East Zone; and
 - (7) Vietnam.
6. The crimes falling outside of the First Introductory Submission and Supplementary Submission occurred at the following locations:
 - (1) the S-22 Security Centre;
 - (2) the Wat Eng Tea Nhien Security Centre;
 - (3) the Stung Hav rock quarry;
 - (4) the DK navy;
 - (5) the Division 801 Security Centre; and
 - (6) various other unnamed security centers run by the Divisions of the RAK.

INVESTIGATION HISTORY

7. On 10 July 2006 the Co-Prosecutors initiated preliminary investigations into crimes under the ECCC Law. After receiving witness complaints, the Co-Prosecutors conducted a series of witness interviews and field investigations and collected extensive documentary evidence. On 18 July 2007 the results of these preliminary investigations were incorporated into an Introductory Submission, which requested that the Co-



Investigating Judges open a judicial investigation into a number of criminal acts and arrest and provisionally detain five suspects.¹

8. No further witness interviews or field investigations were conducted into the crimes described in the First Introductory Submission, although the Co-Prosecutors continued to analyze evidence that had been collected to identify additional crimes and additional suspects that fall within the jurisdiction of the ECCC. The Co-Prosecutors conducted further preliminary investigations, including both field investigations and witness interviews, in August 2008 relating solely to: (1) the additional crime sites identified in this Second Introductory Submission that were not present in the First Introductory Submission; and (2) the role and criminal liability of the suspects **SOU Met** and **MEAS Mut** for the crimes referred to in this Second Introductory Submission.

SUMMARY OF FACTS

9. We, the Co-Prosecutors of the ECCC, having considered the evidence contained in this Second Introductory Submission, submit that **SOU Met** and **MEAS Mut**'s involvement in the acts described in this Submission makes them responsible for crimes against humanity, grave breaches of the Geneva Conventions of 12 August 1949 and the crimes of homicide and torture under the 1956 Cambodian Penal Code, punishable under Articles 3, 5, 6, 29 (new) and 39 (new) of the ECCC Law for the reasons outlined below.

DK PERIOD OVERVIEW

10. Between 17 April 1975 and 6 January 1979, the Communist Party of Kampuchea set out to fundamentally alter Cambodian society on ideological lines through forcible economic and social change. To accomplish this change, the leaders of the CPK implemented policies that resulted in widespread starvation, systematic brutality, inhumane living conditions and the deaths of between 1.7 and 2.2 million people. The cities were evacuated and virtually the entire Democratic Kampuchea ("DK") population was enslaved in ruthlessly run and inhumane co-operatives, factories, worksites, military divisions and other units of organization, which forced the people to engage in hard labour without adequate food. The CPK created a nationwide network of detention and security centres that unlawfully detained, mistreated, tortured and



executed vast numbers of Cambodians. It also executed many tens and possibly hundreds of thousands of its own cadres in the belief that they were “enemies” infiltrating all administrative, political and military levels.

11. The CPK conducted repeated purges in which people were removed from positions of authority and killed (“smashed”)² because of real or perceived opposition to the CPK. Leading cadre, security personnel, combatants and people at all levels in society were under instructions to be on guard against enemies “boring from within” and to “continuously attack and purge” bad elements.³ The purge of the Revolutionary Army of Kampuchea that is described below was one of the many purges that took place in Cambodia during the DK period. These crimes resulted from conscious decisions systematically planned and implemented by the CPK leadership and constituted a widespread and systematic attack directed against virtually the entire civilian population of Cambodia.

RAK STRUCTURE

12. The Constitution of Democratic Kampuchea gave the Revolutionary Army of Kampuchea the duty to “defend the State power” and help “build the country.”⁴ The RAK had general responsibility for both external and internal security.⁵ It was divided into three branches; regular, regional, and guerilla.⁶ All were “under the absolute leadership monopoly” of the CPK.⁷
13. The RAK was under the direct supervision of the Military Committee, which was a subcommittee of the CPK’s Central Committee⁸ that was responsible for military and security affairs.⁹ The Military Committee included Standing Committee¹⁰ members POL Pot,¹¹ NUON Chea, and SON Sen¹² (alias Khieu or Brother 89), as well as other senior CPK cadre.¹³

THE GENERAL STAFF

14. The General Staff of the RAK acted as the central command for the military, performing functions including, planning, operations, intelligence, and logistics. SON Sen served as Chairman of the General staff.¹⁴ He was assisted in his work by CPK cadres assigned to the General Staff, including Raen¹⁵ and Teanh.¹⁶ Collectively, the General Staff and its sub-offices, Office 62 and Office 63, had about 4,500 personnel.¹⁷



15. One of the most important roles of the General Staff was to maintain internal security, including monitoring “internal enemies” and taking steps to eliminate them.¹⁸ In particular, the CPK Central Committee delegated to the General Staff the authority to determine which RAK personnel to execute in furtherance of CPK policies.¹⁹ The General Staff exercised this authority and many General Staff cadres were sent to S-21,²⁰ where they were executed.²¹
16. In exercising this right to smash RAK personnel, the General Staff sometimes dispatched cadres into the field to deal with internal security problems in RAK units.²² However, it appears that the right to smash was usually delegated to the commanders of RAK Divisions, often in direct consultation with S-21.²³ Other cadres were sent for re-education.²⁴
17. The General Staff also prepared reports on internal and external threats,²⁵ and it had the authority to issue orders pertaining to internal security including orders for cadre dress codes, guarding, patrolling, and weapons permits.²⁶ It appears that the General Staff had its own security forces.²⁷
18. The General Staff coordinated the implementation of CPK policies in the RAK units under its command. To accomplish this, the General Staff communicated with the Divisions and Independent Regiments through regular meetings between the Chairman of the General Staff and the senior cadres from the Divisions and Independent Regiments.²⁸ At these meetings, division commanders would summarize the activities of their divisions, focusing on internal and external enemy situations and actions taken to ensure security, and then the Chairman of the General Staff, SON Sen, would summarize the situation within the country and issue orders.
19. There were also smaller meetings between the General Staff and individual division commanders,²⁹ some of which occurred in conjunction with the meetings of all division commanders and independent regiment commanders.³⁰ In addition, there were a series of meetings devoted to organizational matters, like recruiting for the air force, deployment of the navy, increasing food production, cooperation with Chinese military trainers, and improving the defense of Phnom Penh.³¹



20. The General Staff also provided logistical support to the RAK. For example, the General Staff contained a Logistics Committee that handled functions like vehicle repairs, weapons repairs, construction, ammunition storage, and transport.³² The General Staff monitored a variety of statistics related to the military, including food consumption, weapons allocations, and military equipment.³³ It also advised on issues relating to food production.³⁴ Finally, the General Staff was responsible for political education for division and regimental military cadre and carried out periodic General Staff study sessions which were attended by hundred of individuals from RAK units all over the country.³⁵

REGULAR, REGIONAL AND GUERILLA UNITS

21. The RAK was divided into three branches: "regular, regional, and guerilla."³⁶ The "regular" army was composed of divisions and independent regiments that reported directly to the General Staff. There were also "regional" divisions that reported to their respective Zone Committees and "regional" regiments that reported to their respective Sector Committees. The "guerilla" section of the RAK consisted of "chhlop" or local militia units that reported to District Committees.³⁷ All levels of the DK military were under the command of CPK cadres at all times.³⁸ The CPK leadership noted that "only the Party leads the army; no other organ or individual leads it."³⁹
22. The "regular" RAK consisted, at various times, of between nine and eleven divisions (including divisions 164, 170, 290, 310, 450, 502, 690, 703, 801, 900, and 920) with three independent regiments (regiments 152, 377, and 488), as well as several offices (S-21, M-62 and M-63).⁴⁰ S-21, a body primarily responsible for enforcing internal security, was considered to be part of the RAK for certain purposes.⁴¹ According to reports from the General Staff, the "regular" RAK units had between 60,000 and 65,000 personnel.⁴²
23. There were also a number of "regional" divisions located throughout Democratic Kampuchea. Regional divisions seem to have included: Division 1 in the Northwest Zone,⁴³ Division 2,⁴⁴ a division in the North Zone,⁴⁵ Division 3 in the East Zone,⁴⁶ Division 4 in the East Zone,⁴⁷ Division 5 in the East Zone,⁴⁸ Division 11,⁴⁹ Division 12,⁵⁰ Division 117 in the North Zone,⁵¹ Division 174 in the Central Zone,⁵² a division in



Kompong Cham,⁵³ and Division 335.⁵⁴ There may have been other regional divisions.⁵⁵

24. In the “guerilla” branch of the RAK, “chhlop” or local militia provided security to Districts, sub-districts, villages, and cooperatives.⁵⁶ These militia forces patrolled communes and the areas surrounding the communes in search of people who might have run away,⁵⁷ spied on and investigated members of cooperatives to ensure there was no discontent or enemy activity,⁵⁸ and acted as bodyguards to cooperative chairmen.⁵⁹ Chhlop also functioned as executioners and were often called on by civil administrators and cooperative chairmen to kill people.⁶⁰ People could be executed for minor errors or for being linked to a perceived traitor.⁶¹

“REGULAR” DIVISIONS AND INDEPENDENT REGIMENTS

25. “Regular” RAK divisions and independent regiments reported directly to the General Staff. As noted above, senior division cadres met regularly with personnel from the General Staff, including SON Sen, to report on the activities that had taken place within their units and to receive additional orders from the General Staff. These meetings often focused on so-called internal and external enemy situations.
26. A standard RAK division was comprised of 3 regiments, with each regiment formed of 3 battalions.⁶² Standard independent regiments consisted of 3 battalions. In most cases, RAK divisions consisted of between five and six thousand personnel, while independent regiments had between 800 and 1,800 personnel.⁶³ Regular RAK divisions had messenger, radio, and telephone units to facilitate communication inside the division, with other divisions, and with the CPK Center.⁶⁴
27. RAK divisions were responsible for external security, which meant protecting the borders of Cambodia.⁶⁵ Ensuring DK’s external security also meant engaging in international armed conflicts with Vietnam⁶⁶ and Thailand.⁶⁷ RAK divisions were also responsible for internal security, which meant identifying “enemies,” “traitors” and other undesirable elements.⁶⁸ Many of these personnel were sent to S-21,⁶⁹ where they were executed. While the Central Committee formally authorized the General Staff to decide who to “smash” amongst RAK personnel, in practice it appears that senior



division cadres often made the decisions about who to arrest and smash within their own division.⁷⁰ Finally, RAK divisions were responsible for producing food.⁷¹

ARMED CONFLICT

WITH VIETNAM

28. Beginning in April 1975, Cambodian and Vietnamese forces engaged in an armed conflict.⁷² This conflict resulted from border disputes between DK and Vietnam (after 2 July 1976, the Socialist Republic of Vietnam or “SRV”)⁷³ and a belief among the leaders of DK that Vietnam wanted to occupy Cambodia and create an Indochinese Federation ruled by Vietnam.⁷⁴ Intensive propaganda through Party magazines and speeches of senior CPK cadres accompanied the conflict.⁷⁵ The scope and intensity of this conflict increased steadily over time⁷⁶ and eventually led to a full-scale invasion of Cambodia by Vietnamese forces on 25 December 1978,⁷⁷ which resulted in the collapse of the DK government.
29. The borders between Cambodia and Vietnam had been disputed,⁷⁸ since at least the drawing of the Brevié Line in 1939.⁷⁹ In addition, thousands of Vietnamese troops had been based in Cambodia during the 1960s and 1970s.⁸⁰ In April 1975, an estimated 20,000 Vietnamese troops were still based in Cambodia.⁸¹ The DK government ordered these troops to leave DK in late April 1975.⁸² The DK government sent troops to border areas to ensure that Vietnamese forces left Cambodia, and some of the first armed clashes occurred in this context.⁸³
30. There were six main phases to the armed conflict with Vietnam. The first phase began in mid-1975 and continued through 1976,⁸⁴ and was characterized by border clashes from Ratanakiri and Mondulakiri Provinces down to the Poulo Wai Islands,⁸⁵ along with a maritime conflict over Koh Tral (Phu Quoc).⁸⁶ In the second phase, from March to August 1977, the conflict spread south from Mondulakiri Province to Takeo Province,⁸⁷ with particular intensity in Svay Rieng Province,⁸⁸ and escalated with DK attacks into Vietnam’s Tay Ninh Province in August.⁸⁹ The third phase lasted from September to November 1977, with Vietnamese forces attacking along the border in Kampong Cham, Prey Veng,⁹⁰ Svay Rieng and Takeo Provinces using heavy weapons and a force of approximately 20,000 troops.⁹¹



31. The fourth phase lasted from December 1977 until January 1978,⁹² when 11 Vietnamese divisions⁹³ penetrated up to 25 miles into Cambodian territory⁹⁴ before being repulsed by the RAK.⁹⁵ During the fifth phase from February until September 1978,⁹⁶ there were repeated Vietnamese incursions into Takeo, Prey Veng and Kampong Cham Provinces⁹⁷ and DK incursions into Vietnam's Chau Doc, An Giang, Kien Giang and Tay Ninh Provinces.⁹⁸ The sixth and final phase began in September of 1978,⁹⁹ with large scale Vietnamese raids into DK territory in early December 1978,¹⁰⁰ and culminated in a massive invasion with 150,000 SRV troops¹⁰¹ on 25 December 1978¹⁰² and the capture of Phnom Penh on 7 January 1979.¹⁰³

WITH THAILAND

32. Beginning by at least June 1975¹⁰⁴ and continuing until at least July 1978,¹⁰⁵ Cambodian and Thai forces engaged in an armed conflict. The armed conflict was smaller in scope and intensity than the conflict between Cambodia and Vietnam, but was still marked by repeated uses of armed force over a broad geographic area and over a period of several years. There were repeated skirmishes between Thai and DK military forces all along the border between the two countries,¹⁰⁶ as well as repeated clashes between Thai and Cambodian naval forces in waters off the Thai and Cambodian coasts.¹⁰⁷ At times, minor border clashes occurred almost daily.¹⁰⁸ At other times, the fighting was fierce and involved large numbers of troops as well as tanks, artillery, air strikes, and other heavy weapons.¹⁰⁹

THE COMMON CRIMINAL PLAN

33. A common criminal plan, or a joint criminal enterprise ("JCE"), came into existence on or before 18 August 1976¹¹⁰ and continued at least until 6 January 1979. The object of this common criminal plan was to identify members of the Revolutionary Army of Kampuchea ("RAK") who were perceived to be enemies or traitors and to subject them to arbitrary arrest, unlawful detention, inhumane treatment, and, in many cases, torture and execution. The object of this common criminal plan also included the denial of fundamental rights, such as the right to liberty, security of person and property, due process rights, and the rights to freedom of opinion, expression, thought, and conscience to members of the RAK. This criminal plan was implemented through a series of purges that were planned and carried out by the RAK General Staff and the senior officers of the RAK Divisions and Independent Regiments.



34. Starting on or before 18 August 1976,¹¹¹ a deliberate policy of the CPK and RAK came into being under which systematic discrimination was carried out against anyone in the RAK categorized as being “unclean,” “disloyal,” or “traitorous,” due to real or perceived opposition to the CPK or RAK. All bad elements were to be purged,¹¹² so as to ensure the purity and cleanliness of the army and protect the revolution.¹¹³ Division secretaries and deputy-secretaries were under instructions to constantly monitor their divisions and to be on guard against enemies that “bore from within.”¹¹⁴ They were also ordered to continuously seek out the “biographies” of personnel so as to identify personnel to be purged.¹¹⁵
35. Personnel were deemed traitors and arrested for various minor infractions including theft, sabotage, attempting to evade military duties, not following orders, or having liberal tendencies.¹¹⁶ Others were deemed traitors for activities that challenged CPK ideologies and policies such as questioning authority, not complying with ideals of revolution, and spreading discontent.¹¹⁷ Additional cadres were seen as suspect because of “entanglements” with relatives who had already been purged by the CPK.¹¹⁸
36. Personnel deemed of low threat¹¹⁹ were removed from their divisions¹²⁰ and transferred to re-education centers¹²¹ or production units and work sites.¹²² Once there, personnel were often subjected to inhumane conditions, starvation, and forced labor.¹²³ Those perceived to be a serious threat or unable to be properly re-educated¹²⁴ were “smashed.”¹²⁵ Others were unlawfully detained at S-21 or other detention centers¹²⁶ where torture, inhumane conditions, and executions were foreseeable consequences of detention.¹²⁷ At no time during the Democratic Kampuchea was there a functioning judicial system, or any other legal mechanism through which those arrested and detained on suspicion of traitorous were given a fair trial.¹²⁸ The purge of the RAK was part of a series of purges of internal enemies that the CPK instigated throughout Democratic Kampuchea.¹²⁹
37. Individuals who participated knowingly and willfully in the JCE during its duration include, but are not limited to, SON Sen,¹³⁰ MEAS Mut,¹³¹ SOU Met,¹³² and others, including the Secretaries and Deputy-Secretaries of the RAK Divisions and Independent Regiments that reported to the General Staff. These individuals participated in the JCE as co-perpetrators, either directly or indirectly. SOU Met and



MEAS Mut were aware of and knowingly participated in a systematic plan to unlawfully detain, forcibly transfer, subject to inhumane treatment, and execute RAK personnel across all military divisions, as reflected in the continuous and systematic purges within the RAK of undesirable elements. The suspects intended to and did further this systematic plan through purges of their own units, thereby knowingly and willingly advancing the common purpose of the JCE.

38. Beginning on or before 18 August 1976, the JCE was discussed, encouraged, and planned by SON Sen, **MEAS Mut**, **SOU Met**, and others at a series of meetings of the General Staff.¹³³ During a meeting for the Secretaries and Deputy-Secretaries of RAK divisions on 9 October 1976, SON Sen instructed the participants of the need to ensure that the RAK is “clean” and that the “enemy is unable to bore from within.” Cadres were instructed to do whatever they deemed necessary to rid the army of internal enemies. SON Sen repeatedly emphasized the necessity of purging “absolutely no-good elements” within each division.¹³⁴
39. In response, **SOU Met** proclaimed that he was “happy” and had “faith in the Party” to rid the RAK of traitorous links, and he expressed his agreement that the Party must “dare absolutely” to continue the purges. During the same meeting, **MEAS Mut** expressed his concern regarding the activities of traitors within the Party and declared himself “in total agreement and unity” with the common goal of eliminating bad elements within the Party. **MEAS Mut** gave his consent to do whatever was necessary to control the internal enemy situation.¹³⁵ The other division commanders and deputy commanders present at the meeting also agreed to take part in the plan to purge the General Staff.¹³⁶
40. In subsequent meetings of the division secretaries and deputy secretaries, SON Sen gathered information on the progress of the internal purges and continued to encourage the division secretaries and deputy secretaries to purge the army of traitors or those with bad biographies.¹³⁷ **SOU Met** and **MEAS Mut** were often present at these meetings and described their success in implementing the purge.¹³⁸ In a telegram to Office 870 **MEAS Mut** confirmed his desire to purge bad elements and “sweep[] cleanly away” all enemies.¹³⁹



41. Each of the participants in the JCE acted individually or with other named or unnamed co-perpetrators to further the JCE using *de-jure* or *de-facto* authority. The suspects knew about and exercised effective control over the crimes committed by their subordinates due to their senior positions in the RAK, their role in a functioning military chain of command, from attending high-level RAK meetings, and from monitoring the work of the subordinates under their command.¹⁴⁰ SON Sen, **MEAS Mut, SOU Met**, and others committed the criminal acts described in paragraphs 43 to 66 by orchestrating and participating in the JCE in the ways set out herein, acting with the requisite intent as previously described. Their actions resulted in the deaths of thousands of RAK personnel across all divisions. Many more personnel suffered forced labor, unlawful detention and inhumane treatment.

CRIMES

42. The requested judicial investigation is not limited to the facts specified in paragraphs 43 to 66 below, but extends to all facts referred to in this Second Introductory Submission provided those facts assist in investigating: (1) the jurisdictional elements necessary to establish whether the factual situations specified in paragraphs 43 to 66 constitute crimes within the jurisdiction of the ECCC; or (2) the mode of liability of the Suspects named in this Submission.

S-21 SECURITY CENTRE

43. As described above in the section on Joint Criminal Enterprise, Secretaries and Deputy Secretaries of the RAK divisions agreed on a criminal plan to purge the RAK divisions that reported to the General Staff. This resulted in thousands of RAK personnel being sent to S-21 to be executed. An analysis conducted by the Office of the Co-Prosecutors of the prisoner lists from S-21 (“the Combined S-21 Prisoner List”) shows that more than 12,380 prisoners were imprisoned and then executed at S-21 or at Cheung Ek. At least 4,557 (37%) of these prisoners came from DK military units.¹⁴¹ There is evidence that RAK personnel were sent to S-21 from all of the RAK “regular” divisions, including Division 164,¹⁴² Division 170,¹⁴³ Division 290,¹⁴⁴ Division 310,¹⁴⁵ Division 450,¹⁴⁶ Division 502,¹⁴⁷ Division 703,¹⁴⁸ Division 801¹⁴⁹ and Division 920,¹⁵⁰ and each of the independent regiments¹⁵¹: Regiment 152,¹⁵² Regiment 377,¹⁵³ and Regiment 488.¹⁵⁴ Personnel from the General Staff were also purged and sent to S-21.¹⁵⁵

DIVISION 502**OVERVIEW OF CRIMES**

44. Division 502 was created shortly after the fall of Phnom Penh in April 1975 by combining personnel from pre-existing units together.¹⁵⁶ Generally, those who were sent to Division 502 were transferred because of their “good biographies” or acceptable records.¹⁵⁷ Those with “bad biographies” or who were viewed as having traitorous links were sent to work at the Kampong Chhnang airport construction site.¹⁵⁸
45. Division 502 personnel were subjected to the constant fear of arrest or execution.¹⁵⁹ They were continually questioned by Division leaders about the existence of any traitorous connections, and they were not permitted to leave their unit or to communicate with anyone outside their own unit.¹⁶⁰ Members of Division 502 who were identified as “bad elements” or implicated in confessions were monitored closely.¹⁶¹ Mistakes would be reported through the chain of command, after which those people committing the mistakes would be arrested. There was a “special forces” unit which reported directly to the commander of Division 502 and was responsible for security. It identified those who had made mistakes and arrested them. Those who were arrested never returned.¹⁶² Personnel who were accused of having traitorous links were sent away.¹⁶³ Many were sent to S-21, where they were executed.¹⁶⁴ As the purge within the Division continued, personnel were also sent to work at the Kampong Chhnang airport construction site¹⁶⁵ or to dig ditches at S-24.¹⁶⁶

S-22 SECURITY CENTRE

46. Division 502 operated its own security center, which was known as S-22. Low level Division 502 personnel were taken to S-22 if they were accused of treason.¹⁶⁷ Upon arrival at S-22, prisoners were shackled and placed in cells. Even the “light offenders” were beaten during interrogation. Rice rations were meager.¹⁶⁸ The existence of a security center within Division 502 is corroborated by correspondence between senior cadres of Division 502 and KAING Guek Eav alias DUCH (hereafter DUCH), the Chairman of S-21. This correspondence refers to Division 502 personnel who had been arrested, imprisoned and interrogated at Division 502 prior to being transferred to S-21.¹⁶⁹ DUCH has stated that the security centers throughout DK implemented the same system of interrogation and execution as S-21.¹⁷⁰



KAMPONG CHHNANG AIRPORT CONSTRUCTION SITE

47. Division 502 was responsible for the construction of a military airport near Krang Leav commune, Rolea P'ier district, Kampong Chhnang in the West Zone.¹⁷¹ The construction of the airport was undertaken on the direct orders of the CPK Standing Committee.¹⁷² The cadres in charge of the site came from Division 502,¹⁷³ including the site commander who was named Lvey.¹⁷⁴ Lvey, who reported directly to **SOU Met**,¹⁷⁵ was a Member of the Division 502 Committee and the third highest ranking officer in Division 502.¹⁷⁶ The airport construction site functioned as a re-education or tempering site for DK cadres, and was used to supervise "bad elements" from the various RAK units.¹⁷⁷
48. Construction of the airfield began at least by 1977.¹⁷⁸ The workers at the airport construction site came from every Zone.¹⁷⁹ One DK soldier estimates that 27,000 workers were involved in the construction project.¹⁸⁰ Another witness estimated the total work force as being equivalent to three divisions at any given time.¹⁸¹ Those sent to Kampong Chhnang were being punished for their allegedly traitorous connections,¹⁸² particularly links to the Vietnamese,¹⁸³ and they were ordered to work hard in order to "refashion" themselves.¹⁸⁴ Lower-level DK cadres who had been arrested were sent to Kampong Chhnang in accordance with the Party's policy of "pull[ing] out the grass by the roots and all."¹⁸⁵
49. In particular, there were large numbers of detainees from at least Division 11, Division 310, the North Zone and the East Zone. Shortly before the creation of Division 502, the leading cadres from Division 11 were arrested and accused of treason. Combatants from Division 11 who had no blemishes on their biographies were transferred to Division 502. Those who had blemishes were sent to Kampong Chhnang.¹⁸⁶ Many members of Division 310 were sent to work at the Kampong Chhnang airport construction site¹⁸⁷ following the purge of Division 310 in early 1977.¹⁸⁸ Large numbers of North Zone troops who fought against Vietnamese forces in the East Zone were sent to Kampong Chhnang in mid-1978 on the basis that those who had survived the fighting with the Vietnamese must be traitors.¹⁸⁹ Finally, thousands of East Zone soldiers were arrested after the death of East Zone Secretary SAO Phim and imprisoned at the Kampong Chhnang airport construction site in approximately April 1978.¹⁹⁰ The division of East Zone troops at the airport construction site included children.¹⁹¹



D1

50. Workers at the construction site were forced to clear the ground, break rocks, dig out tree roots, lay stones, and spread concrete, all under constant surveillance.¹⁹² Women were often assigned the task of rice farming.¹⁹³ All of the work was carried out by hand.¹⁹⁴ The workday began at 7am and lasted until 11pm.¹⁹⁵ Workers died daily due to “accidents” arising from the strenuous and unrelenting labor.¹⁹⁶ Food rations were scarce.¹⁹⁷ The most fortunate workers received up to two cans of gruel per day,¹⁹⁸ though most received only one can per day and had to supplement their ration with palm tree seeds.¹⁹⁹ Workers were emaciated and in poor health.²⁰⁰ One witness describes the starved workers as having knees bigger than their heads.²⁰¹ Workers were constantly pressured during meetings to work harder.²⁰² Any worker who did not “refashion” himself, had made a mistake, or disobeyed the guards’ orders was immediately arrested.²⁰³ New workers arrived continually to replace those who were removed.²⁰⁴ Many workers died at the construction site because they were treated “like slaves.”²⁰⁵
51. According to one soldier who was present at the construction site, the workers were subject to execution at any time.²⁰⁶ Those who did not work to the satisfaction of the guards were often executed in the forest just west of the airfield site.²⁰⁷ Hundreds of workers may have been executed there.²⁰⁸ In addition, workers were continually “sent away” for execution,²⁰⁹ often being taken in trucks to S-21 or other prisons.²¹⁰ Many of those to be killed were taken to the District 14 Security Office in Toek Phos, at Krasang Doh Laoeng in Kbal Toek village.²¹¹ Soldiers at Prey Sar (S-24) observed recently-arrived Kampong Chhnang airfield workers being sent by truck to S-21 to be killed.²¹² Mass executions occurred as the Vietnamese approached the airfield construction site in 1979²¹³ and prisoners were removed from the site by the truckload.²¹⁴ In particular, workers from the East Zone were killed en masse with the arrival of the Vietnamese.²¹⁵

DIVISION 164

OVERVIEW OF CRIMES

52. There is evidence that Division 164 personnel were subjected to frequent and arbitrary arrests and forced labor. For example, the commander of Division 164 reported on several occasions that internal enemies had been arrested.²¹⁶ In addition, prisoner lists from S-21 indicate that numerous Division 164 personnel were arrested in the division before being sent away for interrogation and execution.²¹⁷

53. There was at least one major purge within Division 164. A regiment of soldiers from the East Zone had been sent from Phnom Penh to become part of the DK navy.²¹⁸ It had 500 or 600 personnel and was led by an individual named DIM.²¹⁹ From July until September of 1977, there were “problems” with the unit from the East Zone.²²⁰ Division 164 personnel were told during meetings that the East Zone regiment had intended to infiltrate the Division.²²¹ The East Zone regiment was purged and people were taken away in trucks.²²² At least some of those who were purged were sent to Wat Eng Tea Nhien security center.²²³ DIM, who was Deputy Secretary of the Division, disappeared²²⁴ and other arrests took place.²²⁵
54. In addition to the purge of those from the East Zone, those people who were identified as having former regime connections were sent away and may have been executed.²²⁶ Some people were called to meetings and never returned.²²⁷ As a result, the soldiers were scared of each other, especially when they were called to meetings with their superiors.²²⁸ There was a feeling of mistrust and paranoia.²²⁹

WAT ENG TEA NHIEN SECURITY CENTRE

55. RAK documents and correspondence indicate that Division 164 operated a security center. Numerous documents indicate that arrests were made within the division,²³⁰ and that captured enemies were interrogated at the division.²³¹ Further, one report describes an incident on 11 August 1976, in which two “traitorous combatants” killed several members of the division police and then released “all our detained people that had problems.”²³²
56. The Division 164 security center was located at a site called Wat Eng Tea Nhien,²³³ which is located in Kampong Som town.²³⁴ During the DK period, some of the buildings were destroyed and the site was used as a detention centre.²³⁵ A fence was erected 50 meters from the road to prevent people from approaching the site.²³⁶ The security center was used to hold personnel from Division 164 who had been purged.²³⁷ This included people from an East Zone regiment who were accused of trying to infiltrate the Division as well as others from the Division who were accused of treason or disloyalty.²³⁸ The detainees were held in a monastery at the site.²³⁹

57. Witnesses who visited the site in 1979, after the end of the DK period, saw 50 or 60 sets of shackles in a monastery south of the Wat.²⁴⁰ There were also iron bars and blood on the walls of the monastery.²⁴¹ In the early 1980s approximately 200 bodies were recovered from a burial site about 100 meters east of the Wat.²⁴² The bodies were bound at the wrist and ankle with nylon rope.²⁴³ The evidence about the Wat Eng Tea Nhien security center is consistent with DUCH's testimony that security centers throughout DK implemented the same system of interrogation and execution as S-21.²⁴⁴

STUNG HAV ROCK QUARRY

58. Division 164 operated a forced labour site at a rock quarry near Stung Hav in Kampong Som province.²⁴⁵ People who were considered to be "bad elements" or have "tendencies" were sent to Stung Hav.²⁴⁶ This included people whose relatives had been members of the previous regime.²⁴⁷ Workers, fishermen and members of the DK navy were sent to Stung Hav where they were forced to carry stones.²⁴⁸ There were approximately 100 people working at the quarry.²⁴⁹

DK NAVY

59. The DK navy was responsible for aggressively defending waters claimed by the DK government against any intruders.²⁵⁰ In the process it sought to capture or destroy any Thai or Vietnamese vessels that entered waters claimed by the government,²⁵¹ which resulted in a large number of clashes between Thai and DK naval forces in the waters off the coast of Thailand and Cambodia.²⁵² The DK navy also attacked many Thai fishing vessels, killing or capturing the Thai fishermen.²⁵³
60. A small number of the Thai fishermen who were captured were returned to Thailand,²⁵⁴ but reports indicate that many more Thai fishermen were detained by the DK navy.²⁵⁵ This appears to have been part of a larger policy of kidnapping Thai nationals in border areas.²⁵⁶ Some of these captured Thai fishermen were sent to S-21, where they were executed. One surviving S-21 prisoner list indicates that 31 Thai fishermen who had been arrested in Kampong Som were executed at S-21 on 24 May 1976.²⁵⁷ Several former S-21 guards also remember the detention of Thai nationals, including Thai fishermen, at S-21.²⁵⁸



61. Nationals of other countries were also captured by the DK navy and sent to S-21. For example, at least four Westerners were captured by the DK navy in Cambodian waters and transferred to S-21, where they were executed.²⁵⁹ The DK navy also attacked Vietnamese vessels,²⁶⁰ and reported capturing “Vietnamese agents” at sea.²⁶¹ One witness stated that “many” Vietnamese were arrested by the DK navy and sent to the Division 164 headquarters.²⁶² A number of people described as “Vietnamese spies” and bearing Vietnamese names were sent to S-21 from Division 164 and from Kampong Som.²⁶³ At least some of the Vietnamese prisoners at S-21 were fishermen who had been captured while fishing in waters near the Vietnamese border.²⁶⁴ In addition, it appears that some of the people who eventually confessed to being Vietnamese soldiers or Vietnamese spies were actually Vietnamese civilians captured by the DK navy.²⁶⁵ DUCH, the Chairman of S-21, has admitted that Division 164 had a role in sending captured Thai and Vietnamese fishermen to S-21 to be executed.²⁶⁶

VIETNAM

62. Division 164 cadres commanded troops from other divisions during attacks into Vietnam in late 1977 and 1978.²⁶⁷ DK cadre attacked sub-districts, killing as many Vietnamese troops as possible and burning homes, hospitals, factories. Although they had no specific orders to kill ordinary Vietnamese people, many were killed. Captured Vietnamese, many of whom were children, were sent back to Division headquarters.²⁶⁸ There is some evidence that **MEAS Mut** accompanied Division 164 troops to the Northeast Zone to fight the Vietnamese.²⁶⁹

DIVISION 801

PRISON 810

63. Division 801 operated its own security centers during the DK period. Initially, each regiment within Division 801 had a separate security center.²⁷⁰ During 1976, the Regiment 81 security center was located in Borkeo town, Borkeo District, Rattanakiri Province.²⁷¹ However, at the end of 1977, the three regimental security centers were combined into a single Division-level security center, which was located in Veun Sai District, Rattanakiri Province, near the Division 801 headquarters.²⁷² The Division-level security center was called Prison 810.²⁷³ Prison 810 housed approximately 100 detainees at a time²⁷⁴ and reported directly to SO Sarun,²⁷⁵ the commander of Division



801.²⁷⁶ Conditions at Prison 810 were similar to those in the previous regimental prisons.²⁷⁷

64. At the end of 1976, Division 801 purged its members who had “connections” to the former Khmer Republic, usually because a relative had worked for the former regime.²⁷⁸ Those who were purged were arrested,²⁷⁹ imprisoned and then required to perform forced labour, including being forced to plow fields by hand without plows or draught animals.²⁸⁰ The prisoners were guarded during the day while they worked and then locked in cells at night.²⁸¹ Those who made “mistakes” once they were in the security center would be handcuffed at night, starved, beaten and sometimes killed.²⁸² It is not known how many people were killed at Prison 810.²⁸³

OTHER RAK SECURITY CENTRES AND OTHER PURGE SITES

65. It appears that each Division operated its own security center, in addition to sending prisoners to S-21. The security centers of Divisions 502, 164 and 801 are described in detail in paragraphs 46, 55 to 57 and 63 to 64. However, based on the evidence concerning Divisions 502, 164 and 801, as well as the existence of a network of security centers throughout the DK regime,²⁸⁴ the Co-Prosecutors believe that the other RAK divisions also operated security centers that were used to carry out the purge.
66. In addition, the purge of the RAK was also conducted at other crime sites that are already part of the ongoing judicial investigation. For example, the Stung Tauch execution site in the East Zone²⁸⁵ was used to kill large numbers of East Zone soldiers. According to one witness, pits at Stung Tauch were full of the bodies of East Zone soldiers, who could be identified by their military uniforms, canteens, belts, and shoes made of rubber tires.²⁸⁶ It also appears that RAK members were purged during the Central Zone (the Old North Zone) purge,²⁸⁷ the New North Zone purge,²⁸⁸ and the East Zone purge.²⁸⁹

SUSPECTS

67. The Co-Prosecutors have reason to believe that **SOU Met** and **MEAS Mut** committed the specific criminal acts described in paragraphs 43 to 66 of this Second Introductory Submission, which constitute offences under the ECCC Law.

SOU MET**PERSONAL DETAILS**

68. Prior to 1970, **SOU Met** was a schoolteacher. During the period from 1970 to April 1975, he was the chairman of a CPK division.²⁹⁰ During the DK period, he was Secretary of Division 502 of the Revolutionary Army of Kampuchea. After the DK period, he remained a senior officer in the CPK's armed forces.²⁹¹ He reportedly lived in Samlot for some period during the 1990s.²⁹² Later, he defected to the Cambodian government and became part of the Royal Cambodian Armed Forces (RCAF). In 2006, he was transferred from Samlot to Battambang to become the Deputy Commander of RCAF Region 5.²⁹³ The Co-Prosecutors believe he was recently promoted to become Commander of RCAF Region 5 and is also an "advisor" to the Chief of the RCAF General Staff. He is believed to be a two-star general in the RCAF. **SOU Met** may also be known as **SOU Samet**.²⁹⁴

LEGAL AND FACTUAL AUTHORITY

69. **SOU Met** was the commanding officer (known as the Secretary) of Division 502 of the RAK,²⁹⁵ which was based at Pochentong airport, just outside of Phnom Penh.²⁹⁶ He was Secretary of Division 502 from at least January 1976²⁹⁷ until at least April 1978,²⁹⁸ but it is believed that he was, in fact, Secretary from approximately June 1975 until after January 1979.
70. **SOU Met** was a member of the Assisting Committee of the Central Committee of the CPK.²⁹⁹ This was one of the four "superior echelons" of the CPK, and only the Standing Committee and the Central Committee were higher in the CPK hierarchy.³⁰⁰ The members of the Assisting Committee had "political responsibilities" within the CPK³⁰¹ and were entitled to receive training at Office 870 with Central Committee Members.³⁰² **SOU Met's** political responsibilities included: (1) implementing the Party line throughout the country; (2) instructing the Zone and Sector committees to carry out activities in accordance with the Party line; (3) governing and arranging cadres and Party members throughout the Party and all core organizations by "constantly, clearly and closely grasping personal histories, political, ideological and organizational stances"; and (4) acting in the name of the Party in contacts with other Marxist-Leninist parties.³⁰³

71. Division 502 was created shortly after the fall of Phnom Penh in April 1975 by combining personnel from various pre-existing units together. It answered directly to the RAK General Staff,³⁰⁴ which was commanded by SON Sen, alias Brother 89. SON Sen was a member of the Standing Committee of the Central Committee of the CPK, the highest body within the CPK and the government of Democratic Kampuchea. **SOU Met** exercised some influence over the General Staff, and was said to have become SON Sen's *de facto* "Number 2".³⁰⁵
72. Division 502 was one of 10 RAK Divisions that reported directly to the General Staff.³⁰⁶ A standard RAK Division was comprised of 3 regiments, with each regiment formed of 3 battalions.³⁰⁷ However, perhaps because Division 502 also functioned as the DK Air Force, it appears to have had at least 15 battalions divided amongst 2 or more regiments.³⁰⁸ The size of Division 502 varied over time, but usually seemed to be approximately 5,500 personnel. It had at various times 5,511,³⁰⁹ 5,543,³¹⁰ 5,592,³¹¹ 5,684³¹² and 6,387 personnel.³¹³
73. **SOU Met** had various duties, including:
- a. **SOU Met**, as commander of Division 502, was responsible for the RAK air force.³¹⁴
 - b. **SOU Met**, as commander of Division 502, was responsible for a series of radar installations.³¹⁵ These installations were located at various places in Cambodia, including Bokor and Pochentong, and monitored air traffic over Cambodia, Thailand and Vietnam.³¹⁶
 - c. **SOU Met**, as commander of Division 502, was responsible for various anti-aircraft installations. Division 502 maintained an anti-aircraft technical school at Pochentong airport, and the anti-aircraft detachment was based south of the airfield near Voat Chaom Chav and Voat Kok Anchanh.³¹⁷
 - d. **SOU Met**, as commander of Division 502, was responsible for security in parts of Phnom Penh and the surrounding area, including near the airfield at Pochentong.³¹⁸ The Division's area of operations in Phnom Penh included Tuol Tampung, from which division personnel could see S-21.³¹⁹

- e. **SOU Met**, as commander of Division 502 and head of the RAK air force, was responsible for the construction of a military airport near Krang Leav commune, Rolea P'ier district, Kampong Chhnang in the West Zone.³²⁰
 - f. **SOU Met** commanded Division 502's "special forces" unit, which was responsible for security and for arresting Division 502 personnel.³²¹
 - g. As commander of Division 502, **SOU Met** was responsible for the operation of the division's prison, codenamed S-22, which was located in front of the Toek L'al School at Au Baek K'am.³²²
 - h. As the commander of Division 502, **SOU Met** was responsible for purging the division of undesirable elements as part of a broader purge of the entire RAK.³²³ He contributed to the common criminal plan by identifying, arresting and transferring suspected "traitors" from Division 502 to S-21.³²⁴ More than 800 personnel from Division 502 were sent to S-21.³²⁵
74. **SOU Met** as Secretary of Division 502 commanded, directed and otherwise exercised effective control over the various units within Division 502, which were involved in the perpetration of the crimes described above.

PARTICIPATION AND KNOWLEDGE

75. In addition to his legal and factual authority as Secretary of Division 502, **SOU Met** also had specific knowledge of and directly participated in the crimes described above. His participation and knowledge is described below.
76. As part of a common criminal plan to purge the RAK of undesirable elements,³²⁶ **SOU Met** arrested Division 502 personnel and sent them to S-21,³²⁷ where they were tortured and eventually executed. **SOU Met** participated personally in various aspects of this purge. In particular, he corresponded regularly with DUCH, the commander of S-21³²⁸:
- a. **SOU Met** wrote to DUCH on 1 April 1977 to explain why four people had been sent to S-21 from Division 502 during the preceding two days. All four had been

implicated in the confession of Saom of Office 62, the administrative office of the General Staff. **SOU Met** finished his letter by noting that he was waiting for advice from Angkar before taking action against the remaining people named in Saom's confession.³²⁹

- b. **SOU Met** wrote to DUCH on 30 May 1977 about his transfer of prisoners to S-21. In his letter, **SOU Met** notes that: 1) he had already sent the group from "Unit 25" on 25 May 1977; 2) he had sent a further 25 people at some point in the recent past; 3) he had sent 2 "traitors" on 29 May 1977; 4) he will send 4 people at 19:00 hours on 30 May; and 5) he will send seven more people at 22:00 hours on 30 May. He ends his letter by requesting that DUCH send him the confession of "Mao," which he had asked for earlier, so that he can continue to search for enemies.³³⁰
- c. In response to his letter to DUCH of 30 May 1977,³³¹ **SOU Met** appears to have received the confession of Mao because his letter to DUCH dated 1 June 1977 indicates the transfer to S-21 of an individual named SUN Heng, who had been implicated by the confessions of Mao, Saom and Pang.³³²
- d. **SOU Met** wrote a second letter to DUCH on 1 June 1977, in which he proposed sending 3 more people to S-21. He indicated that one of them, Lay Chea, was the brother of Lay Try, who **SOU Met** had already arrested and sent to S-21. At the end of the letter, **SOU Met** notes that he had had them arrested some time before but that they had failed to confess clearly.³³³
- e. **SOU Met** wrote to DUCH again on 2 June 1977 in order to transfer 3 more people to S-21. Two of these individuals had been implicated in the confessions of former members of Division 310. The third person, KIM Vik, was alleged to have been a former musician from Phnom Penh. The letter states that, even though KIM Vik had not been implicated in any confession, **SOU Met** had examined him personally and concluded that he was an "enemy."³³⁴
- f. **SOU Met** wrote to DUCH on 28 July 1977 to transfer a prisoner named Saem, described as the Secretary of a Company from Battalion 512, to S-21.³³⁵ Less

than two weeks later, **SOU Met** wrote back to DUCH to request Saem's confession. Apparently, Phal, **SOU Met's** assistant, had been implicated in an earlier confession, and **SOU Met** wanted to know whether Saem had also implicated Phal.³³⁶

- g. **SOU Met** wrote to DUCH on 3 October 1977 to propose the transfer of 2 more people to S-21. **SOU Met** noted that both individuals had undergone training overseas.³³⁷
 - h. On 4 October 1977, **SOU Met** wrote to DUCH to send 3 more people to S-21. All were noted as having gone abroad. Two are noted as having come from Division 310.³³⁸
 - i. In addition, at least four S-21 confessions indicate that copies of the confessions were sent to **SOU Met**.³³⁹
 - j. In total, more than 800 personnel from Division 502 were sent to their deaths at S-21.³⁴⁰ **SOU Met** has admitted that he was aware that personnel from S-21 came to Division 502 to "pick up suspects" but denies his involvement in the arrests.³⁴¹
77. While some of the Division 502 personnel who were arrested were sent to S-21 for interrogation, others were arrested and interrogated at Division 502. **SOU Met** was aware that these interrogations took place because he signed several of the reports in which they are discussed:
- a. **SOU Met** signed a report on the "confession of a person named HAM Hang," which indicated that HAM Hang had "confessed" after his arrest to having planned to "smash the revolution." The report finishes with the conclusion of Regiment 51 of Division 502 that HAM Hang "is an enemy."³⁴²
 - b. **SOU Met** signed a report on the confession "of HEM Phi about his arrest," which indicated that in his "confession following his arrest," HEM Phi admitted to planning to attack military bases in Phnom Penh. The report finishes with the



conclusion of Regiment 51 of Division 502 that HEM Phi and his “partisans are all really enemies.”³⁴³

- c. San, the Deputy Secretary of Division 502,³⁴⁴ signed a report on “the responses of Ov Pring,” who was “interrogat[ed]” after his arrest for allegedly planning to “conduct[] a demonstration . . . to oppose the revolution.” As a result of his interrogation, he named 33 people as his accomplices in the plan.³⁴⁵
 - d. **SOU Met** signed a report on the arrest of two persons near the Pochentong airport. They were caught trying to steal food to eat and confessed in their “responses” that they were part of a movement to oppose the revolution.³⁴⁶
 - e. In a letter to DUCH, **SOU Met** proposed the sending of two individuals to S-21. In the letter, he acknowledged that he had had them arrested some time ago, but that they had failed to confess clearly.³⁴⁷ This suggests that one reason a prisoner could be transferred to S-21 was that the interrogators at Division 502 could not obtain a satisfactory confession.
78. In January 1976, **SOU Met** authored a report describing the statistics of the forces of the Second Air Battalion of Division 502. The list noted that nine members had to be “taken out,” four of which had been identified as “no-good elements.”³⁴⁸
79. Division 502 operated a prison, codenamed S-22, which was located in front of the Toek L'al School at Au Baek K'am.³⁴⁹ **SOU Met** knew about the conditions at the prison because he visited it on at least one occasion.³⁵⁰ **SOU Met** knew that Division 502 personnel were being arrested because he wrote several reports in which arrests were described.³⁵¹ **SOU Met** was also aware that his subordinates were arresting people from other units who entered Division 502's assigned territory in and around Phnom Penh.³⁵²
80. Conditions at the Kampong Chhnang airport construction site³⁵³ were unlawful. Prisoners were subjected to unlawful detention, forced labour, inhumane conditions and arbitrary arrests and executions. **SOU Met** knew about these conditions because he visited the airport construction site periodically to monitor the construction process.³⁵⁴

He was also aware of conditions at the site because Lvey, the Division 502 officer in charge of the airport construction site, reported directly to **SOU Met**.³⁵⁵

MEAS Mut

PERSONAL DETAILS

81. **MEAS Mut** was born KHE Mut in either Takeo province³⁵⁶ or Kampot province.³⁵⁷ He is the eldest son-in-law of CHHIT Chhoeun alias Ta Mok,³⁵⁸ former Secretary of the Southwest Zone from April 1975 to January 1979. **MEAS Mut** was Deputy Secretary of Sector 13 in the Southwest Zone from 1970 until 1973.³⁵⁹ In 1973, he was appointed Secretary of Division 3 of the Southwest Zone.³⁶⁰ During the DK period, he was the Secretary of Division 164 of the RAK. After the DK period, **MEAS Mut** remained part of the CPK until 1999, when he defected to the Cambodian government. At that time he became an “advisor” to the Ministry of Defense. Today, **MEAS Mut** lives in a “large wooden house” on the outskirts of Samlot district town.³⁶¹ The Co-Prosecutors believe that he continues to be an advisor to the Ministry of Defense and holds the rank of a two-star general in the RCAF.

LEGAL AND FACTUAL AUTHORITY

82. **MEAS Mut** was the Secretary of Division 164 of the RAK, which was based in Kampong Som, Ream and Kampot.³⁶² He was Secretary of Division 164 from at least January 1976³⁶³ until at least April 1978,³⁶⁴ but it is believed that he was, in fact, Secretary from shortly after April 1975 until January 1979.³⁶⁵
83. In addition to his role as Secretary of Division 164, **MEAS Mut** was either a member of the Central Committee of the CPK³⁶⁶ or a member of the Assisting Committee of the Central Committee of the CPK.³⁶⁷ In either case, he was a member of one of the four “superior echelons” of the CPK, and only the Standing Committee was higher in the CPK hierarchy.³⁶⁸ The members of the Assisting Committee had “political responsibilities” within the CPK³⁶⁹ and were entitled to receive training at Office 870 with Central Committee Members.³⁷⁰ **MEAS Mut**’s political responsibilities included: (1) implementing the Party line throughout the country; (2) instructing the Zone and Sector committees to carry out activities in accordance with the Party line; (3) governing and arranging cadres and Party members throughout the Party and all core organizations by “constantly, clearly and closely grasping personal histories, political,

ideological and organizational stances"; and (4) acting in the name of the Party in contacts with other Marxist-Leninist parties.³⁷¹

84. Division 164 was one of the 10 Divisions of the RAK,³⁷² and reported directly to the RAK General Staff, which was commanded by SON Sen, alias Brother 89.³⁷³ Division 164 appears to have had at least 12 battalions divided amongst 5 or more regiments.³⁷⁴ The size of Division 164 varied over time and was larger than a normal division, with 8,500 to 10,000 personnel at various times.³⁷⁵
85. The Revolutionary Flag of the CPK reminded RAK personnel to take pre-emptive purge measures in order to defend the country and its land and sea borders. In particular, the Revolutionary Flag ordered personnel to maintain a firm grasp politically, ideologically and organizationally on matters within the Party and the RAK.³⁷⁶ **MEAS Mut**, as Secretary of Division 164 and commander of the Navy, had knowledge of CPK and RAK policies, and had the duty to train his staff accordingly in order to strengthen the spirit of the army.
86. **MEAS Mut** had various duties, including:
- a. **MEAS Mut**, as Secretary of Division 164, was commander of the DK Navy.³⁷⁷ He was responsible for defending Cambodia's coast, including the towns of Kampong Som, Ream and Kang Keng, and all off-shore islands claimed by the DK government.³⁷⁸
 - b. **MEAS Mut**, as Secretary of Division 164, was responsible for patrolling the Cambodian coastline and islands, and he regularly reported on the operations of the DK Navy to SON Sen and other senior leaders of the CPK.³⁷⁹ In particular, **MEAS Mut's** forces were responsible for capturing or destroying any Thai or Vietnamese vessels that entered Cambodian waters.³⁸⁰
 - c. **MEAS Mut**, as Secretary of Division 164, was responsible for security within the Division and the other areas under his control. In particular, he had responsibility for purging undesirable elements and alleged traitors from Division 164 as part of a

broadier purge of the RAK.³⁸¹ As Secretary of Division 164, he was also responsible for the security center operated by Division 164 at Wat Eng Tea Nhien.³⁸²

- d. Beginning in 1975, **MEAS Mut** also controlled Kampong Som town.³⁸³ In this capacity, he had control over administrative functions in the area, including transportation, food control, and farming.³⁸⁴ The only functions in Kampong Som not under the control of Division 164 were the port and the railway.³⁸⁵ Military meeting minutes show that up to 17,000 civilians and division personnel were under his control and participated in farming on the mainland and on several coastal islands between 1975 and 1978.³⁸⁶
- e. **MEAS Mut**, as Secretary of Division 164, was responsible for the operation of a forced labour site at a rock quarry in Stung Hav.³⁸⁷
- f. **MEAS Mut**, as Secretary of Division 164, attended and participated in regular General Staff meetings where the Secretaries and Deputy Secretaries of the “regular” RAK Divisions and Independent Regiments discussed internal and external enemy situations,³⁸⁸ agricultural production and logistical issues.³⁸⁹
- g. **MEAS Mut**, as Secretary of Division 164, met with and received direct instructions from the highest leaders of DK and the CPK. He, or one of his subordinates acting as a representative of Division 164, met regularly with SON Sen and the other Division Secretaries.³⁹⁰ He also corresponded directly with SON Sen³⁹¹ and with Office 870.³⁹² On 3 August 1976, he met with Comrade Secretary (POL Pot) and other senior leaders, including VORN Vet and SON Sen to discuss defense measures and other logistic matters.³⁹³
- h. **MEAS Mut**, as Secretary of Division 164 and as commander of the RAK Navy, received regular updates from his subordinates on security issues along the coast and within the division.³⁹⁴ This correspondence was frequently forwarded to **NUON Chea**, Son Sen, and Office 870.³⁹⁵ **MEAS Mut’s** opinion and advice on security and training for Division 164 was sought through telegrams.³⁹⁶

PARTICIPATION AND KNOWLEDGE

87. In addition to his legal and factual authority as Secretary of Division 164, **MEAS Mut** also had specific knowledge of and directly participated in the crimes described above. His participation and knowledge is described below.
88. **MEAS Mut** frequently attended General Staff meetings of the Secretaries and Deputy Secretaries of the “regular” RAK Divisions and Independent Regiments where the purging of RAK Divisions was discussed.³⁹⁷ During one particular meeting on 9 October 1976, SON Sen emphasized the need to ensure that the army is “clean” and that “traitorous links” be swiftly removed.³⁹⁸ Thirteen RAK Secretaries and Deputy Secretaries voiced their approval of this plan, including **MEAS Mut**, who noted that the plan to purge the army was a “great victory for [the] Party,” and that it was “imperative to dare absolutely to conduct purges.”³⁹⁹
89. **MEAS Mut** knew about and participated in the purging of Division 164:
- a. On 11 June 1976, **MEAS Mut** reported to SON Sen that he had intercepted a letter from an unknown member of Division 164 who apparently opposed Angkar and wanted to escape from the division. **MEAS Mut** requested SON Sen’s advice on how to handle the matter and noted that he was trying to determine the source of the letter based on the author’s handwriting.⁴⁰⁰
 - b. In a telegram to SON Sen on 13 August 1976, **MEAS Mut** reported that “all our detained people that had problems” were released by two Division 164 combatants.⁴⁰¹ During an RAK meeting on 31 August 1976, either **MEAS Mut** or his representative indicated that detained members of Division 164 had been released by two “traitorous combatants.”⁴⁰²
 - c. In a directive sent from SON Sen to Division 164 on 4 November 1976, SON Sen provided instructions to **MEAS Mut** to keep recent arrests secret.⁴⁰³
 - d. **MEAS Mut** indicated at a meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments on 1 March 1977 that one platoon of his



division had already been “purged,” stated that traitors still remained and indicated that the purge had not been sufficient to eliminate the enemy threat.⁴⁰⁴

- e. The Deputy Secretary of Division 164 sent a telegram to **MEAS Mut** saying “We have taken measures against the enemies whom you, brother, had decided and who fled into the jungle. Now the five people have already been arrested.”⁴⁰⁵
 - f. In a telegram to Office 870 on 31 December 1977, **MEAS Mut** wrote that those in the Navy have a duty to “sweep[] cleanly away and without half-measures” all enemies of the army, including internal enemies. As commander of the Navy, **MEAS Mut** vowed to “be in total unity within the Party.”⁴⁰⁶
90. As part of the purge of Division 164, **MEAS Mut** arrested Division 164 personnel and sent them to S-21, where they were detained, tortured, and eventually executed. Nearly 400 personnel from Division 164 were arrested and sent to Office S-21 by **MEAS Mut**.⁴⁰⁷ DUCH, the Chairman of S-21, has testified that the decision to send personnel to S-21 was usually taken jointly by SON Sen and the chief of the arrestee’s unit.⁴⁰⁸ Various documents demonstrate that **MEAS Mut** knew about and participated in the transfer of personnel to S-21:
- a. The cover page of the S-21 Confession of **HANG Doeun** alias **Dim**,⁴⁰⁹ Deputy Secretary of Division 164, bears an annotation that states, “I would invite Comrade **Mut** to examine it collectively.”⁴¹⁰
 - b. The S-21 Confession of **KUN Dim**, Commander of Battalion 141 in Division 164, bears a handwritten notation on the front page of the document signed by **SON Sen** on 10 September 1977. The note says, “Contact **MEAS Mut** so that he can take additional measures.”⁴¹¹
 - c. The S-21 Confession of **PEN Ham**, Secretary of Battalion 170 of Division 164, dated 25 May 1977, bears an annotation on the front page that says: “relates to Comrade **MEAS Mut**” and “for Comrade **MEAS Mut**’s side.”⁴¹²

91. **MEAS Mut** must have been aware of the transfer of Division 164 personnel to S-21 because a large number of the most senior officers of Division 164 were arrested and sent to S-21. Perhaps the most prominent Division 164 officer to be arrested was **HANG Doeun** alias **Dim**, Deputy Secretary of Division 164 and **MEAS Mut**'s direct subordinate.⁴¹³ Other senior officers arrested and sent from Division 164 included: **MEN Nget**, Member of Division 164⁴¹⁴; **MOM Chim** alias **Yan**, Member of Division 164⁴¹⁵; **SAM**, the Commander of Regiment 140⁴¹⁶; **SANN Seab** alias **Sam**, Deputy Secretary of Regiment 62⁴¹⁷; **SEK Pheang**, Commander of Battalion 143⁴¹⁸; **CHOEK Sreng**, Secretary of Battalion⁴¹⁹; **KORNG Kien** alias **OENG Vet**, Secretary of Battalion 631⁴²⁰; **KUNG Sien** alias **San**, Secretary of Battalion 140⁴²¹; **PEN Ham**, Secretary of Battalion 170⁴²²; **NOP Norn**, Secretary of Battalion⁴²³; **KUN Dim**, Commander of Battalion 141⁴²⁴; **KUONG Sean** alias **San**, Secretary of Battalion 142⁴²⁵; **CHHUN Lun** alias **At**, Deputy Secretary of Battalion 165⁴²⁶; **IENG Song** alias **Sreang**, Member of Battalion 142⁴²⁷; and **NGUON Lak** alias **Sarath**, Member of Battalion 170.⁴²⁸
92. **MEAS Mut** has stated that the "top leaders" of the RAK sent him letters requesting that members of Division 164 be sent out of his zone. **MEAS Mut** admitted that he always complied with the requests, but claimed that he did not know what happened to his staff after he sent them away.⁴²⁹ **MEAS Mut** recently acknowledged that he knew that members of his division were sent to S-21. He stated that **DUCH** issued arrest warrants for Division 164 personnel and arranged for those arrested to be transported to S-21.⁴³⁰
93. Division 164 arrested numerous Vietnamese, Thai, and other foreigners along the Southwest border of Cambodia. **MEAS Mut**, as commander of the **DK Navy** and Division 164 had knowledge of these arrests, as indicated in numerous reports sent by **MEAS Mut** to **POL Pot**, **NUON Chea**, **IENG Sary**, and **SON Sen**:
- a. **MEAS Mut** reported via secret telephone on 1 April 1978, to **POL Pot**, **NUON Chea** and **IENG Sary** about the arrest and execution of 120 Vietnamese and the delay in releasing Thai arrestees during the period between 27 and 30 March 1978.⁴³¹



- b. **MEAS Mut** made a confidential telephone report to SON Sen on 20 March 1978, about the arrest of 76 Vietnamese and 21 Thais and the capturing of two Vietnamese boats. He stated that the Vietnamese arrested were of all ages and sexes, and that two fell into the water, despite having been tied up. **MEAS Mut** reported on the shooting of a Vietnamese motor-driven boat at a distance of one kilometer south of Koh Khyang. In the report, **MEAS Mut** also described the situations on several other islands.⁴³²
 - c. **MEAS Mut** made a confidential telephone report to SON Sen on 11 August 1977 regarding the arrest of four Thai boat people within Cambodia. The five arrestees were brought to Kampong Som for further interrogation. SON Sen received the report and then forward to 'Angkar' for information with an annotation requiring greater search of 'traitorous strings' from within. SON Sen also explored possible entry points that the Thai arrestees might have passed through and the situation of other traitors at border entries.⁴³³
 - d. **MEAS Mut** gave a report at a Meeting of Secretaries and Logistics of Divisions and Independent Regiments on 19 September 1976, stating that hundreds of Thai fishing boats were encroaching on Cambodian territorial waters and that one fishing boat had been captured on 11 September. It was also stated that Navy was preparing to fight the Vietnamese, should they approach too close.⁴³⁴
94. **MEAS Mut** may also have played a role in the purge of ACHAR Kang and his associated links. On 19 October 1976, **MEAS Mut** sent a hand written letter to SON Sen that ACHAR Kang's wife had sought treatment at Division 164. ACHAR Kang had already been executed and purged. SON Sen received the report and forwarded to **NUON Chea** accompanying with an annotation requesting the latter to help search for the persons named Chheng and Bân who were involved in the case.⁴³⁵
95. **MEAS Mut** visited the Stung Hav area on several occasions to oversee the construction work on a road. He sometimes stayed overnight with the Chinese technicians who were helping with the construction.⁴³⁶ As a result, he would have known about the Stung Hav forced labour site.



ALLEGED OFFENCES

96. The Co-Prosecutors have reason to believe that the suspects **SOU Met** and **MEAS Mut** committed the offenses described in paragraphs 43 to 66 of this Second Introductory Submission, which are legally characterized below in paragraph 99. We are satisfied that, from at least June 1975, **SOU Met** and **MEAS Mut** were senior leaders during the Democratic Kampuchea period and / or persons most responsible for the crimes described. **SOU Met** and **MEAS Mut**, either individually or together, planned, instigated, ordered, aided and abetted or committed these crimes. They directly intended that these crimes be committed or at least had the awareness of the substantial likelihood that the crimes would be committed in the execution of their plans, instigation, orders or assistance.
97. Where **SOU Met** and **MEAS Mut** committed these crimes they did so individually or by participating in a JCE with other co-perpetrators identified in paragraphs 33 to 41 of this Submission. These crimes were the object of the JCE or alternatively the natural and foreseeable consequences of the JCE. Other members of the JCE acted on the basis of the common purpose, with shared intent.
98. **SOU Met** and **MEAS Mut** were also responsible for these crimes as superiors of the subordinates that committed them. **SOU Met** and **MEAS Mut** had effective authority and control over their subordinates, and knew or had reason to know that their subordinates were about to commit such acts or had done so and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.
99. The Co-Prosecutors therefore have reason to believe that **SOU Met** and **MEAS Mut** participated in the following crimes namely:
- (1) crimes of Imprisonment, Enslavement, Inhumane Acts, Torture, Murder, Extermination, Persecutions on political, racial and religious grounds and Other Inhumane acts, these acts being committed as part of a widespread or systematic attack directed against a civilian population. These acts constitute **CRIMES AGAINST HUMANITY**, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law;



(2) crimes of Unlawful Confinement of Civilians, Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial, Inhumane Treatment, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Torture and Wilful Killing. These acts constitute **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949**, punishable under Article 6, 29 (new) and 39 (new) of the ECCC Law;

(3) crimes of Torture and Homicide, violations of the **1956 PENAL CODE** (Articles 500, 501, 503, 504, 505, 506, 507 and 508), punishable under Article 3 (new), 29 (new) and 39 (new) of the ECCC Law.

100. We are satisfied that the requisite conditions for the arrest and provisional detention of the suspects **SOU Met** and **MEAS Mut** as set out in the ECCC Internal Rules 42 and 63 are met for the following reasons:

- (1) this Submission provides well founded reasons to believe that **SOU Met** and **MEAS Mut** have committed the crimes specified in this Submission. The evidence collected during the Co-Prosecutors' preliminary investigations, including witness and documentary evidence supports the likelihood that **SOU Met** and **MEAS Mut** will be convicted of the crimes specified herein and punished according to ECCC law.
- (2) **SOU Met** and **MEAS Mut** have the ability and economic means to flee the country and/or otherwise evade justice. As noted above in paragraph 68, **SOU Met** is a senior member of the RCAF and is currently Commander of RCAF Region 5, near the Thai border. As noted above in paragraph 81, **MEAS Mut** is a high-level "advisor" to the Ministry of Defense and a very wealthy individual. The Suspects are aware that the ECCC has been established and that they are potential targets of a judicial investigation.⁴³⁷ Owing to the severity of the crimes committed and the likelihood that **SOU Met** and **MEAS Mut** would receive lengthy sentences for those crimes, there is a danger of them fleeing from justice and not making themselves available for trial.



- (3) owing to the senior positions that **SOU Met** and **MEAS Mut** have occupied in the past, the positions and authority they continue to wield, and the widespread, systematic and severe nature of the crimes committed by them, there is every likelihood that the witnesses, victims and third persons will feel threatened and intimidated and consequently refrain from assisting the Extraordinary Chambers in the Courts of Cambodia should they not be arrested and detained. This is also supported by the fact that few witnesses of the crimes committed are still alive. Furthermore, as the statements made by witnesses can be considered “evidence” within the meaning of Internal Rule 63 (3) (b) (ii), any pressure or intimidation exerted on witnesses or victims must be considered destruction of evidence.⁴³⁸
- (4) as these investigations and the subsequent trial are likely to arouse immense public interest, participation and passion, it is in the interest of justice that **SOU Met** and **MEAS Mut** be arrested and detained so that the proceedings are not affected and to ensure their security and preserve public order.
101. We request that the Co-Investigating Judges grant measures for the protection of individuals, including victims, witnesses and third persons who are referred to, either directly or by necessary implication, in this Submission, the accompanying case file and any other material provided therewith. The reasoning and scope of the measures requested are as stipulated in the First Introductory Submission, paragraphs 119 to 121. We ask that the measures requested in the First Introductory Submission are implemented in full regarding the investigation into **SOU Met** and **MEAS Mut**.

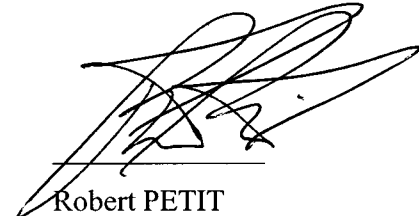


REQUEST

102. The Co-Prosecutors request the investigation, arrest and provisional detention of **SOU Met** and **MEAS Mut** for their participation in the charges alleged in this Submission and further request that protective measures as described above be granted in accordance with Internal Rule 29.

Respectfully submitted,

CHEA Leang
Co-Prosecutor



Robert PETIT
Co-Prosecutor

Signed in Phnom Penh, Kingdom of Cambodia on this 20th day of November 2008.

EVIDENTIARY AND LEGAL SOURCES

- ¹ **Introductory Submission, D3** dated 18 July 2007, ERN 00147244-00147399 (ENG).
- ² **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/11** dated 21 January 2008 at ERN 00159558, ERN 00159552-00159559 (ENG); **Central Committee Directive by the Communist Party of Kampuchea, "Decision of the Central Committee regarding a number of matters", IS Annex C No. 6.3** dated 30 March 1976, ERN 00000758-00000764 (KHM). This refers to "the right to smash, inside and outside the ranks." The term "smashed" was often used in documents to mean that someone had been killed or executed, language further explained in **Academic Article by John CIORIARI and CHHANG Youk** entitled *Documenting the Crimes of Democratic Kampuchea, IS Annex C No. 1.3* dated 2005 at pgs. 240-242, ERN 00105009-00105011 (ENG), in Book by Beth VAN SCHAAK and Jaya RAMJI, eds., entitled *Bringing the Khmer Rouge to Justice*.
- ³ **Introductory Submission Schedule 36, D3** dated 18 July 2007 at ERN 00146082-00146083, ERN 00146018-00146224 (ENG); **Introductory Submission Schedule 74, D3** dated 18 July 2007 at ERN 00146161-00146166, ERN 00146018-00146224 (ENG). This describes the CPK's repeated use of purges to "smash" those accused of being internal enemies.
- ⁴ **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea, IS Annex C No. 9.2* dated 6 January 1976, DCCN 21447, ERN 00089841-00089852 (KHM), Chapter 16.
- ⁵ See **CPK Magazine** entitled *Revolutionary Flag, IS Annex C No. 11.9* dated July 1976, at pgs. 7-9, ERN 00062905-00062945 (KHM) (describing the need to protect the country "domestically" and "on the international stage"); **CPK Magazine** entitled *Revolutionary Youth, IS Annex C No. 11.7* dated May 1976, at pgs. 4-5, ERN 00064003-00064040 (KHM)-ET (stating that the army "must constantly heighten its spirit of revolutionary vigilance and be combat ready to defend most firmly and excellently water, land, sea and island borders and the interior of the country so as to guarantee the security of our people in the co-operatives"); **CPK Magazine** entitled *Revolutionary Flag*, dated June 1976, at pgs. 8-9, ERN 00062836-00062876 (KHM).
- ⁶ **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea, Chapter 16, IS Annex C No. 9.2* dated 6 January 1976, DCCN 21447, ERN 00089841-00089852 (KHM); See also **CPK Legal Document** entitled *Communist Party of Kampuchea Statute, IS Annex C No. 9.1* dated January 1976, DCCN D00674, ERN 00053007-00053080, Art. 27 (referring to the same three branches as regular, sector and militia).
- ⁷ **CPK Legal Document** entitled *Communist Party of Kampuchea Statute, IS Annex C No. 9.1* dated January 1976, DCCN D00674, at p. 25, ERN 00053007-00053080; **CPK Standing Committee Meeting Minutes, IS Annex C No. 13.2** dated 9 October 1975, DCCN D00677, at p. 2, ERN 00019108-00019126 (KHM) (in which the Standing Committee noted in the minutes of its 9 October 1975 meeting that "national defense is being arranged at the Center"); **CPK Magazine** entitled *Revolutionary Flag, IS Annex C No. 11.9* dated July 1976, at p. 65, ERN 00062905-00062945 (KHM) ("only the Party leads the army no other organ or individual leads it").
- ⁸ The role of the Central Committee of the CPK is addressed in **OCP Introductory Submission** section entitled *Communist Party of Kampuchea and CPK Standing Committee and Office 870, D3* dated 18 July 2007, Paras. 22-24, ERN 00185898-00186167 (ENG). See also, **OCP Introductory Submission** section entitled *Overview of Hierarchy of Democratic Kampuchea and Standing Committee, D3* dated 18 July 2007, Para 6 & 11-13, ERN 00185898-00186167 (ENG).

⁹ **IENG Sary alias Van Statement, IS Annex C No. 20.8** dated 6 to 19 September 1996, at p. 6, ERN 00078605-00078618 (ENG) (“there was a committee which considered all questions about security”).

¹⁰ The role of the Standing Committee of the Central Committee of the CPK is addressed in **OCF Introductory Submission** section entitled *CPK Standing Committee and Office 870, D3* dated 18 July 2007, Paras 24-28, ERN 00185898-00186167 (ENG). See also, **OCF Introductory Submission** section entitled *Overview of Hierarchy of Democratic Kampuchea and Standing Committee, D3* dated 18 July 2007, Para 6 & 11-13, ERN 00185898-00186167 (ENG).

¹¹ In a 9 October 1975 decision of the Standing Committee, POL Pot was given general responsibility for the military. **CPK Standing Committee Meeting Minutes, IS Annex C No. 13.2** dated 9 October 1975, DCCN D00677, at p. 1, ERN 00019108-00019126 (KHM).

¹² In March 1976, SON Sen was named Deputy Prime Minister for National Defense. **CPK Central Committee Directive** entitled *Decision of the Central Committee regarding a number of matters, IS Annex C No. 6.3*, dated 30 March 1976, DCCN D00693, ERN 00003136-00003142 (KHM). See also **DK People's Assembly Meeting Minutes** entitled *Document on Conference I of Legislature I of The People's Representative Assembly of Kampuchea, 11-13 April 1976, IS Annex C No. 13.13*, DCCN D21227, at pgs. 48-49, ERN 00053603-00053645 (KHM). SON Sen was also a member of the Standing Committee of the CPK. **KHIEU Samphan OCIJ Statement, D46** dated 13 December 2007, at p. 10, ERN 00156741-00156751 (ENG).

¹³ **IENG Sary alias Van Statement, IS Annex C No. 20.8** dated 6 to 19 September 1996, at p. 6, ERN 00078605-00078618 (ENG) (IENG Sary states that the committee that handled all security issues, “which comprised four people: POL Pot, NUON Chea, Son Sen, and Son Sen’s advisor Yun Yat”).

¹⁴ **CPK Standing Committee Meeting Minutes, IS Annex C No. 13.2** dated 9 October 1975, DCCN D00677, at p. 1, ERN 00019108-00019126 (KHM) (giving SON Sen responsibility for the General Staff and Security); **DK Military Meeting Minutes, D83-0009** entitled *To beloved Committees of Divisions and Regiments*, DCCN D01782, ERN 00033314-00033314 (KHM) (in which SON Sen issues instructions from the General Staff to military divisions and regiments); **KAING Guek Eav alias DUCH OCIJ Statement, D11** dated 7 August 2007, at ERN 00147518, ERN 00147517-00147527 (ENG).

¹⁵ **DK Military Meeting Minutes** entitled *Report on the Situation in Division 310* dated 25 November 1976, DCCN L0000237, ERN 00160067-00160067 (KHM) (General Staff Office Report signed by Raen); **DK Military Report** entitled *Report about the Situation in Division 450* dated 24 December 1976, DCCN L0000258, ERN 00052338-00052340 (KHM) (General Staff Office Report signed by Raen); **DK Military Meeting Minutes** entitled *Meeting at Division 170's Location* dated 1 October 1976, DCCN L0001493, ERN 00160137-00160141 (KHM) (General Staff Meeting Minutes with Division 170 signed by Raen).

¹⁶ **DK Military Report** dated 29 March 1977, DCCN L0000056, ERN 00052314-00052314 (KHM) (document from General Staff Logistics Committee to Brothers 89 and 81 signed by Teanh); **DK Military Report** entitled *Statistics of Weapons and Ammunition required by Divisions 450 and 502* dated 27 May 1976, DCCN L0001253, ERN 00160097-00160097 (KHM) (General Staff Document that is signed by Teanh); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (DK Military report signed by Teanh).

¹⁷ The General Staff had two sub-offices: Office 62 and Office 63. Office 62 had a number of sub-offices: K-15, K-16, K-18, K-27, K-28, Po-98, Vor-66, Tractors and Water-trucks. Office 62 had 1,385 personnel, while Office 63 had 3,201 personnel. **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM). Another document refers to offices within the General Staff named “military logistics,” “tank units,” “artillery units,” and “staff office.” These may simply be different names for Offices 62 and 63 and their various sub-offices. **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM).

¹⁸ **DK Military Meeting Minutes** entitled *Minutes of an Experience Drawing Meeting on Guarding in City Defense* dated 19 December 1976, DCCN L0000255, ERN 00162477-00162479 (KHM) (General Staff meeting minutes describing the enemy situation within the country and issuing a variety of commands); **DK Military Report** entitled *Summary of the Situation Inside the Country and at the Border According to Telegrams from 1 to 31 December 1976* dated 31 December 1976, DCCN L0000268, ERN 00160073-00160077 (KHM) (General Staff document providing a summary of activities occurring within the country and at the border); **DK Military Meeting Minutes** entitled *Meeting at Division 170's Location* dated 1 October 1976, DCCN L0001493, ERN 00160137-00160141 (KHM) (Describes “shortcomings” in defending the country and states that cadre with “no-good political tendencies” should be removed to protect internal security).

¹⁹ **CPK Central Committee Directive** entitled *Decision of the Central Committee regarding a number of matters*, **IS Annex C No. 6.3** dated 30 March 1976, DCCN D00693, ERN 00003136-00003142 (authorizing the General Staff to “smash” individuals within the “Center Military”).

²⁰ S-21 was the CPK’s premier security center, located in Phnom Penh. It is described in more detail in **OCP Introductory Submission** section entitled *Phnom Penh - Office S-21*, **D3** dated 18 July 2007, Paras 49- 55, ERN 00185898-00186167 (ENG).

²¹ See, for example, **S-21 Prisoner List** containing names of prisoners from the General Staff Office, Military Hospitals and Other Units, **D57-00038** dated 1977, DCCN D10961, ERN 00021118-00021120 (list of 37 people who had been arrested, 13 from the General Staff); **S-21 Prisoner List** containing names of prisoners from the General Staff, dated April 1977, DCCN D14269, ERN 00021222-00021229 (KHM) (listing names of 76 people from the General Staff office, 4 of whom are indicated as “smashed”); **S-21 Prisoner List** entitled *Chann's report on 13 prisoners taken into S-21 on 21 May 1977*, **D57-00075**, DCCN D06928, ERN 00088738-00088739 (KHM) (containing the names of some prisoners from General Staff Logistics); **S-21 Prisoner List** entitled *Chann's report on 18 prisoners taken into S-21 on 22 May 1977*, **D57-00076**, DCCN D06927, ERN 00088736-00088737 (KHM) (containing the names of some prisoners from the General Staff); **S-21 Prisoner List**, **IS Annex C No. 16.58** dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (containing the names of 30 prisoners, including some from the General Staff); **S-21 Prisoner List**, **IS Annex C No. 16.60** dated December 1977, DCCN D10937, ERN 00040237-00040237 (KHM) (containing the names of 8 prisoners); **S-21 Prisoner List** containing names of prisoners from the General Staff and S-21, **D57-00102** dated October 1977, DCCN D06185, ERN 00021100-00021102 (KHM) (listing the names of 55 people from the General Staff and S-21); **S-21 Prisoner List** containing names of prisoners from the General Staff Office, **D57-00140** dated January 1978, DCCN D05893, ERN 00021090-00021091 (KHM) (containing the names of 66 people from the General Staff, 23 of which are indicated as having already been executed); **S-21 Prisoner List**, **D57-00141** dated 18 January 1978, DCCN D14397,

ERN 00021241-00021243 (KHM) (list of 13 names, 5 from General Staff offices); **S-21 Prisoner List, IS Annex C No. 16.78** dated May 1978, DCCN D05909, ERN 00019233-00019249 (containing names of 270 prisoners, some from the General Staff); **S-21 Prisoner List** containing names of prisoners from the offices under the General Staff, dated July 1978, **D57-00156**, DCCN D05915, ERN 00021092-00021093 (containing the names of 22 people arrested from the General Staff); **S-21 Prisoner List** dated 30 March 1978, **D57-00166**, DCCN D02669, ERN 00086721-00086724 (KHM) (containing the names of 84 prisoners, some from the General Staff); **S-21 Prisoner List** dated 2 April 1978, **D57-00170**, DCCN D01580, ERN 00088616-00088630 (KHM) (containing the names of 144 prisoners, some from the General Staff); **S-21 Prisoner List, D57-00171** dated 3 April 1978, DCCN D01575, ERN 00088602-00088611 (KHM) (containing the names of 88 prisoners, some from the General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group", **D57-00180** dated 10 April 1978, DCCN D06017, ERN 00086873-00086873 (KHM) (includes prisoners from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Documentation Group", **D57-00179** dated 10 April 1978, DCCN D06035, ERN 00086894-00086898 (KHM) (list of 76 prisoners, some from General Staff); **S-21 Prisoner List, D57-00181** dated 23 April 1978, DCCN D01569, ERN 00088586-00088593 (KHM) (list of 99 prisoners, some from General Staff); **S-21 Prisoner List, D57-00182** dated 24 April 1978, DCCN D01568, ERN 00088568-00088585 (KHM) (list of 110 prisoners, some from General Staff); **S-21 Prisoner List, D57-00183** dated 25 April 1978, DCCN D01567, ERN 00039788-00039811 (KHM) (containing names of 307 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group", **D57-00184** dated 26 April 1978, DCCN D06018, ERN 00086874-00086874 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group", **D57-00189** dated 29 April 1978, DCCN D06016, ERN 00086872-00086872 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group", **D57-00198** dated 1 May 1978, DCCN D06020, ERN 00086875-00086875 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group", **D57-00199** dated 2 May 1978, DCCN D06023, ERN 00086876-00086876 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated on 2 May 1978, **D57-00201**, DCCN D01604, ERN 00088656-00088662 (KHM) (list of 89 prisoners, some from General Staff); **S-21 Prisoner List, IS Annex C No. 16.132** dated 11 May 1978, DCCN D06022, ERN 00040144-00040146 (KHM) (list of 27 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Hot Group", **D57-00216** dated June 1978, DCCN D06013, ERN 00086865-00086867 (KHM) (list of 34 prisoners, some from General Staff Tank Unit); **S-21 Prisoner List, IS Annex C No. 16.150** dated 30 June 1978, DCCN D02665, ERN 00040015-00040016 (KHM) (list of 18 prisoners, some from General Staff Tank Unit); **S-21 Prisoner List, D57-00269** dated December 1978, DCCN D05929, ERN 00086822-00086823 (KHM) (list of 22 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners kept in the special prison, **D57-00270** dated December 1978, DCCN D01180, ERN 00088520-00088521 (KHM) (list of prisoners, some from General Staff); **S-21 Prisoner List, D57-00273** dated December 1978, DCCN D05865, ERN 00086763-00086768 (KHM) (list of 60 prisoners, some from General Staff Office); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 prisoners, some from General Staff).

While only some of the prisoner lists expressly indicate that the prisoners were executed, KAING Guek Eav alias DUCH, who commanded S-21 for most of the DK period, has testified that everybody who entered S-21 was eventually executed. **KAING Guek Eav alias DUCH** OCIJ Statement, **D11** dated 7 August 2007 at ERN 00147524, ERN 00147517-00147527 (ENG) (DUCH refers to execution at S-21 as systematic and says: “for those sent to S 21, it had already been decided to smash them all... At S 21 there was no right to release); **KAING Guek Eav alias DUCH** OCIJ Statement, **D16** dated 5 September 2007 at ERN 00147582, ERN 00147579-00147585 (ENG) (DUCH describes how NUON Chea told him that “all persons sent to S-21 had to be killed – as I was in charge of S-21, I implemented his orders.”); **KAING Guek Eav alias DUCH** OCIJ Statement, **D13** dated 23 August 2007 at ERN 00147565, ERN 00147563-00147573 (ENG) (DUCH describes receiving an “absolute order” on 2 or 3 January 1979 from NUON Chea to “smash” all prisoners at S-21); **KAING Guek Eav alias DUCH** OCIJ Statement, **D21** dated 3 October 2007 at ERN 00149911, ERN 00149907-00149919 (ENG) (DUCH says: “All persons in detention had to be smashed. At the beginning, the killings were done in Phnom Penh, west of S-21. Later, because of a fear of disease, the killing was done at Choeung Ek”).

Others who worked at S-21 have also noted that all prisoners at S-21 were executed. **BOU Meng** OCP Statement, **IS Annex C No. 23.1** dated 24 August 2006, ERN 00080529-00080539 (KHM) (witness notes that in some cases, detainees were executed at S-21); **KUNG Phai** OCP Statement, **IS Annex C No. 23.5** dated 9 December 2006, ERN 00078666-00078675 (KHM); **SOKH Sophat** DC-Cam Statement, **IS Annex C No. 19.184** dated 25 January 2002, ERN 00008163-00008248 (KHM); **SAOM Mon** DC-Cam Statement, **IS Annex C No. 19.168** dated 13 August 2003, ERN 00053936-00053961 (KHM); **HAM Seng** alias **UK Bun Seng** DC-Cam Statement, **IS Annex C No. 19.43** dated 14 March 2003, DCCN KDI0249/K00147, ERN 00008904-00008904 (KHM) (describing how people were sent to S-21 and never seen again, and calling S-21 a killing place); **SAOM Met** DC-Cam Statement, **IS Annex C No. 19.167** dated 25 January 2003, DCCN KDI0155/K05435, ERN 00051644-00051751 (KHM) (Met states that prisoners were executed after interrogation); **PRAK Khan** OCP Statement, **IS Annex C No. 23.8** dated 12 October 2006, ERN 00078625-00078639 (KHM).

²² General Staff member Raen was sent to various divisions to conduct and assist with RAK arrests and purges. **DK Military Meeting Minutes** entitled *Meeting at Division 170's Location*, dated 1 October 1976, DCCN L0001493, ERN 00160137-00160141 (KHM) (Comrade Raen states “It is possible to implement Party discipline and to follow the Party’s decisions, such as by removing cadre who have no-good political tendencies. Comrade Tet also refers to the importance of purging “dangerous elements”); **DK Military Meeting Minutes** entitled *Report on the Situation in Division 450* dated 14 November 1976, DCCN L0001539, ERN 00087054-00087056 (KHM) (describing how Raen from the General Staff Office went to Division 450 to investigate the links of an alleged traitor named Chhaoet. Includes the names of 25 people from Division 450, Division 310, the factories, and Commerce, who were implicated by the confession of Chhaoet); **DK Military Meeting Minutes** entitled *Report on the Situation in Division 310* dated 25 November 1976, DCCN L0000237, ERN 00160067-00160067 (KHM) (Discusses two individuals in Division 310 who were implicated in confessions. Raen states that the two individuals “have already been grasped” by the Division); **DK Military Report** entitled *Report about the Situation in Division 450*, dated 24 December 1976, DCCN L0000258, ERN 00052338-00052340 (KHM) (Raen reports back to the General Staff about Comrade Lum and requests his “removal” from Division 450).

²³ See below note 70.

²⁴ **DK Military Meeting Minutes** entitled Meeting at Division 170's Location dated 1 October 1976, DCCN L0001493, ERN 00160137-00160141 (KHM) (noting that several individuals had been sent for "re-education" by the division); **DK Military Report** entitled *General Staff Logistics Committee to Brothers 89 and 81*, dated 29 March 1977, DCCN L0000056, ERN 00052314-00052314 (KHM) (List of individuals with "traitorous links" in General Staff Logistics. Indicates that "administrative measures" have been taken against them).

²⁵ **DK Military Report** entitled *Summary of the Situation Inside the Country and at the Border According to Telegrams from 1 to 31 December 1976* dated 31 December 1976, DCCN L0000268, ERN 00160073-00160077 (KHM) (providing a summary of arrests and suspected enemy activity); **DK Military Report** entitled *To beloved Brother* dated 17 September 1976, DCCN L0001450, ERN 00021527-00021527 (KHM) (describing patrol experiences in Phnom Penh, where some workers used electricity to catch fish; many factories used guns and speeding drivers in the capital were a worrying sign); **DK Military Meeting Minutes** entitled *Office 62 of the General Staff* dated 3 October 1976, DCCN L0001495, ERN 00087053-00087053 (KHM) (report on the shooting of a suspected enemy who was thought to have a grenade); **DK Military Meeting Minutes** entitled *Minutes of an Experience Drawing Meeting on Guarding in City Defense* dated 19 December 1976, DCCN L0000255, ERN 00162477-00162479 (KHM) (General Staff meeting minutes summarizing the enemy situation within the country).

²⁶ **DK Military Meeting Minutes** entitled *Minutes of an Experience Drawing Meeting on Guarding in City Defense* dated 19 December 1976, DCCN L0000255, ERN 00162477-00162479 (KHM) (General Staff Office issues commands regarding, guarding and patrolling, possessing weapons, obtaining enemy situation reports from Division Committees and Independent Regiment Committees, and cadre appearance).

²⁷ **DK Military Meeting Minutes** entitled *Office 62 of the General Staff* dated 3 October 1976, DCCN L0001495, ERN 00087053-00087053 (KHM) (General Staff document that reports on the shooting of a suspected enemy who was thought to have a grenade).

²⁸ Records of 14 meetings of the senior cadres of the divisions and independent regiments exist and it is believed that many more took place. There are records of meetings on 2 August 1976, 12 August 1976, 18 August 1976, and 30 August 1976, suggesting that meetings might have occurred on a weekly basis. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Economics of Divisions*, **IS Annex C No. 13.17** dated 16 May 1976, DCCN L0001229, ERN 00088910-00088910 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of All Division Committees*, dated 1 June 1976, DCCN L0001272, ERN 00162480-00162484 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions, Secretaries and Deputy Secretaries of Regiments*, **IS Annex C No. 13.25** dated 2 August 1976, DCCN L0001373, ERN 00052352-00052361 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of the Committees attached to Divisions and Independent Regiments*, **IS Annex C No. 13.26** dated 12 August 1976, DCCN L0001376, ERN 00052362-00052375 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.28** dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes**

entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.30** dated 16 September 1976, DCCN L0001449, ERN 00064954-00064957 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Meeting Minutes of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 18 October 1976, DCCN L0001505, ERN 00095528-00095531 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments* dated 11 November 1976, DCCN L0001537, ERN 00088918-00088920 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, ERN 00088918-00088920 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM).

²⁹ **DK Military Meeting Minutes** entitled *Minutes of Plenary Meeting of the 920th Division*, 7 September 1976, 14.00 hours, **IS Annex C No. 13.29**, DCCN L0001444, ERN 00083157-00083160 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of 164 Comrades* dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM); **DK Military Meeting Minutes** entitled *Meeting of Comrade Tal Division 290 and Division 170*, **IS Annex C No. 13.31** dated 16 September 1976, DCCN L0001448, ERN 00002233-00002235 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting at Division 170's Location*, dated 1 October 1976, DCCN L0001493, ERN 00160137-00160141 (KHM); **DK Military Meeting Minutes** of Division 920, **IS Annex C No. 13.40** dated 16 December 1976, DCCN L0000254, ERN 00052333-00052335 (KHM); **DK Military Meeting Minutes**, **IS Annex C No. 13.41** entitled *Minutes of Division 801* dated 16 December 1976, DCCN L0000253, ERN 00052330-00052332 (KHM).

³⁰ SON Sen might have met with division commanders individually as part of regular meetings with all division commanders. For example, SON Sen met with Divisions 170 and 290 on 16 September 1976 – the same day that he met with all of the division commanders together. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments* dated 16 September 1976, DCCN L0001449, ERN 00064954-00064957 (KHM); **DK Military Meeting Minutes of Division 290 and Division 170**, **IS Annex C No. 13.30** dated 16 September 1976, DCCN L01448, ERN 00002233-00002235 (KHM).

In another example, SON Sen held separate meetings with Divisions 801 and 920 the day after a meeting of all the division commanders. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM); **DK Military Meeting Minutes of Division 920**, **IS Annex C No. 13.40** dated 16 December 1976, DCCN L0000254, ERN 00052333-00052335 (KHM); **DK**

Military Meeting Minutes entitled *Minutes of Division 801, IS Annex C No. 13.41* dated 16 December 1976, DCCN L0000253, ERN 00052330-00052332 (KHM).

³¹ **DK Military Meeting Minutes** entitled *Meeting on 3 March 1976 regarding Air Force Recruitment*, dated 3 March 1976, DCCN L0001157, ERN 00160085-00160085 (KHM); **DK Military Meeting Minutes** regarding Deployment of the DK Navy, 3 August 1976, DCCN L0001374, ERN 00021496-00021502 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the discussion of Chinese artillery experts*, 24 September 1976, L0001514, ERN 00002387-00002390 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting on Production Work, IS Annex C No. 13.33* dated 30 September 1976, DCCN L0001487, ERN 00088911-00088917 (KHM); **DK Military Meeting Minutes** entitled *Minutes of an Experience Drawing Meeting on Guarding in City Defense*, dated 19 December 1976, DCCN L0000255, ERN 00162477-00162479 (KHM).

³² **DK Military Report** entitled *General Staff Logistics Committee to Brothers 89 and 81* dated 29 March 1977, DCCN L0000056, ERN 00052314-00052314 (KHM) (Cadre deemed traitorous in General Staff Logistics included individuals from: vehicle repair shop, wood-cutting, weapon repair shop, supply section, construction team, logistics transport section, logistics survey team, and arms dump).

³³ **DK Military Report** entitled *Cambodian Revolutionary Armed Forces General Staff: Statistics of Collective-Eating Forces- March 1977, D91-00006* dated 7 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM) (General Staff document provides collective eating statistics across all divisions); **DK Military Report** entitled *Statistics of Weapons and Ammunition required by Divisions 450 and 502* dated 27 May 1976, DCCN L0001253, ERN 00160097-00160097 (KHM) (General Staff Document that contains information on the kinds of weapons needed by Division 450 and Division 502); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (Teanh describes the planned rice consumption for various military units); **DK Military Report** entitled *List of Military Equipment Received from Viet Nam*, DCCN D01404, ERN 00003678-00003681 (KHM); **DK Military Report** entitled *Statistics of National Army, Division 310* Dated 13 June 1977, DCCN D01664, ERN 00033313-00033313 (KHM); **DK Military Report** entitled *List of Military Equipment Received from Viet Nam*, dated 2 May 1976, DCCN D01408, ERN 00003675-00003677 (KHM).

³⁴ **DK Military Meeting Minutes** entitled *To beloved Committees of Divisions and Regiments, D83-00009* dated 3 September 1977, DCCN D01782, ERN 00033314-00033314 (KHM) (providing instructions from the General Staff to RAK divisions in the area of farming and telling them to model their efforts on Division 164).

³⁵ **DK Military Meeting Minutes** entitled *Table of Statistics on Students Studying at the First General Staff Study Session, IS Annex C No. 13.35* dated 20 October 1976, DCCN L0001512, ERN 00095532-00095543 (KHM); **DK Military Report** entitled *First General Staff Study Session* dated 20 October 1976, DCCN L0001511, ERN 00008510-00008534 (KHM); **DK Military Report** entitled *Second General Staff Study Session, IS Annex C No. 18.22* dated 23 November 1976, DCCN L00230, ERN 00008459-00008470 (KHM); **DK Military Meeting Minutes** entitled *Report on the Situation in Division 310* dated 25 November 1976, DCCN L0000237, ERN 00160067-00160067 (KHM) (nothing that two individuals who have been implicated in confessions have "come for studies." This is apparently a reference to the General Staff study session that was going on at the same time).

³⁶ **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea*, Art. 19, **IS Annex C No. 9.2** dated 6 January 1976, DCCN D21447, ERN 00089841-

00089852 (KHM). *See also*, **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, Art. 27, **IS Annex C No. 9.1** dated January 1976, DCCN D00674, ERN 00053007-00053080 (KHM) (referring to the same three branches as regular, sector and militia).

³⁷ The CPK Statute indicates that the Regular Army divisions reported to the General Staff Party Committee, the Zone divisions reported to the Zone Party Committee, the Sector regiments reported to the Sector Party Committee, and the District, Subdistrict and Village Militias reported to the District Party Committee. *See*, **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, Art. 1(2)(b), **IS Annex C No. 9.1** dated January 1976, DCCN D00674, ERN 00053007-00053080 (KHM).

³⁸ **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, **IS Annex C No. 9.1** dated January 1976, DCCN D00674, at p. 25, ERN 00053007-00053080 (KHM).

³⁹ **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.9** dated July 1976, at p. 65, ERN 00062905-00062945 (KHM).

⁴⁰ **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM) (lists nine divisions, three independent regiments, and three offices in its statistics of armed forces); **DK Military Report** entitled *Cambodian Revolutionary Armed Forces General Staff: Statistics of Collective-Eating Force March 1977*, **D91-00006** dated 07 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM) (lists six divisions, three, independent regiments, and three offices located in Phnom Penh in March 1977); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (Lists 13 units and one office within RAK).

⁴¹ KAING Guek Eav alias DUCH, Chairman of S-21, has testified that the security centre was part of the DK military: **KAING Guek Eav alias DUCH** OCIJ Statement, **D16** dated 5 September 2007 at ERN 00147583, ERN 00147579-00147585 (ENG). In addition, S-21 is listed as part of RAK in various military reports. **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM); **DK Military Report** entitled *Cambodian Revolutionary Armed Forces General Staff: Statistics of Collective-Eating Force March 1977*, **D91-00006** dated 07 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM). *See also*, rice consumption charts indicating that S-21 was a part of the RAK: **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, ERN 00088921-00088937 (KHM).

⁴² **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM) (indicating a total of 61,189 RAK personnel); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (indicating a total of 64,248 personnel in RAK in 1976).

⁴³ The Documentation Center of Cambodia (DC-Cam) holds a number of DK-era documents that, based on their titles, appear to relate to Division 1 of the Northwest Zone. *See e.g.*, DCCN D00065; DCCN D00081; DCCN D05731; DCCN D06641; DCCN D13836; DCCN D14847. The Co-Prosecutors do not have copies of these documents.

⁴⁴ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 2. *See, e.g.*, DCCN D00462, DCCN D00463; DCCN D12352; DCCN D12353; DCCN D14452; DCCN D14463; DCCN D14848. The Co-Prosecutors do not have copies of these documents.

⁴⁵ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to a North Zone division. *See, e.g.*, DCCN D02979; DCCN D04813; DCCN D09068; DCCN D11455. The Co-Prosecutors do not have copies of these documents.

⁴⁶ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 3 of the East Zone. *See, e.g.*, DCCN D06706; DCCN D06707; DCCN D06710; DCCN D06715; DCCN D06721; DCCN D06722. The Co-Prosecutors do not have copies of these documents.

⁴⁷ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 4 of the East Zone. *See e.g.*, DCCN D06706; DCCN D10971; DCCN K07120. The Co-Prosecutors do not have copies of these documents.

⁴⁸ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 5 of the East Zone. *See e.g.*, DCCN D06669; DCCN D06712, DCCN D06716; DCCN D06734; DCCN D06735. The Co-Prosecutors do not have copies of these documents.

⁴⁹ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 11. *See e.g.*, DCCN D02406; DCCN D03382; DCCN D04071; DCCN D10475; DCCN K03279. The Co-Prosecutors do not have copies of these documents.

It is not clear if this is the division that later became Division 502 or whether it is another division with the same name. *See* **LENG Kim alias Kung Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, DCCN KHI0038, ERN 00054815-00054873 (KHM) (stating that Division 502 had been created from personnel from different Zones and that it and that it answered to the “Centre’s General Staff”); **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM) (stating that Division 11 was dissolved into Division 502 shortly after Division 11 entered Phnom Penh in April 1975); **SRENG Thi**, DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM) (stating that shortly after the fall of Phnom Penh in April 1975, Division 11 was dissolved into the unit that became Division 502 and noting that Division 502 answered to the General Staff); **UO Leang** DC-Cam Statement, **IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132 (KHM) (noting that Division 11 disintegrated when its leading cadres were arrested and that those who were left who had good biographies were transferred to Division 502). *See also*, **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee*, **IS Annex C No. 13.2** dated 9 October 1975, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that Division 11 would be dissolved and incorporated into other divisions). If these documents relate to the division that later became Division 502, then Division 11 should be considered a “regular” RAK division, not a “regional” one.

⁵⁰ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 12. *See e.g.*, DCCN D14138; DCCN D14140; DCCN D14216; DCCN D15865. The Co-Prosecutors do not have copies of these documents.

⁵¹ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 117 of the North Zone. *See e.g.*, DCCN D02584; DCCN D03471; DCCN D04646; DCCN D05149. The Co-Prosecutors do not have copies of these documents.

⁵² DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 174. *See e.g.*, DCCN D00152; DCCN D00156; DCCN D00164; L01895. The Co-Prosecutors do not have copies of these documents.

⁵³ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to a division in Kompong Cham. *See e.g.*, DCCN D02752; DCCN D03710; DCCN D05141; DCCN D05398. The Co-Prosecutors do not have copies of these documents.

⁵⁴ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to Division 335. *See e.g.*, DCCN D00149; DCCN D04025; DCCN D04051; DCCN D08516; DCCN D10696. The Co-Prosecutors do not have copies of these documents.

⁵⁵ DC-Cam holds a number of DK-era documents that, based on their titles, appear to relate to other units described as “divisions.” *See e.g.*, DCCN D05866 (Division 603); DCC D05868 (Division 340); DCCN D05911 (Division 340); DCCN D11730 (Division 14); DCCN D12386 (Division 15); DCCN D14039 (Division 340); DCCN L00109 (Division 7); DCCN L00110 (Division 7); DCCN L01337 (Division 124); DCCN L01338-L01343 (Division 80); DCCN L01356 (Division 75). The Co-Prosecutors do not have copies of these documents.

⁵⁶ **Witness OCP-00127**, DC-Cam Statement, dated 13 June 2005, DCCN D25189, ERN 00035079-00035106 (KHM); **PHIN Yeang** DC-Cam Statement, **IS Annex C No. 19.144** dated 21 May 2004, DCCN TKI0567, ERN 00055810-00055831 (KHM); **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, Art. 1(2)(b), **IS Annex C No. 19.1** dated January 1976, DCCN D00674, ERN 00053007-00053080 (KHM).

⁵⁷ **Witness OCP-00127**, DC-Cam Statement, dated 13 June 2005, DCCN D25189, ERN 00035079-00035106 (KHM) (noting that the primary duty of Chhlop in Pak Kalan village was to patrol in case villagers tried to flee into the forest); **PHIN Yeang** DC-Cam Statement, **IS Annex C No. 19.144** dated 21 May 2004, DCCN TKI0567, ERN 00055810-00055831 (KHM) (Yeang describes how she ran away once from her children’s unit and was brought back tied up by the militia, which was attached to the village and sub-district).

⁵⁸ **POUL Sokhom** DC-Cam Statement, **IS Annex C No. 19.146** dated 27 March 2002, at page 2, ERN 00080557-00080565 (KHM) (describing how the Chhlop spied on her family because her father had been a policeman in the Khmer Republic); **CHOAL Sin** DC-Cam Statement, **IS Annex C No. 19.32** dated 12 May 2004, DCCN I00662, ERN 00043205-00043217 (KHM) (describing how the Chhlop were in charge of keeping track of investigating political matters); **Analytical Report by the Government of the United States** entitled *Submission of the Government of the United States Under the Commission on Human Right Decision 9*, **IS Annex C No. 2.1** dated 6 July 1978, at page 17, ERN 00087610-00087627 (ENG) (Mon Sieu says “At dusk, soldiers on patrol and spies (chhlop) from Cheng Kal came into the village to hide under the houses and listen to what members of the family say to each other); **Witness OCP-00127**, DC-Cam Statement, dated 13 June 2005, DCCN D25189, ERN 00035079-00035106 (KHM) (Describes how Chhlop searched for “underground kinh”).

⁵⁹ **Witness OCP-00151**, DC-Cam Statement, dated 11 June 2005, DCCN D25180, ERN 00034783-00034810 (KHM).

⁶⁰ **Analytical Report by the Government of the United States** entitled *Submission of the Government of the United States Under the Commission on Human Right Decision 9*, **IS Annex C No. 2.1** dated 6 July 1978 at page 17, ERN 00087610-00087627 (ENG); **CHIEM**

Nha DC-Cam Statement, **IS Annex C No. 19.31** dated 21 May 2004, DCCN TKI0579/I04529, at p. 4 (ENG translation), ERN 00055931-00055965 (KHM); **CHOAL Sin** DC-Cam Statement, **IS Annex C No. 19.32** dated 12 May 2004, DCCN I00662, ERN 00043205-00043217 (KHM).

⁶¹ **CHOAL Sin** DC-Cam Statement, **IS Annex C No. 19.32** dated 12 May 2004, DCCN I00662, ERN 00043205-00043217 (KHM) (describing how Chhlop would track people down for saying the smallest thing against DK. The Chhlop even arrested those who they discovered had warned others to be careful and follow orders or else they might be killed); **CHIEM Nha** DC-Cam Statement, **IS Annex C No. 19.31** dated 21 May 2004, DCCN TKI0579/I04529, ERN 00055931-00055965 (KHM) (describing how people were arrested and killed for making small mistakes or after being denounced by fellow villagers with grudges. She was directly aware of instances of this. Also describes how several families were executed after their district chairman fled to Vietnam, as it was believed they were also traitors after working under him).

⁶² **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75*, **IS Annex C No. 13.2**, at page 8, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that RAK divisions were to be standardized with three regiments each and a combat strength of approximately 4,000 people); **DK Military Report** entitled *Statistics of National Army, Division 310*, dated 13 June 1977, DCCN D01664, ERN 00033313-00033313 (KHM) (summarizing the structure of Division 310, including 3 regiments and 9 battalions).

⁶³ **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM); **DK Military Report** entitled *Cambodian Revolutionary Armed Forces General Staff: Statistics of Collective-Eating Force March 1977*, **D91-00006** dated 07 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM); **DK Military Report** entitled *Rice Consumption Plan for 1976 by Unit* dated 04 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM); **DK Military List by Sou Met** entitled *Monthly list of forces for October 1976* dated 25 October 1976, DCCN L0001518, ERN 00160144-00160144 (KHM) (Indicates a total of 5599 cadres in Division 502).

⁶⁴ **DK Military List by MEAS Mut** entitled *Daily List of Forces 27 October 1976* dated 27 October 1976, DCCN L0001532, ERN 00160145-00160147 (KHM) (Indicates that Division 164 had 346 cadre in its messenger unit, 55 cadre in its radio unit, and 26 in its telephone unit); **DK Military List by SOU Met** entitled *Monthly list of forces for October 1976* dated 25 October 1976, DCCN L0001518, ERN 00160144-00160144 (KHM) (A monthly list of forces in Division 502 indicates that there were 82 cadre in the messenger unit, 11 cadre in the radio unit, and 23 in the telephone unit).

⁶⁵ **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.9** dated July 1976, at pgs. 7-9, ERN 00062905-00062945 (KHM) (describing the need to protect the country “domestically” and “on the international stage”); **CPK Magazine** entitled *Revolutionary Youth*, **IS Annex C No. 11.7** dated May 1976, at ERN 00184259-00184261, ERN 00184256-00184266 (ENG) (stating that the army “must constantly heighten its spirit of revolutionary vigilance and be combat ready to defend most firmly and excellently water, land, sea and island borders and the interior of the country so as to guarantee the security of our people in the co-operatives”); **CPK Magazine** entitled *Revolutionary Flag*, dated June 1976, at pgs. 4-5, ERN 00062836-00062876 (KHM) (states that the “core and crucial duty of the Revolutionary Army is the defence of the country and of security domestically within the country”); **DK Government Legal Document** entitled *Constitution of Democratic*

Kampuchea, Chapter 16, **IS Annex C No. 9.2** dated 6 January 1976, DCCN D21447, ERN 00089841-00089852 (KHM) (according to the DK Constitution, the RAK must “defend the State power of the Kampuchean people and of independent, unified, peaceful, neutral, non-aligned, sovereign, and democratic Kampuchea”).

⁶⁶ **CPK Directive by Office 870** entitled *Instructions of 870*, **IS Annex C No. 6.6**, DCCN D00479, ERN 00052507-00052520 (KHM) (Office 870's orders to DK zones, sectors, districts etc. on attacking the Vietnamese enemies and spies militarily, politically, and psychologically); **CPK Directive by Office 870** entitled *Announcement of Steady and Absolute Combat Against the Yuon Enemy Aggressors and Expansionist Land-Grabbers*, **IS Annex C No. 6.5** dated 1 January 1979, DCCN D10837, ERN 00021108-00021108 (KHM) (ordering the DK population, including “the entire Revolutionary Army of Kampuchea, and all the combatants male and female,” to take up arms against the Vietnamese); **CPK Public Statement by SALOTH Sar alias POL Pot** entitled *International Media Report on Speech of Pol Pot at a 17th January Mass Meeting on the 10th Anniversary of the Cambodian Revolutionary Army - Vietnamese Report of Cambodian Border Encroachments*, **IS Annex C No. 17.2** dated 19 January 1978, DCCN D29884, ERN S 00008671-00008678 (ENG) (POL Pot describes “the results and fighting quality of our revolutionary army” and stresses that DK forces have won many victories in the course of the armed conflict with Vietnam); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (SON Sen advises RAK Secretaries and Deputy Secretaries on armed conflict with Vietnam saying “It is imperative to further strengthen our defense work along the border with Vietnam. The attack method is to be sure to be able to use small forces to find opportunities to smash their big forces. Be sure of grasping the enemy’s rules and regulations and they jump at opportunities to attack so that the enemy doesn’t know what hit him”).

⁶⁷ **DK Government Report** entitled *Summary of the Situation from 15 July until 31 August 1976*, **D60-00049** dated 31 August 1976, DCCN L0001608, ERN 00162493-00162497 (KHM) (describing various RAK encounters with Thai forces along the border); **DK Military Telegram** entitled *Telegram 52 - Radio Band 874 - Dear Missed and Beloved Com[mittee] 870*, **IS Annex C No. 21.31** dated 23 August 1977, DCCN D01962, ERN 00020907-00020908 (KHM) (describing the existence of armed conflicts between DK and Thai armed forces along the borders of the two countries); **DK Military Telegram** entitled *Telegram 238 - Radio Band 195 - Dear Beloved M 870*, **IS Annex C No. 21.59** dated 13 December 1977, DCCN D01946, ERN 00020894-00020894 (KHM) (describing clashes between Thai and DK forces and provides casualty figures for the Thai); **DK Military Telegram** entitled *Respectfully presented to beloved Committee 870*, **D60-00214** dated 19 March 1978, DCCN D02074, ERN 00019201-00019202 (KHM) (describing enemy situation and skirmishes with Thai forces along the border).

⁶⁸ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (Division Secretaries and Deputy-Secretaries states that they will be increasingly vigilant against enemies from within); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, at p. 10, ERN 00183970-00183981 (ENG) (SON Sen urges vigilance especially with “the enemies who attack us from inside, by burrowing inside our base as well as inside our army”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of All*

Division Committees dated, 1 June 1976, DCCN L0001272, ERN 00162480-00162484 (KHM) (SON Sen advises Division Secretaries and Deputy Secretaries to “monitor closely” within their divisions); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.28** dated 30 August 1976, DCCN L0001407, at ERN 00183966, ERN 00183966-00183969 (ENG); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (SON Sen urges division leaders to be vigilant as enemy remnants remain will continue to be created); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, at p. 2 (ENG summary), ERN 00095507-00095527 (KHM) (SON Sen speaks of the existence of enemies who were “conducting bore-from-within activities” inside the Army and then elaborates with examples of “phenomena” to substantiate his claim); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.9** dated July 1976, at pgs. 7-13 (ENG translation), ERN 00062905-00062945 (KHM) (describing RAK’s efforts to search for enemies “boring from within” and taking “pre-emptive purge measures” as crucial to internal security and national defense work).

⁶⁹ Sometimes S-21 sent personnel to arrest people at their units, other times units arrested the people first and then sent them to S-21. It was more common for people to be arrested by their own units and then sent to S-21. See **HIM Huy** OCIJ Statement, **D19/V** dated 18 September 2007, at ERN 00161600, ERN 00161595-00161604 (ENG); **PRAK Khan** OCIJ Statement, **D19/VII** dated 21 September 2007, at ERN 00161573, ERN 00161568-00161586 (ENG). RAK units usually arrested and sent in their own prisoners by themselves.

⁷⁰ **DK Military Meeting Minutes** entitled *Meeting of Comrade Tal Division 290 and Division 170*, **IS Annex C No. 13.31** dated 16 September 1976, DCCN L0001448, ERN 00002233-00002235 (KHM) (KAING Guek Eav alias DUCH, IENG Sary, and SON Sen meet with Tal of Division 290 and 170 to discuss security measures that should be taken within the division. Describes how confessions obtained from people were used to arrest other people, agrees on additional individuals to arrest, and encourages the Divisions to coordinate and plan arrests directly with S-21); **DK Military Letter** entitled *Dear Beloved Brother Duch* dated 28 July 1977, DCCN D07323, ERN 00002436-00002436 (KHM) (describing the sending of a person named Sem by **SOU Met** to KAING Guek Eav alias DUCH. The text bears a short note: “Interrogate [him] right now”); **DK Military Letter** entitled *Dear Beloved Brother Duch* dated 4 October 1977, DCCN D07279, ERN 00052992-00052993 (KHM) (describing brief activities of three soldiers from Division 11, later on moved to Division 502, and Division 310 who were sent to KAING Guek Eav alias DUCH by **SOU Met** of Division 502); **DK Military Report** entitled *Request to send 14 Division 502 personnel to S-21*, **D32/V-Annex 6**, ERN 00002604-00002614 (KHM) (describing 14 “youths” from Division 502 who were implicated in confessions and asks that they be sent to S-21); **DK Military Report** entitled *Dear Beloved Comrade Duch*, **D32/VI-Annex 2** dated 1 June 1977, DCCN D01067, ERN 00002422-00002422 (KHM) (report from **SOU Met** to KAING Guek Eav alias DUCH regarding describing how SUN Heng was arrested and sent to S-21 after being implicated by confessions); **DK Military Letter** entitled *Dear Beloved Brother Duch*, **D32/V-Annex 3** dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM) (letter from **SOU Met** to KAING Guek Eav alias DUCH proposing sending 3 people already arrested to S-21. One of them, Lay Chea, is described as being the

brother of Lay Try, who SOU Met had already arrested and sent to S-21); **DK Military Letter** entitled *Dear Beloved Comrade Duch*, **D32/V-Annex 4** dated 2 June 1977, DCCN D01075, ERN 00002423-00002424 (KHM) (letter from SOU Met KAING Guek Eav alias DUCH describing 3 people who were being sent to S-21 by SOU Met. One individual had not been implicated in any confessions, however SOU Met had examined him personally and concluded that he was an enemy); **DK Military Report** entitled *Sent to Beloved Comrade Duch*, **D32/V-Annex 1** dated 5 May 1977, DCCN D01078, ERN 00002406-00002407 (KHM) (list of 27 people who had been arrested after having been implicated by confessions as being CIA agents. Requests that they be turned over to S-21); **DK Military Report** entitled *Sent to Beloved Brother Duch*, **D32/V-Annex 2** dated 3 April 1977, DCCN D01287, ERN 00002404-00002404 (KHM) (list of seven personnel from Division 310 who are being sent to S-21 for various reasons); **DK Military Report** entitled *Sent to Beloved Comrade Duch*, **D32/V-Annex 8** dated 26 May 1977, DCCN D01292, ERN 00002397-00002397 (KHM) (list of six personnel from Division 310 who are being sent to S-21 for various reasons); **DK Military Meeting Minutes** entitled *Minutes of Meeting with the Organization's Office, 703 and S-21*, **D64-00004** dated 9 September 1976, DCCN L0001445, ERN 00008502-00008503 (KHM) (SON Sen advises Senior cadres of Division 703 to heighten revolutionary vigilance, increase surveillance, and re-examine their units).

⁷¹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM) (in which each secretary discusses food supply and production within their division); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM) (SON Sen proposes the Party's plan to the Army regarding rice growing and the amount of land allowed to be cultivated); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments*, **IS Annex C No. 13.26** dated 12 August 1976, DCCN L0001376, ERN 00052362-00052375 (KHM) (SON Sen describes DK regime's intention to produce three tons per hectare for heavy paddy to Division, providing specific instructions on farming and cultivation); **DK Military Meeting Minutes** entitled *To beloved Committees of Divisions and Regiments*, **D83-00009** dated 3 September 1977, DCCN D01782, ERN 00033314-00033314 (KHM) (containing instructions to RAK divisions in the area of farming and telling them to model their efforts on Division 164); **CPK Magazine** entitled *Revolutionary Flag*, dated June 1976, at pgs. 4-6, ERN 00062836-00062876 (KHM) (describes the role of the army in food production. The article gives army cadre and combatants credit for having "hitherto" displayed "a spirit of launching storming attacks to exert efforts to farm paddy and manufacture fertilizers," but declares that they 'must give a further impetus to these movements' and grow supplementary crops and vegetables. "In particular", it declares, they must "double the farming of paddy"); **CPK Magazine** entitled *Revolutionary Youth*, **IS Annex C No. 11.7** dated May 1976, at pgs. 4-5, ERN 00064003-00064040 (KHM)-ET (In discussing role of army, says it is "essential that it must go down into the fray to farm paddy with our people in the co-operatives in every grass-roots sub-district, village and paddy field that is near its units' positions").

⁷² **Co-Prosecutors' Request** to admit documents relevant to proving the existence of an Armed Conflict during the Period of Democratic Kampuchea, **D60** dated 21 March 2008, ERN 00173152-00173153 (ENG). See also **Report by the Ministry of Foreign Affairs of the Socialist Republic of Vietnam** entitled *Facts and Documents on Democratic*

Kampuchea's serious violations of the sovereignty and territorial integrity of the Socialist Republic of Viet Nam, dated January 1978, ERN 00196223, ERN 00196217-00196268 (ENG) (describing how the armed conflict began in May 1975 and continued until the publication of the report in January 1978).

⁷³ **Book by S.R. RATNER and J.S. ABRAMS** entitled *Accountability for Human Rights atrocities in International Law*, **IS Annex C No. 4.39** dated 2001 at p. 291, ERN 00182354-00182354 (ENG); **Book by Elizabeth BECKER** entitled *When the war was over*, **IS Annex C No. 4.1**, dated 1998 at p. 195, ERN 00181889-00181931 (ENG).

⁷⁴ **Book by CHANDA Nayan** entitled *Brother Enemy, the War after the War*, **D91-00074** dated 1986 at ERN 00192217, ERN 00192169-00192666 (ENG); **Media Article** by Wall Street Journal entitled *Split Between Cambodia and Vietnam Goes Back Long Before Communism*, **D60-00330** dated 22 November 1978, ERN 00166273-00166273 (ENG); **Media Article** by Globe and Mail, entitled *Atrocities Denied Vietnam Defeated, Cambodia Tells Thais*, **D56-00117** dated 18 July 1978, ERN 00114337-00114337 (ENG); **Media Article** by Newsweek, entitled *SON et Lumiere*, **D56-00119** dated 31 July 1978, ERN S 00011781-00011781 (ENG); **DK Government**, Letter to the UN Secretary General from the Representative of the DK Government, **D60-00355** dated 2 January 1979, ERN 00078238-00078246 (KHM).

⁷⁵ **CPK Public Statement by SALOTH Sar alias POL Pot** entitled *International Media Report on Speech of Pol Pot at a 17th January Mass Meeting on the 10th Anniversary of the Cambodian Revolutionary Army - Vietnamese Report of Cambodian Border Encroachments*, **IS Annex C No. 17.2** dated 19 January 1978, DCCN D29884, ERN S 00008671-00008678 (ENG); **CPK Statement by Spokesman of the Ministry of Information** entitled *Déclaration du Porte-Parole du Ministère de la Propagande et de l'Information du Kampuchéa Démocratique*, **IS Annex C No. 19.188** dated 6 January 1978, ERN 00087630-00087635 (FRE); **DK Government Book** by Department of Press and Information of the Ministry of Foreign Affairs of Democratic Kampuchea entitled *The Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea*, **IS Annex C No. 4.9** dated 1978, at ERN 00082511, ERN 00082510-00082560 (ENG); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14** dated May-June 1978, DCCN D21248, ERN 00064551-00064585 (KHM); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.11** dated December 1977-January 1978, ERN 00064512-00064550 (KHM).

⁷⁶ **Media Article** by Los Angeles Times entitled *Viet Premier Spurs Nation to Repel Cambodia, China*, **D60-00298** dated 2 September 1978, ERN 00166296-00166296 (ENG).

⁷⁷ **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodia's strategy of Defence against Vietnam*, **IS Annex C No. 19.36** dated 10 May 1978, ERN 00003959-00003962 (ENG).

⁷⁸ **United States of America State Department Report** entitled *International Boundary Study No 155 - March 5 1976 Cambodia-Vietnam Boundary*, **D91-00010** dated 5 March 1976, ERN 00157762-00157796 (ENG); **Media Article** by Los Angeles Times, entitled *Cambodia's Admission of Vietnam Border War Anticlimactic*, **D60-00127** dated 1 January 1978, ERN 00166148-00166148 (ENG); **Media Article** by Washington Post, entitled *Sensitivities Over Boundaries Embroil Cambodia in Conflict*, **D60-00096** dated 26 September 1977, ERN 00166297-00166297 (ENG).

⁷⁹ **United States of America State Department Report** entitled *International Boundary Study No 155 - March 5 1976 Cambodia-Vietnam Boundary*, Translation of letter

regarding the Brevié Line, Appendix 12, **D91-00010** dated 5 March 1976 at ERN 00157794, ERN 00157762-00157796 (ENG).

⁸⁰ **Media Article** by Washington Post, entitled *Sensitivities Over Boundaries Embroil Cambodia in Conflict*, **D60-00096** dated 26 September 1977, ERN 00166297-00166297 (ENG); **Media Article** by Los Angeles Times, entitled *Ancient Enmities Seen Behind Cambodia-Vietnam conflict*, **D60-00178**, dated 27 January 1978, ERN 00166166-00166166 (ENG); **Book** by **CHANDA Nayan** entitled *Brother Enemy: The War after the War*, **D91-00074** dated 1986, at ERN 00192246 and 00192251 (ENG), ERN 00192169-00192666 (ENG).

⁸¹ **Media Article** by New York Times, entitled *Ancient Rivalries in Indochina are Intact*, **D60-00029** dated 20 July 1975, ERN 00165957-00165957 (ENG).

⁸² **Media Article** by David A. ANDELMAN, New York Times, entitled *Cambodia Bars Foreign Bases; Move believed aimed at Hanoi*, **D60-00010** dated 29 April 1975, ERN 00165953-00165954 (ENG); **Media Article** by New York Times, entitled *Vietnamese forces Reported in Clash with Cambodia*, **D60-00027** dated 22 June 1975, ERN 00165962-00165962 (ENG).

⁸³ **Book** by **CHANDA Nayan** entitled *Brother Enemy, the War after the War*, **D91-00074** dated 1986 ERN 00192217, ERN 00192169-00192666 (ENG). POL Pot was to later suggest that it was the "ignorance of local geography" that caused these initial clashes between DK and PAVN forces.

⁸⁴ **Nouvelles du Kampuchéa Démocratique** extraits des nouvelles diffusées de Phnom Penh par la voie du Kampuchéa Démocratique, *Déjouer les manœuvres fallacieuses du Vietnam agresseur, annexionniste, avaleur de territoire*, **D60-00244** dated 17 April 1978, ERN 00087628-00087629 (FRE); **CPK Standing Committee Meeting Minutes** entitled *Record of Meeting of the Standing Committee*, **IS Annex C No. 13.12** dated 26 March 1976, ERN 00000751-00000757 (KHM); **CPK Standing Committee Meeting Minutes** entitled *Examination of the Reaction of Vietnam During the Fifth Meeting*, **IS Annex C No. 13.18**, dated 14 May 1976, ERN 00000810-00000826 (KHM); **DK Military Meeting Minutes** entitled *Minutes of Plenary Meeting of the 920th Division, 7 September 1976, 14.00 hours*, **IS Annex C No. 13.29** dated 7 September 1976, ERN 00083157-00083160 (KHM); **DK Military Meeting Minutes** entitled *Minute of Divisional and Independent Regiment Secretary - Under Secretary's Meeting*, **IS Annex C No. 13.30** dated 16 September 1976, ERN 00064954-00064957 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Division 801*, **IS Annex C No. 13.41** dated 16 December 1976, ERN 00052330-00052332 (KHM); **CPK Standing Committee Meeting Minutes** entitled *Minutes, Meeting of Standing Committee, Evening of 22 February 1976*, **IS Annex C No. 13.5** dated 22 February 1976, ERN 00000713-00000720 (KHM); **International Media Report** on Speech of POL Pot at a 17th January mass meeting on the 10th anniversary of the Cambodian Revolutionary Army - Vietnamese Report of Cambodian Border Encroachments, **IS Annex C No. 17.2** dated 19 January 1978, ERN S 00008671-00008678 (ENG); **DK Military Report** about the situation on the border in Sector 25, 18-19 March 1976, **IS Annex C No. 18.9** dated May 1976, ERN 00052906-00052908 (KHM); **DK Government Telegram** by YA entitled *Telegram 25 - Dear Respected Brother*, **IS Annex C No. 21.1** dated 7 March 1976, ERN 00021466-00021467 (KHM); **DK Government Telegram** by Chhon entitled *Telegram 21- Radio Band 676 - To Beloved and Missed Brother Pol*, **IS Annex C No. 21.11** dated 21 March 1976, ERN 00052346-00052346 (KHM); **DK**

Military Telegram entitled *To Respected Angkar about the Situation on the Border in Sector 25*, **IS Annex C No. 21.12** dated 23 March 1976, ERN 00052891-00052892 (KHM); **DK Military Telegram** entitled *Telegram via Kolaing, To Uncle 89*, **IS Annex C No. 21.4** dated 23 January 1976, ERN 00021448-00021448 (KHM); **CPK Telegram** by But entitled *Telegram 78 - To Brother Mo870 and Brother Vi*, **IS Annex C No. 21.5** dated 26 January 1976, ERN 00000708-00000709 (KHM); **DK Government Telegram** by Chhin entitled *To Respected Brother 89*, **IS Annex C No. 21.6** dated 8 February 1976, ERN 00021455-00021455 (KHM); **DK Military Telegram** by Chhin entitled *To Repected Brother*, **IS Annex C No. 21.7** dated 16 February 1976, ERN 00021457-00021457 (KHM); **DK Military Telegram** by Chhin entitled *To Beloved Brother 89*, **IS Annex C No. 21.8** dated 29 February 1976, ERN 00021463-00021463 (KHM).

⁸⁵ **Media Article** by Oswald JOHNSTON, entitled *Cambodian and Vietnamese Said to Battle Over Islands*, **D60-00023** dated 14-15 June 1975, ERN S 00003551-00003551 (ENG); **Media Article** by Times of London, entitled *Vietnam Cambodia in Fierce Clash*, **D60** dated 14 June 1975, ERN 00166202-00166202 (ENG); **Media Article** by New York Times, entitled *Vietnam said to capture island off Cambodia*, **D60-00025** dated 14 June 1975, ERN 00165960-00165961 (ENG).

⁸⁶ **DK Government Book** entitled *The Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea*, **IS Annex C No. 4.9** dated 1978 at ERN 00082550, ERN 00082510-00082560 (ENG); **Book** by S.R. RATNER and J.S. ABRAMS entitled *Accountability for Human Rights atrocities in International law*, **IS Annex C No. 4.39** dated 2001 at p. 291, ERN 00182354-00182354 (ENG); **Book** by Elizabeth BECKER entitled *When the war was over*, **IS Annex C No. 4.1** dated 1998 at p. 195, ERN 00181889-00181931 (ENG); **Book** by CHANDA Nayan entitled *Brother Enemy, the War after the War*, **D91-00074** dated 1986 at ERN 00192198, ERN 00192169-00192666 (ENG), where he stated that DK forces landed on Phu Quoc (Koh Trai) Island on 4 May 1975 and on 10 May 1975 took Poulo Panjang Island. Around 24 May 1975 SRV forces re-took both islands killing many of the Khmer rouge forces and capturing around 300.

⁸⁷ **Media Article** by Washington Post entitled *Thai Says Cambodians Attack Vietnam, Laos*, **D60-00081** dated 7 August 1977, ERN 00166116-00166116 (ENG); **Media Article** by New York Times, entitled *Refugees report clashes on Cambodia-Vietnam lines*, **D60** dated 9 August 1977, ERN 00165990-00165990 (ENG); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, ERN 00052304-00052311 (KHM); **DK Military Report** on the situation in the Northeast Zone, **IS Annex C No. 18.28** dated 24 March 77, ERN 00052913-00052914 (KHM); **DK Military Report** from Sector 23 re Border Situation, **IS Annex C No. 18.38** dated 21 May 1977, ERN 00021482-00021484 (KHM); **CPK Report** entitled *To M-870 with respect - Situation along the border in Eastern Zone*, **IS Annex C No. 18.4** dated around 1 May 1977, ERN 00021519-00021523 (KHM); **DK Government Report** by Mo-560 on the Situation in the North-West Zone, **IS Annex C No. 18.41** dated 29 May 1977, ERN 00008497-00008501 (KHM); **DK Government Report** on conflict with Vietnam in Sectors 33 and 25 and Takeo Province, **IS Annex C No. 18.42** dated 3 June 1977, ERN 00052825-00052828 (KHM); **DK Military Report** entitled *Enemy situation along the border*, **IS Annex C No. 18.43** dated 8 June 1977, ERN 00021481-00021481 (KHM); **DK Government Report** on the border situation in Region 21, **IS Annex C No. 18.45** dated 21 June 1977 to 24 June 1977, ERN 00052830-00052831 (KHM); **DK Military Telegram** by Leu entitled *Telegram 43 - With Respect to Beloved Brother Reuan*, **IS Annex C No. 21.15** dated 23 April 1977, ERN 00021514-00021514 (KHM); **DK Military Telegram** by Chhan

entitled *Telegram 54 - Radio Band 274 - Dear Beloved Office 870*, **IS Annex C No. 21.17** dated 20 May 1977, ERN 00021513-00021513 (KHM); **DK Military Telegram** entitled *Region 23, Between 14 to 18 June 1977, The Border Situation*, **IS Annex C No. 21.18** dated 14 June 1977 to 18 June 1977, ERN 00052832-00052834 (KHM); **DK Military Telegram by Vi** entitled *Telegram 07 - Radio Band 545 - Be It Please Reported to Respected Brother*, **IS Annex C No. 21.2** dated 15 June 1977, ERN 00001266-00001267 (KHM); **DK Military Telegram by Region 20** entitled *The Border Situation*, **IS Annex C No. 21.21** dated 17 June 1977 to 25 June 1977, ERN 00052829-00052829 (KHM); **DK Military Telegram by Chhean** entitled *Telegram 62 - Radio Band 1474 - Respectfully Presented to Respected and Beloved Mo-81*, **IS Annex C No. 21.29** dated 14 August 1977, ERN 00001248-00001251 (KHM); **DK Military Telegram by Chhean** entitled *Telegram 68 - Radio Band 1630 - To Beloved and Missed Mo [Office] 81*, **IS Annex C No. 21.33** dated 30 August 1977, ERN 00001237-00001239 (KHM).

⁸⁸ **DK Government Report** on conflict with Vietnam in Sectors 33 and 25 and Takeo Province, **IS Annex C No. 18.42** dated 3 June 1977, ERN 00052825-00052828 (KHM).

⁸⁹ **DK Military Telegram by Chhean** entitled *Telegram 62 - Radio Band 1474 - Respectfully Presented to Respected and Beloved Mo-81*, dated 4 August 1977, **IS Annex C No. 21.29**, DCCN D01769, ERN 00001248-00001251 (KHM); **DK Military Telegram by Chhean**, entitled *Telegram 68 - Radio Band 1630 - To Beloved and Missed Mo [Office] 81*, **IS Annex C No. 21.33**, dated 30 August 1977, DCCN D01780, ERN 00001237-00001239 (KHM).

⁹⁰ **Media Article** by New York Times, entitled *Cambodia and Vietnam in Clashes on Border*, **D60-00095** dated 19 September 1977, ERN 00165996-00165996 (ENG).

⁹¹ **Déclaration du porte-parole du Ministère de la Propagande et de l'Information du Kampuchea Démocratique**, **IS Annex C No. 19.188** dated 6 January 1978, ERN 00087630-00087635 (FRE); **DK Military Telegram by Chhon** entitled *Telegram 39 - Radio Band 240 - To Beloved and Missed Brother Pol*, **IS Annex C No. 21.36** dated 24 September 1977, ERN 00020867-00020867 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 41 - Radio Band 818 - To Beloved and Missed Brother Pol*, **IS Annex C No. 21.37** dated 26 September 1977, ERN 00020868-00020870 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 54 - Radio Band 642 - Dear Respected, Beloved and Missed M 870*, **IS Annex C No. 21.4** dated 26 October 1977, ERN 00003182-00003182 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 55 - Radio Band 403 - Dear Respected and Beloved M 870*, **IS Annex C No. 21.41** dated 26 October 1977, ERN 00020876-00020876 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 56 - Radio Band 348 - Dear Respected and Beloved M 870*, **IS Annex C No. 21.42** dated 26 October 1977, ERN 00020877-00020877 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 57 - Radio Band 273 - Dear Respected and Beloved M 870*, **IS Annex C No. 21.43** dated 27 October 1977, ERN 00020880-00020880 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 59 - Radio Band 684 - To Respected and Beloved Brother Office M 870*, **IS Annex C No. 21.45** dated 28 October 1977, ERN 00020874-00020874 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 61 - Radio Band 137 - Dear Respected and Beloved M 870*, **IS Annex C No. 21.47** dated 28 October 1977, ERN 00020878-00020878 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 60 - Radio Band 378 - Dear Respected and Beloved M 870*, **IS Annex C No. 21.48** dated 29 October 1977, ERN 00020875-00020875 (KHM); **DK Military Telegram** entitled *Telegram 69 - Radio Band 560 - To Beloved M 870*, **IS Annex C No. 21.5** dated 7 November 1977, ERN 00020882-00020883 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 82 - Radio Band 328 - Respectfully*

Presented to Beloved and Missed Brother Pol, IS Annex C No. 21.52 dated 18 November 1977, ERN 00001328-00001328 (KHM); *POV Son DC-Cam Statement*, IS Annex C No. 19.147 dated 18 June 2002, ERN 00052286-00052303 (KHM).

⁹² **Media Article** by Los Angeles Times, entitled *Cambodia Accuses Hanoi of Invasion, Breaks Ties*, D60-00124 dated 31 December 1977, ERN 00166125-00166126 (ENG); **Foreign Broadcast Information Service (Cambodian Radio transcript)**, D60-00123 dated 31 December 1977, ERN 00166064-00166071 (ENG); **Media Article** by Washington Post, entitled *Cambodia Cuts Diplomatic Ties with Vietnam*, D60-00122 dated 31 December 1977, ERN 00165994-00165995 (ENG).

⁹³ **Book** by S.R. RATNER and J.S. ABRAMS entitled *Accountability for Human Rights atrocities in International law*, IS Annex C No. 4.39, dated 2001 at p. 291, ERN 00182354-00182354 (ENG); **Media Article** by New York Times, entitled *Vietnamese Said to use Warplanes in battles along Cambodian Border*, D60-00119 dated 25 December 1977, ERN 00165992-00165992 (ENG); **Media Article** by New York Times, entitled *Cambodia acknowledges strife across Vietnam*, D60-00120 dated 28 December 1977, ERN 00165993-00165993 (ENG); **Media Article** by Times of London, entitled *Vietnam Cambodia Fighting Reported*, D60-00121 dated 29 December 1977, ERN 00166122-00166122 (ENG).

⁹⁴ **Déclaration du porte-parole du Ministère de la Propagande et de l'information du Kampuchea Démocratique**, IS Annex C No. 19.188, dated 6 January 1978, ERN 00087630-00087635 (FRE).

⁹⁵ **DK Government Statement** in *Far Eastern Relations - Cambodia's strategy of Defence against Vietnam*, IS Annex C 19.36 dated 10 May 1978, ERN 00003959-00003962 (ENG); **CPK Magazine** entitled *Revolutionary Flag*, Special Issue, IS Annex C No. 11.11 dated December 1977 – January 1978, ERN 00064512-00064550 (KHM); **CPK Magazine** entitled *Revolutionary Flag*, Special Issue, IS Annex C No. 11.14, dated May-June 1978, ERN 00064551-00064585 (KHM); **Statement by POL Pot**, IS Annex C No. 19.163 dated 5 January 1979, ERN S 00017560-00017566 (ENG); **DK Government Telegram by Office 870** entitled *Advice by 870*, IS Annex C No. 21.156, dated 3 January 79, ERN 00002978-00002981 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 85 - Radio Band 332 - Dear Respected and Beloved M 870*, IS Annex C No. 21.53, dated 7 December 1977, ERN 00020864-00020864 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 91 - Radio Band 262 - Dear Beloved M 870*, IS Annex C No. 21.54 dated 9 December 77, ERN 00020889-00020889 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 92 - Radio Band 320 - Dear Beloved M 870*, IS Annex C No. 21.56 dated 12 December 77, ERN 00020890-00020890 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 95 - Radio Band 139 - Dear Beloved M 870*, IS Annex C No. 21.57 dated 13 December 77, ERN 00020891-00020891 (KHM); **DK Military Telegram by Chhon** entitled *Telegram 96 - Radio Band 674 - Dear Beloved and Missed M 870*, IS Annex C No. 21.58 dated 13 December 77, ERN 00020892-00020893 (KHM); **DK Military Telegram by Kuon** entitled *Telegram 68 - Radio Band 324 - To Comrade Yi through Office 870*, IS Annex C No. 21.6 dated 22 December 77, ERN 00020915-00020916 (KHM); **DK Military Telegram** entitled *Telegram 05 - Radio Band 160 - Dear respected and beloved M 870*, IS Annex C No. 21.62 dated 22 December 77, ERN 00020898-00020898 (KHM); **DK Military Telegram by Chhon** entitled *Report to Brother about Situation of Enemy along the Route 22-7*, IS Annex C No. 21.63 dated 22 December 77, ERN 00020917-00020917 (KHM); **DK Military Telegram by Phuong** entitled *Telegram 06 - Radio Band 285 - Dear Respected and Beloved M 870*, IS Annex C No. 21.64 dated 23 December 77, ERN 00020919-00020919 (KHM); **DK Military Telegram by Phuong** entitled *Telegram 07 - Radio Band 269 - Dear Respected*

and Beloved M 870, IS Annex C No. 21.65 dated 23 December 1977, ERN 00020922-00020922 (KHM); **DK Military Telegram by Chhon** entitled *To Respected and Beloved Brother Pol*, IS Annex C No. 21.66 dated 24 December 1977, ERN 00020920-00020920 (KHM); **DK Military Telegram** entitled *To Respected and Beloved Office 870*, IS Annex C No. 21.67 dated 24 December 1977, ERN 00020923-00020923 (KHM); **DK Military Telegram by Phuong** entitled *Telegram 08 - Radio Band 275 - Dear Respected and Beloved M 870*, IS Annex C No. 21.68 dated 24 December 1977, ERN 00020921-00020921 (KHM); **DK Military Telegram by Phuong** entitled *Telegram 11 - Radio Band 251 - Dear Respected and Beloved M 870*, IS Annex C No. 21.7 dated 24 December 1977, ERN 00020924-00020924 (KHM); **DK Military Telegram by Phuong** entitled *Telegram 17 - Radio Band 1297 - To Respected Office 870*, IS Annex C No. 21.71 dated 24 December 1977 to January 1978, ERN 00020934-00020936 (KHM).

⁹⁶ **Foreign Broadcast Information Service, NCNA Cites Phnom Penh on SRV Bombing of Cambodia** (Cambodian Radio transcript), **D60-00290** dated 26 July 1978, ERN 00166085-00166086 (ENG).

⁹⁷ **Book by CHANDA Nayan** entitled *Brother Enemy, The War after the War*, **D91-00074** dated 1986 at ERN 00192407-00192409, ERN 00192169-00192666 (ENG) (describing the assault of Ha Tien in South Vietnam in March 1978); **Media Article** by Los Angeles Times, entitled *Vietnam-Cambodia Border War Subsides*, **D60-00272** dated 23 June 1978, ERN 00166204-00166206 (ENG); **Media Article** by Washington Post, entitled *Vietnam Claims Major Victories in Border Fighting with Cambodia*, **D60-00276** dated 28 June 1978, ERN 00166210-00166210 (ENG); **Media Article** by Los Angeles Times, entitled *Vietnam, Cambodia Both Claim Border Victories*, **D60-00281** dated 2 July 1978, ERN 00166191-00166191 (ENG); **Media Article** by Times of London, entitled *Big Victories claimed by Cambodia over Vietnam*, **D60-00283** dated 4 July 1978, ERN 00166199-00166199 (ENG); **Media Article** by Los Angeles Times, entitled *Heavy Fighting Reported on Cambodia, Viet Border*, **D60-00293** dated 1 August 1978, ERN 00166104-00166104 (ENG).

⁹⁸ **Media Article** by New York Times, entitled *60000 Vietnamese Invade Areas of Cambodia*, **D60-00275** dated 28 June 1978, ERN 00166034-00166034 (ENG); **Media Article** by New York Times, entitled *Attack on Cambodia Denied by Vietnam; Fighting Reported*, **D60-00278** dated 30 June 1978, ERN 00166035-00166035 (ENG); **Foreign Broadcast Information Service, VNA Report of Rout of Cambodian Invading Troops Cited** (Vietnamese Radio transcript), **D60-00289** dated 11 July 1978, ERN 00166087-00166088 (ENG); **Media Article** by Los Angeles Times, entitled *Heavy Fighting Reported on Cambodia, Viet Border*, **D60-00293** dated 1 August 1978, ERN 00166104-00166104 (ENG); **Partial Transcript of Phnom Penh radio broadcast on Far Eastern Relations**, **D60-00260**, dated 10 May 1978, ERN 00003959-00003962 (ENG); **CPK Magazine** entitled *Revolutionary Flag*, Special Issue, IS Annex C No. 11.14, dated May 1978-June 1978, ERN 00064551-00064585 (KHM); **DK Military Report** entitled *Confidential phone conversation dated April 15, 1978, Respected and beloved Grand Uncle*, IS Annex C No. 18.6 dated 15 April 1978, ERN 00021004-00021004 (KHM); **DK Military Report** regarding the situation in the Eastern Zone, Report presented to Beloved and Missed Brother 009, IS Annex C No. 18.61 dated 15 April 1978, ERN 00021003-00021003 (KHM); **DK Government Statement in Far Eastern Relations - Cambodia's strategy of Defence against Vietnam, IS Annex C No. 19.36 dated 10 May 1978, ERN 00003959-00003962 (ENG); **DK Military Telegram** entitled *Telegram 16 - Radio Band 318 - To Respected and Beloved Brother 009*, IS Annex C No. 21.101 dated 20 March 1978, ERN 00020973-00020973 (KHM); **DK Military****

Telegram by Roeun entitled *Telegram 35 - Dear Respected and Beloved Grand Uncle 89*, **IS Annex C No. 21.105** dated 5 April 1978, ERN 00020989-00020989 (KHM); **DK Military Telegram by 47** entitled *Telegram 18 - Radio Band 208 - Dear Beloved and Respected Brother*, **IS Annex C No. 21.106** dated 8 April 1978, ERN 00020992-00020992 (KHM); **DK Military Telegram by Mok** entitled *Telegram 02 - Radio Band 191 - Beloved Brother Pol*, **IS Annex C No. 21.107** dated 9 April 1978, ERN 00020990-00020990 (KHM); **DK Military Telegram by Sarun** entitled *Telegram 55 - Radio Band 163 - Respected Brother*, **IS Annex C No. 21.115** dated 24 April 1978, ERN 00003521-00003521 (KHM); **DK Military Telegram by Vy** entitled *Telegram 09 - Radio Band 326 - Respected Brother*, **IS Annex C No. 21.116** dated 25 April 1978, ERN 00021014-00021014 (KHM); **DK Military Telegram** entitled *Telegram 20 - Radio Band 448 - Dear Respected and Beloved Brother*, **IS Annex C No. 21.117** dated 26 April 1978, ERN 00021015-00021016 (KHM); **DK Military Telegram by Pauk** entitled *Telegram 09 - Radio Band 586 - Respected Committee 870*, **IS Annex C No. 21.118** dated 29 April 1978, ERN 00001104-00001104 (KHM); **DK Military Telegram by Pauk** entitled *Telegram 10 - Radio Band 393 - To Beloved and Missed Committee 870*, **IS Annex C No. 21.122** dated 4 May 1978, ERN 00052886-00052886 (KHM); **DK Military Telegram by Pauk** entitled *Telegram 11 - Radio Band 477 - Missed Brother*, **IS Annex C No. 21.123** dated 6 May 1978, ERN 00003536-00003538 (KHM); **DK Military Telegram by Comrade Pauk** entitled *Telegram 13 - Radio Band 330 - To Missed Committee 870*, **IS Annex C No. 21.124** dated 9 May 1978, ERN 00021040-00021042 (KHM); **DK Military Telegram** entitled *Telegram 11 - Radio Band 353 - To Respected Brother*, **IS Annex C No. 21.91** dated 14 February 1978, ERN 00020949-00020949 (KHM); **Book by Department of Press and Information of the Ministry of Foreign Affairs of DK** entitled *Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea*, **IS Annex C No. 4.9** dated September 1978, ERN 00082510-00082560 (ENG); **S-21 Confession of LE WANG Yeu** alias Le Wang Yong, **IS Annex C No. 5.45** dated 26 June 1978, ERN 00052949-00052958 (KHM).

⁹⁹ **Media Article** by Los Angeles Times, entitled *Hanoi Bolsters Army on Cambodian Border*, **D60-00301** dated 9 September 1978, ERN 00166300-00166300 (ENG); **Media Article** by Los Angeles Times, entitled *Hanoi Girding for Offensive into Cambodia*, **D60-00311** dated 5 October 1978, ERN 00166288-00166289 (ENG); **Media Article** by Los Angeles Times, entitled *Cambodia Claims Vietnam Plans to Escalate Border Conflict*, **D60-00313** dated 9 October 1978, ERN 00166290-00166290 (ENG); **Media Article** by Washington Post, entitled *Cambodians Predict Escalation of Conflict*, **D60-00314** dated 9 October 1978, ERN 00166291-00166291 (ENG); **Media Article** by Washington Post, entitled *Border Clashes Signal Feared Vietnamese Drive*, **D60-00319** dated 22 October 1978, ERN 00166285-00166285 (ENG); **Media Article** by Washington Post, entitled *Vietnamese Offensive Reportedly Starts in Northeast Cambodia*, **D60-00334** dated 5 December 1978, ERN 00166128-00166128 (ENG).

¹⁰⁰ **Media Article** by Washington Post, entitled *Vietnamese Offensive Reportedly Starts in Northeast Cambodia*, **D60-00334** dated 5 December 1978, ERN 00166128-00166128 (ENG).

¹⁰¹ **Book by Stephen J. MORRIS** entitled *Why Vietnam invaded Cambodia*, **IS Annex C No. 4.32** at p. 111, dated 1999, ERN 00078208-00078209 (ENG).

¹⁰² **Media Article** by Washington Post, entitled *Vietnamese, Cambodians Report Heavy Fighting Following Lull*, **D60-00344** dated 30 December 1978, ERN 00166123-00166123 (ENG); **Media Article** by Los Angeles Times, entitled *Visit to Border Sheds Light on Cambodia War*, **D60-00342** dated 27 December 1978, ERN 00166121-00166121 (ENG).

¹⁰³ **International Letter** by the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam entitled *UN S/13011 Statement, IS Annex C No. 10.16* dated 8 January 1979, ERN 00078305-00078307 (ENG); **Statement by POL Pot, IS Annex C No. 19.163** dated 5 January 1979, ERN S 00017560-00017566 (ENG); **Suspect Statement of IENG Sary alias Van, in DK Government Telegram** entitled *Telegram from the Deputy Prime Minister in Charge of Foreign Affairs of DK addressed to the President of the Security Council (UN S/13001), IS Annex C No. 20.1*, dated 31 December 1978, ERN 00081489-00081490 (FRE); **DK Government Telegram** by Office 870 entitled *Advice by 870, IS Annex C No. 21.156* dated 3 January 1979, ERN 00002978-00002981 (KHM); **Book by Stephen MORRIS** entitled *Why Vietnam Invaded Cambodia: Political Culture and the Causes of War, IS Annex C No. 4.32* dated 1999, ERN 00078208-00078209 (ENG); **Media Article** by Wall Street Journal, entitled *Vietnam Takes Cambodian Capitol, Port But Guerrilla War Is Seen as Continuing, D60-00354* dated 8 January 1979, ERN 00166184-00166184 (ENG); **Media Article** by Los Angeles Times, entitled *Cambodia Past, D60-00351*, dated 8 January 1979, ERN 00166181-00166181 (ENG).

¹⁰⁴ Currently, the earliest evidence for armed clashes is from 13 June 1975, when Cambodian and Thai naval vessels engaged in a protracted gun battle that resulted in the sinking of one Cambodian vessel and injuries to six Thai Marines. The conflict occurred after a Cambodian naval vessel captured a Thai fishing boat in disputed waters and followed several incidents in which Cambodian vessels had attacked Thai fishing boats, allegedly because the Thai fishermen were spying for the United States. **Media Article** by Oswald JOHNSTON, entitled *Cambodians and Vietnamese said to battle over islands, D60-00023* dated 14 June 1975, ERN S 00003551-00003551 (ENG); **Media Article** by New York Times, entitled *Thai report brief naval clash with Cambodians, D60-00022* dated 13 June 1975, ERN 00165959-00165959 (ENG).

¹⁰⁵ Currently, the evidence indicates that the armed conflict between Thailand and Cambodia continued until at least July 1978. At that time, Thailand and Cambodia were negotiating to end the conflict, but clashes were still occurring on both sea and land. **Media Article** by New York Times, **D56-00115** dated 16 July 1978, ERN 00114334-00114334 (ENG) (noting that Thai and Cambodian representatives have agreed to try to end incidents along the border); **Media Article** by The Globe and Mail, entitled *Thai talks seek border peace, D56-00116* dated 17 July 1978, ERN 00114335-00114335 (ENG) (noting that Cambodia and Thailand have agreed to try to end the “bloody skirmishing” along their border); **Media Article** entitled *Tough Warning from Bangkok, D60-00292* dated 31 July 1978, ERN S 00008277-00008277 (ENG).

¹⁰⁶ **Media Article** by Facts on File World News Digest, entitled *Vietnamese, Thai clashes, D60-00030*, dated 26 July 1975, ERN 00166196-00166196 (ENG); **Media Article** by Facts on File World News Digest, entitled *U.S. combat jets withdrawn, D60-00034*, dated 31 December 1975, ERN 00166124-00166124 (ENG); **DK-Military Telegram** by ROS Nhim, entitled *To beloved and missed Office 870, D60-00003*, ERN 00021443-00021443 (KHM); **International Telegram** by US State Department, entitled *Excerpt of Bangkok Cable, Jan 77, D60-00061*, dated January 1977, ERN 00170477-00170478 (ENG); **Media Article** by The Economist, entitled *Thailand -- No Fences Make Bad Neighbours, D60-00063*, dated 5 February 1977, ERN 00166134-00166134 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian Protest against Thai Incursions*, dated 2 March 1977, ERN 00004098-00004098 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *The Cambodian Attack on Thai Village, D60-00065*, dated 23 Apr 1977, ERN 00182073-00182073 (ENG); **DK-Government Report**, by Office 560, entitled

Situation in the North-West Zone, IS Annex C No. 18.41, dated 29 May 1977, ERN 00008497-00008501 (KHM); **Media Article** by The Economist, entitled *Thailand and Cambodia -- A Border Redrawn with Guns*, **D60-00072**, dated 11 June 1977, ERN 00166200-00166201 (ENG); **Media Article** by Bangkok Post, entitled *Five Marines Die in Ambush*, **D60-00075**, dated 20 June 1977, ERN S 00006894-00006894 (ENG); **Media Article** by Washington Post, entitled *Sensitivities Over Boundaries Embroil Cambodia in Conflict*, **D60-00077**, dated 26 July 1977, ERN 00166297-00166297 (ENG); **Media Article** by Facts on File World News Digest, entitled *Thai, Cambodian Border Clashes*, **D60-00078**, dated 30 July 1977, ERN 00166192-00166192 (ENG); **Media Article** by Richard NATIONS, entitled *Guns Follow Words in Border war*, **D60-00080**, dated 5 August 1977, ERN S 00007187-00007212 (ENG); **Media Article** by CHANDA Nayan, entitled *Battles along the Border*, **D60-00083**, dated 12 August 1977, ERN S 00007261-00007300 (ENG); **Media Article** by New York Times, entitled *Cambodia reports clashes in four border regions*, **D60-00047**, dated 15 August 1977, ERN 00165989-00165989 (ENG); **Media Article** by Los Angeles Times, entitled *Disputed Thai-Cambodian Border Area a Place of Senseless, Deadly Clashes*, **D60-00088**, dated 23 August 1977, ERN 00166110-00166110 (ENG); **DK-Military Telegram**, by Se, entitled *Telegram 52 - Radio Band 874 - Dear Missed and Beloved Com[mittee] 870*, **IS Annex C No. 21.31**, dated 23 August 1977, ERN 00020907-00020908 (KHM); **Media Article** by Los Angeles Times, entitled *Cambodian Border clashes Confirmed*, **D60-00090**, dated 29 August 1977, ERN 00166112-00166112 (ENG); **DK-Military Telegram**, by Se of Zone 801, entitled *Telegram 60: To Beloved and Missed Committee 870 about overall situation*, , dated 5 September 1977, ERN 00069447-00069449 (KHM); **DK-Military Telegram**, by Office 09, entitled *Telegram 38, Western Division Political Section on 13 September 1977, Situation along the borders*, **D60-00091**, dated 12 September 1977, ERN 00003469-00003470 (KHM); **Suspect Statement**, by KHIEU Samphan alias Haem, entitled *A Proposal to Overrun Kampuchea*, **D60-00092**, dated 14 September 1977, ERN S 00006956-00006956 (ENG); **Media Article** by Washington Post, entitled *Sensitivities Over Boundaries Embroil Cambodia in Conflict*, **D60-00096**, dated 26 September 1977, ERN 00166297-00166297 (ENG); **Media Article** by Fox BUTTERFIELD of the New York Times, entitled *Cambodian Offers Evacuation Motive*, **D60-00097**, dated 5 October 1977, ERN 00068089-00068090 (ENG); **Media Article** by Washington Post, entitled *Deaths Reported in Cambodia*, **D60-00099**, dated 18 October 1977, ERN 00166283-00166283 (ENG); **Media Article** by Christian Science Monitor, entitled *Will China Play Mediator?*, **D60-00100**, dated 18 October 1977, ERN 00166284-00166284 (ENG); **Media Article** by Washington Post, entitled *Thai-Cambodia Border Clash*, **D60-00102**, dated 4 November 1977, ERN 00166275-00166275 (ENG); **Media Article** by Facts on File World News Digest, entitled *Thais Repel Border Incursions*, **D60-00103**, dated 5 November 1977, ERN 00166276-00166276 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian intrusions into Thailand*, **D56-00083**, dated 16 November 1977, ERN S 00008514-00008515 (ENG); **DK Military Telegram**, by Se, entitled *Telegram 238 - Radio Band 195 - Dear Beloved M 870*, **IS Annex C No. 21.59**, dated 13 December 1977, ERN 00020894-00020894 (KHM); **Media Article** by The Financial Times, entitled *Thai Aircraft Shot Down*, **D60-00115**, dated 21 December 1977, ERN S 00008283-00008283 (ENG); **DK Military Telegram**, by Nhim and Hem, entitled *Telegram 22 - Radio Band 362 - We Would Like to Report to M 870 as Follows*, **IS Annex C No. 21.61**, dated 22 December 1977, ERN 00020914-00020914 (KHM); **Media Article** by New York Times, entitled *Raids from Cambodia are Worrying Thais*, **D60-00118**, dated 23 December 1977, ERN 00165991-00165991 (ENG); **DK Military Telegram**, by Nhim, entitled *Telegram 25 - Radio Band 184*

- *Dear Respected Angkar 870*, **IS Annex C No. 21.69**, dated 24 December 1977, ERN 00001319-00001319 (KHM); **Media Article** by Richard NATIONS, entitled *Thailand Braves the Border Minefield*, **D60-00191**, dated 10 February 1978, ERN S 00011068-00011069 (ENG); **DK Military Telegram**, by Nhim, entitled *Telegram - Radio Band 207 - To Angkar 870 with Respect*, **IS Annex C No. 21.94**, dated 17 February 1978, ERN 00001072-00001072 (KHM); **Media Article** by New York Times, entitled *Thais upset over abduction of Thais into Cambodia*, **D60-00201**, dated 21 February 1978, ERN 00166004-00166004 (ENG); **Media Article** by New York Times, entitled *Cambodian-Thai Battle Accidentally Turns Real*, **D60-00202**, dated 23 February 1978, ERN 00166005-00166005 (ENG); **DK Military Telegram**, by Se, entitled *Telegram 313 - Radio Band 502 - Respectfully presented to beloved Committee 870*, **D60-00214**, dated 19 March 1978, ERN 00019201-00019202 (KHM); **Media Article** by Christian Science Monitor, entitled *Thais Mend Fences with Neighbors*, **D60-00221**, dated 29 March 1978, ERN 00166243-00166243 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian rocket attack on Thai town*, **D60-00219**, dated 4 April 1978, ERN 00010457-00010462 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian incursions into Thailand*, dated 6 April 1978, ERN S 00010324-00010324 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian attack on Thai village: Thailand to retaliate*, dated 11 April 1978, at ERN S 00010349, ERN S 00010349-00010350 (ENG); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian incursions into Thailand reported*, dated 17 April 1978, ERN S 00010398-00010398 (ENG); **Media Article** by Los Angeles Times, entitled *Underground Indochina War Lives On*, **D60-00241**, dated 16 April 1978, ERN 00166098-00166098 (ENG); **Media Article** by Peter HAZELHURST, entitled *Thai Villagers die in (KHM); Sadistic Massacre*, **D60-00246**, dated 19 April 1978, ERN S 00011182-00011182 (ENG); **Media Article** by New York Times, entitled *Near Thai Cambodian border tension*, **D60-00258**, dated 04 May 1978, ERN 00166039-00166039 (ENG); **Media Article** by New York Times, entitled *Thai Villagers on Cambodian border being regrouped for defense*, **D60-00263**, dated 22 May 1978, ERN 00166038-00166038 (ENG); **DK Military Telegram**, by Nhim, entitled *Telegram 63 - Radio Band 200 - Dear Beloved and Missed Angkar 870*, **IS Annex C No. 21.133**, dated 15 June 1978, ERN 00021485-00021485 (KHM); **Media Article**, entitled *Tough Warning from Bangkok*, **D60-00292**, dated 31 July 1978, ERN S 00008277-00008277 (ENG).

¹⁰⁷ **Media Article** by New York Times, entitled *Thai report brief naval clash with Cambodians*, **D60-00022**, dated 13 June 1975, ERN 00165959-00165959 (ENG); **Media Article** by Oswald JOHNSTON, entitled *Cambodian and Vietnamese Said to Battle Over Islands*, **D60-00023**, dated 14 June 1975, ERN S 00003551-00003551 (ENG); **Media Article** by Facts on File World News Digest, entitled *Vietnamese, Thai clashes*, **D60-00030**, dated 26 July 1975, ERN 00166196-00166196 (ENG); **DK Military Meeting Minutes**, by MEAS Mut, entitled *Deployment of the DK Navy*, dated 3 August 1976, DCCN L0001374, ERN 00021496-00021502 (KHM); **DK Military Telegram**, by MEAS Mut, entitled *Telegram No 44, sent to respected Brother 89 for his knowledge, about the situation in August 1976.*, **D60-00048**, dated 23 August 1976, ERN 00000860-00000860 (KHM); **DK Military Meeting Minutes**, entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32**, dated 19 September 1976, ERN 00052389-00052401 (KHM); **DK Military Report**, by MEAS Mut, entitled *Report from Meas Mut to Son Sen regarding situation on Thai border*, dated 29 May 1977, DCCN L0001432, ERN 00162487-00162487 (KHM); **DK Military Telegram**, by Soeung, entitled *Telegram 28 on 12/8/77 about enemy Jet airplane (F-105)*, **D60-00084**, dated 12 August 1977, ERN

00020910-00020910 (KHM); **DK Military Report** by Mut, entitled *Reported on 12/8/77 by secret telephone about situation along the border with Thailand*, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM); **DK Military Telegram**, by Office 09, entitled *Telegram 38, Western Division Political Section on 13 September 1977, Situation along the borders*, **D60-00091**, dated 12 September 1977, ERN 00003469-00003470 (KHM); **DK Military Telegram**, by Division 164, Political Division - Sim, entitled *Report by Secret Telephone, to Brother Division Commander, on 15 September 1977*, **D60-00094**, dated 15 September 1977, ERN 00161729-00161729 (KHM); **DK Military Telegram**, by Office 09 of West Division, entitled *Telegram 45*, **D60-00098**, dated 6 October 1977, ERN 00161790-00161790 (KHM); **Media Article**, by Christian Science Monitor, entitled *Will China Play Mediator?*, **D60-00100**, dated 18 October 1977, ERN 00166284-00166284 (ENG); **Media Article**, by BBC Summary of World Broadcasts, entitled *Thai Trade with Cambodia*, **D56-00098**, dated 10 February 1978, ERN S 00008976-00008979 (ENG); **DK Military Telegram**, by Mut, entitled *To respected Brother 89 about situation on the sea*, **D60-00215**, dated 20 March 1978, ERN 00020982-00020982 (KHM); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian Offer to Release Thai Fishermen*, **D60-00222**, dated 30 March 1978, ERN S 00010448-00010453 (ENG); **DK Military Telegram**, by Seuang, entitled *Telegram 01 dated 31 March 1978*, **D60-00225**, dated 31 March 1978, ERN 00020980-00020980 (KHM); **Media Article** by Henry KAMM, entitled *Near Thai-Cambodia Frontier Tension and Danger are the rule*, **D60-00259**, dated 4 May 1978, ERN S 00011241-00011241 (ENG); **Media Article**, entitled *Thai patrol boat fires on Khmer Rouge gunboat*, **D60-00269**, dated 17 June 1978, at ERN S 00010674, ERN S 00010672-00010675 (ENG) (noting that a Thai patrol boat was damaged in gun battle with a Cambodian naval vessel); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian Attack on Thai Fishermen*, **D91-00012**, dated 19 June 1978, ERN S 00010678-00010681 (ENG); **Media Article** by Herald Tribune, entitled *Cambodia Said to Attack Thai Fishing Boats*, **D56-00112**, dated 20 June 1978, ERN S 00011664-00011664 (ENG); **Media Article**, entitled *Tough Warning from Bangkok*, **D60-00292**, dated 31 July 1978, ERN S 00008277-00008277 (ENG).

¹⁰⁸ See **Media Article** by the Economist entitled *Thailand and Cambodia – A Border Redrawn with Guns*, **D60-00072**, dated 20 June 1977, ERN 00166200-00166201 (ENG) (indicating that border clashes occurred daily during the first half of 1977); **Media Article** by the Washington Post, entitled *Sensitivities over Boundaries embroil Cambodia in Conflict*, **D60-00077**, dated 26 July 1977, ERN 00166297-00166297 (ENG) (noting that more than 100 Thai soldiers and civilians had been killed in clashes with Cambodian forces during the first half of 1977); **Media Article** by the Los Angeles Times, entitled *Disputed Thai-Cambodian Border Area a Place of Senseless Deadly Clashes*, **D60-00088**, dated 23 August 1977, ERN 00166110-00166110 (ENG) (noting that the Thai Prime Minister stated that there had been 400 “incursions” into Thai territory by Cambodian forces during 1977); **Media Article** by New York Times, entitled *Raids from Cambodia are Worrying Thais*, **D60-00118**, dated 23 December 1977, ERN 00165991-00165991 (ENG) (noting that clashes with Cambodian forces had resulted in the deaths of 173 Thais and injuries to 272 Thais during 1977 and also noting that 48 Thais had been kidnapped by Cambodian forces and taken across the border where it is believed they were interrogated and executed); **Media Article** by Los Angeles Times, entitled *Underground Indochina War Lives On*, **D60-00241**, dated 16 April 1978, ERN 00166098-00166098 (ENG) (noting that border skirmishes continued to occur between Thai and Cambodian forces and that more than 400 Thai villagers had been kidnapped by Cambodian forces “in the past few months”).

¹⁰⁹ See **Media Article** by The Economist, entitled *Thailand – No Fences Make Bad Neighbours*, **D60-00063**, dated 5 February 1977, ERN 00166134-00166134 (ENG) (noting that a “heavily-armed” unit of 200 to 400 Cambodian soldiers crossed the Thai border near Anyaprathet and killed more than 30 Thai civilians in several border villages); **Media Article** by Facts on File World News Digest, entitled *Thai, Cambodian Border Clashes*, **D60-00078**, dated 30 July 1977, ERN 00166192-00166192 (ENG) (noting that hundreds of Thai and Cambodian soldiers had engaged in “heavy” fighting and that the Thai forces used tanks, armored personnel carriers, air strikes and helicopter gunships during the battle); **Media Article** by the Washington Post, entitled *Deaths Reported in Cambodia*, **D60-00099**, dated 18 October 1977, ERN 00166283-00166283 (ENG) (noting that Thai and Cambodian forces engaged in “fierce fighting” along the border); **Media Article** by Washington Post, entitled *Thai-Cambodia Border Clash*, **D60-00102**, dated 4 November 1977, ERN 00166275-00166275 (ENG) (noting that Thai forces used air strikes and artillery to drive back Cambodian forces that were attacking two Thai villages); **Media Article** by New York Times, entitled *Raids from Cambodia are Worrying Thais*, **D60-00118**, dated 23 December 1977, ERN 00165991-00165991 (ENG) (noting that Thai forces had been responding to Cambodian attacks with artillery and air strikes); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian rocket attack on Thai town*, **D60-00219**, dated 4 April 1978, ERN 00010457-00010462 (ENG) (noting that Cambodian artillery “pounded” Aranyaprathet on 1 April 1978); **Media Article** by BBC Summary of World Broadcasts, entitled *Cambodian Attack on Thai Village: Thailand to Retaliate*, dated 11 April 1978, at ERN S 00010349, ERN S 00010349-00010350 (ENG) (noting that an attack on a Thai village on 9 April 1978 resulted in “the heaviest government casualties in a single clash for quite some time”).

¹¹⁰ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00183964-00183965 (ENG) (in which SON Sen ordered further purges of “no-good elements” within the Party, emphasizing the importance of remaining “vigilant against the enemy within”). This document demonstrates that the plan to purge the RAK was already in existence on 18 August 1976.

¹¹¹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00183964-00183965 (ENG).

¹¹² **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (SON Sen describes it as “imperative” to purge no-good elements and urges that all divisions be purged further. In reports by division secretaries and deputy-secretaries, purging is commonly described. Secretaries and Deputy-secretaries describe their success in purging so far and also describe the need to purge their individual divisions and all divisions of the RAK further. **SOU Met** says “It is imperative to dare absolutely to conduct purges”); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (**MEAS Mut** reports on his division’s efforts to purge no-good elements, saying “One platoon of depot units of organization has been purged, but they’re not yet all gone or reliable.” Comrade Yan states that there are 600 persons in his division that must be “removed.” Comrade Sac says “Internally, a number of no-goods have been purged...” SON Sen urges divisions to continue “purging” throughout the meeting); **DK Military Meeting Minutes** entitled *Minutes of the*

Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.28 dated 30 August 1976, DCCN L0001407, at ERN 00052383, ERN 00052380-00052383 (KHM) (SON Sen states that “It is imperative to conduct purges of no-good elements” and urges that division commanders be absolute); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM) (Son Sen describes the need to purge the army completely of bad elements).

¹¹³ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (SOU Met states “The enemy will not be able to do anything to us so long as our military is politically hard and clean”); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.28* dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM) (noting that it was believed that no-good elements of all sorts would gather together to launch joint attack on DK); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, at p. 2 of ENG translation, ERN 00095507-00095527 (KHM) (in which SON Sen describes the need to be concerned over remaining internal enemies, saying “If we relax into a state of pacifism, they will take advantage of this to attack our revolution”); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.42* dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (in which SON Sen describes scope of “treasonous networks” that threaten to “wreck” and overthrow the revolution); **CPK Magazine** entitled *Revolutionary Flag, IS Annex C No. 11.11*, dated December 1977 to January 1978, at pages 7-8, ERN 00064512-00064550 (KHM) (“We have also been able to defend the army. No the army of the Party has not suffered any losses, but rather has only been further strengthened and cleaned up. We eliminated the enemies who were boring from within the army and the dangerous elements in the army, thereby raising the quality of the army and making it better and than before.”).

¹¹⁴ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (Division Secretaries and Deputy-Secretaries states that they will be increasingly vigilant against enemies from within. Both suspects SOU Met and MEAS Mut stress the importance of being vigilant); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.32* dated 19 September 1976, DCCN L0001451, at ERN 00183979, ERN 00183970-00183981 (ENG) (in which SON Sen urges vigilance especially with “the enemies who attack us from inside, by burrowing inside our base as well as inside our army”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of All Division Committees*, dated 1 June 1976, DCCN L0001272, at p. 3 of ENG translation, ERN 00162480-00162484 (KHM) (SON Sen advises Division Secretaries and Deputy Secretaries to “monitor closely” within their divisions); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.28* dated 30 August 1976, DCCN L0001407, at ERN 00052380, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent*

Regiments, IS Annex C No. 13.42 dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (SON Sen urges division leaders to be vigilant as enemy remnants remain will continue to be created); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, at p. 2, ERN 00095507-00095527 (KHM)-ET (in which SON Sen speaks of the existence of enemies who were “conducting bore-from-within activities” inside the Army and then elaborates with examples of “phenomena” to substantiate his claim).

¹¹⁵ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM) (In their update on the enemy situation within their divisions, Comrade Pin and Pheap describe “biography doing.” SON Sen describes “grasping biographies” as “imperative,” and as a means of discovering true pasts of cadres who have something to hide); **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM) (SON Sen advises MEAS Mut to handle enemy situation by getting a “firm grip” on biographies); **DK Military Meeting Minutes** entitled *Minute of Divisional and Independent Regiment Secretary - Under Secretary’s Meeting, IS Annex C No. 13.30* dated 16 September 1976, DCCN L0001449, ERN 00064954-00064957 (KHM).

¹¹⁶ At meetings between SON Sen and Secretaries and Deputy Secretaries of military divisions, each secretary and deputy-secretary, including MEAS Mut and SOU Met, provides updates on enemy situations within each division and describe what crimes and no-good elements have been detected in the unit. There are frequent reports of theft, sabotage, attempting to evade military duties, not following orders, or having liberal tendencies. Son SEN also lists these crimes in his description of “no-good” elements and categories of enemies and enemy offences. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting on Production Work, IS Annex C No. 13.33* dated 30 September 1976, DCCN L0001487, ERN 00088911-00088917 (KHM); **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM) (describing internal enemy situation in Division 164 including the arrest and interrogation of alleged deserters and malcontents); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.32* dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions, IS Annex C No. 13.38* dated 21 November 1976, DCCN L0001541, ERN 00088921-00088937 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.27* dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS*

Annex C No. 13.28 dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM).

¹¹⁷ At meetings between SON Sen and Secretaries and Deputy Secretaries of military divisions, the secretaries and deputy-secretaries, including **MEAS Mut** and **SOU Met**, frequently report questioning authority, not complying with ideals of revolution, and spreading discontent as enemy activities within their divisions. SON Sen also cites these acts as crimes against the CPK and the revolution. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM) (after hearing reports on enemy situation from division Secretaries and Deputy-Secretaries, SON Sen says “Within internal military rank, some cadres and combatants have not been satisfied, igniting disputes, encouraging desertions, sidetracking guidelines and verbally opposing guidelines”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM) (SON Sen describes slogans against the collective system and throwing of anonymous leaflets as proof that enemies still exist); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Economics of Divisions*, **IS Annex C No. 13.17** dated 16 May 1976, DCCN L0001229, ERN 00088910-00088910 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, at p. 2, ERN 00088921-00088937 (KHM)-ET (in which Comrade Nai describes two cadre who sought to cause discontent over the lack of food).

¹¹⁸ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (in his report on enemy activities, Comrade Suong describes “authoritarian attitude” of cadre whose parents have been “swept out”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM) (in which Comrade Sok describes problems arising due to people whose relatives were “taken away by the Organization for no apparent reason” and SON Sen advises those present at meeting to “be most vigilant vis-à-vis those whose parents have been swept cleanly away”).

¹¹⁹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, at p. 12 of ENG translation, ERN 00052402-00052416 (KHM) (SON Sen describes three categories of “no good elements:” “the dangerous category,” “the ordinary liberal category,” and “the category of those who have merely been incited by the enemy”).

¹²⁰ **DK Military Meeting Minutes** entitled *Minutes of the Meeting on Production Work*, **IS Annex C No. 13.33** dated 30 September 1976, DCCN L0001487, at p. 2 of ENG

translation, ERN 00088911-00088917 (KHM) (in which SON Sen says “No-good elements have been removed and concentrated in one place”).

¹²¹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM) (in which Division Secretaries and Deputy Secretaries describe cadre undergoing re-education and re-fashioning within their divisions); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (in which SON Sen states that Category 2 elements should be educated again in “education schools” and category 3 elements should undergo “refashioning”); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (in which SON Sen directs that those with loyalties to the enemy be re-educated); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.28** dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM) (in which SON Sen advises division leaders to “concentrate the no-good elements in one location and educate them separately”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM) (in which SON Sen stresses importance of education and “refashioning” in handling internal enemies”).

¹²² **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM) (in which SON Sen tells **MEAS Mut** that is imperative to round up enemies within Unit 164 to do production in one place); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (division reports by Comrade Rin and Sav refer to no-goods being purged and sent to the paddy field or fishing, and SON Sen directs division secretaries that “liberals are to be rounded up and sent to do production”).

¹²³ There was inhumane conditions and forced labor at worksites, production units, and re-education or “tempering” centers. The following statements describe starvation, forced labor, long hours with little rest, constant surveillance, lack of medical attention, and other inhumane conditions. In addition, many people were arrested and killed for minor errors or offenses. **AEK Hen** DC-Cam Statement, **IS Annex C No. 19.5** dated 6 June 2003, DCCN KCI0391, ERN 00019575-00019591 (KHM); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.186** dated 23 August 2003, DCCN KCI0441, ERN 00053985-00054028 (KHM); **UK Chhun** DC-Cam Statement, **IS Annex C No. 19.210** dated 26 August 2003, DCCN KDI0353, ERN 00051923-00051973 (KHM); **CHEA Roem alias Theuan** DC-Cam Statement, **IS Annex C No. 19.19** dated 24 August 2003, DCCN TKI0277, ERN 00043261-00043271 (KHM); **CHIEM Nha** DC-Cam Statement, **IS Annex C No. 19.31** dated 21 May 2004, DCCN TKI0579, ERN 00055931-00055965 (KHM); **KOAM Koat** DC-Cam Statement, **IS Annex C No. 19.85** dated 26 December 2002, DCCN KDI0134, ERN 00056752-00056823 (KHM); **KHOEM Samhuon** DC-Cam Statement, **IS Annex C No. 19.73** dated 9 March 2003, DCCN KCI0240, ERN 00053839-00053893 (KHM); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.49** dated 24 October 2003, DCCN KCI0530, ERN 00054112-00054144 (KHM); **CHHIENG Sophat** DC-Cam Statement, **IS Annex C No. 19.26** dated 14 August 2003, DCCN KDI0335, ERN 00051862-00051910 (KHM);

HENG Phally alias Li DC-Cam Statement, **IS Annex C No. 19.46** dated 10 October 2003, DCCN KDI0422, ERN 00052094-00052125 (KHM); **PANG Reum** DC-Cam Statement, **IS Annex C No. 19.135** dated 19 August 2002, DCCN TKI0104, ERN 00055582-00055601 (KHM); **KUNG Chanthi** DC-Cam Statement, **IS Annex C No. 19.88** dated 27 May 2004, DCCN TKI0597, ERN 00056039-00056066 (KHM).

¹²⁴ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, L0000252, at p. 2, ERN 00095507-00095527 (KHM)-ET (in which Comrade Suong describes a cadre who has stolen “to a point beyond refashioning”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting on Production Work*, **IS Annex C No. 13.33** dated 30 September 1976, DCCN L0001487, ERN 00088911-00088917 (KHM) (in report on enemy situations throughout units, it is stated that re-education does not suffice in some situations and people continue to be “no-good”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM) (in which Comrade Oeun states “After being educated, most of them can correct themselves. But still also have a few who are stubborn and refuse to change).

¹²⁵ The term “smashed” was often used in documents to mean that someone had been killed or executed. **Academic Article** by John CIORIARI and CHHANG Youk, entitled *Maximizing Provative Value – Unveiling CPK Coded Language*, **IS Annex C No. 1.3** dated 2005, at ERN 00105010, ERN 00105009-00105011 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM) (in which SON Sen refers to smashing of the enemy numerous times. In describing how to handle Category 1 elements considered the most dangerous, he states that they should “be absolutely purged” as opposed to re-education or re-assignment); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, at p. 4, ERN 00052304-00052311 (KHM)-ET (in which SON Sen tells division secretaries and deputy-secretaries that “it is imperative to continue with further political and ideological education, but mere education is not enough: it is imperative to continue further with absolute purges”); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, at p. 10, ERN 00052389-00052401 (KHM)-ET (in describing internal enemies at Division meeting, SON Sen states “The main networks had already been smashed all”).

¹²⁶ **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM) (in which **SOU Mut** describes sending 50 “no-goods” to S-21 and says that “reliability” can only be attained if five more platoon secretaries are removed); **DK Military Meeting Minutes** entitled *Minutes of the Meeting on Production Work*, **IS Annex C No. 13.33** dated 30 September 1976, DCCN L0001487, ERN 00088911-00088917 (KHM) (noting that in Unit 170 several people were arrested and sent to S-21); **DK Military Meeting Minutes** entitled *Meeting of Comrade Tal Division 290 and Division 170*, **IS Annex C No. 13.31** dated 16 September 1976, DCCN L0001448, ERN 00002233-00002235 (KHM) (DUCH is present at meeting with Division 290 and 170. Document describes S-21 and Division cooperation regarding sending cadres to S-21. Tal is advised to

“consult and discuss” with S-21. DUCH describes previous meeting between DUCH and division where it was decided that S-21 would take 40 cadres from the two divisions).

¹²⁷ Torture was common across detention and security centers throughout Democratic Kampuchea. **Book by YSA Osman**, entitled *Oukoubah: Justice for the Cham Muslims under the Democratic Kampuchea Regime*, **IS Annex C No. 4.47** dated 2002 page at 91, ERN 00078437-00078604 (ENG) (noting that in a “lifestyle meeting” at S-21 held during February 1976, DUCH stated to all present that: “This is our class stance. We must beat [prisoners] for class, national and international reasons. Get rid of the view that beating the enemy is cruel. This is the wrong view”); **PANG Reum** DC-Cam Statement, **IS Annex C No. 19.135** dated 19 August 2002, DCCN TKI0104, ERN 00055582-00055601 (KHM); **LENG Kim** alias **Kung Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, DCCN KHI0038, ERN 00054815-00054873 (KHM); **DK Government Telegram** by Chhon, entitled *Telegram 21- Radio Band 676 - To Beloved and missed Brother Pol*, **IS Annex C No. 21.11** dated 21 March 1976, DCCN L0001158, ERN 00052346-00052346 (KHM); **NHAEM Sal** DC-Cam Statement, **IS Annex C No. 19.121** dated 25 August 2003, DCCN TKI0280, ERN 00055660-00055697 (KHM).

Unlawful killings were carried out at detention and security centers. **BOU Meng** OCP Statement, **IS Annex C No. 23.1** dated 29 August 2006, ERN 00080529-00080539 (KHM) (in which the witness notes that in some cases, detainees were executed at S-21); **KUNG Phai** OCP Statement, **IS Annex C No. 23.5** dated 9-20 December 2006, ERN 00078666-00078675 (KHM); **SOKH Sophat** DC-Cam Statement, **IS Annex C No. 19.184** dated 25 January 2002, DCCN KHI0010, ERN 00008163-00008248 (KHM); **SAOM Mon** DC-Cam Statement, **IS Annex C No. 19.168** dated 13 August 2003, DCCN KCI0434/K00743, ERN 00053936-00053961 (KHM); **HAM Seng** alias **UK Bun Seng** DC-Cam Statement, **IS Annex C No. 19.43** dated 14 March 2003, DCCN KDI0249/K00147, ERN 00008904-00008904 (KHM) (describing how people were sent to S-21 and never seen again, and calling S-21 “a killing place”); **SAOM Met** DC-Cam Statement, **IS Annex C No. 19.167** dated 25 January 2003, DCCN KDI0155/K05435, ERN 00051644-00051751 (KHM) (in which Met states that prisoners were executed after interrogation); **Book by Stephen HEDER and Brian TITTEMORE** entitled *Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge*, **IS Annex C No. 4.18** dated March 2004 at page 26, ERN 00182355-00182364 (ENG) (noting that in early 1976, a decision was disseminated in the name of the Central Committee granting Zone Party Committees and certain other Party Committees the authority to execute those allegedly guilty of serious crimes against the revolution. This decision was implemented by Zone, Sector, District and cooperative security forces); **PHIN Yeang** DC-Cam Statement, **IS Annex C No. 19.144** dated 21 May 2004, DCCN TKI0567, ERN 00055810-00055831 (KHM); **SAU Ren** DC-Cam Statement, **IS Annex C No. 19.171** dated 24 January 2003, DCCN KTI0122, ERN 00055162-00055218 (KHM); **PRAK Khan** OCP Statement, **IS Annex C No. 23.8** dated 12 October 2006, ERN 00078625-00078639 (KHM).

While only some of the prisoner lists expressly indicate that the prisoners were executed, **KAING Guek Eav** alias **DUCH**, who commanded S-21 for most of the DK period, has testified that everybody who entered S-21 was eventually executed. **KAING Guek Eav** alias **DUCH** OCIJ Statement, **D21** dated 7 August 2007, at ERN 00147524, ERN 00147517-00147527 (ENG) (in which DUCH refers to execution at S-21 as systematic and says: “for those sent to S-21, it had already been decided to smash them all... At S-21 there was no right to release”); **KAING Guek Eav** alias **DUCH** OCIJ Statement, **D16** dated 5 September 2007, at ERN 00147582, ERN 00147579-00147585 (ENG) (in which DUCH describes how

NUON Chea told him that “all persons sent to S-21 had to be killed – as I was in charge of S-21, I implemented his orders”); **KAING Guek Eav alias DUCH** OCIJ Statement, **D13** dated 23 August 2007, at ERN 00147565, ERN 00147563-00147573 (ENG) (in which DUCH describes receiving an “absolute order” from NUON Chea to “smash” all victims at S-21); **KAING Guek Eav alias DUCH** OCIJ Statement, **D21** dated 3 October 2007, at ERN 00149911, ERN 00149907-00149919 (ENG) (in which DUCH says: “All persons in detention had to be smashed. At the beginning, the killings were done in Phnom Penh, west of S-21. Later, because of a fear of disease, the killing was done at Choeung Ek”).

¹²⁸ From 17 April 1975 to 6 January 1979, there was no functioning legal system in Democratic Kampuchea. **Analytical Report by the United Nations Commission on Human Rights** entitled *Analysis of the Human Rights Situation in DK*, **IS Annex C No. 18.69** dated 30 January 1979, at pgs. 18-19, ERN 00078643-00078665 (ENG) (describing the absence of judicial process or institutions in DK, and describes the arbitrary and harsh system in its place. Officials have the power to order executions and accused are not given any rights); **Analytic Report by the Government of Canada** entitled *Further Submission from the Government of Canada Under Commission of Human Rights Decision 9*, **IS Annex C No. 2.4** dated 8 September 1978, at ERN 00087573, ERN 00087572-00087592 (ENG) (noting that “there is no legal recourse for violations of individual human rights in Democratic Kampuchea. Any accusations of denunciations of an individual by a member of the ruling party can result in arrest and summary execution. There is no right to public or private trial, no right to call defence witnesses and no right of appeal. Eye witnesses of executions have reported that many of those executed have died professing ignorance of the charges against them”); **Analytical Report by the Government of Norway** entitled *Submission of the Government of Norway to the United Nations Commission on Human Rights*, **IS Annex C No. 2.3** dated August 18 1978, at ERN 00087549, ERN 00087537-00087571 (ENG) (noting that “the regime of the Khmer Rouges holds no trials and considers prisons to be a heavy burden on the State, and to be avoided”); **Analytical Report by the Government of the United States** entitled *Submission of the Government of the United States Under the Commission on Human Right Decision 9*, **IS Annex C No. 2.1** dated 6 July 1978, at ERN 00087617-00087627, ERN 00087610-00087627 (ENG) (in which THATCH Keo Dara, MON Sieu, SOUR Chheng, SAM Damawong, and YIM Sot Ronnachit describe widespread human rights violations in DK, including no functioning legal system).

¹²⁹ **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.11**, dated December 1977-January 1978 at page 57-58, ERN 00064512-00064550 (KHM) (“Be vigilant about bad elements among the Party's ranks, our ranks and the people who might divert the masses along a road different from the line of the Party. As long as these elements remain, the build up of the popular forces will not be strong. If one such person remains, there will be complications, and if there two, there will be even more complications. Therefore carry out examinations in the cooperatives and the districts. Attention must be paid to examining these two levels because they are side-by-side with the people. Other levels must also be examined. These are maggots in our flesh which must be dug out.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.10**, dated October-November 1977 at pages 1-41, ERN 00000267-00000277 (KHM) (“We now consider that our Party is already strong, and that is why we have been able to sweep cleanly away more than 99% of the contemptible major concealed enemies boring from within. But supposing if they were able to strengthen and expand and make a comeback someplace: that would mean that place was weak. Things throughout the country must be examined like this. Each zone must be examined like this. Each sector must be examined like this. Each district must be examined like this. Each

cooperative must be examined like this. The army and ministries and offices must be examined like this.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14**, dated May-June 1978 at page 60, DCCN D21248, ERN 00064551-00064585 (KHM) (“[T]he key problem among all the problems in every sphere is attacking and eliminating the concealed enemies boring from within.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14**, dated May-June 1978 at page 59, DCCN D21248, ERN 00064551-00064585 (KHM) (“Therefore in order to impel forward the gathering of ever increasingly more friendly forces worldwide and to raise ever increasingly higher the international status of our Party and revolution, we can only go all out to eliminate concealed enemies boring from within so that they are ever more excellently scattered to the winds and smashed to smithereens.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.9**, dated July 1976 at pages 15-16, ERN 00062905-00062945 (KHM) (noting that, despite the failure of “the maneuvers and actions of all sorts of our enemies and adversaries . . . we must pay particular attention to maneuvers and actions of boring from within and attacking us from within ourselves, from inside out.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14**, dated May-June 1978 at page 52, DCCN D21248, ERN 00064551-00064585 (KHM) (“We must see as key the duty of attacking the domestic enemy, that this is related to every one of all our other duties. Every Party level must therefore adopt the role of leading the army and the people to attack all such enemies, sweep them cleanly away, sweep and sweep and sweep again and again ceaselessly.”); **DK Government Public Statement by the Ministry of Foreign Affairs of DK**, **IS Annex C No. 17.7**, dated 22 April 1978 at page 5, ERN 00087517-00087523 (KHM) (“Over the past three years, the people of Kampuchea have smashed the espionage and subversive activities of the imperialists, expansionists and annexationists and their supporters, together with their attempts to overthrow Democratic Kampuchea.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14**, dated May-June 1978 at pages 1-17, DCCN D21248, ERN 00064551-00064585 (KHM) (“The experience of our perpetual past combat, particularly from liberation to the present, has been one of unremittingly tense annual combat between us and the enemies. We have, up through the present, attacked and smashed increasingly numerous chunks of them. This demonstrates that the battle to seize state power is a tough and continuous struggle.”); **CPK Magazine** entitled *Revolutionary Flag*, **IS Annex C No. 11.14**, dated May-June 1978 at page 47, DCCN D21248, ERN 00064551-00064585 (KHM) (“On the other hand, we have smashed the traitorous leading apparatus throughout the country together with their faction; concretely, the traitorous forces in the East, Northwest and West Zones, in Phnom Penh, in 103, in Kratie and in Sector 25.”).

¹³⁰ **SON Sen**, alias Brother 89, was the head of the RAK General Staff.

¹³¹ **MEAS Mut** was Secretary of RAK Division 164.

¹³² **SOU Met** was Secretary of RAK Division 502.

¹³³ At Division meetings, senior RAK cadres, Secretaries, and Deputy Secretaries, including **SOU Met** and **MEAS Mut**, would describe enemies that had been detected within their respective divisions and plan efforts to further purge them. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM); **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM)-ET; **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM);

DK Military Meeting Minutes entitled *Minutes of the Meeting on Production Work*, **IS Annex C No. 13.33** dated 30 September 1976, DCCN L0001487, ERN 00184821-00184823 (ENG) (in which **SOU Met** reported that 15 “elements with tendencies” had been arrested in September 1976); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00183983-00183994 (ENG); **DK Military Meeting Minutes** entitled *Meeting Minutes of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 18 October 1976, DCCN L0001505, ERN 00095528-00095531 (KHM)-ET; **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.37** dated 11 November 1976, DCCN L0001537, ERN 00184824-00184825 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, ERN 00088921-00088937 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00183949-00183955 (ENG).

¹³⁴ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00183983-00183994 (ENG).

¹³⁵ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, at ERN 00183990, ERN 00183983-00183994 (ENG).

¹³⁶ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1979, DCCN L0001500, ERN 00183989-00183994 (ENG). The senior RAK officers in attendance agreed to participate in the purge of the RAK, including Deum (“if you want unsullied faith that the army is clean...it is imperative to follow up with more purges,” at ERN 00183987), Sok (“I would like to be in unity with the Party,” at ERN 00183988), Suong (“the no-good elements have been rounded up, but not yet entirely purged,” at ERN 00183989), Nai (“I’m happy about the measures of the Party in discovering [the traitors] and arresting them,” at ERN 00183989), and Nath (“I would like to express my happiness about this Party victory event of smashing traitorous links,” at ERN 00183990).

¹³⁷ **DK Military Meeting Minutes** entitled *Meeting Minutes of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 18 October 1976, DCCN L0001505, ERN 00095528-00095531 (KHM)-ET; **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.37** dated 11 November 1976, DCCN L0001537, ERN 00088918-00088920 (KHM)-ET; **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, ERN 00184826-00184828 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM)-ET; **DK Military Meeting Minutes**, **IS Annex C No. 13.40** dated 16 December 1976, DCCN L0000254, ERN 00052333-00052335 (KHM)-ET; **DK Military Meeting Minutes** entitled *Minutes of an Experience Drawing Meeting on Guarding in City Defense* dated 19

December 1976, DCCN L0000255, ERN 00162477-00162479 (KHM)-ET; **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (ENG).

¹³⁸ **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, DCCN L0001541, at ERN 00184826, ERN 00184826-00184828 (ENG) (in which **SOU Met** reports that there is “nothing new on enemies within”); **DK Military Meeting Minutes** entitled *Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, at p. 2, ERN 00095507-00095527 (KHM)-ET (in which **SOU Met** reports that the internal enemy situation “is not unusual”, and **MEAS Mut** commented on the enemy situation of the Navy); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, at ERN 00183949, ERN 00183949-00183955 (ENG) (in which **SOU Met** reports that more than 50 “no-goods” have been sent to S-21, and that five more platoon secretaries must be removed in order to ensure “reliability”, and in which **MEAS Mut** reports that one platoon of depot units have been purged).

¹³⁹ **DK Military Telegram** to Office 870 from Met, **IS Annex C No. 21.74** dated 31 December 1977, ERN 00001325-00001325 (KHM).

¹⁴⁰ Division Secretaries and Deputy-Secretaries, describe purges and arrests that have taken place by their command in their divisions. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputies of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.28** dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes** entitled *Minute of Divisional and Independent Regiment Secretary - Under Secretary's Meeting*, **IS Annex C No. 13.30** dated 16 September 1976, DCCN L0001449, ERN 00064954-00064957 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.28** dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976, ERN 00184826-00184828 (ENG); **DK Military Meeting Minutes** entitled *Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.39** dated 15 December 1976, DCCN L0000252, ERN 00095507-00095527 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM).

¹⁴¹ **Combined S-21 Prisoner List, D81**, ERN 00171429-00171798 (ENG/KHM).

¹⁴² See, for example, **S-21 Execution Log** dated 1 October 1976 to 15 October 1976, DCCN D21897, ERN 00008755-00008903 (KHM) (list of prisoners “smashed” in June 1976,

including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.31** dated 17 April 1975, DCCN D01254, ERN 00072528-00072535 (KHM) (list of 83 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00036** dated 13 December 1976, DCCN D13851, ERN 00068739-00068839 (KHM) (list of prisoner illness, including some from division 164); **S-21 Prisoner List, D57-00052**, dated 1977 to 1978, DCCN D14114, 00161777-00161777 (KHM) (lists names of 16 prisoners from Division 164); **S-21 Prisoner List, IS Annex C No. 16.45** dated January 1977, DCCN D06640, ERN 00040203-00040217 (KHM) (list of 188 prisoners, including some from Division 164); **S-21 Prisoner List** dated 1 February 1977, DCCN D17038, ERN 00008118-00008142 (KHM) (list of 159 prisoners, including some from Division 164. Indicates that KAING Guek Eav alias DUCH issued an order on 17 February 1977 to "smash" 115 of them); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1977, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including one from 164); **S-21 Prisoner List, IS Annex C No. 16.50** dated 4 March 1977, DCCN D10916, ERN 00040745-00040749 (KHM) (list of 43 prisoners, including one from Division 164); **S-21 Prisoner List, D57-00068** dated 20 April 1977 to 21 May 1977, DCCN D10927, ERN 00088754-00088754 (KHM) (list of six prisoners from Division 164); **S-21 Prisoner List, D57-00077** dated 25 May 1977, DCCN D06925, ERN 00088735-00088735 (KHM) (list of three prisoners, including some from Division 164); **S-21 Prisoner List, D57-00094** dated 26 August 1977, DCCN D13129, ERN 00161776-00161776 (KHM) (lists names of 3 prisoners from Unit 164); **S-21 Prisoner List, D57-00086** dated 22 July 1977, DCCN D21898, ERN 00009067-00009317 (KHM) (list of prisoners, including some from Division 164); **S-21 Prisoner List, D57-00100** dated 21 September 1977, DCCN D14836, ERN 00161778-00161778 (KHM) (list of prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.77** dated January to May 1978, DCCN D01560, ERN 00039714-00039721 (KHM) (list of 99 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00176** dated 9 April 1978, DCCN D06014, ERN 00086868-00086870 (KHM) (list of 35 prisoners, including one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.103** dated 9 April 1978, DCCN D01562, ERN 00039722-00039730 (KHM) (list of 114 prisoners, including one from Division 164); **S-21 Prisoner List, D57-00178** dated 10 April 1978, DCCN D01563, ERN 00088560-00088567 (KHM) (list of 104 prisoners, one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.105** dated 11 April 1978, DCCN D01851, ERN 00039963-00039971 (KHM) (list of 103 prisoners, one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.104** dated 11 April 1978, DCCN D01564, ERN 00039731-00039747 (KHM) (list of 173 prisoners, including one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.107** dated 15 April 1978, DCCN D01596, ERN 00039892-00039899 (KHM) (list of 95 prisoners, including one from Division 164); **S-21 Prisoner List, D57-00181** dated 23 April 1978, DCCN D01569, ERN 00088586-00088593 (KHM) (lists of 99 prisoners, some from Division 164); **S-21 Prisoner List, D57-00182** dated 24 April 1978, DCCN D01568, ERN 00088568-00088585 (KHM) (list of 110 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00183** dated 25 April 1978, DCCN D01567, ERN 00039788-00039811 (KHM) (list of 307 prisoners, including one from division 164); **S-21 Prisoner List, IS Annex C No. 16.115** dated 26 April 1978, DCCN D01566, ERN 00039764-00039787 (KHM) (list of 307 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.114** dated 26 April 1978, DCCN D06034, ERN 00040165-00040167 (KHM) (list of 28 prisoners, including some from Division 164); **S-21**

Prisoner List, IS Annex C No. 16.116 dated 27 April 1978, DCCN D01565, ERN 00039748-00039763 (KHM) (list of 205 prisoners, including 3 from Division 164); **S-21 Prisoner List, IS Annex C No. 16.117** dated 28 April 1978, DCCN D01591, ERN 00039861-00039868 (KHM) (list of 95 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.118** dated 29 April 1987, DCCN D01559, ERN 00039588-00039594 (KHM) (list of 94 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.120** dated 30 April 1978, DCCN D01584, ERN 00039844-00039851 (KHM) (list of 92 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.121** dated 30 April 1978, DCCN D06019, ERN 00040137-00040139 (KHM) (list of 23 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.119** dated 30 April 1978, DCCN D01561, ERN 00039595-00039602 (KHM) (list of 92 Prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.122** dated May 1978, DCCN D01600, ERN 00039927-00039953 (KHM) (list of 409 prisoners, including one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.126** dated 1 May 1978, DCCN D06011, ERN 00040135-00040136 (KHM) (list of 23 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.128** dated 5 May 1978, DCCN D01601, ERN 00039954-00039962 (KHM) (list of 112 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00202** dated 07 May 1978, DCCN D01602, ERN 00088649-00088655 (KHM) (list of 88 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.131** dated 10 May 1978, DCCN D01598, ERN 00039908-00039916 (KHM) (list of 99 prisoners, including one from Division 164); **S-21 Prisoner List, IS Annex C No. 16.132** dated 11 May 1978, DCCN D06022, ERN 00040144-00040146 (KHM) (list of 27 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00205** dated 12 May 1978, DCCN D01847, ERN 00088673-00088681 (KHM) (list of 110 prisoners, including one from Division 164); **S-21 Prisoner List, D57-00207** dated 16 May 1978, DCCN D01605, ERN 00088663-00088672 (KHM) (list of 115 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.133** dated 17 May 1978 to 18 May 1978, DCCN D01599, ERN 00039917-00039926 (KHM) (list of 104 Prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.134** dated 23 May 1978, DCCN D02663, ERN 00040002-00040007 (KHM) (list of 84 prisoners, including some from Division 164); **S-21 Prisoner List, IS Annex C No. 16.135** dated 23 May 1978, DCCN D06025, ERN 00040154-00040156 (KHM) (list of 35 prisoners, including one from division 164); **S-21 Prisoner List, IS Annex C No. 16.137** dated 24 May 1978, DCCN D02667, ERN 00040017-00040021 (KHM) (list of 84 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00212** dated 29 May 1978, DCCN D01513, ERN 00088524-00088545 (KHM) (list of 277 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00216** dated June 1978, DCCN D06013, ERN 00086865-00086867 (KHM) (list of 34 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00049** DCCN D15128, ERN 00068875-00068880 (KHM) (list of immobile and sick prisoners, including some from Division 164); **S-21 Prisoner List, D57-00123** DCCN D13544, ERN 00040773-00040775 (KHM) (list of 15 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00051** DCCN D14104, ERN 00086996-00086997 (KHM) (list of prisoners, including some from Division 164); **S-21 Prisoner List, D57-00283**, DCCN D10944, ERN 00161736-00161748 (KHM) (list of prisoners, including some from Division 164); **S-21 Execution Log from 1976-1978, D36-A** dated 2005, ERN 00080610-00081199 (KHM); **S-21 Prisoner List, DCCN D12397**, ERN 00161753-00161754 (KHM) (lists names of 18 persons from offices surrounding Division 164); **S-21 Prisoner List, DCCN D12395**, ERN 00161750-00161750 (KHM) (lists

names of 11 prisoners from Regiment 161 of Division 164); **S-21 Prisoner List**, DCCN D12394, ERN 00161749-00161749 (KHM) (lists names of 10 prisoners from Regiment 140 of Division 164); **S-21 Prisoner List**, DCCN D12401, ERN 00161770-00161771 (KHM) (lists names of 23 persons from Battalion 144 of Division 164); **S-21 Prisoner List**, DCCN D12402, ERN 00161772-00161774 (KHM) (lists names of 23 persons from Battalion 165 of Division 164); **S-21 Prisoner List**, DCCN D15384, ERN 00161779-00161780 (KHM) (lists names of 40 persons implicated by confessions, 6 of whom came from Division 164); **S-21 Prisoner List**, DCCN D12403, ERN 00161775-00161775 (KHM) (lists names of 9 persons from Battalion 410, Regiment 21 of Division 164); **S-21 Prisoner List**, DCCN D12396, ERN 00161751-00161752 (KHM) (lists names of 22 persons from Regiment 161 of Division 164); **S-21 Prisoner List**, DCCN D12399, ERN 00161757-00161761 (KHM) (lists names of 59 persons from Battalion 142 of Division 164); **S-21 Prisoner List**, DCCN D12400, ERN 00161762-00161769 (KHM) (lists names of 83 persons from Battalion 143 of Division 164); **S-21 Prisoner List**, dated 25 April 1977, DCCN D10841, ERN 00161734-00161735 (KHM) (lists names of 14 persons from Division 164 implicated by confessions); **S-21 Prisoner List**, DCCN D12398, ERN 00161755-00161756 (KHM) (lists names of 21 persons from Battalion 141 of Division 164); **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (Compilation of all known information about Division 164 cadre who were arrested and sent to S-21).

¹⁴³ **S-21 Execution Log, IS Annex C No. 7.5** dated 6 March 1978, ERN 00182343-00182345 (KHM) (list of 39 prisoners “smashed” on 6 March 1978, including some from Division 170); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1977, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including some from Division 170); **S-21 Prisoner List, IS Annex C No. 16.49** dated 04 March 1977, DCCN D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including some from Division 170); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 170); **S-21 Prisoner List, IS Annex C No. 16.84** dated February 1978 to July 1978, DCCN D05948, ERN 00040125-00040134 (KHM) (list of 89 prisoners, including some from Division 170); **S-21 Prisoner List, D57-00043**, DCCN D15954, ERN 00040807-00040810 (KHM) (list of 56 prisoners, including some from Division 170); **S-21 Prisoner List, D57-00292**, DCCN D06646, ERN 00161877-00161878 (KHM) (lists 21 prisoners from Division 170).

¹⁴⁴ *See, for example, S-21 Execution Log* dated 31 January 1977, DCCN D01168, ERN 00088507-00088514 (KHM) (list of 157 prisoners “smashed” from 15 to 31 January 1977, including some from Division 290); **S-21 Execution Log, IS Annex C No. 7.5**, dated 6 March 1978, ERN 00182343-00182345 (KHM) (list of 39 prisoners “smashed” on 6 March 1978, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.12** dated 17 April 1975, DCCN D06056, ERN 00040197-00040201 (KHM) (list of 64 prisoners, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1977, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.50** dated 4 March 1977, DCCN D10916, ERN 00040745-00040749 (KHM) (list of 43 prisoners, including one from Division 290); **S-21 Prisoner List, IS Annex C No. 16.49** dated 04 March 1977, DCCN D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00141** dated 18 January 1978, DCCN D14397, ERN 00021241-00021243 (KHM) (list of 13 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00192** dated May 1978, DCCN D06000, ERN

00086852-00086853 (KHM) (list of 20 prisoners, some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.126** dated 1 May 1978, DCCN D06011, ERN 00040135-00040136 (KHM) (list of 23 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00213** dated 29 May 1978, DCCN D05852, ERN 00086757-00086758 (KHM) (list of 17 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00219** dated June 1978, DCCN D06058, ERN 00086917-00086919 (KHM) (list of 30 prisoners, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.142** dated June 1978, DCCN D05738, ERN 00040043-00040050 (KHM) (list of 70 prisoners, including one from Division 290); **S-21 Prisoner List, D57-00221** dated 9 June 1978, DCCN D13917, ERN 00086964-00086968 (KHM) (lists one prisoner from Division 290); **S-21 Prisoner List, D57-00234** dated July 1978, DCCN D02666, ERN 00086718-00086720 (KHM) (list of 26 prisoners, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.154** dated December 1978, DCCN D05930, ERN 00040094-00040097 (KHM) (list of 67 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00274** dated December 1978, DCCN D05903, ERN 00086790-00086791 (KHM) (list of 22 prisoners, including some from Division 290); **S-21 Prisoner List, D57-00278** dated 6 December 1978, DCCN D05904, ERN 00161838-00161841 (KHM) (list of prisoners, including some from Division 290); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 Prisoners, including some from Division 290).

¹⁴⁵ See, for example, **S-21 Execution Log** dated 31 January 1977, DCCN D01168, ERN 00088507-00088514 (KHM) (list of 157 prisoners “smashed” from 15 to 31 January 1977, including some from Division 310); **S-21 Execution Log, IS Annex C No. 7.3** dated 10 June 1977, DCCN D01171, ERN 00006731-00006743 (KHM) (list of 198 Prisoners from Division 310 who were “smashed”); **S-21 Execution Log** dated 25 June 1977, DCCN D01173, ERN 00088517-00088519 (KHM) (list of 46 prisoners “smashed” on 25 June 1977, including some from Division 310); **DK Military Report** entitled *Dear Beloved Brother Duch*, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416 (KHM) (Document signed by **SOU Met** to KAINING Guek Eav alias DUCH on sending traitors from Division 310 and Division 450); **S-21 Prisoner List, IS Annex C No. 16.12** dated 17 April 1975, DCCN D06056, ERN 00040197-00040201 (KHM) (list of 64 prisoners, including some from Division 290); **S-21 Prisoner List, IS Annex C No. 16.31** dated 17 April 1975, DCCN D01254, ERN 00072528-00072535 (KHM) (list of 83 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.42** dated December 1976, DCCN D01253, ERN 00088522-00088523 (KHM) (list of eleven prisoners, including some from Division 310); **S-21 Prisoner List, D57-00037** dated 26 December 1976, DCCN D06831, ERN 00088719-00088719 (KHM) (list of 20 prisoners from Division 310); **S-21 Prisoner List, IS Annex C No. 16.45** dated January 1977, DCCN D06640, ERN 00040203-00040217 (KHM) (list of 188 prisoners, including some from Division 164); **S-21 Prisoner List, D57-00053** dated 23 January 1977, DCCN D01259, ERN 00002277-00002278 (KHM) (list of prisoners from Division 310); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1977, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.50** dated 4 March 1977, DCCN D10916, ERN 00040745-00040749 (KHM) (list of 43 prisoners, including one from Division 310); **S-21 Prisoner List, IS Annex C No. 16.49** dated 04 March 1977, DCCN D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00076** dated 22 May 1977, DCCN D06927, ERN 00088736-00088737 (KHM) (list of 18 prisoners, including some from Division 310); **S-21**

Prisoner List, IS Annex C No. 16.58 dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (list of 30 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00090** dated 9 August 1977, DCCN D06084, ERN 00002445-00002446 (KHM) (list of prisoners, including some from Division 310); **S-21 Prisoner List, D57-00095** dated 1 September 1977, DCCN D14390, ERN 00021234-00021238 (KHM) (list of 23 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00105** dated 6 October 1977, DCCN D06790, ERN 00088706-00088708 (KHM) (list of 40 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00107** dated 11 October 1977, DCCN D06788, ERN 00088702-00088702 (KHM) (list of 6 prisoners, including some from Division 302); **S-21 Prisoner List, IS Annex C No. 16.73** dated 11 October 1977, DCCN D06791, ERN 00072559-00072561 (KHM) (list of 34 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00108** dated 13 October 1977, DCCN D06789, ERN 00088703-00088705 (KHM) (list of 34 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00113** dated 31 October 1977, DCCN D04483, ERN 00002458-00002459 (KHM) (list of 16 prisoners, including some from Division 302); **S-21 Prisoner List, D57-00115** dated December 1977, DCCN D05902, ERN 00086789-00086789 (KHM) (list of eight prisoners, including some from Division 310);); **S-21 Prisoner List** dated 6 April 1978, DCCN D01853, ERN 00039980-00039988 (List of 104 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.102** dated 9 April 1978, DCCN D06037, ERN 00040174-00040183 (KHM) (list of 69 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.105** dated 11 April 1978, DCCN D01851, ERN 00039963-00039971 (KHM) (list of 103 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00185** dated 26 April 1978, DCCN D06033, ERN 00086890-00086893 (KHM) (list of 67 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00188** dated 29 April 1978, DCCN D06036, ERN 00086899-00086902 (KHM) (list of 66 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.153** dated October 1978 to December 1978, DCCN D05879, ERN 00040054-00040064 (KHM) (list of 124 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00270** dated November 1978 to December 1978, DCCN D01180, ERN 00088520-00088521 (KHM) (list of Prisoners in S-21's special prison, including some from Division 310); **S-21 Prisoner List, D57-00269** dated November 1978 to December 1978, DCCN D05929, ERN 00086822-00086823 (KHM) (list of 22 prisoners, including some from Division 310); **S-21 Prisoner List, D57-00271** dated 2 November 1978, DCCN D14028, ERN 00021202-00021213 (KHM) (list of 117 Prisoners, including some from Division 310); **S-21 Prisoner List, D57-00273** dated December 1978, DCCN D05865, ERN 00086763-00086768 (KHM) (list of 60 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.154** dated December 1978, DCCN D05930, ERN 00040094-00040097 (KHM) (list of 67 prisoners, including some from Division 310).

¹⁴⁶ See, for example, **S-21 Execution Log** dated 25 June 1977, DCCN D01173, ERN 00088517-00088519 (KHM) (list of 46 prisoners "smashed" on 25 June 1977, including some from Division 450); **DK Military Report** entitled *Dear Beloved Brother Duch*, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416 (KHM) (Document signed by **SOU Met** to **KAING Guek Eav** alias **DUCH** on sending traitors from Division 310 and Division 450); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1977, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including some from Division 450); **S-21 Prisoner List, IS Annex C No. 16.49** dated 04 March 1977, DCCN

D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including some from Division 450); **S-21 Prisoner List, D57-00076** dated 22 May 1977, DCCN D06927, ERN 00088736-00088737 (KHM) (list of 18 prisoners, including some from Division 450); **S-21 Prisoner List, IS Annex C No. 16.58** dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (list of 30 prisoners, some from Division 450); **S-21 Prisoner List, IS Annex C No. 16.73** dated 11 October 1977, DCCN D06791, ERN 00072559-00072561 (KHM) (list of 34 prisoners, including some from Division 450).

¹⁴⁷ See, for example, **S-21 Execution Log** dated 1 October 1976 to 15 October 1976, DCN D21897, ERN 00008755-00008903 (KHM) (list of prisoners “smashed” in June 1976, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.25** dated 17 April 1975, DCCN D14050, ERN 00066084-00066091 (KHM) (list of 127 Prisoners, including some from Division 502); **S-21 Prisoner List, D57-00028** dated November 1976, DCCN D06882, ERN 00086950-00086950 (KHM) (list of 42 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00030** dated 19 November 1976, DCCN D06883, ERN 00086951-00086951 (KHM) (List of 33 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00036** dated 13 December 1976, DCCN D13851, ERN 00068739-00068839 (KHM) (list of prisoner illness, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.50** dated 4 March 1977, DCCN D10916, ERN 00040745-00040749 (KHM) (list of 43 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.49** dated 4 March 1977, DCCN D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00064** dated 28 March 1977, DCCN D01140, ERN 00161781-00161787 (KHM) (List of 68 prisoners from Division 502); **S-21 Prisoner List, D57-00069** dated 25 April 1977, DCCN D17129, ERN 00069007-00069010 (KHM) (list of prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.54** dated May 1977 to May 1978, DCCN D01515, ERN 00039568-00039573 (KHM) (list of 90 Prisoners, including one from Division 502); **S-21 Prisoner List, D57-00080** dated 31 May 1977, DCCN 15560, ERN 00068606-00068606 (KHM) (list of 17 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00083** dated 2 June 1977, DCCN D06919, ERN 00088731-00088732 (KHM) (list of 13 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.62** dated 2 June 1977, DCCN D06921, ERN 00072572-00072577 (KHM) (list of 58 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00086** dated 22 July 1977, DCCN D21898, ERN 00009067-00009317 (KHM) (list of prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.68** dated August 1977 to June 1978, DCCN D01595, ERN 00039869-00039875 (KHM) (list of 72 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.70** dated 5 August 1977, DCCN D06336, ERN 00064652-00064653 (KHM) (list of 21 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00091** dated 12 August 1977, DCCN D01456, 00001916-00001928 (KHM) (list of prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.77** dated January to May 1978, DCCN D01560, ERN 00039714-00039721 (KHM) (list of 99 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00173** dated 6 April 1978, DCCN D01853, ERN 00039980-00039988 (KHM) (list of 104 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.100** dated 6 April 1978 to 7 April 1978, DCCN D01572, ERN 00039876-00039891 (KHM) (list of 192 Prisoners, including one from Division 502); **S-21 Prisoner List, D57-00176** dated 9 April 1978, DCCN D06014, ERN 00086868-00086870 (KHM) (list of 35

prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.102** dated 9 April 1978, DCCN D06037, ERN 00040174-00040183 (KHM) (list of 69 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.103** dated 9 April 1978, DCCN D01562, ERN 00039722-00039730 (KHM) (list of 114 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00179** dated 10 April 1978, DCCN D06035, ERN 00086894-00086898 (KHM) (list of 76 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00178** dated 10 April 1978, DCCN D01563, ERN 00088560-00088567 (KHM) (list of 104 prisoners, one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.105** dated 11 April 1978, DCCN D01851, ERN 00039963-00039971 (KHM) (list of 103 prisoners, one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.104** dated 11 April 1978, DCCN D01564, ERN 00039731-00039747 (KHM) (list of 173 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.107** dated 15 April 1978, DCCN D01596, ERN 00039892-00039899 (KHM) (list of 95 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.108** dated 18 April 1978, DCCN D01872, ERN 00039989-00039996 (KHM) (list of 111 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.110** dated 21 April 1978, DCCN D01571, ERN 00039819-00039826 (KHM) (list of 97 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.111** dated 21 April 1978, DCCN D01581, ERN 00039836-00039843 (KHM) (list of 89 Prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.112** dated 22 April 1978, DCCN D01570, ERN 00039812-00039818 (KHM) (list of 94 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00181** dated 23 April 1978, DCCN D01569, ERN 00088586-00088593 (KHM) (lists of 99 prisoners, some from Division 502); **S-21 Prisoner List, D57-00182** dated 24 April 1978, DCCN D01568, ERN 00088568-00088585 (KHM) (list of 110 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00183** dated 25 April 1978, DCCN D01567, ERN 00039788-00039811 (KHM) (list of 307 prisoners, including one from division 164); **S-21 Prisoner List, D57-00185** dated 26 April 1978, DCCN D06033, ERN 00086890-00086893 (KHM) (list of 67 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.115** dated 26 April 1978, DCCN D01566, ERN 00039764-00039787 (KHM) (list of 307 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.114** dated 26 April 1978, DCCN D06034, ERN 00040165-00040167 (KHM) (list of 28 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.116** dated 27 April 1978, DCCN D01565, ERN 00039748-00039763 (KHM) (list of 205 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.117** dated 28 April 1978, DCCN D01591, ERN 00039861-00039868 (KHM) (list of 95 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.118** dated 29 April 1987, DCCN D01559, ERN 00039588-00039594 (KHM) (list of 94 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00188** dated 29 April 1978, DCCN D06036, ERN 00086899-00086902 (KHM) (list of 66 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.123** dated May 1978, DCCN D02688, ERN 00040022-00040025 (KHM) (list of 31 Prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.122** dated May 1978, DCCN D01600, ERN 00039927-00039953 (KHM) (list of 409 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.128** dated 5 May 1978, DCCN D01601, ERN 00039954-00039962 (KHM) (list of 112 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00202** dated 7 May 1978, DCCN D01602, ERN 00088649-00088655 (KHM) (list of 88 prisoners, including some from Division 502); **S-21**

Prisoner List, IS Annex C No. 16.130 dated 9 May 1978, DCCN D06028, ERN 00040157-00040162 (KHM) (list of 77 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.131** dated 10 May 1978, DCCN D01598, ERN 00039908-00039916 (KHM) (list of 99 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00205** dated 12 May 1978, DCCN D01847, ERN 00088673-00088681 (KHM) (list of 110 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00207** dated 16 May 1978, DCCN D01605, ERN 00088663-00088672 (KHM) (list of 115 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.133** dated 17 May 1978 to 18 May 1978, DCCN D01599, ERN 00039917-00039926 (KHM) (list of 104 Prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.134** dated 23 May 1978, DCCN D02663, ERN 00040002-00040007 (KHM) (list of 84 prisoners, some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.135** dated 23 May 1978, DCCN D06025, ERN 00040154-00040156 (KHM) (list of 35 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.137** dated 24 May 1978, DCCN D02667, ERN 00040017-00040021 (KHM) (list of 84 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00210** dated 27 May 1978, DCCN D02670, ERN 00086725-00086729 (KHM) (list of 56 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.140** dated 28 May 1978, DCCN D05999, ERN 00040140-00040143 (KHM) (list of 41 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.141** dated 29 May 1978, DCCN D06042, ERN 00040168-00040172 (KHM) (list of 60 Prisoners, including some from Division 502); **S-21 Prisoner List, D57-00212** dated 29 May 1978, DCCN D01513, ERN 00088524-00088545 (KHM) (list of 277 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.142** dated June 1978, DCCN D05738, ERN 00040043-00040050 (KHM) (list of 70 prisoners, including one from Division 502); **S-21 Prisoner List, IS Annex C No. 16.148** dated 10 June 1978, DCCN D06026, ERN 00052901-00052905 (KHM) (list of 50 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.153** dated October 1978 to December 1978, DCCN D05879, ERN 00040054-00040064 (KHM) (list of 124 prisoners, including one from Division 502); **S-21 Prisoner List, D57-00273** dated December 1978, DCCN D05865, ERN 00086763-00086768 (KHM) (list of 60 prisoners, including one from division 502); **S-21 Prisoner List, IS Annex C No. 16.154** dated December 1978, DCCN D05930, ERN 00040094-00040097 (KHM) (list of 67 prisoners, including some from Division 502); **S-21 Prisoner List, D57-00278** dated 6 December 1978, DCCN D05904, ERN 00161838-00161841 (KHM) (prisoner list with one prisoner from Division 502); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 Prisoners, including some from Division 502); **S-21 Prisoner List, D57-00289**, DCCN D10946, ERN 00088761-00088766 (KHM) (list of 86 prisoners, including some from Division 502); **S-21 Prisoner List, D57-000291**, DCCN D05986, ERN 00086840-00086842 (KHM) (list of 17 prisoners from Division 502); **S-21 Prisoner List, D57-00292**, DCCN D06646, ERN 00161877-00161878 (KHM) (list of 19 prisoners from Division 502); **S-21 Prisoner List, D57-00049**, DCCN D15128, ERN 00068875-00068880 (KHM) (list of immobile and sick prisoners, including some from Division 502); **S-21 Prisoners List, D57-00070**, DCCN D14265, ERN 00068844-00068858 (KHM) (list of prisoners, including some from Division 502); **List of Arrestees from Division 502** by Bunsou Sour, dated 24 January 2008, ERN 00196179-00196216 (ENG) (Compilation of all known information about Division 502 cadre who were arrested and sent to S-21).

¹⁴⁸ See, for example, **S-21 Execution Log** dated 25 June 1977, DCCN D01173, ERN 00088517-00088519 (KHM) (list of 46 prisoners “smashed” on 25 June 1977, including some from Division 703); **S-21 Execution Log, IS Annex C No. 7.5** dated 6 March 1978, ERN 00182343-00182345 (KHM) (list of 39 prisoners “smashed” on 6 March 1978, including some from Division 703); **DK Military Report** entitled *Daily Report about Prisoners from S-21 Interrogators*, **D57-00097** dated 7 September 1977, DCCN D06330, ERN 00088682-00088687 (KHM) (Daily report about prisoners, includes mention of individual from Division 703); **S-21 Prisoner List, IS Annex C No. 16.58** dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (list of 30 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.68** dated August 1977 to June 1978, DCCN D01595, ERN 00039869-00039875 (KHM) (list of 72 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00090** dated 9 August 1977, DCCN D06084, ERN 00002445-00002446 (KHM) (list of prisoners, including some from Division 703); **S-21 Prisoner List, D57-00095** dated 1 September 1977, DCCN D14390, ERN 00021234-00021238 (KHM) (list of 23 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00105** dated 6 October 1977, DCCN D06790, ERN 00088706-00088708 (KHM) (list of 40 prisoners, including some from Division 310); **S-21 Prisoner List, IS Annex C No. 16.73** dated 11 October 1977, DCCN D06791, ERN 00072559-00072561 (KHM) (list of 34 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00108** dated 13 October 1977, DCCN D06789, ERN 00088703-00088705 (KHM) (list of 34 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00115** dated December 1977, DCCN D05902, ERN 00086789-00086789 (KHM) (list of eight prisoners, including some from Division 703); **S-1 Prisoner List, D57-00147** dated 2 February 1978, DCCN D01592, ERN 00088638-00088643 (KHM) (list of 35 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00179** dated 10 April 1978, DCCN D06035, ERN 00086894-00086898 (KHM) (list of 76 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.105** dated 11 April 1978, DCCN D01851, ERN 00039963-00039971 (KHM) (list of 103 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.123** dated May 1978, DCCN D02688, ERN 00040022-00040025 (KHM) (list of 31 Prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.128** dated 5 May 1978, DCCN D01601, ERN 00039954-00039962 (KHM) (list of 112 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00210** dated 27 May 1978, DCCN D02670, ERN 00086725-00086729 (KHM) (list of 56 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.141** dated 29 May 1978, DCCN D06042, ERN 00040168-00040172 (KHM) (list of 60 Prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.142** dated June 1978, DCCN D05738, ERN 00040043-00040050 (KHM) (list of 70 prisoners, including one from Division 703); **S-21 Prisoner List, IS Annex C No. 16.150** dated 30 June 1978, DCCN D02665, ERN 00040015-00040016 (KHM) (list of 18 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00234** dated July 1978, DCCN D02666, ERN 00086718-00086720 (KHM) (list of 26 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00239** dated 2 July 1978, DCCN D06008, ERN 00086854-00086856 (KHM) (list of 30 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00254** dated 17 September 1978, DCCN D14012, ERN 00086980-00086982 (KHM) (list of six prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.153** dated October 1978 to December 1978, DCCN D05879, ERN 00040054-00040064

(KHM) (list of 124 prisoners, including one from Division 703); **S-21 Prisoner List, D57-00260** dated 9 October 1978, DCCN D14698, ERN 00087018-00087020 (KHM) (list of 27 Prisoners, including some from Division 703); **S-21 Prisoner List, D57-00261** dated 23 October 1978, DCCN D14697, ERN 00087016-00087017 (KHM) (list of 22 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00264** dated 24 October 1978 to 25 October 1978, DCCN D14024, ERN 00086990-00086990 (KHM) (list of nine prisoners, including some from Division 703); **S-21 Prisoner List, D57-00273** dated December 1978, DCCN D05865, ERN 00086763-00086768 (KHM) (list of 60 prisoners, including some from Division 703); **S-21 Prisoner List, IS Annex C No. 16.154** dated December 1978, DCCN D05930, ERN 00040094-00040097 (KHM) (list of 67 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 Prisoners, including some from Division 703); **S-21 Prisoner List, D57-00289**, DCCN D10946, ERN 00088761-00088766 (KHM) (list of 86 prisoners, including some from Division 703); **S-21 Prisoner List, D57-00043**, DCCN D15954, ERN 00040807-00040810 (KHM) (list of 56 Prisoners, including some from Division 703).

¹⁴⁹ See, for example, **S-21 Prisoner List, D57-00234** dated July 1978, DCCN D02666, ERN 00086718-00086720 (KHM) (list of 26 prisoners, including some from Division 801); **S-21 Prisoner List, D57-00289**, DCCN D10946, ERN 00088761-00088766 (KHM) (list of 86 prisoners, including some from Division 801).

¹⁵⁰ See, for example, **S-21 Execution Log, IS Annex C No. 7.5** dated 6 March 1978, ERN 00182343-00182345 (KHM) (list of 39 prisoners “smashed” on 6 March 1978, including some from Division 920); **S-21 Prisoner List, IS Annex C No. 16.42** dated December 1976, DCCN D01253, ERN 00088522-00088523 (KHM) (list of eleven prisoners, including some from Division 920); **S-21 Prisoner List, IS Annex C No. 16.46** dated 1 February 1997, DCCN D10919, ERN 00040750-00040756 (KHM) (list of 74 prisoners, including some from Division 920); **S-21 Prisoner List, IS Annex C No. 16.49** dated 04 March 1977, DCCN D10915, ERN 00040730-00040744 (KHM) (list of 182 prisoners, including some from Division 920); **S-21 Prisoner List, D57-00013** dated 23 January 1978, DCCN D15466, ERN 00087048-00087049 (KHM) (list of prisoners, including some from Division 920); **S-21 Prisoner List, D57-00270** dated November 1978 to December 1978, DCCN D01180, ERN 00088520-00088521 (KHM) (list of Prisoners in S-21’s special prison, including some from Division 920); **S-21 Prisoner List, D57-00269** dated November 1978 to December 1978, DCCN D05929, ERN 00086822-00086823 (KHM) (list of 22 prisoners, including some from Division 920); **S-21 Prisoner List, D57-00289**, DCCN D10946, ERN 00088761-00088766 (KHM) (list of 86 prisoners, including some from Division 920).

¹⁵¹ There are a small number of S-21 prisoner lists that simply identify the prisoner as coming from an independent regiment, without indicating which regiment. See, for example, **S-21 Prisoner List, D57-00173** dated 6 April 1978, DCCN D01853, ERN 00039980-00039988 (KHM) (list of 104 prisoners, some from an independent regiment); **S-21 Prisoner List, IS Annex C No. 16.99** dated 6 April 1978, DCCN D01558, ERN 00039579-00039587 (KHM) (list of 105 prisoners, some from an independent regiment).

¹⁵² See, for example, **S-21 Report** entitled *Some phenomena initially grasped through the responses of three females from the 152nd Regiment*, **D64-00045** dated 1 November 1977, DCCN D07320, ERN 00052996-00052998 (KHM) (summarizing the interrogations of three female members of Regiment 152); **S-21 Prisoner List, D57-00074** dated 20 May 1977, DCCN D06929, ERN 00088740-00088742 (KHM) (list of 34 prisoners from Regiment 152); **S-21 Prisoner List, D57-00075** dated 21 May 1977, DCCN D06928, ERN 00088738-

00088739 (KHM) (list of 13 prisoner, some from Regiment 152); **S-21 Prisoner List, D57-00090** dated 9 August 1977, DCCN D06084, ERN 00002445-00002446 (KHM) (list of prisoners, some from Regiment 152); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM) (list of 444 prisoners, including some from Division 502); **S-21 Prisoner List, IS Annex C No. 16.73** dated 11 October 1977, DCCN D06791, ERN 00072559-00072561 (KHM) (list of 34 prisoners, some from Regiment 152); **S-21 Prisoner List, D57-00107** dated 11 October 1977, DCCN D06788, ERN 00088702-00088702 (KHM) (list of 6 prisoners, some from Regiment 152); **S-21 Prisoner List** containing names of prisoners interrogated by the "Documentation Group" on 10 April 1978, **D57-00179**, DCCN D06035, ERN 00086894-00086898 (KHM) (list of 76 prisoners, some from Regiment 152).

¹⁵³ See, for example, **S-21 Prisoner List, IS Annex C No. 16.58** dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (list of 30 prisoners, some from Regiment 377); **S-21 Prisoner List, D57-00240** dated 2 July 1978, DCCN D06030, ERN 00086879-00086883 (KHM) (list of 75 prisoners, some from Regiment 377); **S-21 Prisoner List, IS Annex C No. 16.154** dated December 1978, DCCN D05930, ERN 00040094-00040097 (KHM) (list of 67 prisoners, some from Regiment 377); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 prisoners, some from Regiment 377).

¹⁵⁴ See, for example, **S-21 Prisoner List, D57-00076** dated 22 May 1977, DCCN D06927, ERN 00088736-00088737 (KHM) (list of 18 prisoners, some from Regiment 488); **S-21 Prisoner List, D57-00213** dated 29 May 1978, DCCN D05852, ERN 00086757-00086758 (KHM) (list of 17 prisoners, some from Regiment 488); **S-21 Prisoner List, D57-00215** dated 30 May 1978, DCCN D06041, ERN 00086906-00086909 (KHM) (list of 48 prisoners, some from Regiment 488).

¹⁵⁵ See, for example, **S-21 Prisoner List** containing names of prisoners from the General Staff Office, Military Hospitals and Other Units, **D57-00038** dated 1977, DCCN D10961, ERN 00021118-00021120 (KHM) (list of 37 people who had been arrested, 13 from the General Staff); **S-21 Prisoner List** containing names of prisoners from the General Staff, **D57-00076** dated April 1977, DCCN D14269, ERN 00021222-00021229 (KHM) (listing names of 76 people from the General Staff office, 4 of whom are indicated as "smashed"); **S-21 Prisoner List** entitled *Chann's report on 13 prisoners taken into S-21 on 21 May 1977*, **D57-00075**, DCCN D06928, ERN 00088738-00088739 (KHM) (containing the names of some prisoners from General Staff Logistics); **S-21 Prisoner List** entitled *Chann's report on 18 prisoners taken into S-21 on 22 May 1977*, DCCN D06927, ERN 00088736-00088737 (containing the names of some prisoners from the General Staff); **S-21 Prisoner List, IS Annex C No. 16.58** dated 28 May 1977, DCCN D06924, ERN 00072579-00072581 (KHM) (containing the names of 30 prisoners, including some from the General Staff); **S-21 Prisoner List, IS Annex C No. 16.60** dated December 1977, DCCN D10937, ERN 00040237-00040237 (KHM) (containing the names of 8 prisoners); **S-21 Prisoner List** containing names of prisoners from the General Staff and S-21, **D57-00102** dated October 1977, DCCN D06185, ERN 00021100-00021102 (KHM) (listing the names of 55 people from the General Staff and S-21); **S-21 Prisoner List** containing names of prisoners from the General Staff Office, **D57-00140** dated January 1978, DCCN D05893, ERN 00021090-00021091 (KHM) (containing the names of 66 people from the General Staff, 23 of which are indicated as having already been executed); **S-21 Prisoner List, D57-00141** dated 18 January 1978, DCCN D14397, ERN 00021241-00021243 (KHM) (list of 13 names, 5 from General Staff offices); **S-21 Prisoner List, IS Annex C No. 16.78** dated May 1978, DCCN D05909,

ERN 00019233-00019249 (KHM) (containing names of 270 prisoners, some from the General Staff); **S-21 Prisoner List** containing names of prisoners from the offices under the General Staff, **D57-00156** dated July 1978, DCCN D05915, ERN 00021092-00021093 (KHM) (containing the names of 22 people arrested from the General Staff); **S-21 Prisoner List, D57-00166** dated 30 March 1978, DCCN D02669, ERN 00086721-00086724 (KHM) (containing the names of 84 prisoners, some from the General Staff); **S-21 Prisoner List, D57-00170** dated 2 April 1978, DCCN D01580, ERN 00088616-00088630 (KHM) (containing the names of 144 prisoners, some from the General Staff); **S-21 Prisoner List, D57-00171** dated 3 April 1978, DCCN D01575, ERN 00088602-00088611 (KHM) (containing the names of 88 prisoners, some from the General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group" on 10 April 1978, **D57-00180**, DCCN D06017, ERN 00086873-00086873 (KHM) (includes prisoners from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Documentation Group" on 10 April 1978, **D57-00179**, DCCN D06035, ERN 00086894-00086898 (KHM) (list of 76 prisoners, some from General Staff); **S-21 Prisoner List, D57-00181** dated 23 April 1978, DCCN D01569, ERN 00088586-00088593 (KHM) (list of 99 prisoners, some from General Staff); **S-21 Prisoner List, D57-00182** dated 24 April 1978, DCCN D01568, ERN 00088568-00088585 (KHM) (list of 110 prisoners, some from General Staff); **S-21 Prisoner List, D57-00183** dated 25 April 1978, DCCN D01567, ERN 00039788-00039811 (KHM) (containing names of 307 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group" on 26 April 1978, **D57-00184**, DCCN D06018, ERN 00086874-00086874 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group" on 29 April 1978, **D57-00189**, DCCN D06016, ERN 00086872-00086872 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group" on 1 May 1978, **D57-00198**, DCCN D06020, ERN 00086875-00086875 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Cool Group" on 2 May 1978, **D57-00199**, DCCN D06023, ERN 00086876-00086876 (KHM) (list of 5 prisoners, 1 from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated on 2 May 1978, **D57-00201**, DCCN D01604, ERN 00088656-00088662 (KHM) (list of 89 prisoners, some from General Staff); **S-21 Prisoner List, IS Annex C No. 16.132** dated 11 May 1978, DCCN D06022, ERN 00040144-00040146 (KHM) (list of 27 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners interrogated by the "Hot Group" dated June 1978, **D57-00216**, DCCN D06013, ERN 00086865-00086867 (KHM) (list of 34 prisoners, some from General Staff Tank Unit); **S-21 Prisoner List, IS Annex C No. 16.150** dated 30 June 1978, DCCN D02665, ERN 00040015-00040016 (KHM) (list of 18 prisoners, some from General Staff Tank Unit); **S-21 Prisoner List, D57-00269** dated December 1978, DCCN D05929, ERN 00086822-00086823 (KHM) (list of 22 prisoners, some from General Staff); **S-21 Prisoner List** containing names of prisoners kept in the special prison dated December 1978, **D57-00270**, DCCN D01180, ERN 00088520-00088521 (KHM) (list of prisoners, some from General Staff); **S-21 Prisoner List, D57-00273** dated December 1978, DCCN D05865, ERN 00086763-00086768 (KHM) (list of 60 prisoners, some from General Staff Office); **S-21 Prisoner List, D57-00280** dated 16 December 1978, DCCN D05933, ERN 00086824-00086836 (KHM) (list of 46 prisoners, some from General Staff).

While only some of the prisoner lists expressly indicate that the prisoners were executed, KAING Guek Eav alias DUCH, who commanded S-21 for most of the DK period, has testified that everybody who entered S-21 was eventually executed. **KAING Guek Eav**

alias DUCH OCIJ Statement, **D11** dated 7 August 2007, at ERN 00147524, ERN 00147517-00147527 (ENG) (in which DUCH refers to execution at S-21 as systematic, and says: “for those sent to S 21, it had already been decided to smash them all... At S-21 there was no right to release.”); **KAING Guek Eav alias DUCH** OCIJ Statement, **D16** dated 5 September 2007, at ERN 00147582, ERN 00147579-00147585 (ENG) (in which DUCH describes how NUON Chea told him that “all persons sent to S-21 had to be killed – as I was in charge of S-21, I implemented his orders”). **KAING Guek Eav alias DUCH** OCIJ Statement, **D13** dated 23 August 2007, at ERN 00147565, ERN 00147563-00147573 (ENG) (in which DUCH describes receiving an “absolute order” on 2 or 3 January 1979 from NUON Chea to “smash” all prisoners at S-21); **KAING Guek Eav alias DUCH** OCIJ Statement, **D21** dated 3 October 2007, at ERN 00149911, ERN 00149907-00149919 (ENG) (in which DUCH says: “All persons in detention had to be smashed. At the beginning, the killings were done in Phnom Penh, west of S-21. Later, because of a fear of disease, the killing was done at Choeung Ek”).

Others who worked at S-21 have also noted that all prisoners at S-21 were executed. **BOU Meng** OCP Statement, **IS Annex C No. 23.1** dated 24 August 2006, ERN 00080529-00080539 (KHM) (the witness notes that in some cases, detainees were executed at S-21); **KUNG Phai** OCP Statement, **IS Annex C No. 23.5** dated 9 December 2006 to 20 December 2006, ERN 00078666-00078675 (KHM); **SOKH Sophat** DC-Cam Statement, **IS Annex C No. 19.184** dated 25 January 2002, DCCN KHI0010, ERN 00008163-00008248 (KHM); **SAOM Mon** DC-Cam Statement, **IS Annex C No. 19.168** dated 13 August 2003, DCCN KCI0434/K00743, ERN 00053936-00053961 (KHM); **HAM Seng alias UK Bun Seng** DC-Cam Statement, **IS Annex C No. 19.43** dated 14 March 2003, DCCN KDI0249/K00147, ERN 00008904-00008904 (KHM) (describing how people were sent to S-21 and never seen again, and calls S-21 a killing place); **SAOM Met** DC-Cam Statement, **IS Annex C No. 19.167** dated 25 January 2003, DCCN KDI0155/K05435, ERN 00051644-00051751 (KHM) (Met states that prisoners were executed after interrogation); **PRAK Khan** OCP Statement, **IS Annex C No. 23.8** dated 12 October 2006, ERN 00078625-00078639 (KHM).

¹⁵⁶ **LENG Kim alias Kung Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, DCCN KHI0038, ERN 00054815-00054873 (KHM) (stating that Division 502 had been created from personnel from different Zones and that it and that it answered to the “Centre’s General Staff”); **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM) (stating that Division 11 was dissolved into Division 502 shortly after Division 11 entered Phnom Penh in April 1975); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM) (stating that shortly after the fall of Phnom Penh in April 1975, Division 11 was dissolved into the unit that became Division 502 and noting that Division 502 answered to the General Staff); **UO Leang** DC-Cam Statement, **IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132 (KHM) (noting that Division 11 disintegrated when its leading cadres were arrested and that those who were left who had good biographies were transferred to Division 502). *See also*, **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75*, **IS Annex C No. 13.2** DCCN D00677, ERN 00019108-00019126 (KHM) (noting that Division 11 would be dissolved and incorporated into other divisions); **DK Government Telegram** entitled *To Comrade Committee of S-21 for information*, DCCN D01077, ERN 00002570-00002572 (KHM) (naming 14 youths from Division 502, and formerly of Division 170, who “misbehaved,” but most of whom could be re-educated).

¹⁵⁷ **DC-Cam Statement** of UO Leang, dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132,00020133-00020161.

¹⁵⁸ See paragraph 49, *infra*, noting that Division 11 personnel with blemishes on their records were sent to work at Kampong Chhnang.

¹⁵⁹ **PHI Yun** DC-Cam Statement, **IS Annex C No. 19.143** dated 12 November 2002, DCCN KCI0008, ERN 00053814-00053838 (KHM); **SOKH Sophat** DC-Cam Statement, **IS Annex C No. 19.184** dated 25 June 2002, DCCN K00180, ERN 00182986-00182988 (ENG); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM); **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG) (noting that division personnel were frequently arrested, but nobody dared to ask where they went out of fear of being sent to S-21). *See also*, **Media Article** by Erika KINETZ and YUN Samean, entitled *Let bygones be bygones: Ex-KR Commander MEAS Muth reflects on life, the Tribunal, and justice*, dated 1-2 March 2008, ERN 00165821-00165822 (ENG) (in which **MEAS Mut** discusses **SOU Met**'s role in the frequent arrests within the RAK).

¹⁶⁰ **UO Leang** DC-Cam Statement, **IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00183466-00183467 (ENG).

¹⁶¹ **DK Military Report** from Division 502, dated 18 March 1976, DCCN D02079, ERN 00161795-00161798 (KHM) (noting that Krauch, a former Division 502 cadre, was demoted to combatant and placed in the "bad elements" unit after contemplating escaping to Thailand); **DK Government Report** from Division 502 entitled *To the Committee of S-21*, dated September 1976, DCCN D07355, ERN 00159957-00159959 (KHM) (naming 14 members of Division 502 who were formally part of Division 170, and who were being "watched" after having been implicated in a confession).

¹⁶² **Witness OCP-00066** SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG) (noting that those who were arrested generally did not return, and were presumed dead); **Media Article** by Erika KINETZ and YUN Samean, entitled *Let bygones be bygones: Ex-KR Commander MEAS Muth reflects on life, the Tribunal, and justice*, dated 1-2 March 2008, ERN 00165821-00165822 (ENG).

¹⁶³ **SAEM Heuan** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005, DCCN I00569, ERN 00183598-00183600 (ENG); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (ENG); **Media Article** by Erika KINETZ and YUN Samean, entitled *Let bygones be bygones*, dated 1-2 March 2008, ERN 00165821-00165822 (ENG); **S-21 Report** entitled *Persons in Division 502 connected to enemy responses*, dated September 1977, DCCN D02509, ERN 00161804-00161807 (KHM) (noting that twelve Division 502 cadre had been implicated in a prisoner's confession, of which six had already been arrested).

¹⁶⁴ *See supra* note 147. *See also*, **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG) (noting that frequent arrests took place within Division 502, and that division personnel knew that those arrested were being sent to S-21); **S-21 Report** entitled *Respected brother*, dated 24 May 1977, DCCN D06926, ERN 0016879-0016879 (KHM) (a report by MAM Nai alias Chan, naming six individuals from Division 502 who were sent to S-21 on 23 May 1977).

¹⁶⁵ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG); **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184123, ERN 00184120-00184124 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **SOM Sokhan** DC-Cam Statement, **IS**

Annex C No. 19.86 dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁶⁶ **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM).

¹⁶⁷ **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00183942-00183946 (ENG).

¹⁶⁸ **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00183942-00183946 (ENG).

¹⁶⁹ **DK Military Report** entitled *Report on the confession of a person named Ham Hang after having deserted 4 times*, dated 1 August 1976, DCCN L0001383, ERN 00160120-00160120 (KHM); **DK Military Report** entitled *Report on the answers of Hem Phi about his arrest after he had tried to escape three times*, dated 1 September 1976, DCCN L0001378, ERN 00160119-00160119 (KHM); **DK Military Letter** entitled *Dear Beloved Comrade Duch*, **D64-00028** dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM); **DK Military Report** entitled *Report on Enemy Situations re Responses of Ov Pring*, dated 9 October 1976, DCCN L0001499, ERN 00160142-00160143 (KHM).

¹⁷⁰ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/24** dated 2 April 2008 at ERN 00178062, ERN 00178058-00178070 (ENG).

¹⁷¹ This crime site is already the subject of an investigation by the Co-Investigating Judges. It was included in the Introductory Submission dated 18 July 2007 at paragraph 47. This section provides additional information about the Kampong Chhnang airport construction site that is relevant to SOU Met and MEAS Mut's responsibility for the crimes committed there.

¹⁷² The work on the airport was discussed at least four times by the Standing Committee between October 1975 and May 1976. **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75*, **IS Annex C No. 13.2**, at page 19, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that the Standing Committee was considering placing a military airfield in Kampong Chhnang); **CPK Standing Committee Meeting Minutes, IS Annex C No. 13.5** dated 22 February 1976 at page 4, DCCN D00682, ERN 00000713-00000720 (KHM) (proposing creation of a new airfield at Kampong Chhnang); **CPK Standing Committee Meeting Minutes** entitled *Summary of the Decisions of the Standing Committee*, **IS Annex C No. 13.14** dated 19-21 April 1976, DCCN D00694, ERN 00019142-00019148 (KHM) (making a decision to set up a military airfield in Kampong Chhnang); **CPK Standing Committee Meeting Minutes, IS Annex C No. 13.19** dated 15 May 1976, DCCN D00701, ERN 00000770-00000771 (KHM) (reporting on the work on the new airfield).

¹⁷³ **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184123, ERN 00184020-00184124 (ENG).

¹⁷⁴ **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, ERN 00184020-00184124 (ENG) (noting that the commander at Kampong Chhnang was named Lvey); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003, DCCN KCI0530/I04819, ERN 00054112-00054144 (KHM) (stating that Lvey of Division 502 was the cadre in charge of the Kampong Chhnang airport construction site); **KUNG Chanthi** DC-Cam Statement, **IS Annex C No. 19.88** dated 27 May 2004, DCCN TKI0597/I03486, ERN 00056039-00056066 (KHM) (stating that the cadre in charge of the construction site was called Lvey); **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

¹⁷⁵ **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG) (noting that Lvey oversaw operations of the construction site, but he reported directly to **SOU Met**).

¹⁷⁶ **DK Military Report** entitled *Table of Statistics on Students Studying at the First General Staff Study Session*, **IS Annex C No. 13.35** dated 20 October 1976, DCCN L0001512, ERN 00095532-00095543 (KHM) (describing Lvey as a “Member of the Division”); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM) (noting that Lvey was a “leading cadre” of Division 502).

In his capacity as Member of Division 502, Lvey signed documents “on behalf of” the Division 502 Committee. **DK Military List** dated 22 January 1976, DCCN L0001194, ERN 00160090-00160090 (KHM); **DK Military List** dated 27 February 1976, DCCN L0001133, ERN 00160084-00160084 (KHM).

¹⁷⁷ **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184123, ERN 00184020-00184124 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

¹⁷⁸ **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

¹⁷⁹ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG).

¹⁸⁰ **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁸¹ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG).

¹⁸² **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG); **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184123, ERN 00184020-00184124 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁸³ **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁸⁴ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG).

¹⁸⁵ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG).

¹⁸⁶ **UO Leang** DC-Cam Statement, **IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132 (KHM); **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG) (noting that the construction site was used to supervise “bad elements” that had been removed from the various units).

¹⁸⁷ **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, ERN 00184020-00184124 (ENG); **Witness OCP-00101**, DC-Cam Statement, dated 20 January 2003, DCCN KTI0114/I03664, ERN 00055120-00055161 (KHM); **BIL Sot** DC-Cam Statement, **IS Annex C No. 19.9** dated 23 February 2003, DCCN KTI0181/I01714, ERN

00055329-00055361 (KHM); **KHOEM Samhuon** DC-Cam Statement, **IS Annex C No. 19.73** dated 9 March 2003, DCCN KCI0240/I02055, ERN 00053839-00053893 (KHM); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003, DCCN KCI0530/I04819, ERN 00054112-00054144 (KHM).

¹⁸⁸ **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003, DCCN KCI0530/I04819, ERN 00054112-00054144 (KHM) (stating that the arrest of Euan and the leadership cadres of Division 310 began in February or March of 1977); **PHI Yun** DC-Cam Statement, **IS Annex C No. 19.143** dated 12 November 2002, DCCN KCI0008, ERN 00053814-00053838 (KHM) (noting that arrest of Euan of Division 310 took place in early 1977); **BIL Sot** DC-Cam Statement, **IS Annex C No. 19.9** dated 23 February 2003, DCCN KTI0181/I01714, ERN 00055329-00055361 (KHM) (stating that arrest of Euan took place in 1977); **Witness OCP-00101**, DC-Cam Statement, dated 20 January 2003, DCCN KTI0114/I03664, ERN 00055120-00055161 (KHM) (stating that the arrest of Euan took place in 1977); **KHOEM Samhuon** DC-Cam Statement, **IS Annex C No. 19.73** dated 9 March 2003, DCCN KCI0240/I02055, ERN 00053839-00053893 (KHM) (noting that the arrest of Euan took place in 1977); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003, ERN 00184088-00184092 (ENG) (noting that the arrest of Euan took place in 1977).

¹⁸⁹ **HAU Li** DC-Cam Statement, **IS Annex C No. 19.45** dated 19 June 2003, DCCN KTI0365/I03922, ERN 00020504-00020535 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003, ERN 00184088-00184092 (ENG).

¹⁹⁰ **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, ERN 00184020-00184124 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG); **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

¹⁹¹ **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

¹⁹² **BIL Sot** DC-Cam Statement, **IS Annex C No. 19.9** dated 23 February 2003, DCCN KTI0181, ERN 00055329-00055361 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁹³ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG).

¹⁹⁴ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

¹⁹⁵ **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG). *See also*, **Witness OCP-00121**, SOAS Statement, dated 31 August 2005, ERN 00204269-00204269 (ENG).

¹⁹⁶ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG).

¹⁹⁷ **BIL Sot** DC-Cam Statement, **IS Annex C No. 19.9** dated 23 February 2003, DCCN KTI0181, ERN 00055329-00055361 (ENG); **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184124, ERN 00184020-00184124 (ENG); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003 at ERN 00184099, ERN 00184098-00184099 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG);

TES Oi DC-Cam Statement, **IS Annex C No. 19.198** dated 23 January 2004 at ERN 00183456, ERN 00183456-00183457 (ENG).

¹⁹⁸ **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003 at ERN 00184099, ERN 00184098-00184099 (ENG).

¹⁹⁹ **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

²⁰⁰ **TES Oi** DC-Cam Statement, **IS Annex C No. 19.198** dated 23 January 2004 at ERN 00183456, ERN 00183456-00183457 (ENG).

²⁰¹ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG).

²⁰² **LENG Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184124, ERN 00184020-00184124 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG); **TES Oi** DC-Cam Statement, **IS Annex C No. 19.198** dated 23 January 2004 at ERN 00183456, ERN 00183456-00183457 (ENG).

²⁰³ **BIL Sot** DC-Cam Statement, **IS Annex C No. 19.9** dated 23 February 2003, DCCN KTI0181, ERN 00055329-00055361 (ENG); **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003 at ERN 00184099, ERN 00184098-00184099 (ENG).

²⁰⁴ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184110, ERN 00184108-00184110 (ENG).

²⁰⁵ **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

²⁰⁶ **HIM Hon** DC-Cam Statement, **IS Annex C No. 19.47** dated 19 February 2004, ERN 00184101-00184101 (ENG).

²⁰⁷ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003 at ERN 00184099, ERN 00184098-00184099 (ENG).

²⁰⁸ **SAEM Heuan alias Kim** DC-Cam Statement, **IS Annex C No. 19.161** dated 28 February 2005 at ERN 00183599, ERN 00183598-00183600 (ENG).

²⁰⁹ **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184110, ERN 00184108-00184110 (ENG).

²¹⁰ **BIL Sot** DC-Cam Statement, dated 23 February 2003, DCCN KTI0181, ERN 00055329-00055361 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG); **BIT Na** DC-Cam Statement, **IS Annex C No. 19.10** dated 7 December 2002 at ERN 00184109, ERN 00184108-00184110 (ENG).

²¹¹ **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

²¹² **UK Bunseng** OCIJ Statement, **D78/7** dated 2 April 2008 at ERN 00189048, ERN 00189046-00189052 (ENG); **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

²¹³ **HAU Li alias Soar** DC-Cam Statement, **IS Annex C No. 19.45** dated 19 June 2003 at ERN 00183589-00183590, ERN 00183565-00183596 (ENG); **LENG Kim** DC-Cam

Statement, **IS Annex C No. 19.96** dated 9 July 2002 at ERN 00184124, ERN 00184020-00184124 (ENG); **PRAK Yeuan** DC-Cam Statement, **IS Annex C No. 19.149** dated 24 October 2003 at ERN 00184099, ERN 00184098-00184099 (ENG); **SOM Sokhan** DC-Cam Statement, **IS Annex C No. 19.86** dated 23 August 2003 at ERN 00184091, ERN 00184088-00184092 (ENG).

²¹⁴ **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

²¹⁵ **Witness OCP-00121**, SOAS Statement, dated 31 August 2005, ERN 00204269-00204269 (ENG); **Witness OCP-00134**, SOAS Statement, dated 31 August 2005, ERN 00204270-00204271 (ENG).

²¹⁶ **DK Government Report** entitled *A Summary of Situations from 15 July to 31 August 1976*, dated 31 August 1976, DCCN L0001408, at p. 1, ERN 00021503-00021507 (KHM)-ET (in which **MEAS Mut** reports that four workers from Division 164 were arrested and sent to the police); **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, dated 9 September 1976, DCCN L0001446, at p. 1, ERN 00162488-00162490 (KHM)-ET (in which **MEAS Mut** reports that two lieutenants, both of whom had already been arrested, were captured); **DK Military Telegram, D56-00059** dated 24 September 1976, DCCN L0001459, ERN 00000863-00000863 (KHM)-ET (in which Deum reports to **MEAS Mut** that five Division 164 personnel were arrested).

²¹⁷ See *supra* note 142.

²¹⁸ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217570, ERN 00217569-00217575 (ENG).

²¹⁹ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217574, ERN 00217569-00217575 (ENG).

²²⁰ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217570-00217571, ERN 00217569-00217575 (ENG); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG).

²²¹ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217574, ERN 00217569-00217575 (ENG).

²²² **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217574, ERN 00217569-00217575 (ENG).

²²³ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG). The Wat Eng Tea Nhien security center is described below in paragraphs 55 to 57.

²²⁴ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217564, ERN 00217563-00217566 (ENG).

²²⁵ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG).

²²⁶ **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217561, ERN 00217559-00217562 (ENG). Other witnesses suggest that those with bad biographies might have been sent to the forced labour site at Stung Hav. See *infra* para. 58.

²²⁷ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG).

²²⁸ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG).

²²⁹ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG).

²³⁰ **DK Military Telegram**, dated 22 February 1976, DCCN L0001125, ERN 00021461-00021461 (KHM) (in which **MEAS Mut** reports the arrests of 7 people at Sangvav); **DK Military Telegram, D56-00059** dated 24 September 1976, DCCN L0001459, ERN 00000863-00000863 (KHM) (in which Deum reports to **MEAS Mut** that five enemies were pursued and arrested); **DK Military Telegram, D60-00084** dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM); **DK Military Report**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM) (in which SON Sen reports that **MEAS Mut** informed him of the arrests of 4 Thais and 1 Khmer); **DK Government Report** entitled *Summary of the Situation from 15 July until 31 August 1976*, **D60-00049** dated 31 August 1976, DCCN L0001608, ERN 00162493-00162497 (KHM) (in which a representative of Division 164 reports that four workers from within the division had been arrested); **DK Military Telegram, D60-00215** dated 20 March 1978, DCCN L02095, ERN 00020982-00020982 (KHM) (in which **MEAS Mut** informs SON Sen that of the arrests of almost 100 Vietnamese at sea); **DK Military Telegram, IS Annex C No. 18.59** dated 1 April 1978, DCCN D02094, ERN 00183357-00183357 (ENG) (in which **MEAS Mut** reports that 120 Vietnamese had been captured between 27 March and 30 March 1978). *See also*, paras. 59-62, *infra*, describing the Navy's frequent arrests of Thai and Vietnamese nationals.

²³¹ **DK Military Telegram, D60-00084** dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM) (in which SON Sen notes that **MEAS Mut** informed him of the arrest of 4 Thais and 1 Khmer on 11 August 1976, and that they are currently "under interrogation"); **DK Military Report**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM) (in which **MEAS Mut** reports that on 11 August 1977, 5 people captured off the coast have been interrogated, and that "we are questioning them more").

²³² **DK Military Telegram, D60-00048** dated 13 August 1976, DCCN L0001337, ERN 00000860-00000860 (KHM); **DK Government Report** entitled *A summary of situations from 15 July to 31 August 1976*, **D60-00049** dated 31 August 1976, DCCN L0001408, p. 1, ERN 00021503-00021507 (KHM)-ET.

²³³ **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217562, ERN 00217559-00217562 (ENG) (noting that Wat Eng Tea Nhien was used as a detention facility during the DK period and that it reported to **MEAS Mut**, who was in charge of Kampong Som); **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG) (noting that Wat Eng Tea Nhien was used as a detention facility during the purge of Division 164 and also noting that it was the Division detention facility); **Witness OCP-00154**, OCP Interview Notes, dated 12 August 2008, at ERN 0021568, ERN 00217567-00217568 (ENG) (noting that the troops stationed at the Wat were part of the force that protected the port and the navy).

²³⁴ The GPS coordinates of the Wat are 48P US 3627274667. **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217556, ERN 00217556-00217558 (ENG).

²³⁵ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217557, ERN 00217556-00217558 (ENG) (noting that the Wat was razed during the DK period and the site was used as a detention centre); **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217562, ERN 00217559-00217562 (ENG) (noting that Wat Eng Tea Nhien was used as a detention facility during the DK period); **Witness OCP-00154**, OCP Interview Notes, dated 12 August 2008, at ERN 00217567, ERN 00217567-00217568 (ENG) (noting that the Wat had been razed by the Khmer Rouge troops and that only two of the monastery buildings survived the DK period).

²³⁶ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217557, ERN 00217556-00217558 (ENG).

²³⁷ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG).

²³⁸ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG).

²³⁹ **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG).

²⁴⁰ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217557, ERN 00217556-00217558 (ENG); **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217562, ERN 00217559-00217562 (ENG) (noting that he saw shackles and blood at the site when he visited in April 1979).

²⁴¹ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217557, ERN 00217556-00217558 (ENG).

²⁴² **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217558, ERN 00217556-00217558 (ENG); **Witness OCP-00154**, OCP Interview Notes, dated 12 August 2008, at ERN 00217567, ERN 00217567-00217568 (ENG) (noting that the monks had collected the remains of people at least 17 people who had been buried near the Wat and placed them in a stupa located on the grounds of the Wat).

²⁴³ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217558, ERN 00217556-00217558 (ENG).

²⁴⁴ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/24** dated 2 April 2008 at ERN 00178062, ERN 00178058-00178070 (ENG).

²⁴⁵ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217566, ERN 00217563-00217566 (ENG).

²⁴⁶ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217566, ERN 00217563-00217566 (ENG).

²⁴⁷ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217566, ERN 00217563-00217566 (ENG).

²⁴⁸ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217566, ERN 00217563-00217566 (ENG).

²⁴⁹ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217566, ERN 00217563-00217566 (ENG).

²⁵⁰ **Media Article** by BBC Summary of World Broadcasts entitled *Cambodian maritime forces maintain vigilance*, **D60-00222** dated 30 March 1978 at ERN S 00010449, DCCN D30258, ERN S 00010448-00010453 (ENG) (noting that the purpose of the DK navy was to protect Cambodia's "territorial sea" against all aggressors and that all "enemies" who have violated Cambodian territorial waters have been defeated); **CPK Magazine** entitled *Revolutionary Youth*, **IS Annex C No. 11.7**, dated May 1976, at pages 13-14, ERN 00064003-00064040 (KHM) (noting that the RAK must "defend most firmly and excellently water, land, sea and island borders"); **CPK Magazine** entitled *Revolutionary Youth*, **IS Annex C No. 11.6**, dated April 1976, at pages 9-10, ERN 00064278-00064322 (KHM) (noting that the RAK must ensure "mighty, solid and perfect national defense of every nook and cranny, of the most isolated areas and of the land and sea borders and of islands"); **Media Article** by BBC Summary of World Broadcasts entitled *Cambodian Navy's Defence of Off Shore Islands*, dated 27 August 1977 at ERN S 00007890-00007891, DCCN D29689, ERN S 00007889-00007892 (ENG) (noting that the RAK loves the "territorial sea and islands more than their own lives," and that the RAK has "resolutely defended day and night all territorial

waters and islands"); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG) (noting that DK naval forces held regular morning meetings where they were told to defend the country).

²⁵¹ **DK Military Report**, dated 29 May 1977, DCCN L0001432, ERN 00162487-00162487 (KHM); **DK Military Report**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM); **DK Military Telegram**, dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM); **DK Military Telegram, D60-00094** dated 15 September 1977, DCCN D01701, ERN 00161729-00161729 (KHM); **DK Military Telegram, D60-00215** dated 20 March 1978, DCCN D02095, ERN 00020982-00020982 (KHM).

The DK navy trained specifically in capturing vessels at sea. See **DK Military Telegram** entitled *Telegram 04, Band 429, For Respected and Beloved Brother Mut*, **D60-00104** dated 5 November 1977, ERN 00161791-00161791 (KHM) (discussing training to detain vessels at sea).

²⁵² See *supra* note 107 (describing armed conflicts between DK and Thai naval forces).

²⁵³ **Media Article** entitled *Thailand reports brief naval clash with Cambodians*, **D60-00022**, dated 13 June 1975, ERN 00165959-00165959 (ENG) (noting that Cambodian forces had attacked two Thai fishing vessels and captured one of them); **Media Article** entitled *Thai-Cambodian Clash*, **D60-00023**, dated 14 June 1975, ERN S 00003551-00003551 (ENG) (noting that Cambodian forces had attacked two Thai fishing vessels and captured one of them); **Media Article** entitled *Vietnamese, Thai clashes*, **D60-00030**, dated 26 July 1975, ERN 00166196-00166196 (ENG) (noting that Cambodian naval vessels had captured a Thai fishing vessel and its crew of 18); **DK Military Telegram** entitled *Telegram No 44, sent to respected Brother 89 for his knowledge, about the situation in August 1976*, **D60-00048**, dated 23 August 1976, DCCN L0001337, ERN 00000860-00000860 (KHM) (noting the capture of a Thai fishing vessel and also noting that Division 164 could not guarantee its ability to shoot Thai fishing vessels); **DK Government Report**, dated 31 August 1976, DCCN L0001408, ERN 00021503-00021507 (KHM) (noting that 1 Thai fishing vessel was captured on 12 August 1976 and 2 Thai boats were captured between 13 and 18 August 1976); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32**, dated 19 September 1976, ERN 00052389-00052401 (KHM) (noting that as many as 150 Thai fishing vessels were entering Cambodian waters and that the DK navy had caught one on 11 September 1976); **DK Military Report**, dated 29 May 1977, DCCN L0001432, ERN 00162487-00162487 (KHM) (noting that DK naval forces had encountered 50 to 60 Thai fishing boats and had captured one); **DK Military Telegram, D60-00084**, dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM) (noting that Comrade Mut's forces had captured a boat carrying 4 Thais and a Khmer); **DK Military Report** entitled *Reported on 12/8/77 by secret telephone about situation along the border with Thailand*, DCCN D01966, dated 12 August 1977, ERN 00020912-00020912 (KHM) (noting that Division 164 had captured two boats and five people, four of whom were Thai); **DK Military Telegram** entitled *Report by Secret Telephone, to Brother Division Commander*, **D60-00094**, dated 15 September 1977, DCCN D01701, ERN 00161729-00161729 (KHM) (noting that 2 Thai fishing boats were captured and that some of the fishermen were killed); **DK Military Telegram** entitled *Telegram 45*, **D60-00098**, dated 6 October 1977, DCCN D01861, ERN 00161790-00161790 (KHM) (noting that a Thai vessel and one Thai person had been captured); **DK Military Telegram** entitled *To respected Brother 89 about the situation on the sea*, **D60-00215**, dated 20 March 1978, DCCN D02095, ERN 00020982-00020982

(KHM) (noting that a Thai vessel with 21 people aboard had been captured); **DK Military Telegram** entitled *Telegram 01*, D60-00225, **D60-00225** dated 31 March 1978, DCCN D02093, ERN 00020980-00020980 (KHM) (noting the capture of 3 Thai motorboats and the capture of one person); **Media Article** entitled *Cambodian Attack on Thai Fishermen*, **D91-00012** dated 19 June 1978 at ERN S 00010681, DCCN D30307, ERN S 00010678-00010681 (ENG) (describes attacks on 3 unarmed Thai fishing vessels by DK naval forces that left 11 Thai fishermen dead); **Media Article** entitled *Cambodia Said to Attack Thai Fishing Boats*, **D56-00112**, dated 20 June 1978, ERN S 00011664-00011664 (ENG) (noting that Cambodian forces had attacked 3 Thai fishing vessels, killing 11 people, seven of whom appeared to have been tied up before being shot); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG) (noting that DK naval forces fired on Thai fishing boats and captured Thai fishing vessels).

²⁵⁴ **Media Article** entitled *Near Thai-Cambodia Frontier Tension and Danger are the rule*, **D60-00259** dated 4 May 1978, DCCN D30538, ERN S 00011241-00011241 (ENG) (noting that 5 Thai fishermen had been released but that 100 more were allegedly still being held in Cambodia); **Media Article** entitled *Cambodian Offer to Release Thai Fishermen*, **D60-00222** dated 30 March 1978 at ERN S 00010453, DCCN D30258, ERN S 00010448-00010453 (ENG) (describing DK's offer to release 5 captured Thai fishermen); **DK Military Report, IS Annex C No. 18.59**, dated 1 April 1978, ERN 00017026-00017026 (KHM) (describing the process of releasing Thais held by Division 164); **Media Article** entitled *Thai Trade with Cambodia*, **D56-00102**, dated 19 April 1978, at ERN S 00010576, ERN S 00010574-00010577 (ENG) (noting that 5 Thai fishermen had been released by the Cambodian authorities); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN00217563-00217566 (ENG) (noting that sometimes Thai fishermen were released).

²⁵⁵ **Media Article** entitled *Near Thai-Cambodia Frontier Tension and Danger are the rule*, **D60-00259** dated 4 May 1978, DCCN D30538, ERN S 00011241-00011241 (ENG) (describing the situation on the maritime border with DK, noting that approximately 100 Thai fishermen had been captured by the DK navy and were being held in Cambodia); **Media Article** entitled *Tough Warning from Bangkok*, **D60-00292** dated 31 July 1978, DCN D30742, ERN S 00008277-00008277 (ENG) (discussing arrests of Thai fishing boats and fishermen. States that 33 Thai fisherman were interned in Cambodian work camps); **DK Military Report, IS Annex C No. 18.59**, dated 1 April 1978, ERN 00017026-00017026 (KHM) (indicating that Division 164 was responsible for holding Thais who had been captured by the DK navy prior to their repatriation to Thailand); **Media Article** entitled *Thai Trade with Cambodia*, **D56-00098**, dated 10 February 1978, ERN S 00008976-00008979 (ENG) (noting that IENG Sary had agreed to release Thai fishermen being held by Cambodian forces); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN00217565, ERN 00217563-00217566 (ENG) (noting that DK naval forces captured Thai fishermen); **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217561, 00217562, ERN 00217559-00217562 (ENG) (noting that during the course of one week in 1976, he saw two different groups of Thai fishermen, each numbering between 15 and 20, tied up and taken to a barracks building at the DK naval base); **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217575, ERN 00217569-00217575 (ENG) (noting that BE vessels were not designed to chase Thai fishing vessels but would still sometimes capture Thai fishermen).

²⁵⁶ **Media Article** entitled *Thai border villagers abducted into Cambodia*, **D60-00222** dated 30 March 1978 at ERN S 00010453, DCCN D30258, ERN S 00010448-00010453

(ENG) (describing the abduction of 160 Thai villagers by Cambodian forces); **Media Article** by New York Times entitled *Raids from Cambodia are worrying Thais*, **D60-00118**, dated 23 December 1977, ERN 00165991-00165991 (ENG) (noting that 48 Thais has been kidnapped and taken to Cambodia); **Media Article** by New York Times entitled *Thais Upset Over Abduction of 350 Border Villagers into Cambodia*, **D60-00201**, dated 21 February 1978, ERN 00166004-00166004 (ENG); **Media Article** by the Christian Science Monitor entitled *Thais Mend Fences with Neighbors*, **D60-00221**, dated 29 March 1978, ERN 00166243-00166243 (ENG) (noting that hundreds of villagers, including many Cambodian-born villagers, had been kidnapped from Thailand by Cambodian forces); **Media Article** by BBC Summary of World Broadcasts, entitled *Thai newspaper on Khmer rouge incursion*, dated 6 April 1978, ERN S 00010324-00010324 (ENG) (noting that at least 400 Thai villagers were believed to have been held by Cambodian soldiers); **Media Article** by BBC Summary of World Broadcasts, entitled *Thailand to contact Cambodia on kidnapped villagers*, dated 14 April 1978, ERN S 00010387-00010388 (ENG) (noting that about 200 Thai citizens were abducted from Chanthaburi province to work in Cambodia); **Media Article** by the Los Angeles Times entitled *Underground Indochina War Lives On*, **D60-00241**, dated 16 April 1978, ERN 00166098-00166098 (ENG) (estimating that more than 400 Thai villagers had been kidnapped by Cambodian forces “in the past few months”); **Media Article** entitled *Tough Warning From Bangkok*, **D60-00292**, dated 31 July 1978, ERN S 00008277-00008277 (ENG) (estimating that more than 1,000 Thais had been kidnapped by Cambodian forces during the previous 18 months).

²⁵⁷ **S-21 Prisoner List**, **D57-00017**, dated May 1976, ERN 00090831-00090832 (KHM).

²⁵⁸ See **HAN Iem** DC-Cam Statement, **IS Annex C No. 19.56**, dated 10 January 2002, ERN 00054675-00054723 (KHM) (noting that there were enough Thai fishermen imprisoned at S-21 that Meung was able to learn enough Thai to communicate with them); **CHHUN Phal** DC-Cam Statement, **IS Annex C No. 19.29**, dated 8 July 2002, ERN 00056966-00057009 (KHM) (noting that there were a few Thais and Vietnamese held at S-21); **SAV Khe** OCIJ Statement, **D78/8** dated 2 April 2008 at ERN 00194976, ERN 00194973-00194977 (ENG) (in which the witness notes that he saw six Thais detained and taken for interrogation and execution at S-21); **KOK Sros** OCIJ Statement, **D78/10** dated 3 April 2008, at ERN 00195398, ERN 00195395-00195401 (ENG) (in which the witness notes that he saw several Thais detained and executed at S-21).

²⁵⁹ **KAING Guek Eav alias DUCH** OCIJ Statement, **D21**, dated 7 August 2007, at ERN 00147526-00147527, ERN 00147517-00147527 (ENG); **KAING Guek Eav alias DUCH** OCIJ Written Remarks, **D42/I** dated 18 March 2008, at p. 24 (ENG translation), ERN 00172291-00172314 (KHM); **KAING Guek Eav alias DUCH** OCIJ Statement, **D89**, dated 24 June 2008 at ERN 00198221, ERN 00198217-00198225 (ENG). See also, **S-21 Prisoner List**, **D57-00272**, dated 26 November 1978, DCCN D07135, ERN 00088751-00088753 (KHM) (noting that two Americans, Christopher Edwards Delance and Michael Scott Deeds, had been received from Kampong Som).

²⁶⁰ **DK Military Telegram** entitled *Confidential telephone message on 20/3/78: To respected Brother 89 about situation on the sea*, **D60-00215**, dated 20 March 1978, DCCN D02095, ERN 00020982-00020982 (KHM) (noting that the DK navy attacked 4 motor boats, 3 Vietnamese boats and a Thai boat. 2 of the Vietnamese vessels were sunk and 76 Vietnamese people were captured. 21 Thais were also captured); **DK Military Report**, **IS Annex C No. 18.59**, dated 1 April 1978, ERN 00017026-00017026 (KHM) (noting that 5 motor boats had been captured and a total of 120 Vietnamese captured and killed between 27 and 30 March 1978).

²⁶¹ **Media Article** entitled *Cambodian maritime forces maintain vigilance*, **D60-00222** dated 30 March 1978 at ERN S 00010450, DCCN D30258, ERN S 00010448-00010453 (ENG) (noting that “Vietnamese agents had been captured at sea on 3rd, 18th and 25th January and 1st February 1978.”).

²⁶² **Witness OCP-00153**, OCP Interview Notes, dated 16 August 2008, ERN 00217574, ERN 00217569-00217575 (ENG).

²⁶³ **S-21 Prisoner List, D57-00123**, DCCN D13544, ERN 00040773-00040775 (KHM) (indicating that 10 “Yuen” were received from Kampong Som on 1 May 1978, and that another 2 “Yuen” were received from Division 164 on the same day).

²⁶⁴ **CHHUN Phal** OCIJ Statement, **D28/15** dated 18 February 2008, at ERN 00163814, ERN 00163811-00163815 (ENG) (noting that at least one of the Vietnamese prisoners who entered S-21 in 1978 claimed to be a fisherman not a soldier and stated that he was captured while fishing).

The confessions of some Vietnamese prisoners at S-21 also suggest that they were captured by the DK navy and transferred to S-21 by Division 164. The S-21 confession of VINH Seang, a Vietnamese soldier arrested in March 1978, has hand-written annotations indicating that VINH Seang was among other Vietnamese spies arrested from Vin Te Canal and areas near Koh Russei Island in Cambodian waters, suggesting that Division 164 carried out these arrests. **S-21 Confession of VINH Seang** dated 23 March 1978, DCCN D07134, ERN 00052936-00052948 (KHM). As indicated by his S-21 Confession, VINH Minhchov, a Vietnamese marine, was arrested on 13 March 1978 at Koh Angkrâng Island of Cambodia. The last page of his confession is an excerpt from an S-21 prisoner list that indicates he and six other Vietnamese prisoners were transferred to S-21 from Kampong Som. The location of his arrest, as well as the fact that the Vietnamese prisoners were sent to S-21 from Kampong Som both suggest that Division 164 participated in his arrest. **S-21 Confession of VINH Minhchov** dated 3 April 1978, DCCN D07133, ERN 00052923-00052935 (KHM).

²⁶⁵ See **Media Article** by BBC Summary of World Broadcasts, entitled *Confession of a captured SRV sailor*, **IS Annex C No. 12.28** dated 3 February 1978, at ERN S 00008895, ERN S 00008892-00008899 (ENG) (noting that a person who confessed to being a Vietnamese sailor was captured by Cambodian forces along with approximately 40 others, 25 of whom were children, who initially claimed to be “war refugees”); **Media Article** by BBC Summary of World Broadcasts, entitled *Confessions by Captured Vietnamese*, **IS Annex C No. 12.32** dated 19 May 1978, at ERN 00010018, ERN 00010014-00010019 (ENG) (noting that a Vietnamese man “disguised as a fisherman” had been captured in Cambodian waters and later confessed to having been ordered to spy on Cambodia); **Media Article** by BBC Summary of World Broadcasts, entitled *Confession by Vietnamese spy*, dated 4 April 1978, ERN S 00010313-00010313 (ENG) (noting that a person who confessed to being a Vietnamese private claimed that he was a Chinese national trying to escape to Malaysia by fishing boat).

²⁶⁶ **KAING Guek Eav alias DUCH** OCIJ Written Remarks, **D42/I** dated 18 March 2008, at p. 24 (ENG translation), ERN 00172291-00172314 (KHM).

²⁶⁷ **LAY Ean** DC-Cam Statement, **IS Annex C No. 19.93** dated 27 June 2003, DCCN KTI0350/I06297, at p. 3, ERN 00055399-00055453 (KHM)-ET (states attacks into Vietnam occurred after the Vietnamese attacked Cambodia in late 1977); **LAY Ean** DC-Cam Statement, **IS Annex C No. 19.93** dated 27 June 2003, DCCN KTI0350/I06297, at p. 4, ERN 00055399-00055453 (KHM)-ET (states that ordinary troops had to follow orders from Southwest Zone cadre, many from Division 164. Describes that he was put on a boat for Kampong Cham under cadre from the Southwest, who talked of nothing but fighting the

Vietnamese aggressors and expansionists to get back the Cambodian territory the Vietnamese had taken).

²⁶⁸ **LAY Ean** DC-Cam Statement, **IS Annex C No. 19.93** dated 27 June 2003, DCCN KTI0350/I06297, at p.4, ERN 00055399-00055453 (KHM)-ET.

²⁶⁹ **Witness OCP-00107**, SOAS Statement, dated 9 September 2005, ERN 00207786-00207786 (ENG).

²⁷⁰ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG).

²⁷¹ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG).

²⁷² **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466-00210467, ERN 00210463-00210468 (ENG).

²⁷³ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210467, ERN 00210463-00210468 (ENG).

²⁷⁴ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210465, ERN 00210463-00210468 (ENG). **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG) (noting that there were 6 cells in the prison and between 10 and 15 detainees in each cell).

²⁷⁵ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG). According to **Witness OCP-00062**, SO Sarun was killed by Ta Mok sometime after 1985. **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210465, ERN 00210463-00210468 (ENG).

²⁷⁶ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210465, ERN 00210463-00210468 (ENG).

²⁷⁷ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210467, ERN 00210463-00210468 (ENG).

²⁷⁸ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210465, ERN 00210463-00210468 (ENG) (noting that there was a purge of people having connections with the former regime and that he was arrested because his father was a former French soldier and his brother had worked for the Khmer Republic military court at Prey Sar, outside of Phnom Penh); **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG) (noting that personnel from Division 801 were arrested if they had relatives who had worked in the old society).

²⁷⁹ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG) (noting that he was arrested by his battalion commander but that other people were sometimes told they were sick and needed hospitalization. Instead, they were arrested and taken to the prison.)

²⁸⁰ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG).

²⁸¹ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG).

²⁸² **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, ERN 00210463-00210468 (ENG).

²⁸³ **Witness OCP-00062**, OCP Interview Notes, dated 3 August 2008, at ERN 00210466, 00210467, ERN 00210463-00210468 (ENG).

²⁸⁴ See, e.g., **Introductory Submission, D3** dated 18 July 2007, Paras. 49-68, ERN 00185898-00186167 (ENG).

²⁸⁵ See **Introductory Submission, D3** dated 18 July 2007, Para. 65, ERN 00185898-00186167 (ENG).

²⁸⁶ **DC-Cam Report** entitled *Mapping Project Prey Stung Touch, IS Annex C No. 18.75*, dated 8 April 1997, ERN 00078130, 00078130-00078143 (ENG/KHM).

²⁸⁷ See **Introductory Submission, D3** dated 18 July 2007, Para. 71, ERN 00185898-00186167 (ENG).

²⁸⁸ See **Supplementary Submission, D83**, dated 26 March 2008, ERN 00176265-00176278 (ENG).

²⁸⁹ See **Introductory Submission, D3** dated 18 July 2007, Para. 71, ERN 00185898-00186167 (ENG).

²⁹⁰ **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

²⁹¹ **KHOEM Samhuon DC-Cam Statement, IS Annex C No. 19.73** dated 9 March 2003, DCCN KCI0240/I02055, ERN 00053839-00053893 (KHM) (noting that after the Vietnamese invasion, units from all over Cambodia were combined together in Division 502, which was now led directly by Ta Mok, with the assistance of **SOU Met**).

²⁹² **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/27** dated 5 May 2008, at ERN 00186177, ERN 00186168-00186191 (FRE).

²⁹³ **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones*, dated 1-2 March 2008, ERN 00165820-00165822 (ENG).

²⁹⁴ **KAING Guek Eav alias DUCH** has referred to the suspect as both **SOU Met** and as **SOU Samet**. See **KAING Guek Eav alias DUCH** OCIJ Statement, **D31** dated 4 December 2007, at ERN 00154911, ERN 00154906-00154913 (ENG); **KAING Guek Eav alias DUCH** OCIJ Statement, **D47** dated 4 December 2007, at ERN 00164366, ERN 00164360-00164370 (ENG).

²⁹⁵ Numerous documents were signed by Met in his capacity as Secretary of Division 502. **DK Military List** entitled *Rice Consumption Plan, 1976*, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM); **DK Military Meeting Minutes** entitled *Meeting on 3 March 1976 regarding Air Force Recruitment*, DCCN L0001157, ERN 00160085-00160085 (KHM); **DK Military Report** entitled *Report on the confession of a person named Ham Hang after having deserted 4 times*, dated 1 August 1976, DCCN L0001383, ERN 00160120-00160120 (KHM); **DK Military Report** entitled *Situation adjacent to the south side of the airport*, dated 1 September 1976, DCCN L0001372, ERN 00162485-00162486 (KHM); **DK Military Report** entitled *Report on the answers of Hem Phi about his arrest after he had tried to escape three times*, dated 1 September 1976, DCCN L0001378, ERN 00160119-00160119 (KHM); **DK Military Letter** entitled *Dear Beloved Comrade Duch*, dated 1 April 1977, DCCN D07315, ERN 00052994-00052994 (KHM); **DK Military Report** entitled *Dear Beloved Brother Duch*, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416 (KHM); **DK Military Report** entitled *Dear Beloved Comrade Duch*, **D32/VI-Annex 2** dated 1 June 1977, DCCN D01067, ERN 00002422-00002422 (KHM); **DK Military Letter** entitled *Dear Beloved Brother Duch*, **D32/V-Annex 3** dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM); **DK Military Letter** entitled *Dear Beloved Comrade Duch*, **D32/V-Annex 4** dated 2 June 1977, DCCN D01075, ERN 00002423-00002424 (KHM); **DK Military Letter** entitled *Dear Beloved Brother Duch*, dated 28 July 1977, DCCN D07323, ERN 00002436-00002436 (KHM); **DK Military Letter** entitled *Dear Beloved Brother Duch*, **D64-00040** dated 10 August 1977, DCCN D21929, ERN 00002078-00002078 (KHM); **DK Military Report** entitled *Dear Beloved Brother Duch*, **D32/VI-Annex 3** dated 3 October 1977, DCCN

D01069, ERN 00175362-00175362 (KHM); **DK Military Report** entitled *Dear Beloved Brother Duch*, dated 4 October 1977, DCCN D07279, ERN 00052992-00052993 (KHM).

Witness interviews also indicate that **SOU Met** was commander of Division 502. **POV Son** DC-Cam Statement, **IS Annex C No. 19.147** dated 18 June 2002, DCCN KHI0007/K8945, ERN 00052286-0005230 (KHM); **PHI Yun** DC-Cam Statement, **IS Annex C No. 19.143** dated 12 November 2002, DCCN KCI0008, ERN 00053814-00053838 (KHM); **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM); **UO Leang** DC-Cam Statement, **IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132 (KHM).

²⁹⁶ **POV Son** DC-Cam Statement, **IS Annex C No. 19.147** dated 18 June 2002, DCCN KHI0007/K8945, ERN 00052286-0005230 (KHM); **CHEK Sam** DC-Cam Statement, **IS Annex C No. 19.20** dated 12 July 2002, DCCN KHI0037/K08565, ERN 00054752-00054814 (KHM); **PHI Yun** DC-Cam Statement, **IS Annex C No. 19.143** dated 12 November 2002, DCCN KCI0008, ERN 00053814-00053838 (KHM); **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM).

²⁹⁷ **DK Military List** entitled *Rice Consumption Plan, 1976*, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (indicating that “Comrade Met” was the commander of Division 502); **DK Military List** dated 4 January 1976, DCCN L0001071, ERN 00160082-00160082 (KHM) (signed by **SOU Met** on behalf of the Committee of Division 502).

²⁹⁸ **DK Government Telegram** entitled *Telegram 32: To Missed committee 870 about arresting 2 soldiers*, dated 29 March 1978, DCCN D02089, ERN 00020977-00020977 (KHM).

²⁹⁹ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG); **KAING Guek Eav alias DUCH** OCIJ Statement, **D87** dated 2 June 2008 at ERN 00195577, ERN 00195571-00195579 (ENG).

³⁰⁰ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG). Indeed, according to the Statute of the Communist Party of Kampuchea, Chapter III, Article 7, the Central Committee was the “highest operational unit throughout the country.” **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, January 1976, ERN 00053007-00053080 (KHM). The CPK Statute does not mention the Standing Committee at all.

³⁰¹ **KAING Guek Eav alias DUCH** OCIJ Statement, **D87** dated 2 June 2008 at ERN 00195577, ERN 00195571-00195579 (ENG).

³⁰² **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG).

³⁰³ **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, January 1976, Chapter III, Article 23, ERN 00053007-00053080 (KHM).

³⁰⁴ **LENG Kim alias Kung Kim** DC-Cam Statement, **IS Annex C No. 19.96** dated 9 July 2002, DCCN KHI0038, ERN 00054815-00054873 (KHM) (stating that Division 502 had been created from personnel from different Zones and that it answered to the “Centre’s General Staff”); **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM) (stating that Division 11 was dissolved into Division 502 shortly after Division 11 entered Phnom Penh in April 1975); **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003,

DCCN KDI0453, ERN 00052235-00052285 (KHM) (stating that shortly after the fall of Phnom Penh in April 1975, Division 11 was dissolved into the unit that became Division 502 and noting that Division 502 answered to the General Staff); **UO Leang DC-Cam Statement, IS Annex C No. 19.216** dated 26 November 2003, DCCN KDI0467, ERN 00020106-00020132 (KHM) (noting that Division 11 disintegrated when its leading cadres were arrested and that those who were left who had good biographies were transferred to Division 502). *See also, CPK Standing Committee Meeting Minutes* entitled *Meeting of the Standing Committee, 9 October 75, IS Annex C No. 13.2*, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that Division 11 would be dissolved and incorporated into other divisions).

³⁰⁵ **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

³⁰⁶ The 10 Division were numbered: 164, 170, 290, 310, 450, 502, 690, 703, 801, and 920. **DK Military List** entitled *Rice Consumption Plan, 1976*, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM); **DK Military Report** entitled *Table of Statistics on Students Studying at the First General Staff Study Session, IS Annex C No. 13.35* dated 20 October 1976, at p. 1, DCCN L0001512, ERN 00095532-00095543 (KHM); **DK Military Report** entitled *Second General Staff Study Session, IS Annex C No. 18.22* dated 23 November 1976, at p. 1, DCCN L0000230, ERN 00008459-00008470 (KHM); **DK Military Report** entitled *Joint Statistics of Armed Forces, March 1977, IS Annex C No. 18.30* dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM); **DK Military Report** entitled *Statistics of Collective Eating Forces, March 1977, D91-00006* dated 7 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM).

³⁰⁷ **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75, IS Annex C No. 13.2*, at p. 8, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that RAK divisions were to be standardized with three regiments each and a combat strength of approximately 4,000 people); **DK Military Report** entitled *Statistics of National Army, Division 310*, dated 13 June 1977, DCCN D01664, ERN 00033313-00033313 (KHM) (summarizing the structure of Division 310, including 3 regiments and 9 battalions).

³⁰⁸ The records of the first and second training courses run by the RAK General Staff Office in late 1976 indicate the existence of the following 15 battalions: 501, 503, 504, 507, 511, 512, 513, 514, 521, 522, 523, 531, 532, and 533. Those same records indicate the existence of at least two regiments: 51 and 52. **DK Military Report** entitled *Table of Statistics on Students Studying at the First General Staff Study Session, IS Annex C No. 13.35* dated 20 October 1976, DCCN L0001512, ERN 00095532-00095543 (KHM); **DK Military Report** entitled *Second General Staff Study Session, IS Annex C No. 18.22* dated 23 November 1976, DCCN L0000230, ERN 00008459-00008470 (KHM).

Monthly "Lists of Forces" produced by Division 502 indicate a similar structure. **DK Military List** entitled *Monthly List of Forces for October 1976*, dated 25 October 1976, DCCN L0001518, ERN 00160144-00160144 (KHM) (indicating the existence of Regiments 51 and 52, seven battalions and several miscellaneous units); **DK Military List** dated 8 June 1976, DCCN L0001277, ERN 00160103-00160103 (KHM) (indicating the existence of Regiments 51 and 52, seven battalions and several miscellaneous units); **DK Military List** dated 27 May 1976, DCCN L0001254, ERN 00160098-00160098 (KHM); (indicating the existence of Regiments 51 and 52, seven battalions and several miscellaneous units); **DK Military List** dated 17 September 1976, DCCN L0001483, ERN 00160134-00160134

(KHM) (indicating the existence of Regiments 51 and 52, seven battalions and several miscellaneous units).

³⁰⁹ **DK Military List** dated 4 January 1976, DCCN L0001071, ERN 00160082-00160082 (KHM).

³¹⁰ **DK Military Report** entitled *Joint Statistics of Armed Forces, March 1977*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM) (indicating that Division 502 had a total force of 5,543 personnel); **DK Military Report** entitled *Statistics of Collective Eating Forces, March 1977*, **D91-00006** dated 7 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM) (indicating that Division 502 had a total force of 5,543 personnel).

³¹¹ **DK Military List** dated 17 September 1976, DCCN L0001483, ERN 00160134-00160134 (KHM).

³¹² **DK Military List** dated 8 June 1976, DCCN L0001277, ERN 00160103-00160103 (KHM). The month before, in May 1976, Division 502 had only 5,621 personnel. **DK Military List** dated 27 May 1976, DCCN L0001254, ERN 00160098-00160098 (KHM).

³¹³ **DK Military List** entitled *Rice Consumption Plan, 1976*, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (indicating that Division 502 had a total force, with reserves, of 6,387 people).

³¹⁴ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG) (States that **SOU Met** was commander of the air force); **DK Military Meeting Minutes** entitled *Meeting on 3 March 1976 regarding Airforce Recruitment*, DCCN L0001157, ERN 00160085-00160085 (KHM) (noting that **SOU Met** is in charge of recruiting additional personnel for the air force and that personnel for the air force will be selected from within Division 502). See also **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM).

Initially, the air force had only 100 planes, but the Chinese government offered to provide additional equipment and supplies. **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75*, **IS Annex C No. 13.2**, DCCN D00677, ERN 00019108-00019126 (KHM). Some Division 502 personnel, those who passed special exams, were sent to China for pilot training. **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM). See also **DK Military Meeting Minutes** entitled *Meeting on 3 March 1976 regarding Airforce Recruitment*, DCCN L0001157, ERN 00160085-00160085 (KHM).

³¹⁵ **POV Son** DC-Cam Statement, **IS Annex C No. 19.147** dated 18 June 2002, DCCN KHI0007/K8945, ERN 00052286-0005230 and 00051634-00051641 (KHM).

³¹⁶ **DK Military Telegram** entitled *To respected brother 89, capture of airplanes' activities by the radars in Bokor and Potchentong*, **D60-00074** dated 17 June 1977, DCCN D01695, ERN 00068091-00068092 (KHM); **DK Military Report** entitled *Radar Contacts received at Potchentong*, dated 24 September 1976, DCCN L0001461, ERN 00162491-00162491 (KHM). See also **CPK Standing Committee Meeting Minutes** entitled *Meeting of the Standing Committee, 9 October 75*, **IS Annex C No. 13.2**, DCCN D00677, ERN 00019108-00019126 (KHM) (noting that radar installations would be part of the air force and that they would be used for "following the situation" and "reporting").

³¹⁷ **PRACH Sak** DC-Cam Statement, **IS Annex C No. 19.148** dated 24 February 2003, DCCN KDI0236, ERN 00051809-00051861 (KHM); **SRENG Thi** DC-Cam Statement, **IS**

Annex C No. 19.189 dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM).

³¹⁸ **CPK Standing Committee Meeting Minutes** entitled *Minutes of the Standing Committee Meeting*, **IS Annex C No. 13.21** dated 30 May 1976, DCCN D00704, ERN 00000772-00000776 (KHM) (noting that the South and Southwestern parts of Phnom Penh were under the responsibility of “Comrade Met and Comrade Pin”); **SOKH Sophat DC-Cam Statement**, **IS Annex C No. 19.184** dated 25 June 2002, DCCN KHI0010/K00180, ERN 00008163-00008248 (KHM) (stating that Division 502 was responsible for the area from Tuol Sleng to Pochentong); **DK Military Meeting Minutes**, **IS Annex C No. 13.37** dated 11 November 1976, DCCN L0001537, ERN 00088918-00088920 (KHM) (noting that Division 502 was one of four divisions that provided troops to “patrol and tidy up” Phnom Penh and that it also provided “duty intervention forces” for the defense of Phnom Penh).

³¹⁹ **Witness OCP-00066**, SOAS Statement, dated 27 July 2005, ERN 00207714-00207715 (ENG).

³²⁰ **SOM Sokhan DC-Cam Statement**, **IS Annex C No. 19.186** dated 23 August 2003, DCCN KCI0441/I03382, ERN 00053985-00054028 (KHM) (stating that SOU Met was in charge of the Kampong Chhnang airport construction site in his capacity as Chairman of Division 502). *See also supra* para. 47 (describing the authority structure of the Kampong Chhnang airport construction site).

³²¹ **Media Article** by Erika KINETZ and YUN Samean, entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG).

³²² **SRENG Thi DC-Cam Statement**, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM).

³²³ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, DCCN L0001500, at ERN 00183986, ERN 00183982-00183994 (ENG) (noting that SOU Met was present at a meeting during which SON Sen ordered the RAK commanders to maintain “a firm grip on our units of organization, ensuring that enemy is unable to bore from within, and doing whatever needs to be done to make our army clean.”). *See also supra* paras. 33-41 (describing SOU Met’s agreement to participate in a common criminal plan to purge the RAK).

³²⁴ There are a number of documents authored by SOU Met which indicate his involvement in identifying, arresting and transferring suspected traitors from Division 502 to S-21. **DK-Military Prisoner List**, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416 (KHM); **DK Military Report**, **D32/VI-Annex 2** dated 1 June 1977, DCCN D01067, ERN 00002422-00002422 (KHM); **DK Military Report**, **D64-00028** dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM); **DK Military Report**, **D56-00003** dated 3 October 1977, DCCN D01069, ERN 00175362-00175362 (KHM); **DK Military Report**, **D64-00029** dated 2 June 1977, DCCN D01075, ERN 00002423-00002424 (KHM); **DK Military Letter**, dated 4 October 1977, DCCN D07279, ERN 00052992-00052993 (KHM); **DK Military Letter**, dated 1 April 1977, DCCN D07315, ERN 00052994-00052994 (KHM); **DK Military Letter**, dated 28 July 1977, DCCN D07323, ERN 00002436-00002436 (KHM); **DK Military Report**, **D64-00040** dated 10 August 1977, DCCN D21929, ERN 00002078-00002078 (KHM); **DK Military Report**, dated 1 September 1976, DCCN L0001372, ERN 00162485-00162486 (KHM); **DK Military Report**, dated 1 September 1976, DCCN L0001378, ERN 00160119-00160119 (KHM); **DK Military Report**, dated 1 August 1976, DCCN L0001383, ERN 00160120-00160120 (KHM).

³²⁵ See **List of Arrestees from Division 502** by Bunsou Sour dated 24 January 2008, ERN 00196179-00196216 (ENG) (containing a list of names of Division 502 personnel who were arrested and sent to S-21). This list was compiled by OCP staff from surviving CPK records, mostly records from the S-21 security center.

³²⁶ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, at ERN 00183986, ERN 00183982-00183994 (ENG). **SOU Met** was present at a meeting during which SON Sen ordered the RAK commanders to maintain “a firm grip on our units of organization, ensuring that enemy is unable to bore from within, and doing whatever needs to be done to make our army clean.” In response and as part of the larger purge of the RAK, **SOU Met** agreed to purge Division 502.

³²⁷ **KANG Guek Eav** alias **DUCH**, the Chairman of S-21, has testified that the decision to arrest personnel within the RAK and send them to S-21 was usually made jointly by SON Sen and the units of the accused person. Thus, according to **DUCH**, the arrest of Division 502 personnel would usually require a meeting of SON Sen and the Division 502 leadership. **KAING Guek Eav** alias **DUCH** OCIJ Statement, **D86/24** dated 13 March 2008 at ERN 00178059, ERN 00178058-00178070 (ENG). However, a number of the letters sent from **SOU Met** to **DUCH** indicate that **SOU Met** was able to take the decision to arrest people on his own.

³²⁸ **DUCH** has testified that the letters from **SOU Met** were sent to **DUCH** via SON Sen (and later NUON Chea) and that **DUCH** was not able to communicate directly with **SOU Met**. He has also testified that his responses to **SOU Met** were also sent via SON Sen and NUON Chea. However, **DUCH** admits receiving **SOU Met**’s correspondence and sending confessions back to **SOU Met**. **KAING Guek Eav** alias **DUCH** OCIJ Statement, **D86/24** dated 13 March 2008 at ERN 00178058-00178060, ERN 00178059-00178070 (ENG).

³²⁹ **DK Military Letter** entitled *Dear Beloved Comrade Duch*, dated 1 April 1977, DCCN D07315, ERN 00052994-00052994 (KHM).

³³⁰ **DK Military Report** entitled *Dear Beloved Brother Duch*, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416 (KHM).

³³¹ **DK Military Report** entitled *Dear Beloved Brother Duch*, **D57-00079** dated 30 May 1977, DCCN D01066, ERN 00002416-00002416.

³³² **DK Military Report** entitled *Dear Beloved Comrade Duch*, **D32/VI-Annex 2** dated 1 June 1977, DCCN D01067, ERN 00002422-00002422 (KHM).

³³³ **DK Military Letter** entitled *Dear Beloved Brother Duch*, **D64-00028** dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM).

³³⁴ **DK Military Letter** entitled *Dear Beloved Comrade Duch*, **D64-00029** dated 2 June 1977, DCCN D01075, ERN 00002423-00002424 (KHM).

³³⁵ **DK Military Letter** entitled *Dear Beloved Brother Duch*, dated 28 July 1977, DCCN D07323, ERN 00002436-00002436 (KHM).

³³⁶ **DK Military Letter** entitled *Dear Beloved Brother Duch*, **D64-00040** dated 10 August 1977, DCCN D21929, ERN 00002078-00002078 (KHM).

³³⁷ **DK Military Report** entitled *Dear Beloved Brother Duch*, **D56-00003** dated 3 October 1977, DCCN D01069, ERN 00175362-00175362 (KHM).

³³⁸ **DK Military Report** entitled *Dear Beloved Brother Duch*, dated 4 October 1977, DCCN D07279, ERN 00052992-00052993 (KHM).

³³⁹ See **S-21 Confession** entitled *Responses of UK Vân alias Vin, Member, Battalion 503, Division 502: On the History of the Traitorous Activities of Uk Vân alias Vin*, dated 24 September 1977, DCCN J467, ERN 00161960-00162011 (KHM) (confession bears notation

that says "One copy sent to Comrade Met, 15 November 1977"); **S-21 Confession of NAY Chap**, dated 27 August 1977, DCCN J732, ERN 00162395-00162427 (KHM) (bears notation indicating that it was sent to **SOU Met**); **S-21 Confession of SUON Heuang**, dated 29 August 1977, DCCN J222, ERN 00161884-00161930 (KHM) (confession bears notation that says "One copy already sent to Comrade Met, 20 September 1977"); **S-21 Confession of SREY Saroeun**, dated 19 October 1977, DCCN J243, ERN 00161882-00161883 (ENG) (notation on confession says "One copy already sent to Comrade Met. 15/11").

³⁴⁰ See **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (containing a list of names of Division 502 personnel who were arrested and sent to S-21). This list was compiled by OCP staff from surviving CPK records, mostly records from the S-21 security center.

³⁴¹ **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG).

³⁴² **DK Military Report** entitled *Report on the confession of a person named Ham Hang after having deserted 4 times*, dated 1 August 1976, DCCN L0001383, ERN 00160120-00160120 (KHM).

³⁴³ **DK Military Report** entitled *Report on the answers of Hem Phi about his arrest after he had tried to escape three times*, dated 1 September 1976, DCCN L0001378, ERN 00160119-00160119 (KHM).

³⁴⁴ **DK Military Report** entitled *Table of Statistics on Students Studying at the First General Staff Study Session, IS Annex C No. 13.35* dated 20 October 1976, DCCN L0001512, ERN 00095532-00095543 (KHM) (indicating that San was the Deputy Secretary of Division 502).

³⁴⁵ **DK Military Report** entitled *Report on Enemy Situations re Responses of Ov Pring*, dated 9 October 1976, DCCN L0001499, ERN 00160142-00160143 (KHM).

³⁴⁶ **DK Military Report** entitled *Situation adjacent to the south side of the airport*, dated 1 September 1976, DCCN L0001372, ERN 00162485-00162486 (KHM).

³⁴⁷ **DK Military Letter** entitled *Dear Beloved Comrade Duch, D64-00028* dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM).

³⁴⁸ **DK Military List** by **SOU Met**, dated January 1976, DCCN L0001068, ERN 00160080-00160080 (KHM).

³⁴⁹ See *supra* paragraph 46 (describing S-22).

³⁵⁰ **SRENG Thi** DC-Cam Statement, **IS Annex C No. 19.189** dated 24 October 2003, DCCN KDI0453, ERN 00052235-00052285 (KHM).

³⁵¹ **DK Military Report** entitled *Report on the confession of a person named Ham Hang after having deserted 4 times*, dated 1 August 1976, DCCN L0001383, ERN 00160120-00160120 (KHM); **DK Military Report** entitled *Report on the answers of Hem Phi about his arrest after he had tried to escape three times*, dated 1 September 1976, DCCN L0001378, ERN 00160119-00160119 (KHM); **DK Military Letter** entitled *Dear Beloved Comrade Duch, D64-00028* dated 1 June 1977, DCCN D01068, ERN 00002417-00002417 (KHM).

³⁵² **DK Military Report** entitled *Situation adjacent to the south side of the airport*, dated 1 September 1976, DCCN L0001372, ERN 00162485-00162486 (KHM). This is a document signed by **SOU Met** reporting the arrest of two individuals from a different RAK unit who were arrested near the Pochentong airport for allegedly attempting to steal food to eat.

³⁵³ See *supra* paras. 50-52 (describing conditions at the Kampong Chhnang airport construction site).

³⁵⁴ See **KAEV Leua alias Saom Leua alias Phal** DC-Cam Statement, **IS Annex C No. 19.60** dated 15 February 2005, DCCN KTI1125/I03383, ERN 00020646-00020681 (KHM)

³⁵⁵ See *supra* para. 47 (describing the relationship between Lvey and **SOU Met**).

³⁵⁶ **Meas Chan Na** DC-Cam Statement, **IS Annex C No. 19.110** dated 21 June 2004, DCCN I0547/KPI0053, ERN 00019495-00019496 (KHM).

³⁵⁷ **Witness OCP-00143**, OCP Interview Notes, dated 12 August 2008, at ERN 00217558, ERN 00217556-00217558 (ENG) (indicating that MEAS Mut was from Chum Kiri district in Kampot province).

³⁵⁸ **KHIEU Samphan** OCIJ Statement, **D46** dated 13 December, at ERN 00156751, ERN 00156741-00156751 (ENG). See also **Kyodo Interviews** by Steve HEDER and Masato MATSUSHITA, dated February-March 1980, Interview No. 18 at ERN 00197097, ERN 00197066-00197147 (ENG) (noting that MEAS Mut was married to a daughter of Ta Mok named Khom); **Witness OCP-00117**, OCP Interview Notes, dated 13 August 2008, ERN 00217560, ERN 00217559-00217562 (ENG) (noting that MEAS Mut was the son-in-law of Ta Mok).

³⁵⁹ **Kyodo Interviews** by Steve HEDER and Masato MATSUSHITA, dated February-March 1980, Interview No. 18 at ERN 00197097, ERN 00197066-00197147 (ENG).

³⁶⁰ **Searching For the Truth Magazine** article entitled *I Only Want Justice*, dated August 2000, Issue Number 8, at ERN 00204275, ERN 00204272-00204275 (ENG).

³⁶¹ **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG). **MEAS Mut's** lifestyle and possessions indicate that he is not poor. In addition to his house, he reportedly owns at least six hectares of farm land, a villa in Phnom Penh's Tuol Kork district, and an SUV. He has also contributed a large amount of money to the construction of Ta Saing Chas pagoda, which is located near his house. The pagoda has allegedly cost about \$100,000, with most of the money coming from **MEAS Mut**. **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG).

³⁶² **KAING Guek Eav alias DUCH** OCIJ Statement, **IS Annex C No. 20.18** dated 4 June 1999, ERN 00089673-00089678 (KHM); **KAING Guek Eav alias DUCH** OCIJ Statement, **D46** dated 13 December, at ERN 00156751, ERN 00156741-00156751 (ENG); **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG); **Statement of MEAS Mut, IS Annex C No. 19.111** dated 20 July 2001, ERN 00089661-00089662 (ENG) (admitting that he was the commander of an RAK division); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217564, ERN 00217563-00217566 (ENG) (indicating that MEAS Mut was in charge of Division 164); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN 00217563-00217566 (ENG) (noting that the main naval base and the Division headquarters were located in Ream).

³⁶³ **DK Military Report**, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081 (KHM) (listing "Comrade Mut" as the commander of Division 164); **DK Military Report, D60-00035** dated 5 January 1976, DCCN L0001073, ERN 00021446-00021446 (KHM).

³⁶⁴ **DK Military Report, IS Annex C No. 18.59** dated 1 April 1978, DCCN D02094, ERN 00017026-00017026 (KHM).

³⁶⁵ See **Kyodo Interviews** by Steve HEDER and Masato MATSUSHITA, dated February-March 1980, Interview No. 18 at ERN 00197097, ERN 00197066-00197147 (ENG) (noting that MEAS Mut was a Division Secretary "until the Vietnamese came").

³⁶⁶ **KHIEU Samphan** OCIJ Statement, **D46** dated 13 December, at ERN 00156751, ERN 00156741-00156751 (ENG).

³⁶⁷ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG); **KAING Guek Eav alias DUCH** OCIJ Statement, **D87** dated 2 June 2008 at ERN 00195577, ERN 00195571-00195579 (ENG).

³⁶⁸ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG). Indeed, according to the Statute of the Communist Party of Kampuchea, Chapter III, Article 7, the Central Committee was the “highest operational unit throughout the country.” **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, January 1976, ERN 00053007-00053080 (KHM). The CPK Statute does not mention the Standing Committee at all.

³⁶⁹ **KAING Guek Eav alias DUCH** OCIJ Statement, **D87** dated 2 June 2008 at ERN 00195577, ERN 00195571-00195579 (ENG).

³⁷⁰ **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG).

³⁷¹ **CPK Legal Document** entitled *Communist Party of Kampuchea Statute*, January 1976, Chapter III, Article 23, ERN 00053007-00053080 (KHM).

³⁷² The 10 Division were numbered: 164, 170, 290, 310, 450, 502, 690, 703, 801, and 920. **DK Military List** entitled *Rice Consumption Plan*, 1976, dated 4 January 1976, DCCN L0001069, ERN 00160081-00160081(KHM); **DK Military Report** entitled *Table of Statistics on Students Studying at the First General Staff Study Session*, **IS Annex C No. 13.35** dated 20 October 1976, at p. 1, DCCN L0001512, ERN 00095532-00095543 (KHM); **DK Military Report** entitled *Second General Staff Study Session*, **IS Annex C No. 18.22** dated 23 November 1976, DCCN L0000230, ERN 00008459-00008470 (KHM); **DK Military Report** entitled *Joint Statistics of Armed Forces, March 1977*, **IS Annex C No. 18.30** dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM); **DK Military Report** entitled *Statistics of Collective Eating Forces, March 1977*, **D91-00006** dated 7 April 1977, DCCN L0000066, ERN 00162476-00162476 (KHM).

³⁷³ There are numerous documents that indicate that **MEAS Mut**, in his capacity as Secretary of Division 164, reported directly to **SON Sen**, alias Brother 89, alias Khieu. **DK Military Report**, date unknown, DCCN L0001116, ERN 00021454-00021454 (KHM); **DK Military Report**, **D60-00035** dated 5 January 1976, DCCN L0001073, ERN 00021446-00021446 (KHM); **DK Military Report**, dated 22 February 1976, DCCN L0001125, ERN 00021461-00021461 (KHM); **DK-Military Meeting Minutes**, dated 9 September 1976, DCCN L0001446, ERN 00162488-00162490 (KHM); **DK Military Letter**, dated 19 October 1976, DCCN D21921, ERN 00160064-00160064 (KHM); **DK Military Directive**, dated 4 November 1976, DCCN L0001534, ERN 00162492-00162492 (KHM); **DK Military Letter**, dated 26 November 1976, DCCN L0000263, ERN 00160072-00160072 (KHM); **DK Military Report**, dated 29 May 1977, DCCN L0001432, ERN 00162487-00162487 (KHM); **DK Military Telegram**, **D60-00084** dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM); **DK Military Report**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM).

³⁷⁴ **DK Military List** by **MEAS Mut** entitled *Daily List of Forces 27 October 1976* dated 27 October 1976, DCCN L0001532, ERN 00160145-00160147 (KHM) (**MEAS Mut** lists Division 164 as having Regiments: 47, 53, 61, and 62. The same records indicate Division 164 as having Battalions: 165, 166, 167, 168, 169, and 170. Also lists Bokor Unit and Office 164 as being part of Division 164); **List of Arrestees from Division 164** by **Bunsou Sour** dated 25 January 2008, ERN 00196162-00196178 (ENG) (compilation of all known information about Division 164 cadre who were arrested and sent to S-21. Prisoners were arrested from Battalions: 142, 143, 144, 162, 165, 170, 410, 611, 631, 632, and 633 and

Regiments: 21, 62, 63, 140, and 161); **S-21 Confession of KUN Dim, IS Annex C No. 5.41** dated 10 September 1977, DCCN J872, ERN 00091808-00091864 (KHM) (Dim is Commander of Battalion 141, Regiment 140 of Division 164, indicating the existence of Battalion 141).

³⁷⁵ **DK Military Report** entitled *DK Military Report re Overall Force Statistics for Army, IS Annex C No. 18.30* dated 7 April 1977, DCCN L0000065, ERN 00052319-00052319 (KHM) (noting that Division 164 had 8,568 personnel); **DK Military List** by **MEAS Mut** entitled *Daily List of Forces 27 October 1976* dated 27 October 1976, DCCN L0001532, ERN 00160145-00160147 (KHM) (**MEAS Mut** lists there being 8611 cadres in Division 164); **Statement of MEAS Mut, IS Annex C No. 19.111** dated 20 July 2001, ERN 00089661-00089662 (ENG) (**MEAS Mut** claims that there were over 10,000 in his division); **Media Article** by Erika KINETZ and YUN Samean entitled *Let Bygones Be Bygones* dated 1-2 March 2008, ERN 00165820-00165822 (ENG) (**MEAS Mut** claims that he commanded 10,000 troops); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217564, ERN 00217563-00217566 (ENG) (noting that Division 164 had in excess of 10,000 personnel).

³⁷⁶ **CPK Magazine** entitled *The Revolutionary Flag*, Issue Number 7, **IS Annex C No. 11.9** dated July 1976, at page 15, ERN 00062905-00062945 (KHM).

³⁷⁷ **KHIEU Samphan alias Hem** OCIJ Statement, **D46** dated 13 December at ERN 00156751, ERN 00156741-00156751 (ENG) (KHIEU Samphan states that **MEAS Mut** was attached to a military sector in Kampot province, which later became the “marine force”); **KAING Guek Eav alias DUCH** OCIJ Statement, **D86/10** dated 4 December 2007 at ERN 00154911, ERN 00154906-00154913 (ENG) (DUCH states that **MEAS Mut** was commander of the Navy); **DK Military Meetings Minutes** entitled *Military Affairs at Kampong Som*, dated 3 August 1976, ERN 00021496-00021502 (KHM) (meeting on DK Naval military situation presented by **MEAS Mut**).

³⁷⁸ **DK Military Meeting Minutes**, dated 3 August 1976, DCCN L0001374, ERN 00021496-00021502 (KHM).

³⁷⁹ **DK Military Report**, DCCN L0001116, ERN 00021454-00021454 (KHM); **DK Military Report, D60-00035** dated 5 January 1976, DCCN L0001073, ERN 00021446-00021446 (KHM); **DK Military Report**, dated 22 February 1976, DCCN L0001125, ERN 00021461-00021461 (KHM); **DK Military Meeting Minutes** entitled *Military Affairs at Kampong Som, IS Annex C No. 13.33* dated 3 August 1976, DCCN L0001487, ERN 00021496-00021502 (KHM); **DK Military Telegram, D60-00048** dated 23 August 1976, DCCN L0001337, ERN 00000860-00000860 (KHM); **DK Military Telegram, D56-00063** dated 6 October 1976, DCCN L0001497, ERN 00000866-00000866 (KHM); **DK Military Telegram**, dated 13 July 1977, DCCN D01696, ERN 00161788-00161789 (KHM); **DK Military Telegram, D60-00104** dated 5 November 1977, DCCN D01906, ERN 00161791-00161791 (KHM). *See also* **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217565, ERN00217563-00217566 (ENG) (noting that Division 164 patrolled the coast and the coastal islands to protect DK waters and to keep Thai fishermen away from DK territory).

³⁸⁰ **DK Military Report**, dated 29 May 1977, DCCN L0001432, ERN 00162487-00162487 (KHM); **DK Military Report**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM); **DK Military Telegram, D60-00084** dated 12 August 1977, DCCN D01964, ERN 00020910-00020910 (KHM); **DK Military Telegram, D60-00094** dated 15 September 1977, DCCN D01701, ERN 00161729-00161729 (KHM); **DK Military**

Telegram, D60-00215 dated 20 March 1978, DCCN D02095, ERN 00020982-00020982 (KHM).

³⁸¹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, at ERN 00183986, ERN 00183982-00183994 (ENG) (noting that **MEAS Mut** was present at a meeting during which SON Sen ordered the RAK commanders to maintain “a firm grip on our units of organization, ensuring that enemy is unable to bore from within, and doing whatever needs to be done to make our army clean.”). *See also supra* paras. 33-41 (describing **MEAS Mut**’s agreement to participate in a common criminal plan to purge the RAK).

³⁸² *See supra* paras. 55-57 (describing the Division 164 prison at Wat Eng Tea Nhien).

³⁸³ **Kyodo Interviews** by Steve HEDER and Masato MATSUSHITA, dated February-March 1980, Interview No. 18 at ERN 00197097, 00197066-00197147 (ENG); **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217564, ERN 00217563-00217566 (ENG) (noting that **MEAS Mut** controlled the whole Kampong Som area).

³⁸⁴ **DK Military Meeting Minutes** entitled *To beloved Committees of Divisions and Regiments, D83-00009* dated 3 September 1977, DCCN D01782, ERN 00033314-00033314 (KHM) (Instructions to RAK divisions in the area of farming and telling them to model their efforts on Division 164); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.32* dated 19 September 1976, DCCN L0001451, at ERN 00183972, ERN 00183970-00183981 (ENG) (reports on cultivation in his Division on the mainland and the islands, accounting for the work and food needs of 17,000 people, both cadres and civilians); **DK Military Meeting Minute** entitled *Meeting of All Open Division Committees* dated 1 June 1976, L0001272, ERN 00162480-00162484 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions, IS Annex C No. 13.38* dated 21 November 1976, DCCN L0001541, ERN 00088921-00088937 (KHM) (**MEAS Mut** states that he has a population of 12,000 civilians and cadre to feed); **Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.27* dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM) (Provides statistics regarding land to be used for cultivation by Division 164).

³⁸⁵ **Witness OCP-00138**, OCP Interview Notes, dated 12 August 2008, ERN 00217564, ERN 00217563-00217566 (ENG).

³⁸⁶ **DK Military Meeting Minutes** entitled *Minutes of Divisional and Regiment Secretary-Undersecretary of Logistics Meeting, IS Annex C No. 13.32* dated 19 September 1976, DCCN L0001451, at ERN 00183972, ERN 00183970-00183981 (ENG). *See also*, **DK Military Meeting Minutes** entitled *Meeting of All Open Division Committees* dated 1 June 1976, L0001272, ERN 00162480-00162484 (KHM) (in which Mut notes that 7,100 civilians are farming in Kampong Som).

³⁸⁷ **Witness OCP-00138**, OCP Interview Notes, dated 13 August 2008, ERN 00217564, 00217566, ERN 00217563-00217566 (ENG) (noting that the rock quarry at Stung Hav was run by Division 164).

³⁸⁸ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, at ERN 00183990, ERN 00183982-00183994 (ENG) (in which **MEAS Mut** responded to SON Sen’s call for purges with enthusiasm, and agreed that the military commanders must do “whatever needs to be done not to allow the [enemy]

situation to get out of hand”, and that the Party’s action against traitors has been one of its greatest victories).

³⁸⁹ Records of 14 meetings of the senior cadres of the divisions and independent regiments exist and it is believed that many more took place. There are records of meetings on 2 August 1976, 12 August 1976, 18 August 1976, and 30 August, 1976, suggesting that meetings might have occurred on a weekly basis. **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Economics of Divisions* dated 16 May 1976, DCCN L0001229, ERN 00088910-00088910 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of All Division Committees*, dated 1 June 1976, DCCN L0001272, ERN 00162480-00162484 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions, Secretaries and Deputy Secretaries of Regiments* dated 2 August 1976, DCCN L0001373, ERN 00052352-00052361 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of the Committees attached to Divisions and Independent Regiments* dated 12 August 1976, DCCN L0001376, ERN 00052362-00052375 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.27* dated 18 August 1976, DCCN L0001379, ERN 00052376-00052379 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments* dated 30 August 1976, DCCN L0001407, ERN 00052380-00052383 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.30* dated 16 September 1976, DCCN L0001449, ERN 00064954-00064957 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.32* dated 19 September 1976, DCCN L0001451, ERN 00052389-00052401 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meetings of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.34* dated 9 October 1976, DCCN L0001500, ERN 00052402-00052416 (KHM); **DK Military Meeting Minutes** entitled *Meeting Minutes of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 18 October 1976, DCCN L0001505, ERN 00095528-00095531 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.37* dated 11 November 1976, DCCN L0001537, ERN 00088918-00088920 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions, IS Annex C No. 13.38* dated 21 November 1976, DCCN L0001541, ERN 00088921-00088937 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments, IS Annex C No. 13.39* dated 15 December 1976, DCCN L0000252, ERN 00008475-00008484 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, IS Annex C No. 13.42* dated 1 March 1977, DCCN L0000045, ERN 00052304-00052311 (KHM).

³⁹⁰ **DK Meeting Minutes** entitled *Minutes of meeting of the military work in Kampong Som*, dated 3 August 1976, DCCN L0001374, ERN 00021496-00021502 (KHM); **DK Military Meeting Minutes** entitled *Minutes of Meeting of 164 Comrades*, DCCN L0001446, ERN 00162488-00162490 (KHM); **DK Military Meeting Minutes** entitled *Summary of the Situation from 15 July until 31 August 1976, D60-00049*, DCCN L0001608, ERN 00162493-00162497 (KHM); **DK Military Meeting Minutes** entitled *Minute of Divisional and Regiment Secretary-Undersecretary of Logistics Meeting, IS Annex C No. 13.32* dated 19

September 1976, DCCN L0001451, ERN 00183970-00183981 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Division and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1977, DCCN L0001500, ERN 00183982-00183994 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Divisions*, **IS Annex C No. 13.38** dated 21 November 1976. See also, **Media Article** by Erika KINETZ and YUN Samean, entitled *Let Bygones be Bygones*, dated 1-2 March 2008, ERN 00165820-00165822 (ENG) (in which **MEAS Mut** acknowledges that he met with SON Sen "a few times" in order to carry out the work of the RAK Central Committee); **MEAS Mut** Interview, by Christine CHAUMEAU and BOU Saroeun, **IS Annex C No. 19.111** dated 20 July 2001, ERN 00089661-00089662 (ENG) (in which **MEAS Mut** states that he attended meetings with SON Sen).

³⁹¹ **DK Military Telegram, D60-00048** dated 13 August 1976, ERN 00000860-00000860 (KHM); **DK Military Telegram** entitled *Instructions for 164*, dated 4 November 1976, DCCN L0001534, ERN 00162492-00162492 (KHM); **DK Military Telegram**, dated 12 August 1977, DCCN D01966, ERN 00020912-00020912 (KHM); **DK Military Telegram, D60-00215** dated 20 March 1978, DCCN D02095, ERN 00020982-00020982 (KHM).

³⁹² **DK Military Telegram** entitled *To Respected Office 870*, **IS Annex C No. 21.74** dated 31 December 1977, ERN 00184995-00184995 (ENG).

³⁹³ **DK Military Meeting Minute** entitled *The Military Work at Kampong Som* dated 3 August 1976, L0001374, ERN 00021496-00021502 (KHM).

³⁹⁴ **DK Military Telegram** from Deum entitled *Telegram No. 11*, **D56-00059** dated 24 September 1976, ERN 00000863-00000863 (KHM); **DK Military Telegram** from Dim entitled *Telegram No. 16*, **D56-00064** dated 6 October 1976, ERN 00000865-00000865 (KHM); **DK Military Telegram** from Roeun entitled *Telegram No. 04, For Brother Mut, respected and beloved*, **D60-00104**, DCCN D01906, ERN 0016-1791 (KHM).

³⁹⁵ **DK Military Telegram** from Deum entitled *Telegram No. 11*, **D56-00059** dated 24 September 1976, ERN 00000863-00000863 (KHM); **DK Military Telegram** from Dim entitled *Telegram No. 16*, **D56-00064** dated 6 October 1976, ERN 00000865-00000865 (KHM).

³⁹⁶ **DK Military Telegram** from Roeun entitled *Telegram No. 04, For Brother Mut, respected and beloved*, **D60-00104**, DCCN D01906, ERN 0016-1791 (KHM).

³⁹⁷ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.27** dated 18 August 1976, ERN 00183964-00183965 (ENG); **DK Military Meeting Minutes** entitled *Summary of the Situation from 15 July until 31 August 1976*, **D60-00049** dated 31 August 1976, DCCN L0001608, ERN 00162493-00162497 (KHM); **DK Military Meeting Minutes** entitled *Minutes of Divisional and Regiment Secretary-Undersecretary of Logistics Meeting*, **IS Annex C No. 13.32** dated 19 September 1976, ERN 00183970-00183981 (KHM); **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, ERN 00183982-00183994 (ENG); **DK Military Meeting Minutes** entitled *Minutes of the Plenary Meeting of Division*, **IS Annex C No. 13.38** dated 21 November 1976, ERN 00184826-00184828 (ENG).

³⁹⁸ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, at ERN 00183986, ERN 00183982-00183994 (ENG).

³⁹⁹ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.34** dated 9 October 1976, at ERN 00183990, ERN 00183982-00183994 (ENG);

⁴⁰⁰ **DK Military Telegram**, dated 11 June 1976, DCCN L0001289, ERN 00003701-00003702 (KHM).

⁴⁰¹ **DK Military Telegram**, **D60-00048** dated 13 August 1976, DCCN L0001337, ERN 00000860-00000860 (KHM).

⁴⁰² **DK Military Meeting Minutes** entitled *Summary of the Situation from 15 July until 31 August 1976*, **D60-00049** dated 31 August 1976, DCCN L0001608, at ERN 00162493, ERN 00162493-00162497 (KHM).

⁴⁰³ **DK Military Directive** entitled *Instructions of Son Sen to Division 164* dated 4 November 1976, DCCN L0001534, ERN 00162492-00162492 (KHM).

⁴⁰⁴ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, **IS Annex C No. 13.42** dated 1 March 1977 at p. 1 (ENG summary), DCCN L0000045, ERN 00052304-00052311 (KHM).

⁴⁰⁵ **DK Military Telegram** entitled *Telegram 11 to Brother Mut*, **D56-00059** dated 24 September 1976, L0001459, ERN 00000863-00000863 (KHM).

⁴⁰⁶ **DK Military Telegram** entitled *Telegram No. 00, Respectfully presented to Office 870*, **IS Annex C No. 21.74** dated 31 December 1977, ERN 00184995-00184995 (ENG).

⁴⁰⁷ *See supra*, note 142.

⁴⁰⁸ **KAING Guek Eav alias DUCH** OCIJ Statement, **D68** dated 2 April 2008 at ERN 00178059, ERN 00178058-00178070 (ENG).

⁴⁰⁹ HAM Doeun was arrested on 21 April 1977 and executed on 8 December 1977. The following documents indicate that Dim's documentation had been finished and already reported to higher authority: **S-21 Prisoner List**, **D57-00094** dated 26 August 1977, DCCN D13129, ERN 00161776-00161776 (KHM); **S-21 Prisoner List**, **D57-00100** dated 21 September 1977, DCCN D14836, ERN 00161778-00161778 (KHM); **S-21 Execution Log from 1976-1978**, **D36-A** dated 2005, ERN 00080610-00081199 (KHM).

⁴¹⁰ **S-21 Confession of HANG Doeun alias Dim**, **D81-00001** dated 15 May 1977, DCCN J549, ERN 00162140-00162394 (KHM).

⁴¹¹ **S-21 Confession of KUN Dim**, **IS Annex C No. 5.41** dated 10 September 1977, DCCN J872, ERN 00091808-00091864 (KHM).

⁴¹² **S-21 Confession of PAEN Ham**, dated 24 May 1977, DCCN J468, ERN 00162012-00162139 (KHM).

⁴¹³ **S-21 Prisoner List**, DCCN D12393, ERN 00159970-00159970 (KHM); **S-21 Prisoner List**, **D57-00068** dated 20 April 1977, DCCN D10927, ERN 00088754-00088754 (KHM) (noting that HANG Doeun alias Dim was arrested on 21 April 1977 and sent to S-21); **S-21 Prisoner List**, **IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM). In addition, HANG Doeun wrote several confessions while under interrogation at S-21. *See*, for example: **S-21 Confession of HANG Doeun alias Dim**, **D81-00001** dated 15 May 1977, DCCN J549, ERN 00162140-00162394 (KHM); **S-21 Confession of HANG Doeun alias Dim**, DCCN H127, dated 1 August 1977, ERN 00176993-00177137 (KHM).

⁴¹⁴ **S-21 Prisoner List**, DCCN D12393, ERN 00159970-00159970 (KHM). In addition, MEN Nget wrote a confession while under interrogation at S-21: **S-21 Confession of MEN Nget**, DCCN M061, ERN 00205413-00205500 (KHM).

⁴¹⁵ **S-21 Prisoner List**, **D57-00051**, DCCN D14104, ERN 00086996-00086997 (KHM); **S-21 Prisoner List**, DCCN D12393, ERN 00159970-00159970 (KHM); **S-21 Prisoner List**,

IS Annex C No. 5.42 dated 26 May 1977, DCCN J300, ERN 00017305-00017351 (KHM); **S-21 Prisoner List, D57-00094** dated 26 August 1977, DCCN D13129, ERN 00161776-00161776 (KHM); **S-21 Prisoner List, D57-00100** dated 21 September 1977, DCCN 14836, ERN 00161778-00161778 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that MOM Chim alias Ya was arrested in May 1977 and executed on 13 March 1978). In addition, MOM Chim alias Ya wrote a confession while under interrogation at S-21: **S-21 Confession of MOM Chim alias Ya**, DCCN M148, ERN 00205501-00205580 (KHM).

⁴¹⁶ **S-21 Prisoner List, D12394**, ERN 00161749-00161749 (KHM); **S-21 Prisoner List**, dated 14 April 1977, DCCN 10100, ERN 00159960-00159961 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that SAM was arrested in 1977 and executed on 29 June 1977). In addition, SAM wrote a confession while under interrogation at S-21: **S-21 Confession of SAM**, DCCN S260, ERN 00205786-00205821 (KHM).

⁴¹⁷ **S-21 Prisoner List, D57-00068** dated 20 April 1977, DCCN D10927, ERN 00088754-00088754 (KHM); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that SAN Seab alias Sam was arrested in April 1977 and executed on 19 September 1977). In addition, SAN Seab alias SAM wrote a confession while under interrogation at S-21: **S-21 Confession of SAN Seab alias SAM**, DCCN S219, ERN 00205758-00205785 (KHM).

⁴¹⁸ **S-21 Prisoner List**, DCCN D12400, ERN 00161762-00161769 (KHM); **S-21 Prisoner List**, dated 14 April 1977, DCCN 10100, ERN 00159960-00159961 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that SEK Pheang was arrested on 23 April 1977 and executed on 14 February 1978).

⁴¹⁹ **S-21 Prisoner List**, DCCN D12394, ERN 00161749-00161749 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that CHOEK Sreng was arrested on 11 April 1977 and executed on 14 February 1978).

⁴²⁰ **S-21 Prisoner List, D57-00051**, DCCN D14104, ERN 00086996-00086997 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that KORNG Kien alias OENG Vet was arrested in April 1977 and executed on 13 March 1978). In addition, KORNG Kien alias OENG Vet wrote a confession while under interrogation at S-21: **S-21 Confession of KORNG Kien, IS Annex C No. 5.42** dated 26 May 1977, ERN 00017305-00017351 (KHM); **S-21 Confession of KORNG Kien**, DCCN K172, ERN 00205352-00205400 (KHM).

⁴²¹ **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that KUNG Sien alias San was arrested on 28 April 1977 and executed on 14 February 1978).

⁴²² **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that PEN Ham was arrested on 28 April 1977 and executed on 14 February 1978). In addition, PEN Ham wrote a confession while under interrogation: **Confession of PEN Ham**, dated 3 June 1977, DCCN J468, ERN 00162012-00162139 (KHM); **S-21 Confession of PEN Ham**, DCCN P320, ERN 00205581-00205757 (KHM).

⁴²³ **S-21 Prisoner List, D57-00077** dated 25 May 1977, DCCN D06925, ERN 00088735-00088735 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that NOP Norm was arrested on 24 May 1977).

⁴²⁴ **S-21 Prisoner List, D57-00068** dated 20 April 1977, DCCN D10927, ERN 00088754-00088754 (KHM); **S-21 Prisoner List, D57-00094** dated 26 August 1977, DCCN D13129, ERN 00161776-00161776 (KHM); **S-21 Prisoner List, IS Annex C No. 16.13** dated October 1977, DCCN D10999, ERN 00082795-00082814 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that KUN Dim was arrested on 25 April 1977 and executed on 19 September 1977). In addition, KUN Dim wrote a confession while under interrogation: **Confession of KUN DIM, IS Annex C No. 5.41** dated 20 July 1977, DCCN J872, ERN 00091808-00091864 (KHM).

⁴²⁵ **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that KUONG Sean alias San was arrested on 28 April 1977 and executed on 14 February 1978).

⁴²⁶ **S-21 Prisoner List, DCCN D12402, ERN 00161772-00161774 (KHM); S-21 Prisoner List, D57-00036** dated 13 December 1976, DCCN D13851, ERN 00068739-00068839 (KHM). *See also, List of Arrestees from Division 164* by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG). In addition, CHHUN Lun alias At wrote a confession while under interrogation at S-21: **S-21 Confession of CHHUN Lun alias At, DCCN C170, ERN 00205204-00205351 (KHM).**

⁴²⁷ **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that IENG Song alias Sreng was arrested on 15 June 1976 and executed on 2 October 1976).

⁴²⁸ **List of Arrestees from Division 164** by Bunsou Sour dated 25 January 2008, ERN 00196162-00196178 (ENG) (indicating that NGUON Lak alias Sarath was arrested on 28 April 1977 and executed on 13 March 1978).

⁴²⁹ **MEAS Mut Interview**, by Christine CHAUMEAU and BOU Saroeun, **IS Annex C No. 19.111** dated 20 July 2001, ERN 00089661-00089662 (ENG).

⁴³⁰ **Media Article** by Erika KINETZ and YUN Samean, entitled *Let Bygones be Bygones*, dated 1-2 March 2008, ERN 00165820-00165822 (ENG).

⁴³¹ **DK Military Report** entitled *Secret Telephone*, **IS Annex C No. 18.59** dated 1 April 1978, D02094, ERN 00017026-00017026 (KHM).

⁴³² **DK Military Telegram** entitled *Secret Telephone to Brother 80*, **D60-00215** dated 20 March 1978, D02095, ERN 00020982-00020982 (KHM).

⁴³³ **DK Military Report** entitled *Secret Telephone* dated 12 August 1977, D01966, ERN 00020912-00020912 (KHM).

⁴³⁴ **DK Military Meeting Minutes** entitled *Minutes of the Meeting of Secretaries and Logistics of Divisions and Independent Regiments*, **IS Annex C No. 13.32** dated 19 September 1976 at p. 2 (ENG summary), DCCN L0001451, ERN 00052389-00052401 (KHM).

⁴³⁵ **DK Military Letter** entitled *To Respected Brother 89* dated 19 October 1976, DCCN D21921, ERN 00160064-00160064 (KHM).

⁴³⁶ **Witness OCP-00117, OCP Interview Notes**, dated 13 August 2008, ERN 00217560 ERN 00217559-00217560 (ENG).

⁴³⁷ In March 2008, **MEAS Mut** and **SOU Met** were both informed by journalists that they were potential targets of investigations by the Office of the Co-Prosecutors based on

information in a book called “Seven Candidates for Prosecution” written by Stephen Heder and Brian Tittmore. See **Media Article** by Erika KINETZ and YUN Samean, entitled *Let bygones be bygones: Ex-KR Commander MEAS Muth reflects on life, the Tribunal, and justice*, dated 1-2 March 2008, ERN 00165821-00165822 (ENG). Both men were dismissive of the work of the ECCC. **MEAS Mut** said he did not “need to tell anything to the world,” while **SOU Met** minimized his role during the DK period and denied responsibility for sending his subordinates to S-21. *Id.*

⁴³⁸ Case of **KAING Guek Eav alias DUCH**, *Decision on Appeal against Provisional Detention Order of KAING Guek Eav*, dated 3 December 2007, **C 5/45**, at ERN 00154294, ERN 00154284-00154302 (ENG); Case of **NUON Chea**, *Decision on Appeal against Provisional Detention Order of NUON Chea*, dated 20 March 2008, **C/11/54**, at ERN 00172928, ERN 00172907-00172934 (ENG); Case of **IENG Thirith**, *Decision on Appeal against Provisional Detention Order of Ieng Thirith*, ECCC Pre-Trial Chamber, dated 9 July 2008, **C 20/I/26**, at ERN 00201598 (ENG), ERN 00201588-00201605 (ENG).