

reeducation: "Upon hearing that [I had to remarry], I was afraid; I was worried because my husband had just left and if he were to return, then there would be big trouble."<sup>2522</sup> Nget Chat testified, "It was four or five days after my husband had been taken away. All the Khmer Krom were collected and taken away. I was still weeping at the loss of my husband, and I was sent to get married."<sup>2523</sup>

622. The abandonment of all tradition in the ceremonies impacted numerous victims who regretted that they were not married in accordance with Khmer traditions, and some believed that the absence of rituals and religious blessings meant their marriages could not be happy or were unprotected spiritually.<sup>2524</sup> Women in one study described their forced marriages as "inferior marriages" because they excluded the permission of parents as well as the customary validation and legitimacy conferred by traditional ceremonies.<sup>2525</sup> Indeed, the absence of family in the marriage process was a source of pain or psychological anguish for many.<sup>2526</sup>

113 [Civil Party whose wife died in 1976 or 1977 and was forced to remarry in April 1978]; **E3/10655** K. Nakagawa, *Motherhood at War*, EN 01322864 [provides examples of widows forced to remarry, such as Leng Vuth and Moy Rom]; **E3/2959** K. Nakagawa, *Gender-Based Violence*, EN 00421893, 919; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992278; **E3/6229a** Prum Chy SIF, EN 01184708.

<sup>2522</sup> **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.16.56-11.18.38.

<sup>2523</sup> **E1/489.1** Nget Chat, T. 25 Oct 2016, 09.56.48-10.01.22; **E3/9790** Nget Chat WRI, A98; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 ["I was still weeping. I felt afraid that I would die and leaving my children behind, so I did not dare to oppose"].

<sup>2524</sup> **E1/466.1** Chea Dieb, T. 30 Aug 2016, 14.15.48 ["Of course I felt upset when I thought of the way that I was married ... I am upset with my destiny"]; **E1/469.1** Nop Ngim, T. 5 Sept 2016, 11.27.22 ["in my heart, I wanted my marriage to be held according to the tradition, but how could I do? I had no choice"]; **E3/9830** [REDACTED] WRI, A83-84 ["I felt regret because I was not able to have a proper ceremony in accordance with our tradition ... I felt very upset inside my heart, and I also secretly cried, but I did not let anyone know that I was crying"]; **E1/482.1** P. Levine, T. 12 Oct 2016, 09.06.41 ["anxiety people experienced by not having a particular kind of protection that is embedded for centuries in Cambodia"]; **E3/9756** Va Limhun WRI, A44; **E3/9240** R. Braaf, *Sexual Violence against Ethnic Minorities*, EN 00992296 ["respondents continue to live with regret and sorrow that they were not able to marry traditionally or someone that they loved"]; **E3/1794** P. Levine, *A Contextual Study*, EN 00482424, EN 00482475; **E3/9614** T. De Langis et al., *Like Ghost Changes Body*, EN 01037059.

<sup>2525</sup> **E3/9614** T. De Langis et al., *Like Ghost Changes Body*, EN 01037073.

<sup>2526</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.14.31 ["I was really disappointed because my parents were not allowed to attend the occasion at the time"]; **E1/325.1** Khin Vat, T. 29 July 2015, 15.38.30 ["It was unfortunate enough that my parents were not aware of my marriage"]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 15.49.18 ["there was no permission at all from our parents, they just mixed and matched us, and that's how we all wept"]; **E1/487.1** Preap Sokhoeun, T. 20 Oct 2016, 15.41.55 ["I still feel regret today. I should not have lost my virginity without the presence of my parents in the wedding day"]; **E1/482.1** Pen Sochan, T. 12 Oct 2016, 13.55.20 ["That's the point that made me [suffer]. That wedding took place without the participation of my siblings and relatives"]; **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 15.50.21 ["a loss of parental consent to the husband was a big traumatic experience and now ... breaking her virginity without her parents' consent ... put her into another traumatic experience"]; **E3/7474** Chum Neou, T. 24 Aug 2009, 10.31.10 ["I was explained ... that we should regard Angkar as our parents who arrange our marriage and we should just agree to the proposal. So actually I was tearful during the wedding day"]; **E3/9614** T. De Langis et al., *Like Ghost Changes Body*, EN 01037042 ["Forced marriages were considered by many victims as disobedient acts against parents and ancestors"], EN

623. Numerous couples who were forcibly married during the DK regime divorced after 1979<sup>2527</sup> but many others decided to stay together afterwards for a variety of reasons: some grew to love the chosen spouse, others felt obligated or wanted to avoid stigma, others stayed for the sake of their children, or for economic reasons following the fall of the DK regime.<sup>2528</sup> A number of victims remained in such relationships despite continued spousal abuse.<sup>2529</sup>
624. Many victims have also internalised a deep sense of shame and self-blame, and they harbour fears that they or their children will be discriminated against because of their own forced marriages.<sup>2530</sup> These feelings are intrinsically linked to the fact that the

01037043, 75 ["Disappointment is the prevailing emotional response ... at having lost the opportunity to exert control over a major life decision such as marriage and to not have that life decision validated and legitimized by family and ancestors"]; E3/9736 Meas Saran WRI, A114; E3/9756 Va Limhun WRI, A20.

<sup>2527</sup> See e.g. E3/9472 Yin Teng WRI, A430-434 [Tram Kak District: "They separated after the Khmer Rouge regime because they did not love each other. ... They separated from each other informally"]; E1/305.1 Meas Layhuor T., 26 May 2015, 09.30.21; E3/9351 Meas Laihuo WRI, EN 00244165; E3/9350 Van Som WRI, EN 00244170; E3/5294 Sou Soeun WRI, EN 00360115-16; E3/9668 Penh Va WRI, A30; E3/5558 Hornng Orn WRI, EN 00381010; E3/9747 [REDACTED] WRI, A100; E3/9743 [REDACTED] WRI, A9; E3/9326 Mao Phat WRI, EN 00272581.

<sup>2528</sup> E1/489.1 Say Naroeun, T. 25 Oct 2016, 11.15.50 [forcibly married to a disabled soldier, Central Zone: "After the liberation year, I decided to remain in the relationship because I had pity for my child ... I do not want to see my child having a second father or for me to have a second husband ... although my feeling hurt. Everything was done for the sake of my child"]; E1/488.1 Kul Nem, T. 24 Oct 2016, 14.39.41 ["I wanted to separate from her, but I could not because we got married already. I did not dare, I was afraid"]; E1/464.1 Yos Phal, 25 Aug 2016, T. 10.53.00-10.55.47 ["So we were still together at that time because of the pressure from parents and siblings"]; E3/7231 Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 [Heng Kuylang: "The biggest reason she feels unable to break up with her husband is the children ... she did not want others to look down on her children as the children of a single mother"]; E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037043, 79 ["More than one-half of all respondents (53.1%) stayed in their forced marriages after the fall of the Khmer Rouge regime, largely motivated by children born in the marriage, as described in case studies. Other motivations to stay in the marriage included pity, trans-generational karmic consequences, the importance of shared traumatic experiences during the regime, and, after all, love"]; E3/1794 P. Levine, *A Contextual Study*, EN 00482550; E3/10655 K. Nakagawa, *Motherhood at War*, EN 01322857, 85; E3/9828 [REDACTED] WRI, A26; E3/9830 [REDACTED] WRI, A86-88 ["A87: Because he was also a resident in this village, and on top of that I did not have any parents on whom I could rely ... A88: Because I did not want to have two or three husbands. In short, I did not want to remarry in my life"]; E3/9829 Suon Yim WRI, A14 ["if I wanted a divorce I had to leave this village. ... I did not want my children to have a difficult life, so I decided to continue living with him"].

<sup>2529</sup> E1/394.1 Sieng Chanthly, T. 1 Mar 2016, 10.46.05 [her sister and husband are still together although he is often drunk and she suffers a lot]; E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, 01037071 ["Abusive forced marriage can be expected to be among the hardest to dissolve due to retaliation, economic dependency, fear of relinquishing children and trauma resulting from the abuse"], EN EN 01037079 ["Many of the forced marriages that remained intact are reported as dysfunctional, with more than half (52.9%) in the survey sample reporting spousal abuse"]; E3/7231 Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 ["Ms. Kuylang endures suffering from abuse of a mental, physical and sexual nature"].

<sup>2530</sup> E1/475.1 Mom Vun, T. 16 Sept 2016, 11.13.35 ["I did not dare to speak about the second marriage because I was ashamed of it"]; E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037035 ["case studies illuminate the internalized disappointment and shame many victims carry as a result of the assigned match. Parents ... reported ... difficulty in sharing the truth about the forced marriage with

victims were unable to experience a traditional wedding, and that their marriage union was not approved by family and ancestors.<sup>2531</sup> Some victims report that others blame them for their circumstances and look down on them, often excluding them and their children, particularly from taking part in other wedding ceremonies.<sup>2532</sup>

625. The findings of a Transcultural Psychosocial Organisation (“TPO”) study focused solely on determining the impact of forced marriage during the DK regime further corroborate the long-lasting toll the practice had on its victims:

More than two-thirds of all respondents (70.2%) reported ongoing mental health problems, describing these ... as ‘dissatisfied with life’ and grave disappointment from the forced marriage, especially when ‘attending wedding ceremonies or hearing traditional wedding songs.’ Some reported being quick to anger, others of panic attacks, and still others of lingering emotional trauma when they remember their forced wedding ceremony.<sup>2533</sup>

626. In addition to the suffering caused by being forcibly married, men and women were also deeply traumatised by being forced to have sexual intercourse. Victims recalled the fear and pressure they felt to consummate the marriage, or to hide the fact that they had not had sex.<sup>2534</sup> Transgender and homosexual persons forced into marriage and sexual

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children born out of the union. Of those who have not shared their forced marriage experience with others, more than half (52.6%) reported feelings of shame, while more than one-third (36.8%) reported fear of stigma and discrimination”, EN 01037076 [“Self-blame and isolation; loss of access to spiritual arenas, love and rituals of love; loss of emotional support and economic opportunities are a few of the costs paid by women due to the stigma attached to Khmer Rouge forced marriages”]; E3/7231 Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003572 [“Ms. Pheap ... feels she had shamed her children by failing to marry a good man”], EN 01003539 [Lay Kimchhean “felt like she was not a valuable or strong person ... she felt lonely, weak, as she was forced to marry ... She used to regularly experience suicidal thoughts”]; E3/7752R Video, *Women and Transitional Justice*, 2012, 04:00 [“Often survivors have not spoken of their experiences due to feelings of shame ... and fear of discrimination”]; E3/7233R Video, *Red Wedding*, 2011, 25:45-26:11 [Pen Sochan: “If I talk about it to my children, who love me, they will be ashamed ... I will regret it all my life. That’s why I don’t talk about it to anyone”].

<sup>2531</sup> E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059 [“(25.7%) reported experiencing social problems as a result of the forced marriage, including feeling shamed because the traditional wedding ceremony had not been followed, or being excluded from wedding events”].

<sup>2532</sup> E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059 [“Respondents reported forced married couples being looked down upon and ostracized by the community”], EN 01037076 [“women in particular have carried the shame and stigma associated with forced marriages, which translated into a more general devaluation of women’s social status” ... “Some people in the village do not want their children to marry my children”]; E3/7752R Video, *Women and Transitional Justice*, 04:08-04:41 [Hang Orn: “My community says I’m not a good woman. They say I didn’t get married traditionally. They look down on me. Moreover, they look down on my kids, too. For weddings, they don’t ask us to be bridesmaids”].

<sup>2533</sup> E3/9614 T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059.

<sup>2534</sup> E1/489.1 Say Naroeun, T. 25 Oct 2016, 10:48:09 [“I felt difficult in to breathe in my heart ... as a Khmer woman, nothing is more important than our body. Although I was fearful and trembling ... I had to give my body to my husband in order to fulfil the requirement of Angkar. It was so painful for me”]; E1/487.1 Preap Sokhoeun, T. 20 Oct 2016, 15:06:30 [“I was scared. I was thinking every moment, I could not



intercourse were particularly affected physically and psychologically from the denial of their sexual orientations, as Sou Sotheavy testified.<sup>2535</sup> In situations where physical and sexual assault occurred, the relationship was deeply affected and either one or both experienced physical and/or mental trauma.<sup>2536</sup>

627. Victims of spousal abuse, beatings and rapes associated with forced marriage often

sleep well ... And the only thing that I was thinking is ... that if I did not go along well with him and Angkar knew about it, Angkar would send me to be killed"; **E1/488.1** Nget Chat, T. 24 Oct 2016, 16.03.42 ["We kept quiet because we saw cases where people were taken away to be killed. So we did not dare to even whisper to each other"]; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.25.08 ["my whole body was trembling and I was very afraid and I told him, 'please don't do anything to me', and the man did not do anything to me, I was fortunate enough for that. Then I heard footsteps outside the room, I began to tremble again"], 14.31.35 ["we Cambodian girls would not willingly give ourselves to the men that we just knew and for that reason my body was trembled and I actually begged him to keep a secret that we did not consummate our marriage"]; **E3/9756** Va Limhun WRI, A36 and A42-43; **E3/5561** Mao Kroeum WRI, EN 00384790 ["I felt disappointed because they forced me to do that, and I was innocent at that time"].

<sup>2535</sup> **E1/462.1** Sou Sotheavy, T. 23 Aug 2016, 15.49.56 ["in 1975 and '76, there were cases of forced marriage but the transgender people would refuse even though they had to commit suicide. They would commit suicide by drinking the poisonous substance. They refused to get married"]; **E1/197.1**, Sou Sotheavy T. 27 May 2013, 09.51.41 ["I had to [hide my identity or gender], because I was very worried that I would be killed. I had to force myself to have my hair cut so that I looked like a man and I had to mingle with men and I was forced to get married. It was great pain"], 09.56.43 ["I am mentally challenged now. It is difficult for me to control my feeling so every time I recall the Khmer Rouge regime, then the flood of memory triggers me and I cannot do anything"]; **E1/463.1** Sou Sotheavy, T. 24 Aug 2016, 11.17.08 ["to my estimation there were quite a number of transgender people that I had met"], 11.06.21 ["I said that I did not like women and I did that because of the Pol Pot regime. Like now, I am by myself but I don't have any feeling for any women. And that's why I said that I did not have any feelings to have sexual intercourse with a woman. And that was the only time that I had sexual intercourse with a woman because I was afraid of death, and it's also because I was under the effects of alcohol"], 13.36.08 ["If I had disclosed my identity or gender that I was a transgender man, loving the same sex, I would have been killed"], 14.01.54 ["I lost everything ... I was forced to get married. I was sexually abused due to my transgender nature"].

<sup>2536</sup> **E1/472.1** K. Nakagawa, T. 13 Sept 2016, 15.45.55 ["forcing a man to rape somebody is [an] inhuman act. Not all men could do it, first of all, but they were forced to do that. And the fear is unmeasurable how he was scared if he failed to do it. And many women were apparently very scared or they were showing the emotion that they don't want to accept the husband. And under such terrible circumstances, men had to complete it ... the husband might have been feel[ing] guilty to the wife or ... scared that his wife would never love him and that might have remained as a scar or a trauma for a long period of time"], 15.48.27 ["this is a huge terror imposed on a woman who may not have been most probably exposed to any sexuality issues and, of course, after the rape it happens, I think, in many ways. Some rape happened in a very violent way as I have documented. The husband used violence, but some rapes were not violent as I documented, but the men were forced to rape their wife and the wife had to be raped by the husband"]; **E1/487.1** Preap Sokhoeurn, T. 20 Oct 2016, 15.11.22-15.15.38 ["he [my husband] says that that was Angkar's instructions ... I kept weeping that night, throughout the whole night ... I hurt physically and morally ... I could not sleep and I could not eat and I became pale"]; **E1/482.1** Pen Sochan, T. 12 Oct 2016, 14.22.27 ["he beat me during the very first night ... that night, he slapped me; he beat me up"], 14.39.32 ["On the third night ... three militiamen [who] came to tie my hands to a pillar ... and I was raped successfully [by my husband]. I was bleeding for more than one month as a result of that incident"]; **E3/7233R** Video, *Red Wedding*, 2011, 11:00-11:34 [Pen Sochan: "I feel sorry for myself because I was forced to marry! ... I feel sorry for my body. And I hate them. I want to cut the parts of my body that my husband touched at that time. Without tranquilizers, I can't sleep. I take them every day"], 20:36-21:16 ["I can't sleep at night. I have nightmares, I wake up with headaches and dizziness ... My whole life I will carry my sufferings from the Khmer Rouge time"], 26:15-26:38; **E1/475.1** Mom Vun, T. 16 Sept 2016, 14.39.23; **E1/477.1** Mom Vun, T. 20 Sept 2016, 09.49.26.



experienced reproductive and other physical injuries. The TPO study found that these included negative sexual functioning, gynaecological problems, lost sexual interest and lack of sex drive, and fear of having sex with a second spouse.<sup>2537</sup>

628. Thousands suffered from the DK policy of forcing couples to wed and consummate the marriage. These deeply inhumane crimes severely impacted its victims and took place within the context of the DK authorities widespread and systematic attack on the civilian population of Cambodia.

### 8. Nationwide Practice

629. The forced marriage policy, including forced consummation, was enforced nationwide.<sup>2538</sup> It was implemented in every zone and autonomous sector of the country, as well as in the RAK Centre divisions. The evidence clearly shows forced marriages organised between late 1975 or early 1976 and 6 January 1979 in the Central Zone,<sup>2539</sup> Northwest Zone,<sup>2540</sup> North Zone,<sup>2541</sup> Northeast Zone,<sup>2542</sup> East Zone,<sup>2543</sup> West Zone,<sup>2544</sup>

<sup>2537</sup> **E3/9614** T. De Langis *et al.*, *Like Ghost Changes Body*, EN 01037059; *see also* EN 01037073; **E3/7231** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003572.

<sup>2538</sup> *See Annexes II-14* contain two annotated maps and two charts which indicate the locations where forced marriages occurred in DK based on evidence of victims and witnesses (non-victims) from trial testimony and statements given to OCJ during the investigation. This analysis was done on a conservative basis, only recording that forced marriages or forced consummation occurred based on explicit testimony or statement of a witness. Where testimony of a witness has been analysed, the underlying written record of interview of a witness was not also analysed to avoid taking into account evidence of one victim or witness twice. In total, 54 trial witnesses and 131 witnesses who gave statements to OCJ in Case 002/02 have been identified as providing evidence of forced marriage and rape within the context of forced marriage. This sampling is reflective of several constraints, such as limitations on the scope of the investigation and the fact that witnesses were not always questioned thoroughly on each aspect of the crimes during the investigation particularly on the sensitive issues of consent and consummation. Nonetheless, this limited sampling provides concrete evidence of the implementation of Party policy of forced marriage in each zone across Cambodia, as can be seen in **Annex II-14**, and supports the conclusion that forced marriage occurred on a systematic and widespread basis.

<sup>2539</sup> *See e.g.* **E1/461.1** Om Yocurn, T. 22 Aug 2016, 15.42.39, 15.47.01-15.50.40 [Chamkar Leu District]; **E1/478.1** Sem Om alias Prum iet, T. 21 Sept 2016, 10.07.22-10.11.23 [Chamkar Leu District]; **E3/9756** Va Limhun WRI, A23 [Kampong Siem District]; **E3/9829** Suon Yim WRI, A6 [Kampong Siem District]; **E3/10744** Sum Chanthol WRI, A111 [Kampong Siem District]; **E3/9820** Preap Sokhoeum WRI, A20 [Prey Chhor District]; **E3/9669** Penh Va WRI, A4 [Prey Chhor District].

<sup>2540</sup> *See e.g.* **E1/323.1** Sen Sophon, T. 27 July 2015, 15.46.50 [Phnom Srok District]; **E3/9778** [REDACTED] WRI, A162-A164 [Bakan District]; **E3/9823** Nap Somaly WRI, A139-A141, A148, A155 [Kampong Tralach District]; **E3/9562** [REDACTED] WRI, A177 [Phnom Srok District]; **E3/9831** [REDACTED] WRI, A115 [Sangke District]; **E3/9790** Nget Chat WRI, A96-A97 [Bakan District]; **E3/9785** Yim Sovann WRI, A76 [Kandieng District]; **E3/9826** [REDACTED] WRI, A110 [Sangke District]; **E3/9515** Peou Simuon WRI, A76 [Bakan District]; **E3/9469** [REDACTED] WRI, A67 [Bakan District]; **E3/9782** [REDACTED] WRI, A93 [Bakan District]; **E3/9800** [REDACTED] WRI A186-A87 [Bakan District]; **E3/9471** [REDACTED] WRI, A73 [Phnum Kravanh District]; **E3/9822** [REDACTED] WRI, A340-A345 [Sampov Meas District]; **E3/9761** [REDACTED] WRI, A112 [Kandieng District]; **E3/9785** Yim Sovann WRI, A87 [Kandieng District]; **E3/9777** [REDACTED] WRI, A15 [Koas Krala District]; **E3/9818** [REDACTED] WRI, A15, A29, A32, A44, A46, A51.

<sup>2541</sup> *See e.g.* **E3/5184** Chea Thy WRI, EN 00225528 [Sector 44]; **E3/5589** Kim Dav WRI, A4-A5 [Kralanh District]; **E1/475.1** Mom Vun, T. 16 Sept 2016, 11.18.38-11.24.42 [Chikreang District]; **E3/5248** Tem

Southwest Zone,<sup>2545</sup> autonomous Sector 505,<sup>2546</sup> in the ministries in Phnom Penh,<sup>2547</sup> and in Centre divisions.<sup>2548</sup> With specific reference to Case 002/02 crime sites, many workers at the 1<sup>st</sup> January Dam construction site were forced to marry in mass ceremonies organised in their villages or communes.<sup>2549</sup> Forced marriages also occurred at the Trapeang Thma Dam worksite,<sup>2550</sup> and in Tram Kak District.<sup>2551</sup>

- Kimseng WRI, EN 00235146 [Sotr Nikom District]; **E3/3964** Pechuy Chipse WRI, EN 00225211 [Angkor Chum District].
- 2542 See e.g. **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 14.09.25 [Kaoh Nheak District]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.27.39 [Kaoh Nheak District]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.20.57-15.26.14 [Northeast Zone Army]; **E3/9326** Mao Phat WRI, EN 00272581 [Banlung District].
- 2543 See e.g. **E1/113.1** Em Oeun, T. 23 Aug 2012, 15.55.36 [Prey Veng District]; **E3/5130** Khut Unn WRI, EN 00223181 [Khsach Kandal District]; **E3/5254** Sok Thul WRI, EN 00242363 [Svay Chom District]; **E1/459.1** Mey Savoeun, T. 17 Aug 2016, 10.09.47 [Kampong Trabek District]; **E3/5508** Bun Buon WRI, A32 [Me Sang District]; **E3/9329** Yuok Iem WRI, EN 00272702 [Ponhea Kraek District]; **E3/5564** Snguon Tai Ren WRI, EN 00414579 [Kaoh Soutin District]; **E3/5562** Seng Chon WRI, EN 00400458 [Pea Reang District].
- 2544 See e.g. **E3/9823** Nap Somaly WRI, A141, A154 [Kampong Tralach District]; **E3/5127** Tieng Rany WRI, EN 00163433 [Sameakki Mean Chey District]. See also **E3/10713** Chuon Thy WRI, A30 [Division 1]; **E1/387.1** Meas Voeun, T. 3 Feb 2016, 10.40.55-10.45.23 [Division 1].
- 2545 See e.g. **E1/464.1** Yos Phal, T. 25 Aug 2016, 09.25.19-09.26.08 [Treang District, 107]; **E1/465.1** Seng Soeun, T. 29 Aug 2016, 09.55.14-09.56.58 [Chief of S'ang District Office]; **E3/409** Seng Soeun WRI, A65, 67; **E3/5561** Mao Kroeun WRI, EN 00384789 [District 106]; **E3/5560** Tes Ding WRI, EN 00377170-71 [District 106]; **E3/5499** Uk Phom WRI, EN 00372932 [Angkor Chey District, 106]; **E3/9747** [REDACTED] WRI, A99-100 [Kirovong District, 109]; **E3/9760** Ly Chhuon WRI, A72 [Kirovong District]; **E3/9830** [REDACTED] WRI, A62-63 [Kampong Trach District]; **E3/5559** Khiev Horn WRI, EN 00377369 [Kien Svay District]; **E3/10639** [REDACTED] WRI, A9-11, A159, A162, A197, A203 [Disabled Division 2 Deputy Battalion].
- 2546 See e.g. **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.53.53-09.57.05 [Prey Nob District]; **E3/9355** Phat Duongchan WRI, EN 00375683 [Sambour District]; **E3/9325** Dy Mach WRI, EN 00239495 [Sambour District]; **E3/408** Duk Suo WRI, A88 [Sambour District]; **E3/436** Heng Lai Heang WRI, A26, A30 [Sector 505]; **E3/1678** Tuoloas Sma El WRI, EN 00353497 [Sambour District]; **E3/10626** [REDACTED] WRI, A10 [Sambour District].
- 2547 See e.g. **E3/10620** Ruos Suy WRI, A77, A79, A83 [Ministry of Commerce]; **E1/466.1** Chea Dieb, T. 30 Aug 2016, 13.56.22-14.02.17 [Ministry of Commerce], 14.15.48; **E1/467.1** Phan Him, T. 31 Aug 2016, 14.23.40, 14.30.47 [Ministry of Commerce]; **E1/468.1** Phan Him, T. 1 Sept 2016, 09.25.10-09.30.50, 09.40.52; **E1/500.1** Thuch Sithan, 21 Nov 2016, 14.46.49-14.51.30 [Ministry of Social Affairs]; **E3/5305** Thuch Sithan WRI, EN 00345228; **E3/5306** Svay Boramy WRI, EN 00345184; **E3/5677** Saom Mon DC-Cam Statement, EN 00597370 [Ministry of Commerce]; **E3/5642** Phan Sarath OCP Interview, EN 00197563 [Ministry of Commerce].
- 2548 See e.g. **E1/449.1** Moeng Veth, T. 27 Jul 2016, 09.56.24 [Southwest Zone army Division 2 then Central Zone Division 117]; **E1/325.1** Khin Vat, T. 29 July 2015, 15.38.30 [Division 502 female soldier forcibly married at Kampong Chhnang airport]; **E1/326.1** Khin Vat, T. 30 Jul 2015, 09.36.43; **E1/321.1** Chum Samoeun, T. 24 Jun 2015, 14.25.08 [Division 502 female soldier forcibly married, Kampong Chhnang Airport]; **E1/412.1** Sun Vuth, T. 31 Mar 2016, 09.16.01 [Division 920]; **E1/419.1** Nhem En, T. 20 April 2016, 14.03.16-14.07.22, 14.26.44-14.33.20 [Division 703]; **E1/427.1** Him Huy, T. 4 May 2016, 15.23.15 [Division 170, S-21]; **E3/10622** Moeng Veth WRI, A80-A81, A163-165, A168; **E3/10731** [REDACTED] WRI, A96-99, A101 [Division 310]; **E3/10621** Chhouk Rin WRI, A71-84 [Division 230, Southwest Zone]; **E3/9736** Meas Saran WRI, A2-A6, A16 [Division 164 aka Division 3]; **E3/9743** [REDACTED] WRI, A3-A4, A6-A8 [Division 164]; **E3/10733** Tuon Sim WRI, A21-26 [Division 310].
- 2549 **E1/326.1** Om Chy, T. 30 July 2015, 14.13.33 ["Q. Were there marriages organised at the [1 January Dam] worksite? A. Yes, there were marriages ... ceremonies did not occur at the worksite. Usually they organised such ceremonies at the commune office ... for each marriage ceremony 10 to 15 couples were matched], 14.29.08 ["in August [1978], I was required to get married"]; **E1/339.1** Chao Lan T., 1 Sept 2015, 14.35.37; **E1/322.1** Kong Uth T., 25 June 2015, 09.24.02 ["While I worked at the 1<sup>st</sup> January Dam

## 2. S-21 SECURITY CENTRE

630. S-21 was the most important prison in the DK security apparatus and a central tool in the implementation of the CPK leaders' criminal plan to systematically eliminate its perceived enemies and opponents.<sup>2552</sup> As described by Expert David Chandler:

S-21 was an extreme example of a total institution. Its mission was to protect the Party Center. It accomplished this task in part by killing all the prisoners and in part by altering their autobiographies to align them with the requirements and suspicions of the Party.<sup>2553</sup>

631. S-21 was the largest DK security office in terms of staff.<sup>2554</sup> It worked directly under the supervision of, and reported to, the senior leaders of the CPK.<sup>2555</sup> It was the one DK

worksite, I was then arranged to marry my husband. And after the wedding, I was reassigned to work elsewhere", 10.54.00-11.01.51 ["There were 25 couples in that marriage ... I did not dare to refuse the marriage"], 13.30.14; **E1/302.1** Or Ho T., 20 May 2015, 10.58.27; **E1/305.1** Meas Layhuor T., 26 May 2015, 09.30.21, 09.35.03 ["Angkar chose the bride or groom for him or herself, but Cham people could not choose Khmer people to be their husband or wife"]; **E3/7775** Kang Ut WRI, EN 00233533; **E3/9349** Chuop Non WRI, EN 00244159; **E3/9350** Van Som WRI, EN 00244170; **E3/403** Pech Sokha WRI, EN 00403010; **E3/9351** Meas Laihuo WRI, EN 00244165; **E3/5255** Or Ho WRI, EN 00250047 ["starting in September 1977 they did permit marriages. The village chief arranged the men in the village to marry the women in the same village for fear that there would be [single] women remaining in the village. I arranged marriages for them"]; **E3/5294** Sou Soeun WRI, EN 00360115-16 [Chamkar Leu District Secretary: "As to marriage, people ... were paired up ... Q. Did any of the girls in your group refuse the marriage? A: No, they did not. They rarely refused, although they did not like the men"].

<sup>2550</sup> See e.g. **E1/324.1** Mam Soeum alias Heng Samuoth, T. 28 July 2015, 15.50.47 ["marriages were mostly forced for the couples"], 15.53.32-15.55.08; **E1/325.1** Mam Soeum, T. 29 July 2015, 10.01.32; **E1/360.1** Pan Chhuong T. 1 Dec 2015, 11.08.32 ["At the Trapeang Thma Dam worksite I attended such event once and there were many couples ... There could be about 50 couples"]; **E3/9354** Dan Sa WRI, EN 00289933; **E3/9341** Chhoeung Uo WRI, EN 00316786.

<sup>2551</sup> See e.g. **E1/252.1** Chou Koemlan, T. 26 Jan 2015, before 13.49.58-13.54.00; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.05.09-10.06.45, 13.47.29-13.49.18; **E1/291.1** Pech Chim, 23 Apr 2015, 09.08.10-09.33.11; **E3/5521** Nut Nouv WRI, A103, A106; **E3/9472** [REDACTED] WRI, A454, A456-459, A461; **E3/5832** Cheang Sreimom WRI, A8 (referring to Ol (Seng Ol) as forcing her to marry a man she hated); **E3/5833** Seng Ol WRI, A17, A20, 27; **E1/296.1** Khoem Boeun, T. 4 May 2015, 09.46.30-10.01.00; **E3/9480** Khoem Boeun WRI, A112, A120; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.37.55-13.51.17; **E3/9468** Thann Thim WRI, A86, A92; **E3/9584** [REDACTED] WRI, A34.

<sup>2552</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.12.52-16.19.35 ["S-21 itself had a unique nature because ... it was regarded as the exclusive tool to be used by the Standing Committee of the Central Committee"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 14.09.57-14.12.35 ["S-21 was only an absolute instrument of the Party"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.45.53-10.48.12 ["Duch and Son Sen said that S-21 was key to the country, so we had to work hard to search for all the network or strings that the prisoners gave us in the answers"].

<sup>2553</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94.

<sup>2554</sup> **E3/2984** Craig Etcheson, T. 28 May 2009, 11.46.06-11.48.21 ["If one measures size in terms of the number of staff employed at a security office, I think, unquestionably, S-21 was the largest"]; **E3/849** Joint Statistics of Armed Forces, Mar 1977 [Office S-21 listed as having total force of 2,327]; **E3/1136** Rice Consumption Plan in 1976, 4 Jan 1976, EN 00543743 [2,048 people for Office 21 as of January 1976]; **E3/8386** S-21 Circular, EN 00521634 [127 "Inside Guards," 46 persons in "Economic (Logistics) Unit" and 62 persons in "Messenger Unit"].

<sup>2555</sup> **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 ["the specificity of S-21 was stemming from the fact that the standing committee was the top organ that supervised the whole country. So the ... assignments to be carried out by S-21 were rather unique from the other because it had been ordered directly from the top"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E1/433.1** Kaing



security office that operated on a nationwide basis, with prisoners sent from throughout the country and from each and every zone, RAK division and ministry.<sup>2556</sup>

632. The Accused are on trial for the following crimes in relation to the S-21 security office: the crimes against humanity<sup>2557</sup> of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds, persecution on racial grounds, and other inhumane acts through attacks against human dignity;<sup>2558</sup> and grave breaches of the Geneva Conventions, including wilful killing, torture, inhumane treatment, wilfully causing great suffering or serious injury, wilfully depriving a prisoner of war or civilian the rights of fair and regular trial, unlawful deportation of a civilian, and unlawful confinement of a civilian.<sup>2559</sup>

#### LOCATION AND OPERATION

633. S-21 was established following a meeting on 15 August 1975, at which Son Sen instructed RAK Division 703 Secretary In Lon alias Nath and Kaing Guek Eav alias Duch to set up the security office.<sup>2560</sup> It commenced operations in the fall of 1975,<sup>2561</sup>

Guek Eav, 7 June 2016, 11.24.03-11.29.44; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 11.33.37-11.39.02; **E3/2984** Craig Etcheson, T. 28 May 2009, 12.03.59-12.07.26.

- <sup>2556</sup> **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 ["S-21 had received prisoners from other zones ... because the power of the standing committee was so wide that it covered the whole country ... the committee itself could have the power to bring in all kinds of prisoners from across the country to S-21"]; **E3/2981** Craig Etcheson, T. 19 May 2009, 15.16.10-15.09.57 ["Leading cadre from the zone, sector and district echelons, along with ranking military leaders and ranking leaders of government ministries almost invariably ended up at S-21 when they were purged"]; **E1/430.1** Suos Thy, T. 2 June 2016, 14.32.18-14.33.31; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.55.41-15.57.03; **E3/1691** David Chandler, T. 6 Aug 2009, 09.34.13-09.37.48.

- <sup>2557</sup> For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

- <sup>2558</sup> **D427** Closing Order, para 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1402 [imprisonment]; 1408 [torture]; 1416 [persecution on political grounds]; 1422 [persecution on racial grounds]; 1434 [other inhumane acts through 'attacks against human dignity'].

- <sup>2559</sup> **D427** Closing Order, paras 1491-1493 [wilful killing]; 1498-1500 [torture]; 1501-1503 [inhumane treatment]; 1504-1506 [wilfully causing great suffering or serious injury to body or health]; 1507-1510 [wilfully depriving a prisoner of war or a civilian the rights of fair and regular trial]; 1515-1517 [unlawful deportation of a civilian]; 1518-1520 [unlawful confinement of a civilian].

- <sup>2560</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.16.58-09.19.20; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.51.46-09.54.03; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.19.52-15.21.46; **E3/65** Kaing Guek Eav WRI, EN 00147518.

- <sup>2561</sup> **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.32.34; **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["S-21 Centre started to operate effectively only in October 1975"]; **E3/65** Kaing Guek Eav

and remained fully functional until 7 January 1979, when Vietnamese forces reached Phnom Penh.<sup>2562</sup>

634. In the early months of its existence, S-21 used temporary facilities: initially, interrogations were carried out in a house on the corner of Streets 163 and 360, while the surrounding houses were used to detain prisoners.<sup>2563</sup> In November 1975, S-21 was moved to the *Police Judiciaire* compound on Street 51.<sup>2564</sup> Two months later, in January 1976, due to concerns that Chinese visitors could see the prison's operations at that location, S-21 returned to its original premises on Streets 163 and 360.<sup>2565</sup>
635. During the initial phase of S-21, prisoners were also detained at the Takhmau prison, formerly part of Division 703,<sup>2566</sup> and were sent to Phnom Penh for interrogation at the *Police Judiciaire* compound and other sites.<sup>2567</sup> Takhmau, then referred to as "S-21C,"<sup>2568</sup> was used by S-21 for detention and execution until mid-1976,<sup>2569</sup> and was supervised by Khim Vat alias Hor (the future S-21 deputy chief).<sup>2570</sup>

WRI, EN 00147520. Surviving documents from late August and September 1975 show that some operations had already begun by that time. See e.g. **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223146 [30 August 1975 annotation of Duch]; **E3/3652** S-21 Report on Confession of Lang Pring, 13 Sept 1975, EN 00780840-55 [contains annotation from Son Sen to *Angkar* dated 21 Sept 1975].

<sup>2562</sup> **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.22.46-10.29.18; **E3/65** Kaing Guek Eav WRI, EN 00147520 ["killings continued from the beginning of operations at S 21 until twelve noon on 7 January 1979"].

<sup>2563</sup> **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["At first the detention and interrogation premises were located at the corner of Streets 163 and 360 ("A" on Map no. 1) ... the prisoners were spread out in the houses in Zone A"], 00153575 [Map No. 1]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.15.31-10.22.46; **E3/7615** Chet Sokha WRI, EN 00186507 [statement of first person to live at House 2EO on Street 360 after DK regime: "When I came, I saw many handcuffs and leg shackles"].

<sup>2564</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 09.29.35-09.33.42 [he worked at the "PJ location," which was an "S-21 office," in late 1975], 10.06.05-10.08.52 [identifying S-21A as the "PJ"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.10.10-14.12.52; **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In late November 1975, the Centre was transferred to the premises of the General Directorate of the National Police on Pasteur Street"]; **E3/524** Kaing Guek Eav, T. 22 Apr 2009 15.28.37-15.32.34.

<sup>2565</sup> **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In January 1976, the detained persons were sent back to 'A' for a period of 3 or 4 months"]; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.28.37-15.32.34.

<sup>2566</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 11.26.14-11.29.08; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.28.37; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.32.07-15.34.30; **E3/5759** Kaing Guek Eav Statement, EN 00197748 ["Office S.21 was the continuation of the Police Office of Division 703 of In Lorn alias Nath ... The Psychiatric Hospital in Takhmau was used as an ordinary prison"].

<sup>2567</sup> **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.25.10-15.32.34 ["I was asked to bring the prisoners from Ta Kmao to that house for the cadres to interrogate them ... Ta Kmao prison was a big prison"], 15.45.38-15.49.36; **E3/7653** Kok Sros WRI, EN 00705428 [Takhmau prisoners were interrogated at P.J. then returned to Takhmau].

<sup>2568</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 09.58.38-10.00.25 [identifying "S-21 Kor or C" as part of S-21 that was previously under Division 703], 10.02.26-10.06.05 [authenticating **E3/8493** as a master list that belonged to Nat]; **E3/10568** Suos Thy Military Court WRI, EN 00326773 ["21(C) was also a guard section, but it guarded the prisoners in Ta Khmao"]; **E3/8493** S-21 Daily Prisoner Control List, 11 Apr 1976 [as of that date, 262 prisoners detained at "Office 21-A" and 396 prisoners at "Office 21-C"].

<sup>2569</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.11.25-14.16.29; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.48.10-09.57.23; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.20.21, 09.28.41; **E3/524** Kaing

636. In April 1976, following his appointment as Head of S-21, Duch moved the security office to its permanent location at the *Lycee Ponhea Yat*, known today as Tuol Sleng.<sup>2571</sup> Later in 1976, concerned about the proliferation of mass graves in the area and the risk of disease, Duch decided to establish a new site for the execution and burial of prisoners, and chose a Chinese cemetery called Choeung Ek located in Kandal Province, 15 kilometres southwest of Phnom Penh.<sup>2572</sup> S-21 began to use Choeung Ek as its main execution site in early 1977.<sup>2573</sup>

## AUTHORITY STRUCTURE AND COMMUNICATION

### Within the Security Office

637. *S-21 Committee*: As with other DK organisations, S-21 was managed by a three person committee.<sup>2574</sup> During Nath's period as Secretary of S-21,<sup>2575</sup> Duch held the position of Deputy Secretary overseeing interrogations.<sup>2576</sup> In March 1976, when Nath was transferred to the General Staff, Duch was appointed Secretary of S-21, a position he retained until the end of the regime.<sup>2577</sup> Hor became Deputy Secretary,<sup>2578</sup> and Nun Huy

Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36 ["the Khmao prison existed until May or July [1976]"], 15.50.48-15.52.00; **E3/7653** Kok Sros WRI, EN 00705428; **E3/352** Pes Math WRI, EN 00195708 [prisoners at Takhmau psychiatric hospital "disappeared" in 1976]; **E3/7662** Bou Thon WRI, EN 00163762.

- <sup>2570</sup> **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.54.14-09.57.23; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 10.26.10-10.30.34; **E3/7653** Kok Sros WRI, EN 00705428.

- <sup>2571</sup> **E3/5748** Kaing Guek Eav WRI, EN 00153567 ["In April 1976, I decided to transfer the Centre to the premises of the Ponhea Yat high school ('B' on Map no. 1). I asked for Son Sen's authorization"], 00153575 [Map no. 1]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009 11.11.57-11.18.50; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36; **E1/430.1** Suos Thy, T. 2 June 2016, 10.06.05-10.08.52, 10.32.54-10.34.50; **E3/7643** Suos Thy WRI, EN 00162611-12; **E3/7653** Kok Sros WRI, EN 00705428.

- <sup>2572</sup> **E1/427.1** Him Huy, T. 4 May 2016, 10.38.10-10.39.43 ["I heard them say that it smelled bad at Tuol Sleng, there were so many corpses buried there, so the killing site would be moved from Tuol Sleng to Choeung Ek"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.24.14-10.26.13; **E3/455** Kaing Guek Eav WRI, EN 00149911; **E3/5766** Written Record of Confrontation, EN 00165437 [Duch: "there was a risk of epidemics around S-21 because of the far too great number of corpses"]; **E3/5764** OCJ Report on Crime Scene Reconstruction, EN 00197994, 00197996-97; **E3/7991** Annex 1: Report of Crime Scene Reenactment at Cheung Ek, EN 00198021.

- <sup>2573</sup> See section **S-21 Security Centre – Executions at Choeung Ek** for discussion of site.

- <sup>2574</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.58.57-10.03.45; **E3/7643** Suos Thy WRI, EN 00162612.

- <sup>2575</sup> **E3/65** Kaing Guek Eav WRI, EN 00147519 [prior to March 1976, Nath was "overall Chairman who decided all work"]; **E3/351** Mam Nai WRI, EN 00162912; **E3/7671** Pen Heng WRI, EN 00163695.

- <sup>2576</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 13.55.51-14.00.43 ["during the time that I was the Deputy Chairman, my tasks [were] teaching the interrogators the interrogation method and preparing the documents to report to the upper echelon"]; **E3/65** Kaing Guek Eav WRI, EN 00147519 ["While Nath was Chairman, the structure was: I was the Deputy Chairman responsible for leading interrogation"].

- <sup>2577</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.22.24 ["I became the Deputy and later became the Chairman of S-21"], 09.56.21 ["we left S-21 ... on the 7 of January 1979"]; **E3/65** Kaing Guek Eav WRI, EN 00147519 ["I cannot remember the date I was officially appointed as Chairman of S 21, but it was during March 1976"]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.06.05 ["When S-21 was moved to Tuol Sleng, Ta Nat was replaced by Duch"]; **E1/423.1** Prak Khan, T. 3 May 2016, 11.23.23-11.25.38; **E3/7671** Pen Heng WRI, EN 00163695; **E3/351** Mam Nai WRI, EN 00162908; **E3/503** Iem Horn WRI,



alias Huy Sre was the third member of the Committee,<sup>2579</sup> responsible for Prey Sar (also known as S-24 or S-21D).<sup>2580</sup>

638. S-21 Units: The S-21 office was comprised of a number of units subordinate to Duch and the S-21 Committee, including: (i) a Defence Unit headed by Hor,<sup>2581</sup> with an inside guard team, outside guard team, and a “special unit” responsible for transporting and executing prisoners;<sup>2582</sup> (ii) an Interrogation Unit that had about 30 interrogators, prior to purges in 1978;<sup>2583</sup> (iii) the Documentation Unit, led by Suos Thy;<sup>2584</sup> (iv) a Photography Unit, led by Nim Kimsreang;<sup>2585</sup> and (v) a Medical Unit, headed by Try.<sup>2586</sup> Organisation charts prepared by Duch show the structure of the various S-21 units.<sup>2587</sup>

EN 00401860; **E3/1684** David Chandler, *Voices from S-21*, EN 00192683 [“[Duch] remained in command until the day the Vietnamese arrived”].

<sup>2579</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.23.23-11.25.38 [“Hor was the deputy”]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.13.34-15.15.11; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.58.57-10.01.49; **E3/5154** Him Huy WRI, EN 00161598; **E3/7638** Nhep Hau WRI, EN 00401791; **E3/503** Iem Horn WRI, EN 00401860.

<sup>2579</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.43.54-15.45.08 [“Huy was the member of S-21”]; **E3/7638** Nhep Hau WRI, EN 00401791 [“When I was at S-21 ... Huy, from Prey Sa, was Member”].

<sup>2580</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.40.25-15.42.43 [“Big Huy” was in charge of Prey Sar]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.21.17-11.21.50 [“Huy was in charge of this S-21D”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.03.45-10.06.07; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.52.16-11.57.40 [“Nun Huy, he had his exclusive duty at Prey Sar”]; **E3/7672** Meas Peng Kri WRI, EN 00163708.

<sup>2581</sup> **E1/428.1** Him Huy, T. 5 May 2016, 10.59.23-11.01.40 [“Ta Hor ... was in charge [of all the] security guards”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192702 [“Duch’s deputy at S-21 was Khim Vat [alias Hor] ... who served concurrently as the head of the prison’s defense unit”].

<sup>2582</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.05.33; **E3/5154** Him Huy WRI, EN 00161597 [“The defense section was set up to guard outside, inside, and to receive prisoners”]; **E1/431.1** Suos Thy, T. 3 June 2016, 13.56.39-13.59.43; **E3/1570** Kaing Guek Eav WRI, EN 00154198-99 [S-21 organisational chart identifying Peng as first chief of Special Unit, followed later on by Him Huy]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.44.10-09.47.10 [identifying Peng as “chief of the special unit”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.16.48; **E3/7640** Chiem Soeur WRI, EN 00225107 [“there were three levels of guards”].

<sup>2583</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.15.25-11.25.38 [“Interrogators from my group -- my group consisted of 12 members and 30 people in total in the three groups. And from time to time, the interrogators, one or two of them at a time, were arrested and killed”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.57.38-15.59.10 [“at the beginning of the interrogation unit, there were 33 interrogators who were categorized into different teams”]; **E1/430.1** Suos Thy, T. 2 June 2016, 09.50.14-09.52.51; **E3/1170** S-21 Notebook, EN 00602543 [listing approximately 30 interrogators in the interrogation unit].

<sup>2584</sup> **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 09.58.16-10.00.26 [“Comrade Thy was in charge of list of incoming and outgoing prisoners, so the lists were under his control”]; **E1/430.1** Suos Thy, T. 2 June 2016, 13.33.02-13.34.32 [“Registering ... the names of incoming and outgoing prisoners at S-21, there was only me doing the job”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.34.54-09.36.48 [“Suos Thy registered the names of people who were brought in”].

<sup>2585</sup> **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 11.15.30-11.17.00 [“The photography unit was headed by ... Nim Kimsreang”]; **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.35.46-13.38.26, 15.39.46-15.43.17 [“I took only some of the photos and the rest were taken by my subordinates. I assigned them to take those photos”]; **E3/7639** Nim Kimsreang WRI, EN 00162733 [“Q: At that time who was chairman of the photography team? A: I was group leader”].

<sup>2586</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.49.57-13.52.11 [“I know medic Try; he was the chief of the medical unit”]; **E1/426.1** Makk Sitthim, T. 3 May 2016, 09.15.45-09.17.58 [“I would report to my chief, that is, the chief of the medics, Try”]; **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.24.40-09.26.54.

<sup>2587</sup> **E3/1570** Kaing Guek Eav WRI, EN 00154198-99.

Above the Security Office — Reporting to and Instructions from CPK Centre Leaders

639. Throughout its existence, S-21 reported to and operated directly under the supervision of members of the CPK Standing Committee.<sup>2588</sup> For the first two years of operations, the S-21 Chairman reported directly to Son Sen,<sup>2589</sup> who in turn reported to and received instructions from his superiors on the Standing Committee, in particular CPK Deputy Secretary **Nuon Chea** and Secretary Pol Pot.<sup>2590</sup> During the second half of 1977, when

<sup>2588</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32 ["As for the reporting regime, everyone reported to Hor and Hor reported to me, then I reported to my superior ... And usually I met my superior in the afternoon through a phone conversation, that is, with Son Sen. As with Brother Nuon, I went to see him in person"]; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42 ["In my capacity as the chairperson, I had regular contacts with my superior, including Son Sen and Nuon Chea. With Son Sen I had a daily contact, but with Nuon Chea I would contact him every other day"]; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.19.35 ["it was a security office under the supervision of the central committee ... The location of S-21 compared to the location of the standing committee office is no further than five kilometres. The telephone communication was hooked at all times ... in order that we were easily advised, managed, ordered"]; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 11.33.37-11.39.02 ["S-21 produced documents for the Standing Committee"]; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00 ["the Standing Committee of the Party, in which there was Son Sen and Nuon Chea, was to decide what to do with the confessions"]; **E3/453** Kaing Guek Eav WRI, EN 00147583 ["S21 was managed by the Standing Committee of the Party Center"]; **E3/5763** Kaing Guek Eav WRI, EN 00164366 [Duch "report[ed] on Special Branch documents to the Centre Standing Committee," at which "only Son Sen and bigger above him Nuon Chea were routinely tasked with the duty of supervising S21"]; **E1/95.1** David Chandler, T. 24 July 2012, 11.31.45-11.32.45; **E3/1684** David Chandler, *Voices from S-21*, EN 00192693-94.

<sup>2589</sup> **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.47.37-09.49.11 ["I would say I went to do important work for Son Sen until the 15 of August 1977. So until - up until the directive was issued, I was still under the supervision of Son Sen"]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.06.59-11.10.33, 11.20.10-11.23.30; **E3/5763** Kaing Guek Eav WRI, EN 00164361 ["Before 15 August 1977, I reported only to Son Sen"]; **E3/65** Kaing Guek Eav WRI, EN 00147521-22; **E1/425.1** Prak Khan, T. 2 May 2016, 11.08.37-11.10.42 [confirming that Son Sen was Duch's superior]; **E1/427.1** Him Huy, T. 4 May 2016, 11.25.27-11.26.46 ["it was Son Sen who was Duch's superior"]; **E3/426** Lonh Dos WRI, EN 00346071 ["S-21 was also under the control of the General Staff from 1975 until 1977. I saw Duch coming to attend meetings with Son Sen"].

<sup>2590</sup> **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49 ["Since I went to see Son Sen when I was under his control, he said what was told to be done by Brother Nuon ... It showed that above Son Sen was Brother Nuon and then Brother Pol, and that was commonly known"]; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.05.39-14.07.14 [Son Sen delivered letters to Duch that he described as from "Angkar"]; **E1/55.1** Kaing Guek Eav, T. 28 Mar 2012, 11.21.52-11.24.10 ["The general staff was under the supervision of the Central Committee, so the report had to be filed or made to the Secretary of the Party and deputy secretary of the Party, who were Pol Pot and Nuon Chea"]; **E1/433.1** Kaing Guek Eav, 7 June 2016, 11.24.03-11.29.44 [identifying members of "Party Centre" or "870 Committee" as Pol Pot, Nuon Chea, Ieng Sary, Son Sen, Vorn Vet and Khieu Samphan, and testifying that during the time he reported to Son Sen, he "repeatedly mentioned" Nuon Chea, Pol Pot and the other "members of the Standing Committee and the 870 Committee"], 11.29.44-11.32.31 [describing how Son Sen conveyed to Duch an order from Nuon Chea to interrogate certain prisoners, and adding: "Son Sen had to seek permission from either Bong Nuon or Pol Pot"]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [describing how a prisoner was exhumed and photographed, to verify he had actually been killed, "pursuant to the orders of Nuon Chea to Son Sen, and Son Sen in turn gave the orders to me"]; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [describing Nuon Chea communications to Duch: "Originally when Nuon Chea went through Son Sen, they did not have much contact ... once a month"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.56.52-11.00.06 ["[Duch] simply referred to those superior as Brother Number One, Brother Number Two ... he talked about the reports that he sent to the two brothers, whether the two brothers accepted it or rejected it"]; **E1/427.1** Him Huy, T. 4 May 2016, 13.40.05-13.43.38 [Duch referenced Office 870 "in every training session," and "identified Brothers Number One and Two as Pol Pot and

Son Sen left Phnom Penh to oversee the armed conflict against Vietnam, **Nuon Chea** took over the direct supervision of S-21, and Duch reported directly to him until the end of the DK regime.<sup>2591</sup>

640. Duch had a dedicated telephone line that he used to communicate with his superiors.<sup>2592</sup> He called Son Sen every day in the late afternoon to report on prison matters and receive instructions,<sup>2593</sup> and would also meet Son Sen at his General Staff office.<sup>2594</sup> On a few occasions, Son Sen went to meet Duch at S-21.<sup>2595</sup> While **Nuon Chea** was directly supervising S-21, Duch would meet him in person every three to five days,

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Nuon Chea respectively”]; **E3/426** Lonh Dos WRI, EN 00364072 [stating that Son Sen reported to the Party Centre, which approved decisions “to arrest the implicated cadres”].

<sup>2591</sup> **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 11.32.31, 13.51.08-13.56.39 [describing 15 August 1977 meeting with Nuon Chea: “Brother Nuon told me that Comrade Khieu went to the battlefield, so I was to work with him from that time onward”]; **E1/59.1** Kaing Guek Eav, T. 4 Apr 2012, 15.17.07-15.19.58 [“From the 15 August 1975, rather 1977, Son Sen no longer called upon me to work with him personally. I started to work with Brother Nuon instead ... after Brother Son Sen went out, I communicated with him through air communication once a month”]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 11.41.56-11.43.42 [confirming Nuon Chea became his immediate superior on 15 August 1977]; **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.15.49; **E1/62.1** Kaing Guek Eav, T. 10 Apr 2012, 15.45.16-15.47.49; **E3/65** Kaing Guek Eav WRI, EN 00147522; **E3/5763** Kaing Guek Eav WRI, EN 00164361; **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [confirming that Son Sen moved to the East “In late 1977 or early 1978,” after which Duch “went directly up to Nuon Chea”]; **E3/1688** S-21 Confession of Chap Mit, 25 Feb 1978 [annotation recording instruction received by Duch from “brother number II”].

<sup>2592</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.47.50-09.49.42; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.21.14; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 11.43.25-11.48.24; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 16.07.25-16.12.52; **E3/65** Kaing Guek Eav WRI, EN 00147520.

<sup>2593</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.47.50-09.49.42 [testifying that he and Son Sen “contacted each other ... nearly every day” by telephone, during which calls Son Sen would “ask about everything regarding the confessions” and give Duch “many instructions”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.56.12 [“Son Sen and I talked to each other almost every evening on the phone”], 15.56.44-15.58.32; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.48.13-09.51.48; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.16.43 [“at S-21, we had to follow this report line as well with Son Sen ... Every day, he called me on the phone ... at around 4 or 5 in the afternoon. He asked me particularly on individual prisoners ... he was interested in. So I reported to him regularly”]; **E3/65** Kaing Guek Eav WRI, EN 00147520 [“he was the person who instructed me before sending something to upper level ... Each of my annotations on confessions was made as instructed over the telephone”]; **E3/452** Kaing Guek Eav WRI, EN 00147569 [“When Son Sen was my direct supervisor, my notations on the confessions were made according to his telephone instructions”]. See also **E3/89** Ieng Sary Interview, 17 Dec 1996, EN 00417627 [“Duch and Son Sen had contact almost every single day”].

<sup>2594</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.56.12-09.58.35 [“we met once every three or four days. And the location that I met Son Sen, was ... to the north of Borei Keila”]; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.37.34-10.42.33 [identifying location where he “worked with Professor Son Sen”]; **E3/5748** Kaing Guek Eav WRI, EN 00153570 [“‘B’ was Son Sen’s second office ... I would go to this office every three or four days, and at least once a week, in order to receive Son Sen’s instructions”], 00153576 [map with location of Son Sen’s office marked “B”]; **E3/2766** OCU Map of DK Zones, EN 00429179 [Phnom Penh map showing location of General Staff]; **E3/426** Lonh Dos WRI, EN 00346071 [testimony of General Staff communications officer: “I saw Duch coming to attend meetings with Son Sen”].

<sup>2595</sup> **E1/60.1** Kaing Guek Eav, T. 5 Apr 2012, 10.01.40 [“Nuon Chea never came down to S-21, while Son Sen went there four times”]; **E3/65** Kaing Guek Eav WRI, EN 00147521 [“only one came to inspect S-21, Son Sen. The first time he came to the front gate. The second and third times, he came only as far as my house”].



usually at **Nuon Chea**'s office at the Suramarith Buddhist School on Street 240, to "report and receive instructions."<sup>2596</sup>

641. Duch regularly sent written reports and annotated confessions to Son Sen and **Nuon Chea**,<sup>2597</sup> and received back letters containing instructions from his superiors.<sup>2598</sup> Son Sen and **Nuon Chea** often forwarded confessions to the organisation heads whose cadres were implicated,<sup>2599</sup> including RAK division secretaries,<sup>2600</sup> DK ministers,<sup>2601</sup> and

<sup>2596</sup> **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.28.19-14.34.51 ["I would go to see and work with Nuon Chea at Suramarith Buddhist School once every three or four days"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.56.44-15.58.32; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.49.58 ["for Nuon Chea, he did not prefer phone conversations"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.16.43-15.18.21, 15.48.36-15.51.28; **E1/52.1** Kaing Guek Eav, T. 21 Mar 2012, 10.12.11-10.14.42; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 10.37.34-11.07.10 [identifying locations where he met Nuon Chea, including "the Buddhist Institute where Uncle Nuon frequently asked me to go and work"]; **E3/65** Kaing Guek Eav WRI, EN 00147520 ["With Nuon Chea, it was different. He did not talk on the telephone"], 00147522 ["I met Nuon Chea at two sites. First at Borei Keila. Second at Puthika Soramarith ... The reason for the meetings was that I was called to report and receive instructions. In general, we met only once every three days ... [I made] general reports regarding S 21 and summaries of interrogations. On instructions, calling them orders would be better"]; **E3/452** Kaing Guek Eav WRI, EN 00147569; **E3/5748** Kaing Guek Eav WRI, EN 00153570-71, 00153576 [map with location of Nuon Chea's Suramarith office marked "G"]; **E3/83** Kaing Guek Eav WRI, EN 00398164.

<sup>2597</sup> **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 09.31.13-09.36.24 ["When Son Sen did not go to the battlefield yet, I sent the [confessions] to Son Sen ... However, after Son Sen went to battlefield, Toeung came to collect the documents, Chiv also came to get the documents ... They were Nuon Chea's messengers"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.42.41-09.44.52, 09.54.25-09.56.12; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 14.18.18 ["Documents that were to be sent to the upper level or superiors, they had to be sent to the Standing Committee through Son Sen, and after the 15th of August 1977, I started sending the documents to Nuon Chea instead"]; **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 15.29.22-15.32.07; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 11.08.48-11.10.43 [S-21 confessions were initially delivered to Son Sen "through his messenger," and "after 1977, Comrade Toeung ... Brother Number Two's messenger, came to take the documents"], 15.16.43, 15.18.21 ["certain urgent confession, I had to report directly on the phone to Son Sen; I ask his messenger to pick the confession up from S-21"]; **E3/5763** Kaing Guek Eav WRI, EN 00164361; **E3/60** Kaing Guek Eav WRI, EN 00195603; **E3/357** Kaing Guek Eav WRI, EN 00242932; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 09.31.11-09.46.20 [testimony of Nuon Chea messenger regarding delivery of documents from Duch to Nuon Chea]; **E3/423** Saut Toeung WRI, A105 ["I used to fetch mails from Duch to deliver back to Ta Nuon Chea directly"], A117; **E3/7616** Mam Nai WRI, EN 00164393 ["I knew that Duch sent the confessions to upper echelon ... I knew that the lists of all the prisoners were sent to the Center, who were the people who made the decisions"]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537. See e.g. **E3/1565** S-21 Confession of Kung Kien alias Eung Vet, 23 May 1977, EN 00822048 [cover page contains 21 May 1977 annotation from Duch to "Respected Brother," and 23 May 1977 annotation "Send directly to Brother Nuon"]; **E3/1581** S-21 Confession of Heng Pich alias Chhan, 15 Jan 1977, EN 00822295 [annotation from Duch to "Respected Brother" stating that Heng Pich had embedded within the CPK and referencing an individual implicated as a "KGB member" by the confession].

<sup>2598</sup> **E1/63.1** Saut Toeung, T. 18 Apr 2012, 13.42.47-13.44.50 ["I used to take his letters to Ta Duch at Tuol Sleng"]; **E3/423** Saut Toeung WRI, A104 ["I was a messenger delivering mails for Ta Nuon Chea. I received mails from Ta Nuon Chea and delivered them to Ta Duch"], A106-113; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 09.39.38-09.43.55; **E3/359** Kaing Guek Eav Written Statement, EN 00434349 ["When I was chairman of S-21, I received letters from Son Sen and Nuon Chea. As I recall, they were short letters, just several words, brief, urgent orders"]; **E3/61** Kaing Guek Eav WRI, EN 00195573. See also **E3/1688** S-21 Confession of Chap Mit, 25 Feb 1978 [annotation recording instruction received by Duch from "brother number II" to remove certain names from confession].

<sup>2599</sup> See **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 14.34.51-14.36.39 ["When enemies implicated certain individuals at the zone level, the upper echelon sent those confessions to the particular zone for review"];

zone secretaries,<sup>2602</sup> after which decisions were made on further individuals to be arrested.<sup>2603</sup> In some cases, Duch attended meetings with Son Sen, S-71 Chairman Pang,

- E3/357** Kaing Guek Eav WRI, EN 00242932 ["The confession was sent to the unit head for two reasons: on the one hand, to inform the unit head of enemy activities within that unit, and on the other hand, to allow him to contemplate the arrest of implicated persons"]; **E3/60** Kaing Guek Eav WRI, EN 00195602 ["one day, I complained about his sending entire, non-annotated confessions to the base, which made me fear massive, disorganised arrests. Nuon Chea replied to me that 'The base also knows how to work'"];
- 2600** **RAK Divisions: E3/3691** S-21 Confession of Chea Soeun, 25 Aug 1977, EN 00835617 [annotation on confession of Regiment Secretary in Division 703: "Copy for Comrade Pin"]; **E3/3171** S-21 Confession of Srei Sareuan, 19 Oct 1977, EN 00824789 [annotation on confession of former Battalion Secretary in Division 502: "One copy sent to Comrade Met"]; **E3/3655** S-21 Confession of Sour Tuon alias Mao, 15 May 1977 [handwritten note from Son Sen to Division 801 Secretary Saroeun: "Please read this report of Mao and pick out the relevant names ± Unit 801"]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.31.55-15.38.48 [testimony of chief of Division 801 security office that Division Secretary Saroeun forwarded him confessions from Phnom Penh containing the "names of people who had been implicated"]; **E3/407** Chhaom Se WRI, EN 00406223-24.
- 2601** **DK Ministries: E3/1547** S-21 Confession of Meak Touch alias Keam, 9 Feb 1978, EN 00771346 [annotation "Comrade Van" on confession of DK Ambassador to Laos]; **E3/1546** S-21 Confession of Mok Sam Ol alias Hong, 9 Jan 1978, EN 00224630 [annotations on confession implicating MSA and East Zone cadres: "[He is from] the Ministry of Social Affairs - It has already been resolved" and "submitted to Comrade Chan (East Zone Deputy Secretary)"]; **E1/67.1** Saloth Ban alias So Hong, T. 24 Apr 2012, 14.20.52-14.24.56 [confirming that S-21 confessions were sent to the Ministry of Foreign Affairs and read by Ieng Sary at meetings]; **E3/413** Saloth Ban WRI, EN 00361013-14; **E1/98.1** Rochoem Ton alias Phy Phoun, T. 30 July 2012, 11.36.45-11.44.44 [testimony of MFA Security Chairman that Ieng Sary received annotated confessions from Office 870 implicating people as "KGB or CIA"]; **E3/63** Rochoem Ton alias Phy Phoun WRI, EN 00231411 ["the names of those implicated were sent to Uncle Ieng Sary for him to clarify and tell them who those persons were"]; **E1/103.1** Suong Sikoeun, T. 7 Aug 2012, 09.26.23-09.29.27 [confirming Ieng Sary read from confessions]; **E1/110.1** Suong Sikoeun, T. 20 Aug 2012, 11.34.17-11.36.35 [testifying that he was called to Ieng Sary's office and told he had been implicated in a confession].
- 2602** **Zones: E3/3648** S-21 Confession of Sieng Phon alias Pha, 28 Oct 1977 [annotation: "One copy for Brother Nuon to deliver to the Central Zone"]; **E3/1565** S-21 Confession of Kung Kien alias Eung Vet, 23 May 1977, EN 00822048 [annotation: "Extract sent to Comrade Mok"]; **E3/35** Ke Pich Vannak WRI, EN 00346161-62 [statement of son of Zone Secretary Ke Pauk: Central Zone office received "lists" of names from S-21, with the names of persons to be sent to Phnom Penh marked in red ink]; **E3/366** Ham Ansi WRI, EN 00250750 [Sector 105 military chief received from the Party Centre copies of S-21 confessions of Division 920 soldiers that "implicated persons they knew"];
- 2603** **E3/3697** S-21 Confession of Kun Dim, 21 July 1977, EN 00822359 [Son Sen annotations: "Division 164 of Comrade Mut are mentioned ... Contact Comrade Mut so that he can take measures. We have already basically removed all those on Comrade Mut's side ... One copy sent to Brother Nuon"]; **E3/150** S-21 Confession of Hang Doeun alias Dim, 4 May 1977, EN 00224085 [annotation on confession of Division 164 Deputy Secretary: "Though some are the right people, some others, whom I have known, are not. I will invite comrade Mut to check this together"]; **E3/970** Letter from Division 502 Secretary Sou Met to Duch, 30 May 1977 [refers to "27 traitors from the traitorous string of Divisions 310 and 450" who were sent to S-21 on the evening of 29 May 1977, and requests that the "responses of Mao" be provided so that Met can "continue to search out enemies"]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00-15.38.48 [testimony of Division 801 security chief that after the Division Secretary received confessions implicating cadres in the division, decisions were made on "whether the person should be arrested or disciplinary actions shall be taken"]; **E3/407** Chhaom Se WRI, EN 00406223-24 [confessions of Division 801 soldiers interrogated in Phnom Penh were sent to the Division Secretary, with annotations in red ink identifying cadres to be arrested]; **E3/1164** Report from Division 801 Secretary Roeun to Uncle 89 (Son Sen), 25 Nov 1976, EN 00516711 [proposed Organisational Measure No. 2: "To examine the document regarding a person implicated by the enemy and request for a temporary arrest"]; **E3/1060** Report from Division 801 Secretary Roeun to Uncle 89, 25 Mar 1977, EN 00574315 ["targets included those going against the revolutionary line and those newly and previously implicated by the enemy"]; **E3/3686** S-21 Confession of Yung Peou, 6 Apr 1977 [annotations: "request the grassroots to examine this case" and "A copy has been submitted to Comrade Pok"]; **E3/429** Kaing Guek Eav WRI, EN

and division leaders, at which decisions were made on arrests of RAK cadres implicated or suspected of being enemies.<sup>2604</sup>

642. Duch attended major speeches given by the top CPK leaders at annual events such as the Party anniversary and 17 April ceremony.<sup>2605</sup> He participated in political study sessions conducted by Son Sen,<sup>2606</sup> and in 1978 attended a five-day political training session presided over by Pol Pot and Nuon Chea.<sup>2607</sup> He read every issue of the CPK

00403918-19 [discussing annotations on E3/3686: “When Son Sen says that it is necessary to ‘Ask the base,’ he is referring to the zones ... In practice, when a person was implicated in a confession, the superiors informed the head of the unit”]; E3/355 Kaing Guek Eav WRI, EN 00242880 [“Before someone was arrested, it was compulsory to consult the head of his unit. Once the confession was collected, it was sent by Son Sen (then Nuon Chea) to the unit head”]; E3/45 Kaing Guek Eav WRI, EN 00205162; E1/440.1 Kaing Guek Eav, T. 20 June 2016, 15.07.32-15.09.55 [testifying that East Zone Secretary Phim was “called for a meeting with the Standing Committee” before decision made on arrest of Sector 24 Secretary Chhouk]; E1/83.1 Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30 [confirming that as Sector 105 Secretary, he received a telegram from Pol Pot informing him that the confession of a Sector 105 official had identified “Comrade Sot” as a traitor]; E3/938 Telegram from Sarun to Respected Brother, 23 April 1978 [telegram discussing the arrest of Sot, who was “implicated in the confession of the traitor A Chuon”]; E1/399.1 Chan Toi, T. 10 Mar 2016, 11.25.44-11.28.27 [stating that he has “not heard” about Sot since 1978]; E1/409.1 Chan Bun Leath, T. 28 Mar 2016, 13.42.19-13.48.20 [noting that he has not seen or heard about Sot since April 1978, the time of Sot’s arrest]. See also E3/175 Letter from Se to Committee 870, 17 Apr 1978 [letter from North Zone Secretary forwarding confessions to Committee 870 to “[serve] as a document for searching for the string of traitors who burrow from within”].

<sup>2604</sup> E1/51.1 Kaing Guek Eav, T. 28 Mar 2012, 13.44.28-13.53.09; E1/56.1 Kaing Guek Eav, T. 29 Mar 2012, 09.06.02-09.11.58 [referencing the meeting in E3/822, which was attended by Son Sen, Division 170 Secretary Sokh, and S-21 Chairman Duch: “The meeting was convened to discuss the people in Division 170 who were associates of Chan Chakrey ... in the conclusion, they started to prepare to round up people at Division 170 ... Finally, people in Division 170 were arrested”]; E3/811 CPK Office 870 Minutes, 9 Sept 1976, EN 00178149-50 [meeting attended by Son Sen, Division 703 Secretary Pin, S-21 Chairman Duch, and S-71 Chairman Pang, discussing “strings” in Division 170 and concluding: “Those from Unit 170 should be rounded up”]; E3/822 Meeting between Divisions 170 and 290 Minutes, 16 Sept 1976 [meeting attended by Son Sen, Duch, Division 170 Secretary Sokh, and Division 290 Secretary Tal, noting *Angkar*’s plan that “Chakrei’s links must be taken,” and agreeing upon arrests of additional 29 cadres from Division 170 and “Chakrei’s wife and niece”]; E3/45 Kaing Guek Eav WRI, EN 00205162 [stating that he attended “two or three discussions” where the superior and unit head disagreed on whether to arrest an implicated person, including the meeting between Son Sen and Division 170 Secretary Sokh regarding persons implicated in Chan Chakrei’s confession].

<sup>2605</sup> See e.g. E1/57.1 Kaing Guek Eav, T. 2 Apr 2012, 09.35.14-09.39.41 [describing 17 April rallies he attended in 1976 and 1977 that were presided over by Pol Pot and Nuon Chea].

<sup>2606</sup> E1/440.1 Kaing Guek Eav, T. 20 June 2016, 10.11.34-10.35.00, 10.58.02-10.59.48; E1/51.1 Kaing Guek Eav, T. 20 Mar 2012, 13.37.26-13.39.23 [“The political sessions lectured by Son Sen were conducted annually”]; E1/52.1 Kaing Guek Eav, T. 21 Mar 2012, 13.55.17-13.56.58; E3/453 Kaing Guek Eav WRI, EN 00147583 [“Every year, I was called by Son Sen to attend a study session where the Party lines were illustrated. There were 100 or 200 participants in that study session ... It was for a one week period at the Olympic Stadium in Phnom Penh”]; E3/1585 List of Participants – 1<sup>st</sup> General Staff Training, 20 Oct 1976, EN 00897665 [No. 284 – Comrade Duch, No. 286 – Comrade Hor, No. 287 – Comrade Huy].

<sup>2607</sup> E1/437.1 Kaing Guek Eav, T. 14 June 2016, 11.06.37-11.08.42 [“I went for a study session along with two other cadres, that is, Hor and Huy, and it was at the Suramarit Buddhist Institute on the upper floor ... the first part was about the 12 principles of morality and the second part of the training was about the progressive cooperative”], 11.10.07-11.18.34; E1/61.1 Kaing Guek Eav, T. 9 Apr 2012, 09.25.21-09.27.48 [“Brother Pol and Brother Nuon led a meeting and I participated in that meeting”]; E1/56.1 Kaing Guek Eav, T. 29 Mar 2012, 09.21.32-09.23.24 [describing study session held after 30 Sept 1978: “Nuon Chea were there and Pol Pot was presenting documents in the training sessions for senior cadres ... That political session was for five days”]; E3/429 Kaing Guek Eav WRI, EN 00403923 [“There were



publication *Revolutionary Flag*, which was distributed to all Party members who worked at S-21.<sup>2608</sup>

643. S-21 cadres attended political education and training sessions conducted by Son Sen and Duch.<sup>2609</sup> Cadres were instructed on the categories of persons considered enemies<sup>2610</sup> and the policy that all persons sent to S-21 were enemies to be “smashed.”<sup>2611</sup> They were told they had to take an “absolute” stance in implementing Party policies,<sup>2612</sup> and

more than 100 participants, especially Yun Yat and Ieng Thirith ... There were only 2 speakers: Pol Pot and Nuon Chea”; **E3/5748** Kaing Guek Eav WRI, EN 00153571 [“All of the military personnel was at the front and Pol Pot personally came and gave the annual political lessons to the chairpersons of small units (S-21, State ‘stores’, tailoring group) and large units (Social Action, Health Ministry, etc.)”].

- <sup>2608</sup> **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 09.40.02-09.43.07 [there was a Party “requirement” that “members read this *Revolutionary Flag*”], 11.54.13-11.58.20 [“I read every single issue of the magazine so I could broaden my understanding of the Party back then”], 13.46.04; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 10.05.15-10.09.20; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 09.35.59-09.41.42 [“I encouraged my subordinates to study the magazines personally ... once we received, I ordered them to be distributed to the cadres at S-21”]; **E3/453** Kaing Guek Eav WRI, EN 00147583.

- <sup>2609</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.07.56-09.09.06, 09.23.50-09.25.50, 13.32.22-13.34.00 [“Son Sen alias Khieu came to teach us in 1977”], 15.27.50-15.35.15; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [instructions regarding Vietnamese “were relayed by Son Sen and Duch ... at S21 during a political study session”], 13.35.24-13.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.45.53-10.48.12, 11.00.06-11.02.11 [“I met Son Sen when he came to train us during the political study session near Duch’s house”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.24.49-14.26.24; **E3/7468** Lach Mean, T. 4 Aug 2009, 15.38.28-15.40.22 [describing Son Sen meeting teaching S-21 cadres “the Angkar political line”]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.42.26-10.48.56 [“political session ... presided over by Duch”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.17.31, 11.19.45-11.26.07 [“Regarding the annual meetings or education sessions annually in 1975 during the congress, I conducted the training. In 1976, I also conducted such sessions. In 1977, my superior, Son Sen ... led the congress himself ... maybe on the 24<sup>th</sup> of April 1977. And in 1978, I also chaired the meeting”], 11.31.27-11.32.49, 11.50.50-11.58.51 [annual meetings attended by “many people” from S-21, including “cadres, the members and the youth league members and the ordinary people who were in charge of a certain section”].

- <sup>2610</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we were required to attend political study sessions to distinguish between the enemy and friends”], 09.11.17-09.13.02, 15.32.50-15.35.15; **E3/834** Pon-Tuy S-21 Notebook, EN 00184490 [“We attack the Yuon according to party principles: 1 against 30 on Yuon territory”], 00184504 [16 July 1978 notes: “The Party has decided to attack the Yuon enemy. At the same time ... contemptible ones inside open fire”], 00184509 [“The old tactical line designated that the enemy of socialist revolution was the capitalist. The new strategic line designates the enemies of the revolution are the CIA, KGB, the Yuon and their running dogs. In this, the Yuon and their running dogs, characteristically vicious, and personally dangerous to our revolution”], 00184517 [“we do not distinguish whether the enemies are active or not”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182964 [statement attributed to Duch: “Special Branch work is a task of class struggle. That is, it is aimed at smashing the oppressor class, digging out their trunks and roots to defend the Party”].

- <sup>2611</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.58.17 [“We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon ... it was their policy that enemy needed to be smashed. Every enemy needed to be smashed”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.30.33-14.31.57; **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we had to acknowledge that people who were arrested by Angkar were enemies”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.17.31 [Duch was responsible for “political training regarding the enemy”]; **E3/834** Pon-Tuy S-21 Notebook, EN 00184493 [“For those the Party arrests, we must designate the clear view that they are kinh [spies]”].

- <sup>2612</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.37.41-15.00.26 [“We had to be absolute. We had to have a firm position. We had to be loyal to the Party”], 15.02.57-15.05.05 [“It was Duch who taught us who gave us such instructions that we had to be cruel. We had to be arrogant and that we should not think of or have any pity towards prisoners and that we had to be absolute in striking the enemy”]; **E1/427.1** Him Huy, T.

do whatever “the Party requires” in order to “defend the leadership apparatus of the Communist Party of Kampuchea.”<sup>2613</sup> As described by S-21 guard Him Huy:

During the study sessions, there were many participants ... we were [told we were] the children of Angkar and not the children of our parents, although our mothers ... bear us, but it was Angkar who were our real parents and that we had to implement any instruction or activity imposed by Angkar.<sup>2614</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT, AND WILFUL DEPRIVATION OF A FAIR TRIAL

644. In its 3¼ years of existence, over 18,000 victims<sup>2615</sup> were imprisoned at the S-21 security office. The Party Centre leaders bore direct responsibility for this crime, as they determined the categories of persons considered enemies, made decisions on arrests of high-ranking cadres, and approved the transfer to S-21 of lower-ranking cadres arrested in the zones or military units. CPK leaders did not provide those imprisoned at S-21 with due process rights such as the right to counsel, the right to be informed of the charges against them, and the right to challenge evidence. Rather, the thousands of victims of S-21 were arrested, detained, and executed without any legal protection whatsoever.

##### 1. Deprivation of Liberty of Persons Sent to S-21

645. Prisoners entered S-21 handcuffed and blindfolded,<sup>2616</sup> remained so while registered,<sup>2617</sup>

4 May 2016, 09.04.44-09.06.13; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.41.05-15.05.43; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46 [“we educated them (S-21 cadres) to have an absolute class stance because when people who were sent to S-21 were regarded as enemies; this is how I taught them. If you did not regard them as enemies, you could never extract confession from them. So I talked to every cadre to regard people who were sent as enemies”], 11.43.15 [Duch taught Party policy to the “entire S-21 unit,” including “the policy of being absolute or the strategy to defeat the enemy from one stage to the next”: “When I taught annually, I taught it repeatedly and the language of Pol Pot is that when you walk, the sharp sword is the one that is used, not the one which is in its case”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182954-56 [“we did not carry out the duty absolutely, therefore it means we have breached the circulars and lines of the Party’s organizational discipline”].

<sup>2613</sup> **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182961 [“whatever the Party instructs us to do, we must do it ... we must respect the Party’s instructions without conditions on all matters”], 00182963 [“In summary, our task is what the Party requires, and at whatever time, we go on the offensive at that very moment”], 00182959 [“We only ask the points that the Party instructs us to ask because the Party grasps the situation”], 00182969 [“If the Party orders us to beat, then we beat with mastery”]; **E3/834** Pon-Tuy S-21 Notebook, EN 00184504 [on Yuon and internal enemies: “the general direction is to find their connections in Phnom Penh, that’s important in order to be able to defend the leadership apparatus of the Communist Party of Kampuchea”].

<sup>2614</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.23.50. See also **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.41.05-15.01.43 [“I received instructions from Him Huy to be vigilant and to have an absolute stance ... An absolute stance means that we should not have any emotional attachment to any of our relatives”].

<sup>2615</sup> **Annex F.1 Revised OCJJ S-21 Prisoner List.**

<sup>2616</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.14.32-14.16.43; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.39.10-09.41.12; **E3/7463** Prak Khan, T. 21 July 2009, 09.56.58-10.03.45; **E1/426.1** Him Huy, T. 3

and were then taken by guards to cells and placed in shackles.<sup>2618</sup> As detailed in the *Other Inhumane Acts* section, prisoners remained permanently shackled in cells the entire time they were at the S-21 compound, except when taken out for interrogation or execution.

646. Prisoners were detained in the three-storey school buildings located within the S-21 compound. Buildings B, C, and D were used for the detention of ordinary prisoners<sup>2619</sup> and contained both large detention rooms and small cells only two by one and a half metres in size.<sup>2620</sup> Senior CPK cadres, foreigners, and Vietnamese prisoners were

May 2016, 15.52.39-15.53.57; **E3/7461** Him Huy, T. 16 July 2009, 10.02.19-10.04.38, 10.13.34-10.16.04, 10.19.54-10.21.58; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.56.18-09.58.48; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.14.20-10.18.40, 10.24.05-10.26.35 ["the people who went out to receive prisoners ... brought with them some shackles or handcuffs and pieces of cloth to blindfold the prisoners"]; **E3/454** Kaing Guek Eav WRI, EN 00147602; **E3/7450** Vann Nath, T. 29 June 2009, 09.51.49-09.59.13; **E3/7674** Vann Nath WRI, EN 00163737-38 ["They handcuffed us together in pairs, released the shackles ... Then they blindfolded us and put a rope around our necks and led us inside (Drawing 6)"]; 00163746 [Drawing 6]; **E3/7653** Kok Sros WRI, EN 00705429; **E3/7672** Meas Peng Kri WRI, EN 00163706 [describing transport of prisoners from Battambang to S-21: "Their arms were tied behind their backs, and they were blindfolded ... I drove them to the entrance, and the guards took the prisoners inside"]; **E3/5765** OCJ Report on Reconstruction, EN 00198000-01. **Photographs of S-21 prisoners in handcuffs or chains: E3/8639.2097, E3/8639.2102, E3/8639.2105, E3/8639.2950, E3/8639.3319, E3/8639.3321, E3/8639.3813, E3/8063.125, E3/8063.114, E3/8063.23, E3/8063.7.**

<sup>2617</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 14.10.17-14.12.50 ["they were still blindfolded and cuffed ... when they arrived at my location"]; **E3/7465** Suos Thy, T. 27 July 2009, 14.27.44-14.31.30 ["during the recording of their names they were still in blindfolds and they were still tied or cuffed"].

<sup>2618</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 14.10.17-14.12.50; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.00.05-10.03.23 [stating that after registration he was "pushed inside" a cell and his "ankle was shackled"]; **E3/7461** Him Huy, T. 16 July 2009, 10.13.34-10.16.04; **E3/7625** Kok Sros Statement, EN 00164564; **E3/7674** Vann Nath WRI, EN 00163737 ["After being photographed, they blindfolded me again and led me upstairs in what is Building D today, and they put me in a long common shackle"]; **E3/503** Iem Horn WRI, EN 00401856 ["I was the one who took the prisoners to the room, untied their blindfold, shackled them and then took off the handcuffs"]; **E3/8386** S-21 Circular, EN 00521632 ["When locking up the enemies, it is necessary to carefully examine the locks, the bracelets and the chains and only then can one remove the handcuffs and take off the blindfolds"].

<sup>2619</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.06.20-14.07.32, 14.24.42-14.26.19 ["There were three main buildings to detain prisoners"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.44.06-10.48.08 [detained in Building C]; **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.08.04; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16 ["Building C, D, and B were the ... detention buildings"]; **E3/5765** OCJ Report on Reconstruction, EN 00198000-02, 00198005-06; **E3/9431** OCJ S-21 Reconstruction Photographs, EN 00198029 [photo showing Buildings A, B, C, D, and E]; **E3/8116** OCJ S-21 Reconstruction Photographs, EN 00360047-48, 00360058, 00360061 [photographs of detention buildings].

<sup>2620</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19 [detention buildings contained both small cells for individual prisoners and large common rooms]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.00.05-10.03.23 [cell in which he was initially detained was approximately one and a half by two metres], 10.44.06-10.48.08 [after detention in the small cell, he was placed in a "big room" in Building C that held around 40 other detainees], 11.16.50-11.18.25; **E1/418.1** Chum Mey, T. 19 Apr 2016, 09.51.17-10.00.15; **E3/7451** Chum Mey, T. 30 June 2009, 14.19.52-14.22.54; **E1/427.1** Him Huy, T. 4 May 2016, 09.29.33-09.32.45; **E3/5765** OCJ Report on Reconstruction, EN 00198005 [Vann Nath detained in a large cell on "top floor in building D" in which "the number of prisoners varied between 40 and 60"]; **E3/7641** Lach Mean WRI, EN 00363554 ["The north building in the middle level had large cells where they placed prisoners in long iron leg shackles. The middle building had small cells, both on the middle



processed and detained at the Special Prison,<sup>2621</sup> which was initially located in houses to the south of the compound, but later in Building A (which was also used for interrogation).<sup>2622</sup> At its busiest period, S-21 held over 1,700 prisoners,<sup>2623</sup> though the number of prisoners more typically ranged between 1,000 and 1,500 persons.<sup>2624</sup>

647. The prison compound was surrounded by a corrugated zinc outer fence<sup>2625</sup> and a wrought iron inner fence “covered with barbed wire.”<sup>2626</sup> One of the prison fences was

floor and the lower”]; **E3/8116** OCIJ S-21 Reconstruction Photographs, EN 00360055, 00360064 [large cells], 00360063 [small cells], 00360062 [photo of Chum Mey in S-21 cell]; **E3/9431** OCIJ S-21 Reconstruction Photographs, EN 00198074-75 [photograph of Cell 22 in Building A, in which Chum Mey was detained during 12 days of interrogation], 00198076; **E3/8063.53** Photograph, S-21 Building B Rear; **E3/8063.54** Photograph, S-21 Building C Rear; **E3/8063.85** Photograph, S-21 Building C Front.

<sup>2621</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/428.1** Him Huy, T. 5 May 2016, 10.08.03-10.32.25 [important prisoners “usually” detained at the special prison]; **E1/430.1** Suos Thy, T. 2 June 2016, 15.34.42-15.37.33; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11 [“important detainees would be segregated and ... put into their special prisons”], 14.42.48-14.45.09 [“Western detainees were ... sent to be detained straight at the special prison”]; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.26.19-14.28.30 [“For important prisoners, they did not want staff or guards at S-21 to see them being detained at S-21”]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.53.05 [“when it comes to important prisoners, the prisoners would be kept at the special prisons”]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.37.06-15.39.11 [foreigners and Vietnamese prisoners of war detained and interrogated at the special prison]; **E1/54.1** Kaing Guek Eav, T. 26 Mar 2012, 09.17.20.

<sup>2622</sup> **E1/428.1** Him Huy, T. 5 May 2016, 10.34.00-10.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/430.1** Suos Thy, T. 2 June 2016, 11.06.08-11.10.20; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.37.06-15.39.11 [special prison moved to Building A “toward the second semester of ’78”]; **E3/7450** Vann Nath, T. 29 June 2009, 11.45.45-11.48.38; **E1/418.1** Chum Mey, T. 19 Apr 2016, 09.58.37-10.00.15 [he was interrogated in Building A]; **E3/7616** Mam Nai WRI, EN 00164391 [“The south building between Streets 360, 143, and 350 was the interrogation site for special prisoners like [Vorn] Vet”]; **E3/8063.66** Photograph of S-21 Building A.

<sup>2623</sup> **E3/10008** S-21 Daily Counting List, 15 Oct 1977 [total of 1,729 prisoners at end of day]; **E3/10770** Logbook of S-21 Daily Counting Lists, KH 01355964 [10 June 1977 – 1,698 prisoners], 01355970-74 [total prisoners in excess of 1,600 from 17-21 June 1977], 01356085-91 [total prisoners in excess of 1,600 from 10-16 Oct 1977, and over 1,700 on 15 and 16 Oct 1977]. See also **Annex F.48** List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977.

<sup>2624</sup> **Annex F.48** List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977; **E3/10770** Logbook of S-21 Daily Counting Lists [showing daily totals of prisoners for the period from 23 March to 3 December 1977]. See also **E3/1684** David Chandler, *Voices from S-21*, EN 00192714-15 [“The number of prisoners at S-21 varied, reflecting the waxing and waning of the purges that swept through DK from mid-1976 onward ... The prison’s maximum capacity, reached in 1977, was around 1,500 prisoners”].

<sup>2625</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 10.55.22-10.57.44 [“At Pohnea Yat high school, there were two levels of fences ... as for the outer fence, it consisted of only zinc fence”]; **E1/428.1** Him Huy, T. 5 May 2016, 15.15.48-15.17.38, 15.22.55-15.26.03 [referencing “zinc fence”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 13.48.12-13.51.13 [“corrugated tin fence” along the road outside S-21 was “about 50 metres away from the prison compound”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 13.50.36-13.53.25 [describing “corrugated” fence at “outer perimeter”].

<sup>2626</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 13.48.12-13.51.13 [describing inner fence “covered with barbed wire to hold the prisoners in the building”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.00.50 [“It was a barbed wire fence with corrugated iron surrounding S-21”]; **E1/430.1** Suos Thy, T. 2 June 2016, 10.55.22-10.57.44 [describing inner fence “surrounding the prison compound” as “a wall mounted by barbed wire together with zinc”]; **E1/428.1** Him Huy, T. 5 May 2016, 15.15.48-15.17.38; **E3/7450** Vann Nath, T. 29 June 2009, 14.39.24-14.43.11 [“Behind Building B and C there were a barbed wire fence”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192681 [“The silent, malodorous site was surrounded by a corrugated tin fence topped with coils of barbed wire”]; **E3/8063.95** [photograph showing coils of

electrified.<sup>2627</sup> Detainees were also prevented from escaping by the three levels of guards<sup>2628</sup> who were assigned to patrol inside the prison,<sup>2629</sup> outside the walls of the compound,<sup>2630</sup> and in the surrounding neighbourhood.<sup>2631</sup> As a result of these security measures, almost no one was ever able to escape from S-21.<sup>2632</sup>

## 2. Lack of Due Process

648. Decisions to arrest and imprison people at S-21 were made without the involvement or oversight of any judicial body. Individuals were often arrested solely on the basis of

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- barbed wire between wrought iron fence and corrugated zinc fence]; **E3/3095R** Video *Die Angkar*, 1981, 30:31-30:36 [film footage showing coils of barbed wire around fences]; **E3/3139R**, Video *Vietnamese Disc 2*, 01:42:25-01:50:02 [footage of S-21 compound after its discovery by Vietnamese troops, including barbed wire fence]; **E3/8063.10** and **E3/8063.101** [photographs showing exterior of corrugated zinc fence with barbed wire on top].
- <sup>2627</sup> **E3/7450** Vann Nath, T. 29 June 2009, 14.39.24-14.43.11 ["electricity was used on the fence to defend the building"]; **E3/7625** Kok Sros WRI, EN 00164563 ["If this had happened at night, he would have been shocked by the electric fence, which was turned on after 6 pm until 6 am"]; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396875 [describing his return to Tuol Sleng in August 1979: "Everything looked exactly the same as before ... The electric fence made of corrugated iron sheets and barbed wire was still in place"]; **E3/8063.96** [S-21 photograph showing barbed wire on wrought iron fence and apparatus used for electrifying the barrier].
- <sup>2628</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.03.39-15.05.33 ["units or groups ... were tasked to guard both inside and outside the compound"]; **E3/5154** Him Huy WRI, EN 00161597; **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.23.23-11.25.38; **E3/7640** Chiem Soeur WRI, EN 00225107 ["[Q:] Were any prisoners able to run away? [A:] I did not come across any prisoner who could do so since there were three levels of guards"]; **E3/503** Iem Horn WRI, EN 00401856; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.13.47 ["Peng's forces guarded inside; the special forces of Comrade Huy guarded outside"]; **E3/8386** S-21 Circular [describing duties of guards].
- <sup>2629</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.02.14-15.04.26; **E3/7641** Lach Mean WRI, EN 00363553 ["I was in the defense unit there too, guarding the prisoners in the cells"]; **E3/7668** Ches Khiev alias Peou WRI, EN 00401849; **E3/7638** Nhep Hau WRI, EN 00401788 ["Guarding inside the compound ... Five teams guarded from 6 to 11, and another five teams continued in the afternoon"]; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7470** Chhun Phal, T. 10 Aug 2009, 09.57.01-10.05.43; **E3/7665** Chhun Phal WRI, EN 00163813-14 ["I guarded ... in the buildings ... There were four guard shifts; each guard stood two alternating shifts during one day and one night"].
- <sup>2630</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.30.10-09.32.42 ["We had to stand guard at the gates, and we were required to open and close the door to make sure that no one could enter into S-21 freely"]; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.10.52-09.13.41 [witness was 200-300 metres from the centre of the prison, "guarding the main gate leading to the main building"]; **E3/7663** Tay Teng WRI, EN 00401836; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.09.48-10.13.47 ["The special force had the following six tasks. First to guard outside the premises"]; **E3/5154** Him Huy WRI, EN 00161597; **E3/7625** Kok Sros Statement, EN 00164563 ["There were 100 in my group ... they assigned each of us to guard a 5 square meter area, and we were not allowed to sit down"]; **E3/7665** Chhun Phal WRI, EN 00163813.
- <sup>2631</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13 [describing an occasion that he was "guarding outside the compound near the fire station"]; **E3/7671** Pen Heng WRI, EN 00163694 ["I was stationed on guard in the houses southwest of Tuol Sleng where ... they were holding prisoners"]; **E3/7640** Chiem Soeur WRI, EN 00225105, 00225107.
- <sup>2632</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.25.45-15.27.50 [witness knew of only one case in which a prisoner escaped from S-21]; **E1/431.1** Suos Thy, T. 3 June 2016, 11.04.01-11.06.12 [witness knew of one incident in which a prisoner successfully fled]; **E3/7640** Chiem Soeur WRI, EN 00225107; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 09.23.38 [the first purpose of fence surrounding S-21 compound was "to prevent prisoners from escaping"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.47.30-11.51.46 ["there was only one case of escape and the person went back to the unit and the unit sent back to S-21; that was from the 170<sup>th</sup> Unit"].

torture-induced confessions that named long lists of purported traitors or enemies of the regime.<sup>2633</sup> Regardless of how prisoners wound up at S-21, they were not informed of their rights or the charges against them, or even of the reason for the arrest.<sup>2634</sup> Nor were they entitled to challenge their arrest and imprisonment through any judicial mechanism as DK authorities did not establish courts, criminal codes, or legal processes.<sup>2635</sup>

<sup>2633</sup> **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.20.50-10.24.05 ["people were arrested based on the implication in the confessions"], 11.06.08-11.11.45; **E3/453** Kaing Guek Eav WRI, EN 00147584; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185023 ["the purpose of confessions was so upper echelon could analyse them and find traitors ... so they could track traitorous networks"]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343 ["The core work of Special Branch in that era was sending confessions to upper echelon: it was the confessions that upper echelon wanted in order to increase their suspicions and to stupidly continue arresting and killing people, their own flesh and blood"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.50.50-15.52.39 ["We were assigned to interrogate because they want to find out the strings or network of traitors"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.21.40-11.23.23 ["prisoners usually implicated others in their confessions, so we had to search for all those related people"], 15.44.45-15.46.32; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.40.25-10.44.06 [surviving detainee was repeatedly interrogated and tortured about which network he belonged to, until he "fabricated" a list of names of supposed traitors], 13.44.05-13.47.18 ["[interrogators] forced me to confess and to implicate others"].

<sup>2634</sup> **E1/427.1** Him Huy, T. 4 May 2016, 14.01.12-14.02.48 [when individuals were apprehended for transport to S-21, they were not informed of their rights]; **E3/7452** Bou Meng, T. 1 July 2009, 10.02.24-10.05.02 ["I was shocked and confused because I did not know why I was arrested and I did not know how I responded to them"], 14.11.30-14.14.18 ["I did not know what kind of bad deeds I committed ... But then Angkar would say that Angkar had multiple eyes like the pineapple so they never made any wrong arrests"]; **E3/7456** Chin Met, T. 8 July 2009, 14.25.19-14.28.10 ["Q: Were you told of any charges upon being arrested? A: I was not asked, I was not told anything about the charges"]; **E3/7457** Nam Mon, T. 9 July 2009, 15.30.23-15.32.27; **E3/503** Iem Horn WRI, EN 00401858 ["I did not know the reason of my arrest"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 09.53.58-09.58.48 [when transported to Tuol Sleng, he was told he was going to Vietnam to repair vehicles]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.12.49-11.13.56; **E3/7450** Vann Nath, T. 29 June 2009, 10.12.27-10.14.15 ["They [those who arrested him] did not tell me anything"], 11.48.38-11.56.55 ["those who came along with me to S-21, the majority of them did not know anything or any offence that would lead to their arrest. They were perplexed as to what happened, why they were arrested"].

<sup>2635</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 13.45.28-13.46.51 ["In the period, the new prisoners, when they came in, were not represented by any lawyers or were not adjudicated by any judges; they were imprisoned right away without contest"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.23.04-14.24.42 ["All prisoners who were detained there, they did not have any lawyer or anyone who came to defend them"]; **E1/427.1** Him Huy, T. 4 May 2016, 14.08.30-14.10.11 ["prisoners who were brought in did not have any rights since they were accused of being enemies. So their rights were forfeited"]; **E3/7461** Him Huy, T. 16 July 2009, 15.14.11-15.16.47 ["During the Khmer Rouge regime the court was non-existent. They were taken and killed. It was simply like that"]; **E3/1691** David Chandler, T. 6 Aug 2009, 10.20.45-10.22.38 ["there were no laws, no judges, no lawyers, no courts in Democratic Kampuchea. There's a Court was mentioned in its Constitution and a Judge was named head of that Court who was later purged at S-21. But no trials took place"]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192813; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185022-23 ["under the DK, there were no courts, no prisons, no minister of justice ... anyone who entered S-21 whether there was a confession or not, could be killed with no problem at all. So, the purpose of a confession was not a legal one, like it was everywhere else ... anyone arrested would certainly die"]; **E3/451** Kaing Guek Eav Statement, EN 00204356 [admitting "illegal arrests" and "inhumane killings of people without trials"]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 ["Q: Do you confirm that there were never any procedural safeguards aimed at assessing the necessity of arrest and detention and granting detainees a trial before they were executed? A: I confirm that the Party took all the important decisions, ruling the country in an exclusive and absolute manner ... These principles were obviously not compatible with the existence of tribunals and procedural safeguards"].



649. Duch has acknowledged the innocence of people imprisoned at S-21, admitting that many of the prisoners he personally knew were “wrongly” arrested.<sup>2636</sup> As affirmed by Duch and other S-21 cadres,<sup>2637</sup> once these victims were branded enemies by the Party leaders and sent to S-21, their fate was sealed:

the prison for S-21 was not the prison in other countries with the rule of law ... this location was reserved for keeping people to be executed, so there would not be any rules to safeguard – legal safeguard to protect their rights ... So we already treated them as dead people. We only waited for the time when they would be smashed.<sup>2638</sup>

650. Nuon Chea’s Defence spent much of the trial unsuccessfully trying to prove that a handful of S-21’s 18,000 prisoners had engaged in some form of treason against the Khmer Rouge regime. The effort was futile from the start. Even if such an allegation was proven, it would not have absolved **Nuon Chea** of a single crime perpetrated at S-21. International law does not permit authorities to imprison and execute people without any judicial process.

### 3. Total Number of S-21 Prisoners

651. *Documentation of Prisoner Entries*: S-21 used a meticulously detailed record system to keep track of prisoners, including daily entry lists,<sup>2639</sup> photographs,<sup>2640</sup> prisoner biographies,<sup>2641</sup> interrogation logs,<sup>2642</sup> and execution lists.<sup>2643</sup> Most of these records were

<sup>2636</sup> **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185040 [“Emphasizing those I knew personally who were arrested, the possibilities they were arrested wrongly were very great, it was wrong to arrest them”].

<sup>2637</sup> See **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.29.44-14.31.45 [“I never heard the words, ‘making mistake’ in arresting the prisoners. They never used that. Everyone who was arrested and brought in was considered as the enemy”]; **E1/430.1** Suos Thy, T. 2 June 2016, 13.52.10-13.56.20 [“I know that the prisoners who came into S-21 were already considered dead ... When they were brought in, they were supposed to be killed”]; **E1/427.1** Him Huy, T. 4 May 2016, 09.11.17-09.13.02; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.56.09 [“We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon”]; **E3/7495** Nhem En Interview, Mar 1997, EN 00078259 [“I saw what they did was dictatorial, cruel, summary justice (*kmei ka samreik jet*). They were not do[ing] investigations before killing people”].

<sup>2638</sup> **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.22.00-11.25.54.

<sup>2639</sup> See e.g. **E3/2285** Names of Prisoners Entered on 2 July 1977, EN 00873556.

<sup>2640</sup> **E3/9837** DC-Cam Collection of S-21 Prisoner Photographs; **E1/431.1** Suos Thy, T. 3 June 2016, 14.22.33-14.25.13 [“For prisoners who were brought in, they would be registered. Their photographs were taken”]; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“photos taken just after the prisoners arrived”]; **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 14.36.20-15.00.45, 15.25.47-15.29.50; **E3/7639** Nim Kimsreang WRI, EN 00162737-38; **E3/5765** OCJ Report on Reconstruction, EN 00198000 [“After the registration Suos Thy would send them to the photographer in the next room”].

<sup>2641</sup> See e.g. **E3/1532** Biography of Ing Sok, 29 Dec 1978.

<sup>2642</sup> See e.g. **E3/1951** S-21 Interrogation List, 10 May 1978; **E3/8671** S-21 Interrogation List, 2 Feb 1978.

<sup>2643</sup> See e.g. **E3/10455** List of Prisoners Smashed on 31 December 1978.

prepared by Suos Thy and the Documentation Unit,<sup>2644</sup> which was based in Building E and registered the names, positions, and places of origin of prisoners upon their arrival at S-21;<sup>2645</sup> recorded the building and cell numbers in which each person was imprisoned;<sup>2646</sup> and prepared individual files for each prisoner that included their biographical information and photograph.<sup>2647</sup> These contemporaneous records establish both the number and identity of the victims imprisoned at S-21.

652. *OCF and OCJ S-21 Prisoner Lists*: During the investigative phase of these proceedings, OCP compiled an S-21 Prisoner List that identified a total of 12,273 prisoners,<sup>2648</sup> which was created by merging two composite DC-Cam lists of entering and executed S-21 prisoners, but did not entail a document-by-document review of all available individual S-21 records. Even while on trial for the murder of the people imprisoned at S-21, Duch acknowledged that the OCP number was lower than the actual number of people imprisoned and killed at S-21.<sup>2649</sup> Expert David Chandler, based on a review of entry records which were admittedly incomplete, had estimated a total of 14,000 S-21 prisoners.<sup>2650</sup>

<sup>2644</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 11.02.34-11.04.25 [witness was tasked with recording the entry of prisoners to S-21], 13.33.02-13.34.32; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.34.54-09.36.48, 09.49.40-09.51.36 ["When prisoners arrived, based on what I saw, at Suos Thy's office, the prisoners were photographed, measured and their biographies were drawn up"].

<sup>2645</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 15.19.21-15.21.08 ["Usually they would be brought in in a batch of about 30 and then I would take a brief biography of each prisoner, including their names, parents' names, occupations and units"]; **E1/431.1** Suos Thy, T. 3 June 2016, 10.34.22-10.36.26; **E3/7465** Suos Thy, T. 27 July 2009, 13.54.14-13.57.37, 14.24.17-14.31.30; **E3/7466** Suos Thy, T. 28 July 2009, 09.29.13-09.40.50 [identifying lists of incoming prisoners prepared by his unit], 09.59.53-10.02.17 [confirming practice for registering new prisoners]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.17.07-11.20.07; **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.27.07-11.31.16 ["Building E was for taking photograph for recording, making lists of documents"]; **E3/5748** Kaing Guek Eav WRI, EN 00153567, 00153575; **E3/5765** OCJ Report on Reconstruction, EN 00198000; **E3/7450** Vann Nath, T. 29 June 2009, 09.51.49-09.56.24 ["we were asked about biography, where we came from, what is our name, so I told them my name, that I came from the fifth cooperative from the Northwest Zone"]; **E3/10604** OCJ S-21 Prisoner List, No. 7992 [Heng Nat, 34 year old former painter from Cooperative 5, Sector 4 of Northwest Zone] referencing **E3/10432** List of Prisoners Entering on 7 January 1978, EN 01366919, **E3/10260** List of Prisoners from Northwest Zone, KH 01016815.

<sup>2646</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 14.22.33-14.26.49 ["later on, I would go to those cells, to note down the particular cells that the prisoners were held in"]; **E3/7465** Suos Thy, T. 27 July 2009, 14.27.44-14.31.30; **E3/5765** OCJ Report on Reconstruction, EN 00198000.

<sup>2647</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 14.18.20-14.20.53; **E1/432.1** Suos Thy, T. 6 June 2016, 15.30.40-15.32.20, 15.34.32-15.36.47; **E3/3466** Biography of Pak Khna alias Koem, 3 Feb 1978.

<sup>2648</sup> **E3/342** OCP Revised S-21 Prisoner List.

<sup>2649</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.15.48-09.20.21 ["Q: Were there 12,380 prisoners killed at S-21? A: ... I think the number could even exceed that number"]; **E3/5811** Kaing Guek Eav, T. 27 Nov 2009, 11.55.07-11.59.00 ["Yesterday the national prosecutor indicated the new number of 12,300. I never challenged such number anyway because I admit that even more -- there were more than the number already indicated who died at S-21"]; **E3/5771** Kaing Guek Eav WRI, EN 00185503.

<sup>2650</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192714-15 ["Although the totals listed here come to only 13,206, given the lacunae in the data it seems prudent to estimate the prison population between

653. From 2014 to 2016, an OCIJ analyst conducted a comprehensive review of all available S-21 prisoner entry lists, supplemented in some cases by execution lists, biographies, and the Tuol Sleng list of S-21 confessions, and identified a total of 15,101 prisoners.<sup>2651</sup> The OCIJ S-21 Prisoner List was admitted on 5 April 2016.<sup>2652</sup> The underlying S-21 documents referenced for each individual in the OCIJ List, establishing their imprisonment at S-21, were admitted on 11 May 2016,<sup>2653</sup> with the agreement of all parties.<sup>2654</sup>
654. In reviewing the new OCIJ S-21 List, OCP noted that over 2,200 individuals who appeared on the OCP Revised S-21 Prisoner List had been omitted. Excluding those left off because they were duplicate entries, OCP was able to identify contemporaneous S-21 records for 1,606 of the omitted individuals, information which was filed on 8 August 2016.<sup>2655</sup> Moreover, after confirming that the OCIJ S-21 List was based primarily on a review of prisoner entry records and excluded many S-21 execution lists and all photographs,<sup>2656</sup> OCP conducted a thorough review of the execution lists and

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1975 and 1979 as approximately 14,000”].

<sup>2651</sup> **E3/10604** OCIJ S-21 Prisoner List; **E393.1** OCIJ Memorandum “OCIJ S-21 Prisoner List and explanation of the applied methodology”, 30 Mar 2016; **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 09.56.39-09.58.26 [“I worked on the S-21 lists, particularly lists of incoming prisoners”], 10.36.23-10.41.07, 10.45.15-10.47.27 [review included “list of confessions” from the Tuol Sleng archives], 11.06.05-11.08.46, 13.35.27-13.36.56 [“Regarding the methodology, first I mainly focused on the list of incoming prisoners from 1975 up to 1979 ... Normally there are a list of incoming prisoners on a daily basis, a weekly basis, monthly basis and yearly basis. And then I will review other documents as indicated in the various columns, for instance the biographies”].

<sup>2652</sup> **E393** Trial Chamber Memorandum “Decision admitting new OCIJ Prisoner List”, 5 Apr 2016 [noting in para. 3 that the admission of the OCIJ List was also in response to a “Nuon Chea Defence request to obtain pertinent new evidence created by the ICIJ in Cases 003 and 004”]. See also **E1/418.1** T. 19 Apr 2016, 09.29.35 [statement of Nuon Chea Defence counsel that he had “more confidence” in the OCIJ S-21 List than the previous list of OCP]; **E1/425.1** T. 2 May 2016, 14.03.21 [Nuon Chea Defence: “we now have a list which at least *prima facie* seems to be more reliable than the list which was used by the parties in Case 001”].

<sup>2653</sup> **E393/1** Trial Chamber Memorandum “Admission of documents underlying S21 prisoners list produced by the OCIJ”, 11 May 2016.

<sup>2654</sup> **E1/425.1**, T. 2 May 2016, 13.44.58 [OCP: “we have no objection to the underlying records being admitted”], 13.47.04 [Civil Parties: “we do not object to the admission of those documents but, on the contrary, would wish that those documents be admitted”], 13.51.30 [Khieu Samphan Defence: “it goes without saying that if the Chamber admitted that list, all documents that have helped in laying the foundation for the establishment of that list are relevant”], 14.10.12 [Nuon Chea Defence – regarding the 871 underlying documents cited in the OCIJ List: “We actually support the idea that all documents should be admitted”].

<sup>2655</sup> **E393/2** Co-Prosecutors’ Submission Regarding OCIJ Combined S-21 Prisoner List with Annexes A and B, 8 Aug 2016. This list was subsequently corrected to a total number of 1,592 when the OCP identified and removed a number of duplicates. See **E393/2** Co-Prosecutors’ Submission Regarding OCIJ Combined S-21 Prisoner List with Annexes A and B, 13 April 2017.

<sup>2656</sup> **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 10.56.58-11.04.10 [“I only worked on the incoming prisoner’s list ... I did not have time to examine those photos”], 11.06.05-11.08.46 [“I did not focus fully on the list of prisoners who were executed”], 11.35.27-11.36.57, 13.54.48-13.56.10 [“Q: Do I understand correctly that you did not have sufficient time to go through all the execution lists and put all those dates into the



prisoner photographs in evidence, and identified an additional 1,440 individuals who were imprisoned at S-21. Both additions to the OCIJ List have been incorporated into the OCIJ S-21 spreadsheet, and the updated list now identifying a total of 18,133 S-21 prisoners is filed herewith as **Annex F.1 Revised OCIJ S-21 Prisoner List**. Of the 18,133 prisoner records, data pertaining to 17,961 prisoners was analysed prior to the filing of this brief in **Annex F.2 Revised OCIJ S-21 Prisoner List Charts & Graphs**. These figures highlight arrest and execution/death patterns and demonstrate the arrest and execution of different targeted groups over time and place.

#### 4. Types/Categories of Prisoners Detained at S-21

655. The 18,133 victims imprisoned at S-21<sup>2657</sup> consisted of people from various backgrounds, including former Khmer Republic soldiers and officials (471 prisoners),<sup>2658</sup> Cambodians returned from overseas, Vietnamese nationals (728 prisoners),<sup>2659</sup> other foreigners, and, most numerous, soldiers, cadres, and ordinary workers from the zones, RAK divisions, ministries, and other DK organisations purged by the CPK leadership. The immediate relationship between S-21 and the CPK's countrywide criminal policies can be seen when the composition of S-21's prisoners is juxtaposed against the internal or external enemies targeted by Party Centre leaders. Victims at S-21 predominantly hailed from the organisations and areas selected for purges by the CPK leaders, such as the East Zone (2,272 prisoners),<sup>2660</sup> the Northwest Zone (1,423 prisoners)<sup>2661</sup> and RAK Division 310 (1,302 prisoners).<sup>2662</sup> Additionally, more than 1,100 people<sup>2663</sup> were imprisoned at S-21 because they were related to another prisoner, a clear demonstration of the CPK's policy to "dig up the roots" of an enemy's network.<sup>2664</sup>

#### OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

656. From the moment they passed through the gate at S-21, prisoners were subjected to

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spreadsheet; is that correct? A: That is correct"], 14.08.51-14.18.27.

<sup>2657</sup> **Annex F.1 Revised OCIJ S-21 Prisoner List**.

<sup>2658</sup> **Annex F.32 List of Khmer Republic Officials S-21 Prisoners**.

<sup>2659</sup> **Annex F.33 List of Vietnamese S-21 Prisoners**.

<sup>2660</sup> **Annex F.41 List of East Zone S-21 Prisoners**.

<sup>2661</sup> **Annex F.36 List of Northwest Zone S-21 Prisoners**.

<sup>2662</sup> **Annex F.6 List of RAK Division 310 S-21 Prisoners**.

<sup>2663</sup> **Annex F.47 List of S-21 Prisoner Population Recorded as Relatives**.

<sup>2664</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 11.22.37-11.25.17; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.51.08-09.53.38.

conditions so inhumane that they felt they were no longer human beings.<sup>2665</sup> Duch has admitted that “inhumane detention and living conditions” were among the crimes committed at S-21.<sup>2666</sup>

657. *Use of Shackles*: Most prisoners were held in large common cells with between 20 and 40 prisoners who were shackled by the ankle to long iron bars in rows of ten prisoners each.<sup>2667</sup> They remained permanently shackled in their cells, 24 hours a day,<sup>2668</sup> even while eating,<sup>2669</sup> sleeping,<sup>2670</sup> relieving themselves,<sup>2671</sup> being washed by hoses,<sup>2672</sup> or

<sup>2665</sup> **E3/7450** Vann Nath, T. 29 June 2009, 09.56.24-09.59.13 [“The conditions were so inhumane and the food was so little ... I lost my dignity because the condition of the prisoners and the guards were so distant. It’s like humans compared to animals. Even with animals they would give enough food”]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 [“I thought that I was being treated worse than a human being, I was treated like an animal, like a dog”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.52.00-11.01.02 [“I saw the ammunition box they gave us to relieve ourselves, on the bare floor, and I could smell the excrement and urine”], 14.03.28-14.07.12 [“Even if you raise a pig, you have to give food to the pig but for me I only got a spoonful of very thin gruel”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43 [“I felt very pity for them and for myself because we were treated like animals”].

<sup>2666</sup> **E3/5772** Kaing Guek Eav WRI, EN 00209175; **E3/2978** Kaing Guek Eav, T. 8 Apr 2009, 10.24.18-10.28.45 [“as a chief of S-21 all crimes including detention, inhumane detention against other inmates, women and children, and further to the execution of women and children, I admit it all”].

<sup>2667</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.45.28-10.48.08 [“In that room, I saw about 40 detainees. All of them were shackled. Their legs were shackled”]; **E3/7451** Chum Mey, T. 30 June 2009, 11.24.09-11.26.11, 11.33.07-11.36.04; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.24.42-14.26.19, 14.28.30-14.31.00 [“their ankles would be placed into a ring and then they would use a long metal bar to go through those rings in a row and then they would lock the end part of that metal”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.22.43-14.25.16; **E3/7641** Lach Mean WRI, EN 00363554; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.42.12-13.43.45; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02 [“There were a lot of detainees attached to the shackles by our ankles, maybe 5 to 10 people for each long shackle and we were put to sleep head to head”], 10.22.03-10.25.06; **E3/7454** Ly Hor, T. 6 July 2009, 10.11.37-10.14.07; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner: “I was shackled on one ankle”]; **E3/7674** Vann Nath WRI, EN 00163737-38 [“they put me in a long common shackle. There were twenty prisoners in one shackle (Drawing 8)”], 00163748 [Drawing 8]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.06.13; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.06.37-15.08.50; **E3/7462** Him Huy, T. 20 July 2009, 10.34.40-11.02.17; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.39.28-11.41.55; **E3/454** Kaing Guek Eav WRI, EN 00147602; **E3/503** Iem Horn WRI, EN 00401856; **E3/7668** Ches Khiev WRI, EN 00401849 [“Those prisoners were always shackled and the shackles were changed from one leg to another when the leg was bruised”]; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7667** Prum Sokh WRI, EN 00163830; **E3/7669** Saom Met WRI, EN 00163663; **E3/5765** OCIJ Report on Reconstruction, EN 00198004-06 [confirmation from Prak Khan, Suos Thy, Vann Nath, and Bou Meng that prisoners were restrained by shackles in large common cells]; **E3/8063.143** Painting of Mass Detention Cell at S-21, P 00000027; **E3/8063.65** Photograph of Shackles in S-21 Building C Brick Cell; **E3/10647** Photographs of Foot Shackles, EN 01240475; **E3/8063.89** Photograph of Shackle in S-21 Brick Cell [close-up of a shackle].

<sup>2668</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.28.30-14.31.00 [“Prisoners who were shackled ... would remain in the shackles until the time that they had to be transported out”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.46.07-13.49.12 [“The prisoners were always shackled and the shackles were changed from one leg to another when the leg got injured”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.34.15-11.36.34 [“they were shackled to their legs 24 hours ... except when they were taken or walked to be interrogated”], 11.45.15-11.47.30; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner permanently shackled for 3 months]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.06.13 [“We were allowed to do exercise in the morning but while we were still shackled. In our room, we slept there and ate there and relieved ourselves inside the same room, and we were not allowed to move even an inch from where we belonged”].

<sup>2669</sup> **E3/5154** Him Huy WRI, EN 00161602 [“When they ate they were not unshackled. The guards walked

receiving medical treatment.<sup>2673</sup> Prisoners' ankle shackles remained on when they were taken for interrogation, so they could be restrained in the interrogation room.<sup>2674</sup> Some prisoners still bear scars from their shackles decades later.<sup>2675</sup> Duch testified that shackles or chains were also used at M-13, Takhmau, PJ, and other DK prisons "across the country."<sup>2676</sup>

658. Other S-21 prisoner regulations were also strictly imposed.<sup>2677</sup> Prisoners were not allowed to talk to each other or make any noise.<sup>2678</sup> Even while sleeping at night, if

up and unlocked the cells and scooped out a dish for each person"; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13.

- <sup>2670</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32 ["Prisoners who were brought to the prison ... had to sleep with their ankles shackled"]; **E3/7451** Chum Mey, T. 30 June 2009, 11.24.09-11.26.11 ["And when they put the chains on my legs I was ordered to ask for permission if I changed my position when I slept"].

- <sup>2671</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 ["I saw an ammunition box in the room where I was ordered to relieve myself in, but because of the shackle on my ankles, the watery faeces could not all go into the container"]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042; **E3/7669** Saom Met WRI, EN 00163661.

- <sup>2672</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.20.12-11.23.27; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24; **E3/503** Iem Horn WRI, EN 00401860; **E3/7668** Ches Khiev WRI, EN 00401849 ["They sprayed water to bathe the prisoners when it stunk of urine"]; **E3/7669** Saom Met WRI, EN 00163664; **E3/7946** Chhem Chhin WRI, EN 00163793; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.

- <sup>2673</sup> **E1/425.1** Makk Sithim, T. 2 May 2016, 15.06.37-15.08.50 ["Prisoners were not brought outside for treatment ... they had to be treated while they were still in shackles in the room"].

- <sup>2674</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/5156** Prak Khan WRI, EN 00161582 ["When they arrived at the room where I interrogated them, I locked the leg shackle ring to the table"]; **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 ["During my interrogation ... they tightened the shackle on my ankle"]; **E3/8368** S-21 Notebook "Statistics List of Special Branch", EN 00182961 ["Our comrade interrogators must determine the view that guarding the enemies is our primary duty ... put the cuffs, the rings and the shackle bars and chains"]; **E3/8386** S-21 Circular, EN 00521632 ["Thorough checks must be made of the enemies, including their bracelets and chains, when they are being brought back from the interrogation site"].

- <sup>2675</sup> **E3/7455** Lay Chan, T. 7 July 2009, 10.57.01-11.00.28 ["At present, I can show the scars on my ankles, on my left ankle and a slight mark on my right ankle as a result from the shackles 30 years ago"]. See also **E1/512.1** Vooun Vuthy, T. 13 Dec 2016, 14.25.05-14.26.43 ["Our findings based on the scars on the bones ... Bones with iron shackles have different colour from those without iron shackles"].

- <sup>2676</sup> **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.59.12-10.04.31 ["the shackles or chains were not for torturing; they were for detention, and they were employed across the country ... That is the long metal bar and the rings. While we were at M13, yes, we also used that type of tool. However, the shackles at S-21 existed since the Ta Khmao Prison ... And also at the PJ Prison there were similar types of shackles ... This is the duty determined by the superior that we had to detain and do not allow them to escape"].

- <sup>2677</sup> **E3/8375** S-21 Directive "On the Security of Regulation"; **E3/8116** Photograph of Blackboard Listing S-21 Security Regulations, EN 00360060; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13 ["On the whiteboard there was regulations, internal regulations ... So we could not do anything without permission"]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.23.39-14.24.49; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.05.05-15.06.40 [security regulations were "displayed in the building prison"].

- <sup>2678</sup> **E3/8386** S-21 Circular, EN 00521632 ["The enemies who are in our place absolutely must not be permitted to talk to one another"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.05.58-10.08.26 ["I was told not to chitchat to other people adjacent to my cell. I was required to be quiet and silent"], 14.32.57-14.34.22 ["I was afraid to talk to [Ung Pech] because if we talk to one another ... then we would be beaten"]; **E3/7451** Chum Mey, T. 30 June 2009, 14.43.11; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.08.25-15.10.55 ["measure from Duch that prisoners should not talk to one another"]; **E3/454** Kaing Guek Eav WRI, EN 00147602 ["Talking between detainees was absolutely prohibited"]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/503** Iem Horn WRI, EN 00401858; **E3/7452** Bou Meng,



prisoners “moved and then the chain made sound,” they would be beaten.<sup>2679</sup> Prisoners were not allowed to go outside their cells for fresh air, sunlight, or exercise.<sup>2680</sup> They were not allowed to stand, sit up, or move without permission from the guards.<sup>2681</sup>

659. *Food Rations*: Prisoners at S-21 were subjected to starvation while surplus food produced at Prey Sar was being delivered to the Standing Committee.<sup>2682</sup> They received two small meals a day, usually consisting of a few spoonfuls of thin gruel.<sup>2683</sup> As a result of the meagre food rations, the detainees experienced severe hunger,<sup>2684</sup> and became skinny, ill, and weak.<sup>2685</sup> As described by Vann Nath:

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T. 1 July 2009, 10.10.02-10.12.43 [“if people made noise then they would be beaten with the stick”]; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19 [“when people talked loudly then they would also be beaten”].

<sup>2679</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.08.

<sup>2680</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.31.00-14.32.38 [“For the prisoners, mostly they remained in one place”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.45.15-11.47.30; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06 [“And when we were allowed to do exercise, our legs were still shackled to the metal bars and we could like hop to do exercise”].

<sup>2681</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.28.30-14.32.38; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.45.15-11.47.30 [“Without their permission the prisoner could not stand up”]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06 [“we would not be allowed to sit up unless we sought permission from the guards. Otherwise we would be beaten up”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22 [“one of the guards came and told me ... that I had to ask permission if I would like to change to a side when I was sleeping”], 14.43.11-14.46.10.

<sup>2682</sup> **E3/5804** Kaing Guek Eav, T. 24 June 2009, 11.31.03-11.34.16 [“the third year we have some surplus of rice ... And I send the surplus of rice to the Standing Committee through Uncle Nuon”]; **E1/427.1** Him Huy, T. 4 May 2016, 15.36.52-15.39.40 [“there was a lot of leftover steamed rice and food”].

<sup>2683</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.48.08-10.50.33; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 [while detained for interrogation, he was “given only two spoonfuls of watery gruel per day”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 14.03.28-14.07.12; **E1/427.1** Him Huy, T. 4 May 2016, 15.36.52-15.39.40 [“they had only watery gruel to eat”]; **E3/7461** Him Huy, T. 16 July 2009, 11.35.24-11.39.13; **E3/5154** Him Huy WRI, EN 00161602; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7450** Vann Nath, T. 29 June 2009, 09.56.24-09.59.13 [“There was a big pot of gruel to be distributed among 50 or 60 of us, so we only had three spoons of gruel for each meal and the spoon, was like a coffee spoon -- so little. It's not like a normal rice spoon”], 10.15.51-10.19.13; **E3/7674** Vann Nath WRI, EN 00163738; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19; **E3/7455** Phaok Khan, T. 7 July 2009, 14.21.48-14.25.53, 15.28.26-15.36.25 [“just one ladle of thin gruel per each prisoner”]; **E3/7456** Chin Met, T. 8 July 2009, 14.35.10-14.40.13; **E3/7463** Prak Khan, T. 21 July 2009, 13.43.43-13.47.21; **E3/7465** Kok Sros, T. 27 July 2009, 09.14.57-09.17.50; **E3/1578** Kaing Guek Eav WRI, EN 00194551 [“I feel remorse regarding what happened there, and in particular, not to have given sufficient rations to the detainees”].

<sup>2684</sup> **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 [“we were so hungry that we could eat insects, even the insects that dropped from the ceiling”]; **E3/7452** Bou Meng, T. 1 July 2009, 14.11.30-14.14.18 [“I was so hungry. When I saw the lizard crawling on the ceiling I would wish that it dropped down so that I could grab it and eat to fulfil my hunger”].

<sup>2685</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25-11.20.12; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.43.45-13.46.13 [“They became thinner and thinner because they did not receive enough food to eat”]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.24.32 [“They were very skinny since they did not have any proper place to sleep or proper food to eat. And for that reason, they became emaciated. And I refer to all of them”]; **E3/7466** Suos Thy, T. 28 July 2009, 09.47.47-09.54.23 [describing removal of prisoners for execution: “Before they boarded the trucks the detainees were malnourished ... they were very weak by then”]; **E3/7643** Suos Thy WRI, EN 00162620; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25 [“They were detained there for days, and for months or for years ... they did not have rice to eat, and they did not have water to drink. They would not

I did not think of any other thing other than being thirsty and hungry.  
I was so hungry that I had never experienced that hunger before and I  
thought that even eating a human flesh would be a good meal.<sup>2686</sup>

660. *Lack of Hygiene*: Hygiene conditions at S-21 were appalling. Prisoners were forced to relieve themselves in ammunition boxes and plastic containers inside their cells<sup>2687</sup> while remaining shackled.<sup>2688</sup> The cells were only cleaned when the stench became intolerable.<sup>2689</sup> If urine or faeces leaked onto the floor from the containers, prisoners were beaten or forced to lick up the overspill.<sup>2690</sup> Prisoners were not permitted to clean themselves, and instead were hosed down in groups by guards when the cells were washed.<sup>2691</sup>

- be healthy ... They became emaciated"]; **E1/426.1** Makk Sithim, T. 3 May 2016, 10.40.39; **E3/7470** Chhun Phai, T. 10 Aug 2009, 10.05.43-10.07.26; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 ["I was so skinny and weak"]; **E3/2098** Report on Illness Situation, 5 Aug 1977 [majority of listed prisoners described as "very thin"].
- <sup>2686</sup> **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.
- <sup>2687</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.05.58-10.08.26, 10.48.08-10.50.33; **E3/7451** Chum Mey, T. 30 June 2009, 10.27.30-10.57.37, 14.19.52-14.22.54; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02; **E3/7450** Vann Nath, T. 29 June 2009, 10.14.15-10.15.51; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19, 11.10.29-11.16.36; **E3/7455** Phao Khan, T. 7 July 2009, 14.21.48-14.25.53; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.34.58-14.38.08; **E3/7468** Lach Mean, T. 4 Aug 2009, 10.25.30-10.27.49 [discussing prisoners who died from dysentery: "I'm saying it was infected from one prisoner through another and I think because they relieved themselves in the same ammunition box"]; **E3/7641** Lach Mean WRI, EN 00363554; **E3/7638** Nhep Hau WRI, EN 00401789; **E3/503** Iem Horn WRI, EN 00401860; **E3/7609** Vann Sophea WRI, EN 00186464; **E3/7668** Ches Khiev WRI, EN 00401849; **E3/9431** OCJ S-21 Reconstruction Photographs, EN 00198078; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.41.55 ["for the defecation it was done on the spot where the prisoners lied down, stay or slept. For defecation I think an M-16 box was used, the case was used, and for the urine a plastic container was used"]; **E3/8386** S-21 Circular, EN 00521633 ["It is only when the guard is changed that it is permitted to bring out the faeces and urine buckets"].
- <sup>2688</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.07-11.20.28; **E3/7669** Saom Met WRI, EN 00163661 ["Ordinarily we did not walk prisoners out to relieve themselves outside their rooms"]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.46.07-13.49.12 ["The prisoners were always shackled"]; **E3/7452** Bou Meng, T. 1 July 2009, 10.05.02-10.10.02 [a guard would "collect the waste because the detainees ... could not be moved"]; **E3/7450** Vann Nath, T. 29 June 2009, 09.59.13-10.02.06; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042 ["I was never released from the shackles ... If I needed to defecate I asked the guards to bring the bucket over"].
- <sup>2689</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 09.22.04-09.24.32 ["When I walked past, of course, I felt the stench"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.10.30-16.16.09 ["the smells, the stink, yes, it existed ... of course there was a bad smell"]; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24 ["there was some kind of bad smell from each room because it was not properly cleaned"]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.44.21-13.46.07 ["They sprayed water to wash the prisoners when they stunk of urine"]; **E3/7668** Ches Khiev WRI, EN 00401849.
- <sup>2690</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.52.32-10.56.22; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.18.07-11.20.28 ["because of the shackle on my ankles, the watery faeces could not all go into the container, so it spilled out and then I was ordered to lick it until it became clean, and they scolded me that if I did not lick it, I would be beaten up"]; **E3/7454** Ly Hor, T. 6 July 2009, 10.18.36-10.21.19 ["some detainee would spill the urine inside the box and they would be beaten"].
- <sup>2691</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.31.00-14.32.38 ["They used a water hose to bathe the prisoners collectively at the same time ... the rooms were cleaned at the same time"]; **E3/7468** Lach Mean, T. 4

661. *Disease-Ridden Prisoners*: Many prisoners fell ill as a result of these conditions, suffering from diarrhoea, dysentery, beriberi, malaria, and other diseases.<sup>2692</sup> They developed skin rashes and were infested with lice.<sup>2693</sup> S-21 prisoners died regularly from illness.<sup>2694</sup> Many of those who died were under the age of 30.<sup>2695</sup> Their corpses remained in the cells shackled next to the other prisoners for hours:

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Aug 2009, 13.46.07-13.49.12; **E3/7641** Lach Mean WRI, EN 00363556 ["in the big cells they hosed them down with a water hose. They washed right where they laid"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25; **E3/7451** Chum Mey, T. 30 June 2009, 10.52.00-10.57.37, 14.03.28-14.07.12; **E3/7452** Bou Meng, T. 1 July 2009, 10.15.15-10.19.12 ["we had to be naked and then the water would be sprayed from outside through a water hose ... like the cattle"]; **E3/7455** Phaok Khan, T. 7 July 2009, 15.28.26; **E3/7461** Him Huy, T. 16 July 2009, 11.33.04-11.35.24; **E3/7470** Chhun Phal, T. 10 Aug 2009, 10.17.31-10.21.07; **E3/7668** Ches Khiev WRI, EN 00401849; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 ["a young guard would use a hose, a water hose, and pour the water on approximately 50 prisoners all at once"]; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042; **E3/5765** OCJ Report on Reconstruction, EN 00198005. See also **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.32.38-14.35.25 ["For individual prisoners who were detained in small cells, they had no chance to have a bath. They [were] never allowed to have bath"].

<sup>2692</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.48.08-10.50.33 ["Our whole bodies were swollen"]; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.32.39-09.34.29 ["Most of the prisoners had diarrhoea or fever or headaches"]; **E3/8461** Report from Pao (S-21 Medics) to Office 21 Committee "Disease situations and total prisoner patients," 6 May 1976 [chart listing 172 prisoners who were ill that day, 46 of whom were "seriously ill," and specifying types of diseases]; **E3/8438** Report on Illness Situation, 15 May 1977; **E3/2098** Report on Illness Situation, 5 Aug 1977.

<sup>2693</sup> **E3/7452** Bou Meng, T. 1 July 2009, 14.39.33-14.42.28 ["And we all of us had skin rashes and a lot of skin lice. It was so itchy everywhere"]; **E3/7454** Ly Hor, T. 6 July 2009, 11.10.29-11.16.36 ["the lice were all over our bodies. We developed some skin rashes until the full body covered with rashes"]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 ["we had never been washed or had a bath for quite some time, so we had developed some kind of skin rashes and we felt so itchy"]; **E3/2125** Vann Nath, *A Cambodian Prison Portrait* (Excerpts), EN 00106042 ["My hair ... had become a nest for lice. I had scabies all over my body"].

<sup>2694</sup> **Annex F.48** List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977 [235 prisoners died of disease over the 258 days documented]; **E3/10770** Logbook of S-21 Daily Counting Lists [regular deaths from disease recorded]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.52.11-13.54.05 ["one prisoner died after the other, and the medic was running back and forth every day"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.32.38-14.35.25 ["I witnessed prisoners dying probably because of diarrhoea or other illnesses"]; **E3/7641** Lach Mean WRI, EN 00363555; **E3/1693** David Chandler, *Voices from S21*, EN 00192710 ["a cadre notebook from 1977 recorded ... a total of 234 deaths over four months. Many of those who died had already been worn down by wounds, malnutrition, and torture"]; **E3/833** S-21 Notebook of Mam Nai alias Chan, KH 00077700 ["Comrade Try is afraid when enemies die massively. He's afraid of being arrested by Angkar. Right now, spirits are low because too many people are dying"]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13; **E3/7674** Vann Nath WRI, EN 00163738 ["Many dead prisoners were taken out at night. In my cell eight or nine prisoners died during one month"]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.12.20-09.14.11 [medic personally saw prisoners die "every 3 or 4 days, or every week"]; **E3/7673** Makk Sithim WRI, EN 00401871 ["During treatment sometimes I saw prisoners die, one per day, sometimes one every two or three days"]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48 [S-21 medic: "There were prisoners who were sick and died and, yes, I did see them ... there were many of them, probably up to hundreds"]; **E3/7666** Sek Dan WRI, EN 00163823; **E3/5154** Him Huy WRI, EN 00161602; **E3/7946** Chhem Chhin WRI, EN 00163794; **E1/431.1** Suos Thy, T. 3 June 2016, 09.24.32-09.29.20 ["when there was severe illness or a death of an inmate, then that medic would make such a report to Hor, and Hor would bring that report to me for my daily registration of the situation"], 09.34.52-09.37.28 [approximately one to two people died every day from illness or beatings]; **E3/7465** Suos Thy, T. 27 July 2009, 15.27.59; **E3/7643** Suos Thy WRI, EN 00162620. See e.g. **E3/8461** Report from Pao (S-21 Medics) to Office 21 Committee "Disease situations and total prisoner patients," 6 May 1976 [two prisoners died of dysentery and beriberi that day]; **E3/8460** S-21 Lists of Prisoners



people died one after another, and at about 10 to 11 p.m. the corpse would be removed, and we ate our meal next to the dead body and we did not care anyway because we were like animals.<sup>2696</sup>

The deceased prisoners were eventually taken away and buried by S-21 cadres in the vicinity of the compound.<sup>2697</sup>

662. *Lack of Medical Care:* S-21 detainees did not receive proper medical care for their illnesses and injuries. Medical care was usually only administered to keep prisoners alive long enough to complete their interrogations.<sup>2698</sup> The medics who worked at S-21 were inadequately trained and equipped.<sup>2699</sup> Medicines were in short supply and often consisted of ineffective locally produced products.<sup>2700</sup> Many S-21 medics were arrested

Who Died of Disease, EN 00843437-39 [24 prisoners on various dates from 2-15 Sept 1977], 00843436 [3 prisoners on 17 Sept 1977].

<sup>2695</sup> See e.g. **E3/3181** Names of Prisoners Died of Disease on 3 October 1977, EN 00784611-12 [total of five prisoners, two aged 24 and 25]; **E3/8460** Names of Prisoners Died of Disease on 5 October 1977, EN 00843443-44 [four prisoners aged 17, 27, 28, and 54]; **E3/3181** Names of Prisoners Died of Disease on 12 October 1977, EN 00784614-15 [list of 10 prisoners, five of whom were under 30 years old].

<sup>2696</sup> **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13.

<sup>2697</sup> **E1/426.1** Makk Sithim, T. 3 May 2016, 09.14.11-09.15.45 ["After a prisoner died, a medical staff member would be asked to ... bury that prisoner outside the compound ... I was ordered to bury prisoners outside the compound"]; **E3/7673** Makk Sithim WRI, EN 00401871; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48 ["We, the child medics and the medics were asked to carry those bodies and buried them in the vicinity of the compound"]; **E3/7666** Sek Dan WRI, EN 00163823; **E3/5154** Him Huy WRI, EN 00161602; **E3/7674** Vann Nath WRI, EN 00163738.

<sup>2698</sup> **E1/425.1** Prak Khan, T. 2 May 2016, 09.18.18-09.20.44 ["medics only would treat the prisoners if there were open wounds from the beating"]; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53; **E3/7458** Nam Mon, T. 13 July 2009, 11.07.22-11.09.37 ["I was instructed to work my best, to treat the patients so that they can be strong to be able to give the confession"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.22.17 ["Regarding the medical services, they existed but only ... for the purpose to keep people alive long enough to be interrogated"]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25; **E3/7467** Sek Dan, T. 3 Aug 2009, 10.03.40 [S-21 medic: "The medicine would be given to them to make them alive for the period until they would have been interrogated. That's all"]; **E3/7666** Sek Dan WRI, EN 00163823; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.16.35-15.18.10 [medic "warned" to be careful when treating wounds of important prisoners because "their interrogations were not yet concluded"]; **E3/7673** Makk Sithim WRI, EN 00401871.

<sup>2699</sup> **E1/425.1** Makk Sithim, T. 2 May 2016, 14.55.54-14.57.10 ["I did not know much about medication. I had only the basic training from the chief of medics and when I was sent to S-21, I was required to go and administer or deliver medicines"]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.24.56-09.27.48 ["I was not trained"]; **E3/7666** Sek Dan WRI, EN 00163822 ["in early 1978, I came to work as a child medic ... I had never studied medicine ... I could not read, but I could recognize the can when my leader told me to take the medicine and distribute it"]; **E3/7458** Nam Mon, T. 13 July 2009, 09.37.08-09.39.39 [witness was 15 years old when she started working as a medic at S-21], 09.49.34-09.55.08 [because witness was illiterate, she could not read the names of the different medicines and could only recognize certain labels]; **E3/7665** Chhun Phal WRI, EN 00163814 ["There were different medics for the prisoners and for the workers. The medics at that time were ordinary medics, not medical doctors; they cleaned wounds and treated fevers"]; **E3/7669** Saom Met WRI, EN 00163663 ["They had medics to come and treat them, but they just put on some iodine, they had no other medicine; they just swiped some iodine on the wounds"].

<sup>2700</sup> **E1/425.1** Makk Sithim, T. 2 May 2016, 15.35.59-15.38.25 ["The medicines were not effective"]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41 ["most medicines had expired"], 10.33.39 ["we did not have enough medicines ... we had B12 and B1, and those medicines were produced in Cambodia. There were no French or foreign medicines"], 10.48.11, 13.47.50; **E3/7673** Makk Sithim WRI, EN 00401872-

and imprisoned, including the unit chief and 20 other medics arrested in mid-1978.<sup>2701</sup>

By the end of the regime, only child medics remained.<sup>2702</sup>

663. *Medical Experiments*: As admitted by Duch,<sup>2703</sup> S-21 prisoners were subjected to medical experimentation. Live prisoners were used for surgical training and studies,<sup>2704</sup> including the wife of Khmer Republic Education Under-Secretary Thach Chea.<sup>2705</sup> Pursuant to orders from **Nuon Chea**, drugs were tested on S-21 prisoners.<sup>2706</sup> On one occasion, **Nuon Chea** ordered Duch to use S-21 prisoners to test whether pills found at the house of a cadre accused of plotting to kill Pol Pot were poisonous.<sup>2707</sup> The practice

73; **E3/7452** Bou Meng, T. 1 July 2009, 10.32.59-10.36.36 ["there was no medicine at all. There was a bowl of saltwater and they just poured that saltwater on my back and it was so, so painful because of my open wounds"]; 14.14.18-14.16.43; **E3/7463** Prak Khan, T. 21 July 2009, 13.47.21-13.49.18; **E3/7458** Nam Mon, T. 13 July 2009, 09.39.39-09.42.21 [after running out of medicine, medics gave "traditional herb medicines" to prisoners]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.24.56-09.27.48, 09.49.48-09.56.31; **E3/7674** Vann Nath WRI, EN 00163738.

<sup>2701</sup> **E3/10604** OCIJ S-21 Prisoner List, No. 6965 [Pheng Try, Chairman of S-21 Medical Office, entered S-21 on 10 May 1978], No. 9251 [Chhim Sam-Oeur alias Set, Deputy Chairman, entered S-21 on 6 April 1978], No. 10143 [Chheng Pao, Chief of Medical Staff Team, entered S-21 on 8 May 1978], Nos 4826, 6698, 8805-8808, 8849-8850, 9081, 9244-9249, 9744, 11664, 12028, 12052. *See also* **E1/426.1** Makk Sithim, T. 3 May 2016, 09.21.29-09.23.16 ["I know for sure about Try and Huor ... later on, they were arrested ... while I distributed medicine to prisoners, I saw them being detained in a room"]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.18.29-11.21.17 ["As for medics working in S-21, they were former members of Division 703. To my understanding, all of those medics were later arrested"]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.30.22-09.32.32 [Try, the chief of the medical unit, was arrested and executed]; **E3/7666** Sek Dan WRI, EN 00163822 ["My team leader Pao ... had given an injection which killed a cadre in the unit and was arrested and charged with being a traitor"]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25.

<sup>2702</sup> **E3/7666** Sek Dan WRI, EN 00163822 ["In the end, I saw that only the child medics remained; all the adult medics had been arrested and killed"]; **E1/430.1** Suos Thy, T. 2 June 2016, 11.18.29-11.21.17 ["Duch brought in the children from Amleang to replace those [arrested] medics"]; **E1/426.1** Makk Sithim, T. 3 May 2016, 10.03.58-10.09.22 [witness, who was part of the "last batch of medics," stated that her fellow medics were mostly "about 17 years old"]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 16.22.17 ["Later on even the medics themselves were arrested gradually and then the medical service became loose ... So the medical services was not adequately provided"].

<sup>2703</sup> **E3/5769** OCIJ Written Record of Confrontation, EN 00166567 [Duch: "I know now that regarding medical matters, there were three forms of Crimes against Humanity in S-21. Autopsies practiced on living persons, blood taking and medicine testing"].

<sup>2704</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.28.52, 15.59.42-16.06.41 ["I understood the intention that it was the instruction from the superiors to use live prisoners for the training of surgery"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.35.56-09.38.59 [in one case "a couple of prisoners were taken for medical experiments for anatomy purposes"].

<sup>2705</sup> **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.47.33-15.54.45 [describing how Son Sen criticized Nat for using Thach Chea's wife, because she was well-known, but otherwise agreed to the use of live S-21 prisoners for surgical training].

<sup>2706</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.34.56 ["they used the newly composed medicine to trial on the prisoners. [In one] case, Uncle Nuon gave me some medicine to use and test on the prisoners ... only two people were aware of this. That was I, myself, and Uncle Nuon. I did it personally. Each day I gave them two pills and next day I gave them two more pills for 3 days in a row"].

<sup>2707</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.07.19-09.11.39 ["that was based on the instruction from Bong Nuon ... Bong Nuon gave me the pills in order to test whether the pills were poisonous or not"]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 16.01.56-16.03.47 ["prisoners were taken to test the poison under the instruction of Uncle Nuon"]; **E3/448** Kaing Guek Eav WRI, EN 00154912; **E3/5769** OCIJ Written Record of Confrontation, EN 00166567 [Duch: "When Nuon Chea asked me to conduct the test,

of conducting medical experiments on prisoners is confirmed by an annotation of Duch in a surviving S-21 prisoner list,<sup>2708</sup> as well as by the notebook of an S-21 medic describing experiments conducted on 17 year-old girls.<sup>2709</sup> In addition, many S-21 prisoners had their blood extracted, a practice that is discussed below in the *Executions at S-21 Compound and Takhmau* section.

664. *Treatment of Female Prisoners*: Prisoners at S-21 included a number of pregnant women,<sup>2710</sup> who were abused<sup>2711</sup> and forced to deliver their babies inside the prison compound.<sup>2712</sup> Female prisoners were subject to sexual assault by S-21 cadres.<sup>2713</sup> One detainee was drugged and raped by her interrogator.<sup>2714</sup> Nam Mon, a teenager, was electrocuted, forcibly undressed, and raped in her cell by an S-21 guard:

He used his leg to move my leg shackle tightly against the wall.  
Thus, I was not able to struggle against him. He raped me for about

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I asked Hor to provide three prisoners”].

<sup>2708</sup> **E3/1671** S-21 List of Female Prisoners, EN 00181789 [annotation for prisoner Ten Sakhoeun from Prasot District states “Medical experiment”]; **E3/1569** Kaing Guek Eav WRI, EN 00185476 [identifying annotation as his handwriting], 00185477 [“it concerned new medicines prepared within the unit ... I acknowledge having given my authorisation for these experiments”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 16.01.56. The referenced prisoner is No. 10104 on the OCJ S-21 List (**E3/10604**), which identifies her as a 23-year old female from Sector 23 of the East Zone, who entered S-21 on 5 May 1978.

<sup>2709</sup> **E3/3095R** Video *Die Angkar*, 1981, 29:04-29:46 [showing annotations in notebook of S-21 medic]; **E3/719** Excerpts from *Die Angkar*, EN 01248192 [“Human experiment: A 17 year-old girl had her throat slit and her abdomen pierced. She was put in the water from 7:55 p.m. to 9:20 p.m. The following day, her body began to emerge and kept floating ... A 17 year-old girl was beaten and put in the water from 7:55 p.m. to 12:25 a.m. ... Note: the girl placed in the water with her hands tied had her body emerge on her back ... The adult girl placed in the water with her hands untied had her body emerge on her stomach”]. See also **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.06.56-09.24.40 [describing tests conducted to determine how long it took dead bodies to float, as part of an investigation ordered by Nuon Chea and Son Sen into the origin of a body that was discovered floating in the Mekong River].

<sup>2710</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 14.18.32-14.20.56 [“there were some pregnant prisoners”]; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 9.31.30; **E3/503** Iem Horn WRI, EN 00401859-60; **E3/10166a** List of People to be Removed [majority of 40 listed prisoners are pregnant prisoners or prisoners who had recently delivered babies].

<sup>2711</sup> **E3/7452** Bou Meng, T. 1 July 2009, 11.53.31-11.56.45, 15.01.12-15.03.39 [“through the door, I could see a pregnant woman being walked and kicked ... There was only one pregnant woman and there were two or three female guards walking behind”]; **E3/503** Iem Horn WRI, EN 00401859-60 [“The female prisoners were detained separately in a big room. Those who were pregnant were shackled. The guard handcuffed female prisoners who caused trouble”].

<sup>2712</sup> **E3/5804** Kaing Guek Eav, T. 24 June 2009, 10.04.10-10.07.30; **E3/503** Iem Horn WRI, EN 00401859 [“When a detainee was about to give birth, she told the inside guard, who informed the outside guard, who then called the medic to get her for delivery”].

<sup>2713</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.13.55-10.18.11 [recounting incident in which interrogator Touch drugged and raped a female prisoner], 10.18.11-10.48.02 [recounting incident in which a messenger raped a female prisoner being returned to her cell after interrogation]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.32.32-09.34.36 [describing same incident as Lach Mean, in which cadre named Touch raped a female prisoner]; **E1/427.1** Him Huy, T. 4 May 2016, 14.34.05-14.36.10 [recounting incident in which a young guard raped a female prisoner]; **E1/428.1** Him Huy, T. 5 May 2016, 13.56.50-14.00.49 [young guard who raped female prisoner was 13 or 14]; **E3/5602** Nam Mon WRI, A1-19, 29, 84-94.

<sup>2714</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.13.55-10.18.11; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.32.32-09.34.36.



half an hour and then walked outside. Then, I put my clothes back on. I bled heavily for three to four consecutive days. At that time, I was young and innocent.<sup>2715</sup>

665. *Environment of Fear/Suicides*: The inhumane conditions and other mistreatment stripped S-21 prisoners of all dignity and hope.<sup>2716</sup> Prisoners regularly heard other prisoners being tortured,<sup>2717</sup> and saw them return to their cells with visible injuries.<sup>2718</sup> Prisoners' state of complete despair led many to attempt suicide, sometimes successfully.<sup>2719</sup> The situation was so severe that guards were instructed to be vigilant and warned of punishment if prisoners succeeded in committing suicide.<sup>2720</sup>

<sup>2715</sup> E3/5602 Nam Mon WRI, A15.

<sup>2716</sup> E1/417.1 Chum Mey, T. 18 Apr 2016, 11.20.12-11.23.27, 14.07.10-14.08.38 ["I had no hope that I would survive the regime"]; E3/7451 Chum Mey, T. 30 June 2009, 10.27.30-11.01.02, 14.03.28-14.07.12; E3/7450 Vann Nath, T. 29 June 2009, 09.56.24-09.59.13, 10.02.06-10.06.13 ["I told myself that I didn't care any longer because I could be killed any time if they would wish to do so and I better died rather than living in such condition"]; 15.06.18-15.08.05 ["even animals, domestic animals, would be fed or would be given food and would never been kicked days and nights like that"]; E3/7452 Bou Meng, T. 1 July 2009, 10.10.02-10.12.43; E1/425.1 Makk Sithim, T. 2 May 2016, 15.52.15-15.54.12 ["Those prisoners told me that they were hopeless, they knew that they would be dead after the interrogation was concluded"].

<sup>2717</sup> E1/424.1 Prak Khan, T. 28 Apr 2016, 13.53.25-13.54.42; E3/7454 Ly Hor, T. 6 July 2009, 14.11.27-14.13.43 ["I would hear screaming almost every evening"]; E3/7451 Chum Mey, T. 30 June 2009, 10.19.54-10.23.05, 14.39.19-14.43.11; E3/7663 Tay Teng WRI, EN 00401837-38; E3/7450 Vann Nath, T. 29 June 2009, 14.33.25-14.35.26, 15.08.05-15.11.18; E3/7674 Vann Nath WRI, EN 00163740; E3/2126 Vann Nath, *A Cambodian Prison Portrait*, EN 00396828, 00396840 ["we could hear the interrogators' shout and threats and the prisoners' screams of pain. There were sounds I heard all the time"]; E3/7452 Bou Meng, T. 1 July 2009, 11.42.45-11.46.55, 15.08.56-15.12.35 ["the screaming was echoing and coming from everywhere"]; E3/7638 Nhiep Hau WRI, EN 00401791; E3/7669 Saom Met WRI, EN 00163663 ["I heard the sounds when they tortured prisoners. The prisoners screamed and begged not to be mistreated, saying they agreed to answer, agreed to talk"]; E3/7661 Kung Phai WRI, EN 00163635; E3/5765 OCLJ Report on Reconstruction, EN 00197804; E3/834 Pon-Tuy S-21 Notebook, EN 00184508 ["the problem of beatings being heard outside"]; E3/1684 David Chandler, *Voices from S-21*, EN 00192822 [recounting a contemporaneous conversation between S-21 interrogators, in which one noted: "In Interrogation Group I, all you hear everywhere is the sound of beatings, and people asking prisoners if they are 'C' [i.e CIA] or not"].

<sup>2718</sup> E1/421.1 Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53 ["I saw bleeding, scars, and wounds on the backs, hands, and feet of prisoners"]; E3/7641 Lach Mean WRI, EN 00363555 ["There were people who had been tortured, who were swollen up, who had back sores"]; E1/423.1 Prak Khan, T. 27 Apr 2016, 15.18.33-15.20.00 [after beatings during interrogations, prisoners had "wounds and scars" on their bodies]; E3/7664 Sokh Sophat WRI, EN 00163803 ["I saw that the prisoners had injuries, were bleeding, had burns like those from electrical shocks, had sores, and their clothing was blood-stained"]; E3/7946 Chhem Chhin WRI, EN 00163793 ["When they brought the prisoners back ... I saw wounds on their backs, lash marks where they had been beaten"]; E3/7668 Ches Khiev WRI, EN 00401852 ["Upon their return they had bruises on their faces and cuts on their backs"]; E3/7638 Nhiep Hau WRI, EN 00401795 ["when prisoners returned they had whip marks"]; E3/7674 Vann Nath WRI, EN 00163740 ["while I was painting a portrait of Pol Pot, an interrogator came and asked for a package of cement, and later on I saw a prisoner being walked with cement all over his face"].

<sup>2719</sup> E1/422.1 Lach Mean, T. 26 Apr 2016, 10.12.19-10.13.55 [recalling an incident in which a female detainee attempted to disembowel herself with a razor]; E1/421.1 Lach Mean, T. 25 Apr 2016, 14.35.25-14.38.49 [some prisoners refused to eat], 15.04.26-15.06.58 ["Prisoners might attempt to commit suicide because they felt hopeless or they were scared ... a prisoner grabbed a gun from a guard and shot himself to death"]; E3/7641 Lach Mean WRI, EN 00363555; E3/5799 Kaing Guek Eav, T. 15 June 2009, 11.54.09-11.57.43, 15.59.40-16.06.36; E3/5771 Kaing Guek Eav WRI, EN 00185502 ["a detainee ...

## ENSLAVEMENT

666. A small number of detainees at S-21 with special skills had their lives spared when selected to perform labour for the benefit of the prison and CPK leaders.<sup>2721</sup> They worked “non-stop,”<sup>2722</sup> monitored by armed guards, and were unable to move freely.<sup>2723</sup>

had swallowed a screw and we had to have him operated upon by a doctor in order to continue the interrogation”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.37.31-09.40.07; **E3/7463** Prak Khan, T. 21 July 2009, 13.57.08-13.59.53 [“We were told some of them jumped from the building and some burned themselves with the lamp and some used a pen to prick themselves to die”]; **E3/7450** Vann Nath, T. 29 June 2009, 15.34.52-15.36.43 [“Q: Did you ever see female prisoners jump from the upper floor to commit suicide? A: ... I saw one incident of such case. It was before me, about two metres”]; **E3/7457** Chin Met, T. 9 July 2009, 10.23.24-10.26.23 [“When we were in the same room, the three of us talked. If they only tied our feet and if our hands were not tied, then if there was any tool nearby then we would all agree to commit suicide ... We thought of committing suicide, but we had no opportunity”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.46.48-15.49.46 [“At that time, I saw one detainee committed suicide when he was being walked out”]; **E3/7669** Saom Met WRI, EN 00163664 [“prisoner grabbed that scarf to hang himself”]; **E3/7638** Nhep Hau WRI, EN 00401791 [“prisoner jumped from the building and died. I saw that with my own eyes”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41-09.34.20; **E3/8063.19** Photograph of Male Hanging by the Neck; **E3/8063.25** Photograph of Female Hanging by the Neck; **E3/8166** Montage of Photographs of S-21 Prisoners Who Committed Suicide; **E3/3181** Names of Prisoners Died of Disease or Committed Suicide by Hanging, 3 Oct 1977, EN 00784613 [list of three prisoners]; **E3/3187** S-21 Execution List, EN 00874194 – No. 65 [Eng Makea Vin “committed suicide by hanging” on 25 December 1976].

<sup>2720</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.02.14-15.06.58; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.03.59-14.06.19; **E3/7468** Lach Mean, T. 4 Aug 2009, 10.03.05-10.05.44; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.37.31-09.40.07 [warning from Duch and Hor at study session about prisoners trying to commit suicide]; **E3/7465** Kok Sros, T. 27 July 2009, 10.18.01-10.21.12, 11.20.47-11.23.45; **E3/7470** Chhun Phal, T. 10 Aug 2009, 09.57.01-09.59.29; **E3/7665** Chhun Phal WRI, EN 00163813-14 [“[Guards] arrested and imprisoned had been accused of treason, for example, because a prisoner had torn up a blanket and hung himself to death ... The rule in guarding was the fear of prisoners hanging themselves ... because the prisoners were to be kept for interrogation and getting documents”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.46.48-15.49.46; **E3/7471** Saom Met, T. 11 Aug 2009, 15.34.21-15.36.19; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 15.59.40-16.06.36; **E3/1570** Kaing Guek Eav WRI, EN 00154195; **E3/8386** S-21 Circular, EN 00521631 [“If any enemy engages in activities such as ... hanging themselves, cutting their wrists, or attempt to swallow screws, shackle their hands behind them”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00182962 [“Therefore we must be vigilant ... They commit suicide in order to conceal their networks”]. See also **E3/7452** Bou Meng, T. 1 July 2009, 10.10.02-10.12.43 [“after we finished the meal then the plates and spoon would be collected because they were afraid that those items could be used for the detainee to commit suicide”]; **E3/7450** Vann Nath, T. 29 June 2009, 14.14.42-14.17.46.

<sup>2721</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.50.33-10.52.32 [“Suos Thy asked the prisoners whether any one of us knew how to repair the sewing machines”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.55.42-09.58.08 [“Brother Nuon ... demanded that Dy Phon was to be spared ... He said that my teeth were not good, so we all needed to spare the life of Dy Phon as the dentist”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.06.13-10.09.21 [“I told [Duch] about my background of my painting experience ... And he said that the Angkar needed a big portrait of the leaders”]; **E3/7452** Bou Meng, T. 1 July 2009, 09.56.24-09.59.40.

<sup>2722</sup> **E3/7450** Vann Nath, T. 29 June 2009, 15.45.16-15.46.56 [painters worked morning, afternoon, and night shifts, usually until 11 pm and on occasion until midnight]; **E3/7451** Chum Mey, T. 30 June 2009, 10.19.54-10.23.05 [“the working hours were non-stop. There was no rest”].

<sup>2723</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 14.09.50-14.11.34 [“I was told not to flee. Otherwise, I would have been shot dead”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 10.23.05-10.26.02, 11.36.04-11.41.08; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E3/7450** Vann Nath, T. 29 June 2009, 13.45.54-13.48.19, 13.48.19-13.50.00 [“they locked us from the outside”]; **E3/7452** Bou Meng, T. 1 July 2009, 15.20.23-15.23.43 [“Usually there were two or three prison guards who were there

Their very survival depended on them avoiding any mistake and labouring to the satisfaction of the Party leaders they served.<sup>2724</sup> Bou Meng, for example, was warned by Duch that if his work did “not resemble the portrait of Pol Pot,” he “would be used as the human fertilizer,”<sup>2725</sup> and a sculptor who failed to complete his tasks was beaten by the guards.<sup>2726</sup>

#### INTERROGATIONS AND USE OF TORTURE

667. The use of torture at S-21 is proven by (i) accounts of surviving detainees; (ii) admissions of the prison chairman and S-21 interrogators of the systematic use of torture to force detainees to provide confessions; (iii) notebooks of interrogators recording instructions on the use of torture; and (iv) surviving S-21 records documenting the use of torture against detainees. Torture was used with the knowledge and approval of the senior CPK leaders.

##### 1. Systematic Use of Torture During S-21 Interrogations

668. Interrogations at S-21 were conducted in a highly coercive environment. Prisoners were handcuffed and blindfolded when they were removed from their cells and walked by guards to the interrogation rooms.<sup>2727</sup> On arrival, they were shackled to an interrogation table, and had their handcuffs and blindfolds removed while they were being questioned.<sup>2728</sup> Prisoners were interrogated, sometimes for months, in sessions that

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constantly and the door was locked both inside and outside”].

<sup>2724</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.54.12-10.56.22 [“I was the only one who knew how to repair the typewriters. That’s why they spared my life”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.09.21-10.14.15 [“I felt so trembling holding the paintbrush and I knew that if I did not paint well I would be in big trouble ... I realized that it was the life and death situation ... If I made the portrait attractive, then the Angkar would be pleased with the painting; then I would be spared from being executed”]; **E3/7452** Bou Meng, T. 1 July 2009, 11.05.16-11.09.59 [“I survived because I could paint the exact portrait of Pol Pot”].

<sup>2725</sup> **E3/7452** Bou Meng, T. 1 July 2009, 14.07.35-14.10.20. See also **E3/7450** Vann Nath, T. 29 June 2009, 12.03.10 [“[Duch] said that whether the contemptible Meng could be used any longer or could he be used to make fertilizer”].

<sup>2726</sup> **E3/7452** Bou Meng, T. 1 July 2009, 11.15.25-11.22.45 [describing how a Vietnamese prisoner who claimed he could “make a wax mould” was kicked and beaten when he failed]; **E3/7450** Vann Nath, T. 29 June 2009, 10.31.14-10.34.16 [witnessed guards torturing a prisoner who was unable to complete a sculpture].

<sup>2727</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36, 11.15.09-11.16.49; **E3/5156** Prak Khan WRI, EN 00161582; **E3/7452** Bou Meng, T. 1 July 2009, 10.19.12-10.25.06; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.59.20.

<sup>2728</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“I was shackled again, then they took off the handcuffs and they – and they took off the blindfold and I could see everything in the room. I saw a pool of blood to the right and a bunch of clubs near a table where a typewriter was sitting. They interrogated me”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.40.07-09.41.27; **E3/5156** Prak Khan WRI, EN 00161582 [“When they arrived at the room where I interrogated them, I locked the leg shackle ring to the table”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.22.03-10.25.06 [“After I was shackled and they removed the



began at 7 am and ended at 10 or 11 pm,<sup>2729</sup> in a weakened condition due to lack of food and sleep.<sup>2730</sup> Depending on the status of their interrogation, prisoners were assigned either to: (i) the hot group, which beat and tortured prisoners to obtain answers; (ii) the chewing group, otherwise known as the documentation group, which conducted long interrogations in which the prisoner was asked the same question over and over and subjected to physical torture to get the desired response; or (iii) the cool group, which used verbal cajoling, harassment and threats, but no physical mistreatment.<sup>2731</sup>

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- handcuffs and removed the blindfold, and then they started to beat me to answer when I entered CIA and KGB"; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.59.20, 10.02.56-10.05.52; **E3/1039** Daily Reports from Interrogation Group No. 5, 14 Dec 1976, EN 00178167 [Ngan Kim Sun: "Put in one shackle ... Shackles are connected to 2 tables"], 00178168 [Sao Peng: "Lock, shackle and chain have been checked thoroughly. Shackle at the ankle is tight enough"], 00178171 [Kuy Chheng Lay: "Locked in with 2 shackles which are tight enough, with a Chain of 20 centimeters long, connecting to a table"].
- <sup>2729</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.43.10-09.44.37 ["Usually, it took several months or a few months to interrogate prisoners ... Under the rule or regulation at that compound, I had to interrogate the prisoners from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., and from 7 p.m. to 11 p.m."]; **E3/7463** Prak Khan, T. 21 July 2009, 11.32.14-11.36.42; **E3/5156** Prak Khan WRI, EN 00161584; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.48.02-09.51.04 ["Talking about the shortest interrogation, if the prisoner agreed to cooperate and give the answers ... the duration of the interrogation would last about 10 to 15 days"], 09.51.04-09.52.09; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.08.26-10.10.05 ["I was beaten from 7 a.m. up to 11.00 and from 1.00 up to 5.00 p.m., and also from 6 p.m. up to 10 p.m."]; **E3/7616** Mam Nai WRI, EN 00164392 ["Some prisoners were interrogated for up to two months"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.15.14-10.18.13 [describing "three shifts" that were the "daily routine of the interrogation cadres"].
- <sup>2730</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 ["I became so fatigued as the food was not sufficient. I was thinking to myself that I was given this watery gruel so that I could not gain my strength to resist their interrogation"]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.18.25-11.20.12; **E3/7452** Bou Meng, T. 1 July 2009, 09.47.14-09.50.19 ["There was no rice grain in [the gruel] ... and I was so skinny I had no strength. Even if I had a stick, I would not be able to use it to attack them"], 15.05.27-15.08.56 ["once we became weak they would start to peel our skin. That expression means they would start to interrogate and torture us"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.43.45-13.46.13 ["The prisoners whom I interrogated ... became thinner and thinner because they did not receive enough food to eat while they were detained in the prison"]; **E3/503** Iem Horn WRI, EN 00401858 ["They chained me ... I received no food or water for one week"].
- <sup>2731</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46 ["The interrogation team divided into three groups ... For the cold group, tortures were not applied. For the hot group, their hands were hot, so they would beat the prisoners immediately if the confession was not extracted as they wanted. For the chewing team, they needed more time to interrogate the prisoners and it took long term"], 09.53.05, 09.56.44-09.59.20 ["interrogation at S-21 took place by what I can call the preliminary interrogation team. This team would only ask questions to grasp the core essence of the confession, and then Hor would make a decision with consultation with me or make a decision alone whether those people would be sent to a respective group, for example, the cold group or the hot or the chewing. And, again, if any prisoner was sent to the cold group and then the cold group could not handle the task, then the group would refer to another two groups"]; **E3/1570** Kaing Guek Eav WRI, EN 00154194-95 ["Cold method: no torture, no insults, but use of propaganda ... Hot method: insults, beatings and other torture authorised by the regulations. Chewing method: gentle explanations in order to establish trust/confidence, followed by prayers to the interrogated person, continually inviting her or him to write. Torture was sometimes used"]; **E3/448** Kaing Guek Eav WRI, EN 00154908 ["With [Ya] we used the Chewing method - that is the Cold method combined with torture"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.40.35-10.41.55, 10.41.55-10.43.47 ["The prisoners I interrogated at that time were mostly those who were already tortured exhaustively, and they were sent to my unit so that we would chew for more information. There were only few cases where new prisoners were sent to my unit"]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.05.37-14.10.16 ["Regarding the interrogation conducted by members of the chewing group, they

669. S-21 interrogators were instructed to take an “absolute stance” that all prisoners were enemies from whom confessions must be extracted.<sup>2732</sup> Duch testified that one of his duties as S-21 Chairman was to train interrogators to “dare to torture.”<sup>2733</sup> He conducted regular training sessions at which S-21 interrogators were instructed on how to interrogate and torture prisoners.<sup>2734</sup> As recorded in one interrogator’s notebook:

If the Party orders us to beat, then we beat with mastery, beat them to make them talk, not to die, to escape, not to become so weak and feeble that they will fall ill and we will lose them.<sup>2735</sup>

670. Duch admitted that the use of physical torture was “inevitable,” and that there were

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employed all methods, that is, cold method, hot method, and sometimes, they resorted to violence”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.39.53-10.42.50, 15.30.43-15.34.25; **E3/5156** Prak Khan WRI, EN 00161575-76 [“Normally, when prisoners came in, important prisoners, they went to the hot team”]; **E3/351** Mam Nai WRI, EN 00162915-16; **E3/2491** Report from S-21 Interrogator, 28 Mar 78, EN 00822153 [“Based on his responses there are still more names, but this enemy was confused and having weak memory ... Because of this problem, this enemy was sent to the Chewing Group”]; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00184607 [“Since April 77, we have the following groups: Cold; Hot; Making Documents; Group A”]; **E3/1937** S-21 Interrogation Log, 9 Apr 78; **E3/1951** S-21 Interrogation Log, 9-10 May 1978 [separate lists for prisoners interrogated by Cold, Hot and Documentation Groups]; **E3/1170** S-21 Notebook, EN 00602543 [chart identifying four groups of S-21 interrogators].

<sup>2732</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.02.57-15.05.05; **E3/7464** Prak Khan, T. 22 July 2009, 09.59.50 [S-21 cadres were indoctrinated to take “absolute stance against the enemy ... to consider the enemy as animals so then we would be in the position to extract the confessions from the enemy”]; **E1/427.1** Him Huy, T. 4 May 2016, 09.04.44-09.06.13 [“we had to acknowledge that people who were arrested by Angkar were enemies”]; **E3/7461** Him Huy, T. 16 July 2009, 14.35.47-14.39.17 [“we were trained to be absolute to elicit enemies’ confessions”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.09.51-10.12.13 [“in instructing the interrogators to interrogate, it was a key factor that the interrogators had to have an absolute stance. The people who were arrested had to be regarded as the enemy, otherwise their confessions could not be extracted”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225380 [“Resolve to absolutely go on the offensive to interrogate and get confessions for the Party”]; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00184602.

<sup>2733</sup> **E3/5792** Kaing Guek Eav, T. 23 Apr 2009, 11.57.40-12.01.50 [“My second duty was the training and education in order to make them to interrogate, so that they dare to interrogate, they dare to torture ... and all this was the result of the arrest of the new people because for these new people we had to have their confessions. That was my constant duty with my superior”].

<sup>2734</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.43.47-10.45.53 [“Every half month or one month, we were invited for a political training session near Duch’s house about the various techniques that should be used for interrogation, documenting, and torturing”], 14.08.30-14.09.43 [“Duch, himself, also provided us the training in the political study sessions on the techniques to mistreat prisoners and not to make it so severe that they died and the confession was cut off”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.22.29-10.30.38; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.45.15-15.46.44 [Duch instructed “how to extract the confession quickly from the prisoners”]; **E3/7641** Lach Mean WRI, EN 00363554, 00363557-58; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 11.32.16-11.35.10 [“I conducted a training on how to interrogate ... Those presentations were based on my frequent meetings with the senior. The superior gave me advice and recommendation and I followed that”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.53.11-12.03.28, 16.00.46-16.03.22; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.32.20 [“we taught in details the importance of torture to the interrogators”]; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225395.

<sup>2735</sup> **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225407. *See also* **E3/5797** Kaing Guek Eav, T. 8 June 2009, 11.36.12-11.40.46 [“we had to be able to beat the enemies because it was allowed by the Party”].

only one or two cases in which S-21 detainees were not tortured when interrogated.<sup>2736</sup> Other S-21 cadres also confirm that torture was regularly used during interrogations of detainees.<sup>2737</sup> As instructed in one of the S-21 interrogators' study sessions:

The enemy does not confess to us easily. When they confess when we do politics, they confess at the very lowest level. Torture cannot be avoided. It only differs as to whether it is a little or a lot, that's all.<sup>2738</sup>

## 2. Methods and Forms of Torture Used at S-21

671. Duch testified that there were four types of torture primarily used at S-21, with the approval of his superiors: "One, beating the detainees ... Number 2, electroshocks. Number 3, covering the head with a plastic bag to suffocate. And number 4, covering the mouth and nose with a towel and pouring cold water from a kettle."<sup>2739</sup>
672. *Beatings*: Beating detainees with whips, wire, and sticks was the predominant method of torture at S-21, as it was conceived to be the most efficient.<sup>2740</sup> As described by Bou Meng:

<sup>2736</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.36.55-09.39.23 ["The physical torture was inevitable. There was only one case in which I did not use physical torture. For Comrade Hor, there was only one case in which he did not use torture ... In most of the cases during the interrogation, it involved the use of physical torture"]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.35.06-09.36.30 ["As to your second part of the question, whether or not all confessions were extracted by ways of torture, I can say that, well, all of them except Koy Thuon's were torture"]; 09.39.30 ["in general, torture was not avoidable there"]; **E3/442** Kaing Guek Eav Written Statement, EN 00412114 ["torture was not avoidable there"]; **E3/65** Kaing Guek Eav WRI, EN 00147524 ["Anyone taken for interrogation mostly could not avoid torture, except for special cases like the case of Koy Thuon, whom I had orders not to torture"].

<sup>2737</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.43.14-09.46.50 ["There were only few cases where prisoners were not tortured during the course of their interrogation"]; **E3/7471** Saom Met, T. 11 Aug 2009, 09.38.36-09.44.00 [confirming prior statement that "everyone was tortured," and noting: "in such interrogation violence could not be avoided"]; **E3/7463** Prak Khan, T. 21 July 2009, 11.36.42 ["Normally detainees were subjected to being tortured regardless of female or male detainees"]; **E3/7638** Nhiep Hau WRI, EN 00401790, 00401795 ["I noticed that one hundred percent of the prisoners had been tortured ... when I guarded in the prison, when prisoners returned they had whip marks"].

<sup>2738</sup> **E3/8368** S-21 Notebook "Statistics List of Special Branch," EN 00225392.

<sup>2739</sup> **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.29.29 [confirming his statement in **E3/454** and stating that methods of torture were initially "instructed by Vorn [Vet]" at M-13 and later "agreed to" by Son Sen at S-21]; **E3/454** Kaing Guek Eav WRI, EN 00147604; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 ["when I started to oversee the task at S-21, we discussed with Nat about torture modes"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 ["I did allow people to torture people in four ways"], 11.32.20 ["how tortures would be carried out, they had been agreed between I and Nat that the 4 methods were used"]. See also **E3/7463** Prak Khan, T. 21 July 2009, 10.22.29-10.27.42 ["Regarding the techniques of torture ... we were trained on how to whip the prisoners with the stick, on how to electrocute, on how to use the plastic bag to suffocate them"]; **E3/5156** Prak Khan WRI, EN 00161574.

<sup>2740</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 ["I did allow people to torture people in four ways. First, by beating with lashes or whip or other kind of beating"], 11.32.20 ["we agreed that beating would be the general method for torturing"]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 ["normal beating techniques" one of two most common methods of torture used at S-21]; **E3/454** Kaing Guek Eav WRI, EN 00147604 ["The method that was used the most was beating with



I was asked to choose which stick I preferred ... Mam Nai stood up and grabbed a stick and started to beat me up. After he felt exhausted, then another person came to take turn to beat me up ... He asked me to count the lashes and when I counted up to 10 lashes, he said, 'How come you count to 10 lashes? I only beat you for one lash.' ... I felt so painful at the time. There were wounds – many wounds on my back and the blood was on the floor ... Every time they beat me up, they asked me questions: when did I join the CIA and, 'Who introduced you into the CIA network and what was their name?' And I responded that I did not know ... So they just kept beating me up.<sup>2741</sup>

673. Contemporaneous S-21 documents include instructions to beat a female prisoner "in order to make her talk about her strings"<sup>2742</sup> and orders to limit beatings of "confessors" to "at most 10 sticks per day."<sup>2743</sup> The documents also record the beating of Northeast Zone Secretary Ya, who received "20 to 30 (rattan) lashes in the morning" and "20 to 30 (wire) lashes" in the evening, pursuant to "instruction from Angkar."<sup>2744</sup>
674. *Electric Shocks*: S-21 interrogators also regularly used electrocution.<sup>2745</sup> They administered electric shocks by attaching electric wires to the ears, toes, and genitals of

a stick because other methods led to time wasting"; E1/435.1 Kaing Guek Eav, 9 June 2016, 10.30.04 [interrogators' use of "rattan sticks"], 11.07.44 ["They used the wire from those houses and wrapped it together and then beat the prisoners with it"]; E1/424.1 Prak Khan, T. 28 Apr 2016, 14.12.00-14.18.46 ["I used nearby tree branches to beat him; to beat his hand, legs, and back"]; E1/423.1 Prak Khan, T. 27 Apr 2016, 15.14.35-15.15.50, 15.18.33-15.20.00; E1/425.1 Prak Khan, T. 2 May 2016, 09.14.56-09.18.18; E3/7463 Prak Khan, T. 21 July 2009, 10.22.29-10.27.42 ["we were trained on how to whip the prisoners with the stick"]; E1/417.1 Chum Mey, T. 18 Apr 2016, 11.26.25-11.30.42 ["Tith told Hor that I did not confess and it was after that time that Hor took and pick up the stick to lash me ... he used the stick to hit my kneecaps"]; E3/7451 Chum Mey, T. 30 June 2009, 10.00.36-10.05.40 ["there were bamboo sticks, there were like rattan sticks or tree branches the size of a thumb, and at that time at the corner I saw a whole bunch of those sticks for used to whip or hit on the prisoner ... I was beaten with a stick ... when one was broken they used another one"]; E1/422.1 Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 ["I only saw him beating up prisoners with wood – with tree branches"]; E3/7641 Lach Mean WRI, EN 00363558 ["When prisoners did not respond, I told Hor. Then he had me break a guava branch and bring it to him to beat them"]; E3/7452 Bou Meng, T. 1 July 2009, 09.39.35-09.43.37; E3/7470 Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 ["He [interrogator Tuy] asked, 'Now, why did you not answer and reveal the truth to the Party?' ... the detainee said, 'I already reported to the Angkar and I had nothing else to report.' And then Tuy grabbed a stick and then beat the detainee on the back"]; E3/7669 Saom Met WRI, EN 00163663 ["they just walked back and forth until the prisoner re-gained consciousness, and then they took a piece of rattan and beat them some more"]; E3/1684 David Chandler, *Voices from S-21*, EN 00192823 [list of methods of torture used at S-21 includes: "Beating by hand, with a heavy stick, with branches, with bunches of electric wire"].

<sup>2741</sup> E3/7452 Bou Meng, T. 1 July 2009, 09.39.35-09.43.37.

<sup>2742</sup> E3/7426 S-21 Confession of Danh Siyan, 8 Jan 76, EN 00225275 [annotation: "More precise questions must be asked and more serious torture must be used in order to make her talk about her strings. Beat her until she stops saying that she has been to Vietnam to have herself healed of amenorrhea and thyroid gland by her grandfather"]; E3/5771 Kaing Guek Eav WRI, EN 00185500 [annotation was his handwriting]. See also E3/8368 S-21 Notebook "Statistics List of Special Branch," EN 00182961 ["We must not breach the Party's instructions of beating female prisoners with the whip only"].

<sup>2743</sup> E3/8387 S-21 Document "Security Work By Direction," 15 July 1976.

<sup>2744</sup> E3/8374 Report from Pon to Duch "Measures already taken to interrogate IX," 25 Sept 1976.

<sup>2745</sup> E3/5800 Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 ["Number two, I allowed them to electrocute the prisoners by using the electric telephone"], 11.32.20; E1/435.1 Kaing Guek Eav, 9 June

prisoners,<sup>2746</sup> often rendering them unconscious.<sup>2747</sup> Contemporaneous reports from S-21 interrogators also confirm that prisoners were subjected to electric shocks.<sup>2748</sup> One detainee wrote in his confession that he “felt like committing suicide” after interrogators “beat and electrocuted me because I refused to confess my mistakes like Angkar had explained to me in the beginning.”<sup>2749</sup> The detainee’s interrogation file, noting that he had been “beaten to unconsciousness” for being “stubborn,” contains an

2016, 10.30.04 [“Pon used the power provided from the electricity from the wall with 220W of power to electrocute prisoners”], 11.07.44-11.22.52; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“It was a kind of form of torture Nat was in favour of”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“I was electrocuted twice”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.22.41-15.24.45 [“we did not use electricity from the cable as we used electricity generated from a hand crank phone”]; **E3/79** Prak Khan WRI, EN 00161554; **E3/5156** Prak Khan WRI, EN 00161574 [he was instructed by Duch on use of electric shocks]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 [“electricity was generated from a dynamo and he [Kak, a senior interrogator] used that electricity to shock prisoners. And the severity depended on how fast you were winding that dynamo”]; **E3/7641** Lach Mean WRI, EN 00363560; **E3/7661** Kung Phai WRI, EN 00163635 [“I saw interrogators ... giving [prisoners] electrical shocks”]; **E3/7663** Tay Teng WRI, EN 00401837-38; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.47.33 [“Yes, prisoners were electrocuted”]; **E3/7673** Makk Sithim WRI, EN 00401872 [S-21 medic treated “prisoners who had been interrogated with electric shocks”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192823.

<sup>2746</sup> **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“Then they use electrical wire to shock me in my ear”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.26.40-09.28.50 [“Mostly, he would stick the wires on the prisoners’ ears”]; **E3/7641** Lach Mean WRI, EN 00363558; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [“And then Tuy grabbed bunches of electric wire and then he attached part of the electrical wire to his toe and then put part of the wire into the ear of the detainee”]; **E3/7669** Saom Met WRI, EN 00163662 [“Sometime they had the prisoners strip off their clothes, and they used equipment to shock their genitals or shock their ears”]; **E3/7452** Bou Meng, T. 1 July 2009, 10.29.25-10.32.59, 14.29.21-14.32.19 [describing electrocution near his genitals on “inner side of my thigh”]; **E1/435.1** Kaing Guek Eav, 9 June 2016, 11.11.44 [told by Nat or others that the wires were “attached to each big toe”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 13.49.15-13.56.38 [“I only heard about an electrocution on a male prisoner and make his genitals impotent”]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 16.17.59-16.23.03 [describing incident in which Pon used electricity to shock a prisoner on the genitals].

<sup>2747</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.22.41-15.24.45; **E3/79** Prak Khan WRI, EN 00161558 [“During the torture, there was no confession, and it went on until the woman went unconscious from too much electric shock”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50, 11.30.42-11.33.10; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E3/7451** Chum Mey, T. 30 June 2009, 10.09.48-10.14.49; **E3/7452** Bou Meng, T. 1 July 2009, 10.29.25-10.32.59, 14.29.21-14.32.19 [describing electrocution that caused him to fall “unconscious immediately”]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57; **E3/7669** Saom Met WRI, EN 00163663; **E3/1684** David Chandler, *Voices from S-21*, EN 00192825 [“Interrogators’ notes to some confessions suggest that prisoners often physically collapsed and confessed ‘fully’ when threatened with electric shock”].

<sup>2748</sup> **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183290 [“By nightfall, we went at him again with the electric wires, this time pretty seriously. He became delirious”]; **E3/1874** S-21 Report on Interrogation of Uk Savann, 9 Feb 1978, EN 00821432 [“She was tortured and electrocuted several times”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 [describing interrogation of Suor Heang alias Yom: “he did not tell me about his traitorous networks. I then electrocuted him several times”]. See also **E3/2470** S-21 Confession of Bou Phat alias Hang, 3 Feb 1978, EN 00768234 [“Yesterday’s report was groundless because I was writing it under the coercion of the security interrogators who threatened to beat me up and electrocute me to death”].

<sup>2749</sup> **E3/3841** S-21 Confession of Um Soeun, EN 00825417; **E1/435.1** Kaing Guek Eav, 9 June 2016, 11.17.27 [identifying Pon as interrogator used for this prisoner].

annotation from Duch ordering the use of “torture” because “he did not confess.”<sup>2750</sup> Expert David Chandler states that electrocution was used “so commonly” at S-21 that prisoners received an instruction “not to scream when electric shocks were applied.”<sup>2751</sup>

675. Suffocation: Duch testified that Special Zone Secretary (and future Standing Committee member) Vorn Vet taught him the technique of using plastic bags to suffocate prisoners during interrogation.<sup>2752</sup> Vorn Vet told Duch that after covering the head with a bag:

You, Comrade, need to look at their neck ... or rather, the pulse at the neck; if it was vibrating very strongly ... they would be considered as spies.<sup>2753</sup>

676. S-21 interrogators confirm they were instructed on and used this method of torture,<sup>2754</sup> and a report on the interrogation of Division 170 cadres contains multiple references to its use.<sup>2755</sup> Duch admitted that one prisoner died while being suffocated.<sup>2756</sup>

<sup>2750</sup> **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223146 [30 August 1975 annotation: “He was so stubborn though he is young that he was beaten to unconsciousness”], 00223142 [annotation: “Did not confess! Torture!”]; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 15.44.23-15.46.12 [identifying latter annotation as his handwriting].

<sup>2751</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192824 [“Electric shock was administered to prisoners so commonly that a list of instructions drawn up for all prisoners included a request not to scream when electric shocks were applied. The penalty for disobeying an interrogator, said the instructions, could be 10 strokes of a whip or ‘five electric shocks’”]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.06.40-15.08.25 [“they were prohibited from shouting”].

<sup>2752</sup> **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.27.42, 10.55.40-11.04.01; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 [“at M-13, Brother One was very happy to employ the plastic-bag technique”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.32.20.

<sup>2753</sup> **E1/50.1** Kaing Guek Eav, T. 19 Mar 2012, 15.40.48.

<sup>2754</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.15.10-14.16.55 [“some others did not confess, so we had to resort to other methods ... we had to use plastic bag to suffocate them so that they confessed”], 14.21.22-14.23.15 [“plastic was used to suffocate prisoners”], 15.14.35-15.15.50, 15.20.00-15.26.07 [“If we saw that the prisoner actually suffocated and could not breathe, then we would remove the plastic bag. And if not, then we continued to tighten the bag. And the duration varied. We did not time it”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 14.20.24-14.22.44; **E1/425.1** Prak Khan, T. 2 May 2016, 09.55.02-09.56.32; **E3/7463** Prak Khan, T. 21 July 2009, 10.24.59-10.27.42 [“we were trained ... on how to use the plastic bag to suffocate them”], 11.07.00-11.10.02 [describing torture of female prisoner: “He beat her, he electrocuted her, and he suffocated her with a plastic bag until she became unconscious”]; **E3/79** Prak Khan WRI, EN 00161554 [“they told us about torturing by putting rubber bags over the head, electric shock, so that the enemy would not have sores all over his body, wounds all over his body”]; **E3/5156** Prak Khan WRI, EN 00161574; **E3/7470** Saom Met, T. 10 Aug 2009, 15.57.18-16.02.20 *confirming* **E3/7669** Saom Met WRI, EN 00163662 [“They tortured by beating the prisoners to make them answer ... suffocating them with a bag”].

<sup>2755</sup> **E3/3847** S-21 Confession of Pol Pisith (annotations in margin of report summarising interrogation), Sept 1976, EN 00223916 [Pov Lim (para. II.4): “Types of Torture: Beating with electrical wire and suffocating with plastic bag ... after he had been further tortured, he started to tell us about a meeting ... he was willing to speak out,” Pol Pisith (para. III.3): “Torture: Beating with electrical wire and suffocating with plastic bag. After the torture, he agreed to speak”].

<sup>2756</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.35.56-09.38.59 [“a prisoner died because he was suffocated by the plastic bag, and the actual incident that I saw was in the case of Ping Kim Sie because he was a rather important prisoner”]; **E3/10604** OCII S-21 Prisoner List, No. 6946 [Poeng Kim Sea, former doctor from Northwest Zone, entered S-21 18 April 1977 and “died of torture ... at Interrogation Place” on 7 May 1977].



677. *Water Torture*: Duch also testified that Son Sen approved a form of waterboarding, in which interrogators covered prisoners' mouths with a scarf or towel and poured water on them.<sup>2757</sup> An S-21 interrogator's notebook contains a reference to this form of torture.<sup>2758</sup>
678. *Other Methods of Torture*: Additional methods of torture used at S-21 included: burning with cigarettes and electric lamps;<sup>2759</sup> freezing with cold water and fans;<sup>2760</sup> puncturing or ripping out fingernails and toenails;<sup>2761</sup> force-feeding of excrement and urine;<sup>2762</sup> driving a stick into female genitalia;<sup>2763</sup> and tightening the shackles of the prisoner.<sup>2764</sup>

<sup>2757</sup> **E1/435.1** Kaing Guek Eav, 9 June 2016, 09.24.45-09.27.42; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 09.55.21-09.59.12 ["another technique was from the Lon Nol police; what we call a boarding technique while a scarf was covered on the face of the prisoner while water were poured in"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.39.38-09.43.49 ["I allowed the interrogators to pour water into nostrils of the prisoners"]; 11.59.41 ["this kind of torture ... the victims felt that they were drowning and suffocating"]; **E3/454** Kaing Guek Eav WRI, EN 00147604 [method of torture "used with the approval from Son Sen"]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.08.30-14.09.43 ["the method of waterboarding was also taught by him ... they were all taught by Duch"]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192823.

<sup>2758</sup> **E3/834** Pon-Tuy S-21 Notebook, EN 00184511 ["We forget ourselves in the matter of torture whenever we are angry, not holding back, like when the enemy writes incorrectly. Another thing, getting overjoyed with pouring water into prisoners"].

<sup>2759</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192823 [list of torture methods used at S-21 includes "cigarette burns"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 14.40.43-14.43.22 ["regarding the cigarette burning I believed it existed"]; **E3/7601** Kong Phai WRI, EN 00146783 ["When I was guarding, I witnessed the prisoners who were being tortured ... They used the spot light to heat the prisoners up. They turned on the spot light and turned it directly on the prisoners who were tied up with a wooden stick, and the prisoners got hotter and hotter until they could not stand the heat and eventually answered the questions asked"].

<sup>2760</sup> **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.26.17-11.30.42 [describing torture used during interrogation of Vorn Vet: "during the month of November, the weather was rather cool and he used the fans and with the water splashing behind the fans in order to spray it to make Brother Vorn shiver ... ice was put into a container and water was poured into it, then they splashed that cold water onto him and then they turned on a fan"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185026; **E3/7669** Saom Met WRI, EN 00163663 ["Sometimes, when they tortured strongly, they poured water on the prisoner and the sleeping place, and they turned on a fan so the prisoner would be cold"].

<sup>2761</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.21.22 ["As for torture, pliers were used to pull fingernails or sometimes a nail was inserted under the fingernail"]; **E1/425.1** Prak Khan, T. 2 May 2016, 11.04.45 ["Regarding the mistreatment of prisoners by pulling out their nails, at the political school, Duch gave us instructions on this matter"]; **E3/5156** Prak Khan WRI, EN 00161574; **E3/79** Prak Khan WRI, EN 00161554; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.37.50, 11.28.20-11.33.10, 13.44.05-13.47.18; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.08.11; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.18.10-15.20.05 ["my chief would further instruct me how to treat a particular prisoner; for example, after their nails had been removed"], 15.42.12 ["That prisoner told me that the interrogator used the pliers to pull out his fingernails and toenails"], 15.55.36-15.57.37; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.11.10; **E3/7673** Makk Sithim WRI, EN 00401871; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.30.08-09.34.29 [S-21 medic: "They had their fingernails missing"]; **E3/7669** Saom Met WRI, EN 00163662 [witness saw finger and toe nails pulled out while guarding interrogation rooms]; **E3/7644** Poeuy Pel WRI, EN 00195716; **E3/7674** Vann Nath WRI, EN 00163740; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.13.55-15.16.31 [admits "puncturing or removing of toenails" occurred, but claims he later "warned" interrogators to stop], 15.38.02-15.42.22.

<sup>2762</sup> **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, EN 00183289 ["On the afternoon of 21-7-77, we

679. *Cold Method of Interrogation*: Some of the so-called “cold method” forms of interrogation were designed to inflict severe trauma, distress, and mental suffering, and therefore also constituted torture. The psychological torture employed by interrogators included: threatening the “welfare” of the prisoner’s spouse and children;<sup>2765</sup> forcing prisoners to pay homage to images of dogs bearing the heads of Ho Chi Minh and the US President;<sup>2766</sup> and “[t]hreatening, distracting, breaking them skillfully, arranging

pounded him another round. Electrical wire and shit. This time he cursed those who hit him very much, and said ‘Go ahead and beat me to death.’ Had him eat two or three spoonfuls of shit”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.08.30-14.09.43 [“prisoners had to be forced to eat faeces and to drink urine; they were all taught by Duch”]; **E3/7463** Prak Khan, T. 21 July 2009, 15.27.59-15.30.43; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.42.22 [“I knew that [forcefeeding of excrement] was inflicted on my former school teacher. And I still gave my leniency to the person who committed such torture”]; **E3/440** Kaing Guek Eav Written Statement, EN 00270555 [“Comrade Tuy forced Ke Kim Huot to eat excrement ... even though it was serious and shocked me deeply, I was not brave enough to arrest the perpetrator – leaving it to Son Sen to take action, but he did not do so”].

<sup>2763</sup> **E1/436.1** Kaing Guek Eav, 13 June 2016, 09.04.49-09.14.15; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.16.31-15.19.36 [“interrogator inserted a stick into teacher Doem Sarouen”].

<sup>2764</sup> **E3/7457** Nam Mon, T. 9 July 2009, 14.30.14-14.35.22 [female prisoner: “During my interrogation I was not beaten with a stick but they tightened the shackle on my ankle”].

<sup>2765</sup> **E3/1544** Report from Pon to Duch “Interrogation Measures Which Made IX Confess,” 26 Sept 1976 [“We received an instruction from Brother Duch to ... recall the welfare of his spouse and children and his knowledge of their arrests and whether they know where he is now”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.43.20-13.45.34 [discussing **E3/1544** and the interrogation of Ya: “his wife had just delivered a baby and he was told that kind of statement to make him think about the welfare of his spouse and children. This was the practice at that time”]; **E3/5763** Kaing Guek Eav WRI, EN 00164363 [“we decided to put pressure on him by mentioning his wife and children, whom he loved very much (it was Son Sen’s idea, but the three of us, Son Sen, Pon and myself, agreed to proceed in this way)”]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 09.48.02-09.51.04 [confirming he received “similar instructions” to those described in **E3/1544**]; **E1/425.1** Prak Khan, T. 2 May 2016, 09.32.16-09.33.52 [“the technique was also to allow the prisoners to think of the wife and the children of them so that they could give the confession”], 09.57.36-09.59.42; **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225392-93 [list of nine “forms of propaganda” or “political pressure” to use as Interrogation Methods includes: “(d) Attract their feelings to revolve around family matters, the lives of their wives and children ... do not resist and make matters more serious, do not make us torture yet or do anything else serious that will impact upon their health”], 00225394 [“Make them think about something else, like the lives of their parents, wives and children”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.41.57 [in reference to excerpt from **E3/8368**: “I considered this tactic of interrogation as the cold method”].

<sup>2766</sup> **E1/435.1** Kaing Guek Eav, 9 June 2016, 10.33.42-10.36.36, 11.23.59-11.26.37; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 13.49.15-13.56.38 [“I saw the introduction of the respect, the paying of the homage to the pictures of dogs ... I think emotionally the person would have been severely affected by such practice ... I asked them to pay homage to the dog – one dog with the Ho Chi Minh head on top and the other dog with the head of Johnson”], 15.42.22-15.45.08 [“these practices existed because I educated them”]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 14.43.22 [“The paying homage to the dog was practiced and because of its effectiveness I accepted it to be used ... of course you can say this is a psychological torture”]; **E3/5797** Kaing Guek Eav, T. 08 June 2009, 16.10.14-16.14.09; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.08.25-15.13.23 [“the purpose was to humiliate the prisoner if they would not confess. And this is also to degrade the value of the prisoner as the prisoner had to respect the image of the dog”], 15.13.23-15.14.35; **E3/833** S-21 Notebook of Mam Nai alias Chan, EN 00242259 [“Paying homage to images of dogs is introduced because it has political meaning – one dog is imperialism, and another dog is the Territory – swallowing Yuon enemy. We forced them to pay homage of images of dogs in order to test them ... Once they pay homage to images of the two dogs, it means that they accept they are traitors”]; **E3/3844** S-21 Report on Interrogation of Pol Lak Pheng, 5 July 1978, EN 00820962 [“I wrote down words for him to memorize. He was memorizing them for over one hour. I showed him the picture of a human with the dog head and told him to salute it simultaneously while he was

small scenes to make them docile and hopeless, seeing that they cannot resist any longer.<sup>2767</sup>

### 3. Injuries Inflicted on Prisoners During Interrogations

680. The authorised forms of torture commonly used at S-21 caused severe pain and suffering, physical and mental, to those interrogated. Bou Meng was repeatedly beaten, whipped, and electrocuted with wires attached to his inner thighs near his genitals.<sup>2768</sup> The beatings to his back and head have left him with permanent scars and hearing loss.<sup>2769</sup> Chum Mey was interrogated and tortured for 12 days and nights.<sup>2770</sup> He was beaten,<sup>2771</sup> electrocuted,<sup>2772</sup> and had his toenails ripped from his feet.<sup>2773</sup> As a result, Chum Mey suffers from both hearing and vision loss.<sup>2774</sup>

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memorizing the words. He agreed to memorize the words and salute the picture for a long while”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978 [describing interrogation of Suor Heang: “I told him to prostrate himself before the image of the two dogs. At first, he did not follow my command, but after some beating, he agreed to admit that he was a traitor”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192825-27 [“‘Paying homage’ was one of a series of degradations designed to force prisoners to recognize their animal status. Their foreign masters were depicted as animals, and only animals would pay homage to them”].

<sup>2767</sup> **E3/8368** S-21 Notebook “Statistics List of Special Branch,” EN 00225393 [para. (b) of list of nine “forms of propaganda” or “political pressure” to use to “put constant and repeated pressure on them at all times”].

<sup>2768</sup> **E3/7452** Bou Meng, T. 1 July 2009, 09.39.35-09.43.37, 10.29.25-10.36.36 [“there were a lot of wounds on my back, I felt so painful ... Him Huy used a stick to push under my back and a lot of gravels went inside the wound on my back so because it was so painful”], 14.29.21-14.32.19 [“It was to the inner side of my thigh. So once I was electrocuted, I fell unconscious”].

<sup>2769</sup> **E3/7452** Bou Meng, T. 1 July 2009, 09.22.42-09.24.23, 09.39.35-09.43.37, 10.36.36 [“Q: Do you still have the scars or are they completely gone? A: The wounds recovered, but the scars are everywhere on my back, on my shoulders. They were the scars from being whipped or beaten”], 14.29.21; **E3/4661** Bou Meng WRI, EN 00146764. See also **E3/7450** Vann Nath, T. 29 June 2009, 15.19.06-15.23.11 *confirming* **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396842 [witness saw Bou Meng with “bandages covering bloody wounds all over his emaciated body”].

<sup>2770</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.08.26-10.10.05 [“I was beaten up and interrogated in that cell for 12 days and 12 nights”]; **E3/7451** Chum Mey, T. 30 June 2009, 09.36.09-09.40.22, 10.00.36.

<sup>2771</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.40.25 [“They beat me, and I used my hand to protect myself. And as a result, one of my fingers was broken”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.00.36-10.08.11.

<sup>2772</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“they used electric shock on my ear ... as a result, I lost consciousness ... I was electrocuted twice”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.09.48-10.11.49.

<sup>2773</sup> **E1/418.1**, Chum Mey, T. 19 Apr 2016, 11.13.56-11.16.19 [“my toe nail was pulled and they could not pull it out in one move, then they pulled it out very rapidly and it was so painful that I almost passed out”]; **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.28.20-11.33.10 [“the nails from two of my toes were removed ... They poured alcohol on to my toes and did not apply any medicines on them”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.11.49; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 22:52-23:40 [interview of Chum Mey describing his interrogation: “he took out a pair of pliers to twist and pull out my toe nails while my leg was shackled. When I still refused to confess anything, he twisted and pulled out the toe nails in my other foot. Finally, he electrocuted me ‘til I fainted. When I came around, he asked me again to confess”].

<sup>2774</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.37.50-10.40.25 [“I have not seen well out of one of my eyes since that time”]; **E1/418.1** Chum Mey, T. 19 Apr 2016, 11.16.19-11.18.07 [“on one side my ear is



681. The infliction of serious injuries on prisoners undergoing interrogation is also confirmed by admissions of S-21 cadres and surviving prison records. S-21 guards testified that prisoners returning from interrogation had visible wounds and marks from their beatings.<sup>2775</sup> S-21 medics, who were assigned to treat the injuries of tortured prisoners so their interrogations could continue,<sup>2776</sup> confirmed that such prisoners “underwent great suffering,” with “wounds on their backs” that “cut through the outer skin,” missing toenails and fingernails, and “torn” ears.<sup>2777</sup> Surviving S-21 records

damaged. I can hear the ringing in my ear when I lightly knock on my head and I also am hard of hearing in my other ear”].

<sup>2775</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.06.58-15.08.53 [“I saw bleeding, scars, and wounds on the backs, hands, and feet of prisoners”]; **E3/7468** Lach Mean, T. 4 Aug 2009, 13.54.53-13.55.53 [prisoners returned with “bruises on their faces and cuts on their backs,” and said they were beaten when the interrogators accused them of “concealing something”]; **E3/7641** Lach Mean WRI, EN 00363555; **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20; **E3/5155** Him Huy WRI, EN 00161590 [“I just saw the back wounds, like that, when they brought the prisoners back”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.18.33-15.20.00 [after interrogations, prisoners had “wounds and scars” on their bodies]; **E3/7463** Prak Khan, T. 21 July 2009, 11.04.46 [“usually for the chewing group those prisoners were already tortured or they already had wounds or injuries on their bodies when they were sent to us”]; **E3/7464** Prak Khan, T. 22 July 2009, 09.22.45-09.25.03; **E3/5156** Prak Khan WRI, EN 00161583; **E3/7470** Chhun Phal, T. 10 Aug 2009, 10.30.33-10.33.30 [“I saw the beating marks and wounds”]; **E3/7665** Chhun Phal WRI, EN 00163814; **E3/7470** Saom Met, T. 10 Aug 2009, 15.36.50-15.40.42 [“I could see their nails were being removed – or were removed and their back sustained some wounds”]; **E3/503** Iem Horn WRI, EN 00401858 [“Coming back from interrogation, some prisoners had wounds and bruises. Some died in their cells after returning”]; **E3/7668** Ches Khieu WRI, EN 00401852 [“Upon their return they had bruises on their faces and cuts on their backs”]; **E3/7671** Pen Heng WRI, EN 00163695 [“Sometimes I saw unconscious prisoners being carried back to the guard site. The prisoners had only a pair of shorts, so I could see the marks from their having been beaten on their backs”].

<sup>2776</sup> **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.26.05-10.28.25; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.34.15-11.36.34, 16.22.17 [“Regarding the medical services, they existed but only ... for the purpose to keep people alive long enough to be interrogated”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 10.03.40; **E3/7666** Sek Dan WRI, EN 00163823; **E1/425.1** Makk Sithim, T. 2 May 2016, 15.16.35-15.18.10; **E3/7673** Makk Sithim WRI, EN 00401871; **E1/425.1** Prak Khan, T. 2 May 2016, 09.18.18-09.20.44; **E3/7458** Nam Mon, T. 13 July 2009, 11.07.22-11.09.37.

<sup>2777</sup> **E1/425.1** Makk Sithim, T. 2 May 2016, 15.03.13-15.04.52 [describing his daily routine: “I usually cleaned the wounds of the prisoners around 6 or 7 o’clock in the morning ... then I had to wash the bandages that I used to wrap around the wounds”], 15.39.41-15.42.12 [“The prisoners that I treated told me that they were beaten up on their backs”], 15.55.36-15.57.37 [“They underwent great suffering. Nothing could be compared to the treatment of pulling off their nails. They were beaten up”]; **E1/426.1** Makk Sithim, T. 3 May 2016, 09.11.10 [“I witnessed fingernails and the toenails being removed as well as the open back wounds which I treated”], 09.12.20 [“There were small and large elongated sizes of wounds, and the wounds cut through the outer skin”], 10.10.58-10.13.00, 10.49.31-10.53.39 [witness personally saw prisoners with their nails removed “once every two weeks or every month,” and saw three or four prisoners with “serious” open wounds]; **E3/7673** Makk Sithim WRI, EN 00401871; **E3/352** Pes Math WRI, EN 00195710 [“I was on guard near Mak Sithem. I saw him cleaning wounds”]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.30.08-09.34.29 [“They had wounds and sores on their bodies, especially on their backs ... majority of them had wounds on their backs. Some of them had their fingernails or toenails missing”], 09.37.31 [“at night I heard the screaming and I saw the sores and the wounds. So when I provided treatment, I asked them how did they get the wounds and the sores and they replied to me that they were being interrogated”], 09.53.10-09.58.24 [“The wounds and the sores ... mostly they were on the backs and on the arms and legs ... I saw some lesions on the ears and some of the ears of the prisoners were torn”]; **E3/7666** Sek Dan WRI, EN 00163823 [“there was never any period when the prisoners did not have wounds”].

contain references to the injuries sustained by prisoners due to beatings and other routinely used forms of torture.<sup>2778</sup>

#### 4. Use of Torture to Obtain Confessions

682. The purpose of the torture inflicted on S-21 prisoners was to force them to provide confessions and identify purported networks of traitors. As plainly stated in one S-21 interrogator's notebook:

The objective of torturing is to get their answers; it is not done for fun. Therefore, we must make them feel pain so that they will respond quickly. Another objective is to make them afraid ... Therefore, beat them to make them scared, but absolutely do not let them die. When torturing, it is imperative to check their health in advance and to inspect the whip. Do not get greedy and want to be quick; that leads to death and the loss of a document.<sup>2779</sup>

683. S-21 cadres confirm that torture was used to extract confessions.<sup>2780</sup> Duch has admitted that interrogators in the hot unit were authorised to "beat the prisoners immediately if the confession [was] not extracted as they wanted."<sup>2781</sup> Prak Khan has testified that "99 per cent" of the prisoners initially denied any wrongdoing, and would only confess after days or weeks of interrogation using "cold method[s]" and other forms of torture.<sup>2782</sup>

<sup>2778</sup> See e.g. **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 ["His health is very weak. Very harsh torture caused sores on his back"]; **E3/3187** List of Prisoners Who Died of Disease, EN 00874564-67 [list of 37 prisoners who died of disease or were executed from 1-15 May 1976, 13 of whom are identified as being "bruised" and "numb"]; **E3/8634** Daily Prisoner Report, 21 July 1977 [list of 19 prisoners, two of whom (Nos 5 and 7) are noted as having "back wounds"].

<sup>2779</sup> **E3/8368** S-21 Notebook "Statistics List of Special Branch," EN 00225393.

<sup>2780</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.58.17 ["For those prisoners who refused to confess, those prisoners would be tortured"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.39.52-13.42.12 ["Talking about torturing, regardless of whether the prisoners were men or women, as long as that prisoner refused to confess, we had to use torture"], 14.15.10-14.16.55; **E3/7463** Prak Khan, T. 21 July 2009, 11.10.02; **E3/79** Prak Khan WRI, EN 00161559 ["In the interrogation of enemies, the torturing was done with the sole intent of getting responses"]; **E3/7661** Kung Phai WRI, EN 00163635 [Duch and company chairmen instructed that "prisoners were enemies, and that if they did not answer, they could be tortured"]; **E3/7665** Chhun Phal WRI, EN 00163814 ["The interrogators had the job and the right to beat and interrogate in order to get documents"]; **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [describing detainee tortured by Tuy after he responded he had "nothing else to report"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46.

<sup>2781</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.43.49-09.46.46. See also **E3/5800** Kaing Guek Eav, T. 16 June 2009, 09.53.05 ["if they could not really solve the problems through way of cool method, the hot method would be introduced"]; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.32.42-09.36.30; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.38.02-15.40.00 [if cold unit could not get answers, prisoners were assigned to "hot unit" or Comrade Tuy to use the "hot method to interrogate" and "grill for more answers"].

<sup>2782</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.15.10-14.16.55 ["sometimes, prisoners would confess upon the deployment of a cold method, but it did not mean that they would confess right away. It took one to two days, or four to ten days for them to confess; but some others did not confess, so we had to resort to other methods or they had to be tortured or they had to be beaten or that then we had to use plastic bag to suffocate them so that they confessed"].

Interrogators were expected to obtain the names of other persons in the “network” of the prisoner.<sup>2783</sup> Contemporaneous documents clearly show the use of torture by S-21 interrogators to extract confessions.<sup>2784</sup>

684. Accounts from surviving detainees also provide a vivid picture of how torture was deployed at S-21 to force ordinary Cambodians, who had never heard of the CIA or KGB, to confess they were spies for those organisations. As testified by Chum Mey:

They beat me and asked me how many people were part of my network in the CIA and KGB. I told them I did not know what the CIA and KGB were ... They beat me, and I used my hand to protect myself. And as a result, one of my fingers was broken. And they used a tool to take out my toenail ... I told them that I did not know the CIA and KGB, and as a result, they beat me more and they used electric shock on my ear. And I – as a result, I lost consciousness.<sup>2785</sup>

685. S-21 interrogators only stopped torturing Chum Mey when, after 12 days, he falsely confessed that he had “joined the CIA and the KGB” and proceeded to implicate 68

<sup>2783</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.21.40-11.23.23, 15.43.36-15.46.32; **E3/7463** Prak Khan, T. 21 July 2009, 10.33.44 [“While obtaining confession we were strictly advised to obtain the information regarding the network of a detainee”], 11.22.44-11.26.40 [describing Duch instructions annotated on confessions: “For the incomplete confessions the annotation would write, ‘Comrade, you have to interrogate further on this matter; for instance, on the treacherous network’”]; **E3/5156** Prak Khan WRI, EN 00161576; **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.50.50-15.54.52 [“We were assigned to interrogate because they want to find out the strings or network of traitors ... it was the instruction that directed to the interrogators trying to discover the connections of the prisoners and their network to the CIA, Vietnam's Labour Party, the KGB”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 15.05.52-15.10.26 [“The purpose of the interrogation was to extract the response from the prisoner who was a traitor and then their network”]; **E3/2983** Kaing Guek Eav, T. 27 May 2009, 12.03.27-12.05.23; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.39.30-09.42.15; **E3/834** Pon-Tuy S-21 Notebook, EN 00184506 [“Screening out the internal traitors is most necessary. We must do this without fail”].

<sup>2784</sup> See e.g. **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 [“At first, he refused to talk about his betrayal at all. When our comrade tortured him really strongly, he said ... he was inducted into the CIA ... When we brought him for questioning again, he denied everything by saying that what he said before he had said because the comrade interrogator tortured him so strongly”]; **E3/7426** S-21 Confession of Danh Siyan, 8 Jan 1976, EN 00225275 [annotation: “More precise questions must be asked and more serious torture must be used in order to make her talk about her strings”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 [“I then electrocuted him several times, and I talked about politics to confuse him. He then agreed to tell me about his CIA networks”]; **E3/3841** S-21 Confession of Um Soeun (Excerpts), EN 00223142; **E3/3847** S-21 Confession of Pol Pisith, 5 Sept 1976, EN 00223916 [“After the torture, he agreed to speak”]; **E3/1869** S-21 Report on Confession of Nheum Sim, 11 Nov 1977, EN 00837417 [section titled “Clarification on My Questioning”: “I tortured him until he confessed that he worked as a spy and a CIA network”]; **E3/1894** S-21 Report on Confession of Sieng Paay, 28 Oct 1977, EN 00702085; **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183290 [“By nightfall, we went at him again with the electric wires, this time pretty seriously. He became delirious ... Later he confessed a bit”].

<sup>2785</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.36.05-10.40.25. See also **E1/417.1** Chum Mey, T. 18 Apr 2016, 11.26.25-11.30.42 [tortured after his interrogator told Hor that he “did not confess”]; **E3/7451** Chum Mey, T. 30 June 2009, 10.05.40-10.08.11 [“they asked me about the KGB and CIA. That was the main focus; nothing else. And if we answered about other things then I would be beaten ... I kept the same response that I did not know anything about the KGB or the CIA, then they used a plier to twist my toenail”].



other people.<sup>2786</sup> Similarly, S-21 interrogators repeatedly asked Bou Meng when he entered the CIA and KGB, and beat him each time he responded that he “did not know what [the] CIA was.”<sup>2787</sup> Duch and S-21 interrogators had previously been instructed on the need to find more CIA agents.<sup>2788</sup>

### 5. Reports to CPK Leaders on Use of Torture

686. S-21 confession files contain summary reports from interrogators in which the use of torture is expressly discussed.<sup>2789</sup> Duch testified that while he prepared longer summaries during S-21’s initial operations, he later switched to short summaries, which at Son Sen’s request included information on the use of torture.<sup>2790</sup> Duch confirmed that

<sup>2786</sup> **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.40.25-10.44.06; **E3/7451** Chum Mey, T. 30 June 2009, 10.17.13-10.19.54 [“They stopped interrogating me because I confessed that I joined the CIA and the KGB ... I confessed that I did join the CIA or the KGB but actually it was a fabrication because I was beaten so severely, so I just implicated other people”]; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 21:25-24:56 [interview of Chum Mey describing how severe torture led him to falsely say he was CIA and implicate 68 other innocent people: “I didn’t know what to say so I just confessed to anything so that he wouldn’t beat me ... I realize that I was guilty of implicating other people, and I beg that God forgive me if anybody else was tortured like I was”]; **E3/9253** S-21 Confession of Chum Mey, 28 Oct 1978, EN 00175556-59.

<sup>2787</sup> **E3/7452** Bou Meng, T. 1 July 2009, 10.22.03-10.27.56 [“they started to beat me to answer when I entered CIA and KGB. I told them that I did not know anything about it and I could not answer anything about CIA and KGB. I kept repeating my responses and they kept beating me ... how could I respond to them that I introduced anyone into the CIA, even myself. I did not know what CIA was”]. See also **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396834-35 [“When I was upstairs, I would hear them [the interrogators] swearing at the prisoners: ‘You are CIA!’ or ‘You are KGB!’ The words ‘CIA’ and ‘KGB’ were the main cause of death for people. In fact, none of us knew what the CIA and KGB were”].

<sup>2788</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 14.35.52 [instructed by Nat to “seek out the CIA agents” and “as a result, many CIA agents were mentioned in the confessions”], 14.38.56-14.41.53 [prisoners who confessed to being CIA agents were “forced to say so” - the “direction toward the CIA agents” was the result of “instructions from the superior”]; **E3/7463** Prak Khan, T. 21 July 2009, 10.30.38-10.33.44 [“during the study session Duch instructed us on the CIA, KGB and Vietnamese enemies’ network and string”]; **E3/5156** Prak Khan WRI, EN 00161575.

<sup>2789</sup> See e.g. **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183285-90; **E3/2475** S-21 Report on Interrogation of Men San alias Sie, 18 Aug 1977, EN 00836681-82 [“At first, he refused to talk about his betrayal at all. When our comrade tortured him really strongly, he said ... he was inducted into the CIA ... Very harsh torture caused sores on his back”]; **E3/3654** S-21 Report on Confession of Sector 43 Secretary Koam Chan, 21 Oct 1977, EN 00768300-01 [“he still did not break, and we continued torturing him”]; **E3/1894** S-21 Report on Confession of Sieng Pauy, 28 Oct 1977, EN 00702085 [“When we started torturing, he agreed to confess by telling about his connection, activities, and plan in the network”], 00702082 [annotation: “Sent to Brother Nuon 2 copies”]; **E3/1869** S-21 Report on Confession of Nheum Sim, 26 Oct 1977, EN 00837417 [“I tortured him until he confessed that he worked as a spy and a CIA network”], 00837416 [annotation: “Central Zone – One copy for Brother Nuon”]; **E3/1874** S-21 Report on Interrogation of Uk Savann, 9 Feb 1978, EN 00821432 [“She was tortured and electrocuted for several times”]; **E3/3844** S-21 Report on Interrogation of Pol Lak Pheng, 5 July 1978, EN 00820962 [“I also whipped him. He then decided to confess”]; **E3/7437** S-21 Report on Interrogation of Suor Heang, 18 July 1978, EN 00780892 [“after some beating, he agreed to admit that he was a traitor, yet he did not tell me about his traitorous networks. I then electrocuted him several times ... He then agreed to tell me about his CIA networks”].

<sup>2790</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.29.29 [“reports concerned the enemies’ confessions, and the reports usually included that this particular prisoner was interrogated and tortured with this or that level”], 09.36.55-09.39.23 [Son Sen told Duch “to instruct the interrogators to note down how much

he sent the interrogation summary reports describing the use of torture and the annotated confessions to his superiors, including **Nuon Chea**.<sup>2791</sup> An S-21 interrogator's notes record instructions provided by Duch to the interrogators regarding summary reports that would be sent to the "upper echelon,"<sup>2792</sup> and Duch testified that "everyone was aware that the confessions of prisoners would be sent up the line."<sup>2793</sup>

687. The confession summaries that Duch confirms were sent to CPK leaders included reports from Tuy, the designated S-21 interrogator for prisoners who did not confess easily,<sup>2794</sup> in which Tuy documented the use of extreme torture against high-ranking

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torture they used during the interrogation"], 09.44.52-09.46.17 [he started using "only very short, abbreviated annotations to accompany the document. And the interrogators only noted down whether or not they beat the prisoners during the interrogation"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185016 ["Later I had him (Mam Nai) summarize enemy confessions as they were very long and I wanted summaries to send to upper echelon and I wanted them quickly"]; **E3/454** Kaing Guek Eav WRI, EN 00147604 [stating that he knew details of the methods of torture used at S-21 "through reading the reports"].

- <sup>2791</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.29.29-09.31.47 ["the Co-Investigating Judges asked me whether or not the superior of upper echelon allowed torture to be inflicted. And my response was that yes. That was why there was reports indicating that I beat this or that person and this or that person only answered after I beat him or her. And that could be seen in the reports"], 09.42.41-09.44.52 [referring to confession summaries in **E3/1869** and **E3/1894**: "As far as I can remember, I sent this document together with the confession report to the superior ... I sent the documents to the upper echelon; that's why there is Son Sen's signature on the document to be sent further to Brother Nuon"], 09.44.52-09.46.17 ["Q: And that's what I'm asking you about, these very short summaries like we see in these two documents. Were they sent to your superiors? A: ... I sent all of them together that's why there are annotations on them"], 11.22.52-11.31.07 [discussing two other interrogation reports describing the use of torture, **E3/3844** and **E3/7437**, sent during the time he reported to Nuon Chea: "From that time onward, I sent reports to Brother Nuon"]; **E1/51.1** Kaing Guek Eav, T. 20 Mar 2012, 10.07.46-10.11.21 ["Q: As the Chairman of S-21, what were your roles? A: My common roles included reading and summarizing the confessions, and brief[ing] the superior on the confessions annotated by me. So I had already been very busy with these reading and summarizing the confessions and reporting to my superior"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.38.28-15.40.15 ["the interrogators would report upon the completion of the confession extracted from each prisoner; the documents would be submitted to me, and I would read and summarize the confessions and make some necessary annotations to the upper echelon ... So, when it comes to the confessions of S-21, they would be sent to the upper echelon, and at some point they would also be reported immediately"].

- <sup>2792</sup> **E3/8368** S-21 Notebook "Statistics List of Special Branch," EN 00225395 [in section of notes titled "Views and Stances on the Enemies' Confessions": "In summary, whatever we do we do not want to surprise ourselves, and then when the upper echelon reads our reports they will not be surprised either"], 00225401 ["When the confession is finished, request a summary response"].

- <sup>2793</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 10.06.42 [discussing above excerpt from **E3/8368**: "I gave general instructions that we had to be responsible before the Party in terms of our reports. We had to be clear about enemies and friends and the level of their offence. That was my instruction, so everyone was aware that the confessions of prisoners would be sent up the line. That was the task performed by S-21, the main task, an important one"]. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.09.22-11.11.22 ["The purpose to interrogate prisoners was to obtain a confession. And after the confession was obtained, that would be sent to the upper echelon ... I would forward the confession or I would make a report to the superiors"].

- <sup>2794</sup> **E3/454** Kaing Guek Eav WRI, EN 00147603 ["Comrade Tuy liked to use torture very much"], 00147605 ["When a prisoner refused to answer, I told Pon to send the prisoner to Tuy"]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.25.10-15.26.32, 15.38.02-15.40.00 [Seat Chhae alias Tum assigned to Tuy for hot method of interrogation after Pon could not obtain confession]. See also **E3/7470** Saom Met, T. 10 Aug 2009, 15.31.46-15.34.57 [describing interrogation conducted by Tuy].

CPK leaders imprisoned at S-21.<sup>2795</sup> For example, a 22 July 1977 report on the interrogation of Sector 7 Secretary Ke Kim Huot alias Sot provides a detailed account of torture used over a three-day period at the outset of the CPK leader's imprisonment, in which he was "pounded," electrocuted twice, and forced to "eat two or three spoonfuls of shit."<sup>2796</sup> The conclusion of Tuy's report states his plan to continue that course of severe torture: "My operative line is to continue to torture with mastery, because the enemy is breaking emotionally and is at a dead end ... I ask for opinion and guidance from Angkar in carrying out this task."<sup>2797</sup> Ke Kim Huot underwent interrogation at S-21 for nine and a half more months, until his execution in May 1978.<sup>2798</sup>

#### 6. Use of S-21 Confessions by CPK Leaders

688. Duch testified that the generation of confessions for CPK leaders was the most important function of S-21.<sup>2799</sup> The following were the principal uses made of those confessions by the Party leadership.

<sup>2795</sup> **E3/3654** S-21 Report on Confession of Sector 43 Secretary Koam Chan, 21 Oct 1977, EN 00768300-01 ["After being tortured continuously for more than a half day, Chan still answered the same ... For the first torture, we interrogated him over and over with the same question, why he was being beaten ... Then we took up the matter of him seldom answering our questions to exert pressure, and we accused him of being insolent and arrogant; and we used this excuse to continuously beat him. After being tired from the torturing each time, we still interrogated him ... he still did not break, and we continued torturing him"]; **E3/1705** S-21 Report on Interrogation of Ke Kim Huot alias Sot, 22 July 1977, EN 00183285-90; **E1/438.1** Kaing Guek Eav, 15 June 2016, 14.16.45-14.18.50 [discussing Ke Kim Huot: "Yes, that was that prisoner that Tuy beat and forced to eat his own faeces"]; **E3/106** Kaing Guek Eav WRI, EN 00177633-34 [discussing interrogation of Ke Kim Huot: "my superiors accorded great importance to his confession, and that until its completion, ending the interrogation was out of the question. Regarding the use of torture, I had assigned Tuy to the interrogation. I no longer dare to declare that the tortures described were not used. Actually, I acknowledge they were"]; **E3/440** Kaing Guek Eav Written Statement, EN 00270555.

<sup>2796</sup> **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, 22 July 1977, EN 00183289-90 [section IV].

<sup>2797</sup> **E3/1705** S-21 Report on Interrogation of Ke Kim Huot, 22 July 1977, EN 00183290 [section VI].

<sup>2798</sup> **E3/10604** OCIJ S-21 Prisoner List, No. 3748 [Ke Kim Huot alias Sot, former Secretary of Sector 7, entered S-21 on 13 or 17 July 1977 and was executed on 10 May 1978]; **E3/9954** List of Prisoners Entering July 1977, EN 01332202; **E3/3836** S-21 Confession of Ke Kim Huot (Excerpts), 29 Apr 1978; **E3/10165** List of Prisoners Smashed on 10 May 1978, EN 01248064; **E3/8463** List of Prisoners Smashed in 1978, EN 01302441. *See also* **E3/10087** List of Prisoners To Be Fattened; **E1/438.1** Kaing Guek Eav, 15 June 2016, 14.12.13-14.15.17 ["Ke Kim Huot was rather stubborn and he did not confess easily. During the interrogation, he became weak. For that reason, he had to be properly fed so that his health was strong and that the interrogation could resume"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.40.45-09.42.47 ["we kept him for longer because the upper echelon needed his confessions and then I changed several interrogators"].

<sup>2799</sup> **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 10.55.11 ["The role of S-21 was to extract by whatever means the confessions and that the confessions shall contain the list of the indicated person's name"], 10.58.56 ["This is the only purpose of S-21's work; that is to extract confessions and to ... forward the confessions to the superiors"]; **E3/5770** Kaing Guek Eav WRI, EN 00177612 ["the content of the confessions being the most important work of S-21"]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343; **E3/452** Kaing Guek Eav WRI, EN 00147569-70.



689. First, as already detailed in the *Authority Structure and Communication* section, S-21 confessions were widely circulated to zone, RAK, ministry, and Centre leaders to inform them of the persons from their organisations implicated in the confessions, and to serve as the basis for decisions on further arrests.<sup>2800</sup> The CPK leaders used S-21 confessions as the basis for mass purges, despite their knowledge that the confessions were obtained by torture and were unreliable.<sup>2801</sup>
690. Second, as propaganda to justify ongoing purges<sup>2802</sup> and instill terror among those who remained, the confessions of purged CPK leaders were read or played at meetings of Party cadres,<sup>2803</sup> with the leaders denounced as traitors in *Revolutionary Flag*.<sup>2804</sup> As

<sup>2800</sup> **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.39.30-09.42.15 ["Q: Were the prisoners expected to supply names of other people that were traitors; was that one of the aims of the confession? A: Those who were supposedly connected through the traitorous link, then we would report it to the upper echelons and the decision was entirely up to them to decide whether or not they would be arrested"]; **E3/359** Kaing Guek Eav Written Statement, EN 00434343; **E3/357** Kaing Guek Eav WRI, EN 00242932; **E3/453** Kaing Guek Eav WRI, EN 00147584 ["People were arrested based on the confessions of others who implicated them"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 11.42.47-11.45.21 ["the confession would be examined by the upper echelon and the people implicated in the confession would be examined and monitored"]; **E3/536R** Video *Phil Rees Cambodia Report*, 2008, 21:25-24:56 [video interview of Chum Mey describing how severe torture led him to falsely implicate 68 people in his S-21 confession].

<sup>2801</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 10.23.39 ["Pol Pot at one point did not even believe that the confessions were of true information"]; **E3/106** Kaing Guek Eav WRI, EN 00177634 ["Q: Did you think [confessions] reflected the truth? ... A: ... In fact, I did not believe them ... Even the Standing Committee, in my opinion, did not really believe in it: it was about finding excuses to eliminate those who represented obstacles"]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185037 ["the CPK limited my duties as only to get confessions, true or not, they did not worry about that"]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 13.55.14-13.58.24 *affirming* **E3/1560** Kaing Guek Eav Interview, 6 June 1999, EN 00327327 [Nuon Chea told Duch not to worry whether the confessions were true or false]; **E3/2978** Kaing Guek Eav, T. 8 Apr 2009, 16.20.56-16.22.56 ["regarding the people who were implicated in such confessions, so there was only 10 percent of truth in them"]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.35.50 ["To my observation, Pol Pot did not believe in those confessions. Those who confessed overstated the facts. The confessions were unsubstantiated and unreliable"]; **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757537 ["They normally confessed when they were beaten painfully and seriously tortured," Nuon Chea said"], 00757537-38 [re confession implicating Chuoun Prasith: "Nuon Chea said he knew it wasn't true ... 'I thought they just faked these accusations,' Nuon Chea said. 'But I did not say that out loud'"], 00757538 ["Pol Pot went on to say that some people accused of being part of the CIA or KGB were actually innocent and only confessed because they were tortured. 'Some confessed to being part of the CIA before they were born,' he said"].

<sup>2802</sup> **E1/61.1** Kaing Guek Eav, T. 9 Apr 2012, 09.13.39-09.15.54 ["As a principle, the people arrested by the Party were determined by the Party as enemies; S-21, therefore, needed to have the person acknowledge that they made mistakes and that they were guilty as enemies presumed by the Party and arrested by the Party. That is the general practice, in particular, at S-21 and it was also a common practice in all the police centres"]; **E1/92.1** David Chandler, T. 19 July 2012, 15.40.39-15.41.45.

<sup>2803</sup> **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.27.37-11.34.33 ["the meetings to listen to the tapes were done by the upper echelon, or the meeting in which the confessions were read out were also conducted by the upper echelons ... Son Sen, my superior, met at the Olympic Stadium at the basketball court. It was about the dissemination of the confessions of Men San alias Ya, to be read out in public including the confession of Koy Thuon's and also other comrade confessions was read out at that time"]; **E1/67.1** Saloth Ban alias So Hong, T. 24 Apr 2012, 14.22.28-14.27.22 [testifying that Ieng Sary read confession of Koy Thuon at meeting of mid to upper-level cadres at the Ministry of Foreign Affairs]; **E1/506.1** Tes Trech alias Nuon Trech, T. 5 Dec 2016, 15.45.32-15.48.40 [describing meeting of cadres at which arrest of Division 310 leaders was announced: "They alleged that commander of Division 310, Oeun, betrayed.

testified by Expert David Chandler, S-21 confessions provided the Party Centre with the pretext for engaging in the “extermination” of all perceived “opposition to the Party” on a “continuous basis.”<sup>2805</sup>

691. Third, confessions of Vietnamese prisoners of war were broadcast on the DK radio as anti-Vietnamese propaganda.<sup>2806</sup> In January 1978, Duch was ordered by **Nuon Chea** to

Oeun’s voice was played over the loudspeaker stating about the plan to attack Phnom Penh and I heard the voice of Oeun from the tape”]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 14.05.45-14.08.12 [“through loudspeaker, they broadcast the confession of Koy Thuon and my division commander Oeun and brother Voeun, the deputy commander of the division”]; **E3/7877** Tes Trech WRI, EN 00346978; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.51.37-09.56.26 [“the whole soldiers of division were called into a meeting at Wat Phnom ... And we were told to stay in line and they informed us that all former [North Zone] soldiers were traitors and the chief of our division was [a] traitor and they had been arrested by Angkar... Q: At the meeting, did they play a tape recording of Oeun speaking? A: Yes ... I only knew that he probably was being severely mistreated from the voice he spoke”]; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.18.15-09.20.26 [“When Oeun and Kim were arrested from the division, they called soldiers and disabled soldiers like myself to attend a study session where the tape was played ... on the tape, he himself confessed that he was a traitor”], 10.53.00-10.56.13; **E3/5658** Keo Loeur DC-Cam Interview, EN 00863304; **E1/184.1** Ruos Suy, T. 25 Apr 2013, 11.54.27-11.59.48, 14.27.30-14.32.20, 15.39.08-15.46.20 [confirming “vivid memory” that tape recording of Koy Thuon confession was played by Nuon Chea at study session]; **E3/469** Ruos Suy WRI, EN 00205112-13; **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396574 [“Confessions of treason were needed for men like Ieng Sary and Khieu Samphan to read out at closed Party meetings, proving that Angkar had ‘as many eyes as a pineapple’... nothing could escape its vigilance”]; **E1/191.1** Philip Short, T. 8 May 2013, 09.40.15-09.43.48; **E1/192.1** Philip Short, T. 9 May 2013, 14.33.23-14.35.41 [“The mid level official at the Foreign Ministry, to whom I spoke...did refer to a meeting at which he had attended where Khieu Samphan had read out such a confession”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192873 [“Ney Saran’s former bodyguard ... recalled Khieu Samphan reading aloud from Saran’s confession ‘for three hours’ at a Party meeting”].

- <sup>2804</sup> **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.39.29-11.44.04 [“dissemination of [confessions] to reveal the traitors were done by all means. First, the Revolutionary Flag magazines”]. See e.g. **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“The despicable Chakrei, the despicable Chhouk, the despicable Thuch, the despicable Doeun, the despicable Phim, the despicable Sy, the despicable Keo Meah and the despicable Chey were all CIA. The only difference among them was that some of these CIAs were more on the American side while others were more on the Yuon side”].

<sup>2805</sup> **E1/92.1** David Chandler, T. 19 July 2012, 15.40.39.

- <sup>2806</sup> **E3/345** Kaing Guek Eav, T. 18 May 2009, 11.44.04-11.47.58 [“radio broadcasts of the full confessions were only done by way of using the confessions of the Vietnamese detainees”]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.56.29-15.58.36; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.35.57 [CPK broadcast confessions of Vietnamese people “for propaganda purposes”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.07.06 [“Chan actually prepared a statement for the prisoners to read, and that is the confession that they entered the Kampuchean territory in order to spy on us ... Usually, every morning at 7 o’clock, the confessions were broadcast on radio”]; **E3/7463** Prak Khan, T. 21 July 2009, 11.26.40-11.29.44 [“Regarding the Vietnamese prisoners of war, they were interrogated by Chan and their confession would be recorded and broadcast on radio ... it was about their intention to invade Cambodia”]; **E3/79** Prak Khan WRI, EN 00161556-57; **E3/351** Mam Nai alias Chan WRI, EN 00162917-18 [“Q: Did the Vietnamese soldiers who were interrogated make confessions? A: They did, and they were sent to upper echelon, and some were recorded and broadcast on the radio ... we interrogated in Vietnamese, translated, and then we broadcast”]; **E1/109.1** Sa Siek, T. 16 Aug 2012, 14.14.48-14.22.10; **E3/361** Chhouk Rin WRI, EN 00766455 [“DK Radio broadcast information from the confessions of Vietnamese prisoners of war who had been captured”]; **E3/1359** FBIS, Jan 1978, EN 00169634-40, 00169647-48, 00169653, 00169656-57 [DK Radio broadcasts of five confessions of Vietnamese soldiers from 21-25 Jan 1978]; **E3/292** FBIS, Feb 1978, EN 00169190-95, 00169206-09 [DK Radio broadcasts of four confessions of alleged Vietnamese spies from 1-4 Feb 1978]. See also **E3/1258** DK Ministry of Foreign Affairs, *Evidences on the Vietnamese Aggression Against Democratic*

interrogate captured Vietnamese soldiers and obtain confessions regarding Vietnam's plan to invade Cambodia and force it into an Indochina Federation, which the CPK leaders would broadcast on the radio twice weekly.<sup>2807</sup> The confessions were sent to **Nuon Chea**, who sometimes requested changes in their content.<sup>2808</sup> Duch admitted that Vietnamese prisoners were tortured so as to extract the confessions ordered by **Nuon Chea**.<sup>2809</sup> A number of DK radio broadcasts of Vietnamese POW confessions have been matched to corresponding S-21 confessions in evidence,<sup>2810</sup> corroborating Duch's testimony on this matter.

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- <sup>2807</sup> *Kampuchea*, Feb 1978 [publication of 11 confessions of Vietnamese POWs and alleged spies].  
**E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.57.07-09.59.14 ["on the 8<sup>th</sup> of January 1978, Brother Nuon called upon me ... Brother Nuon asked me to interrogate the Vietnamese war prisoners and record the prisoners' confessions"]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30 ["Vu Dinh Ngo who was a former Thieu-Ky soldier and who was the first 'Yuen' soldier ... arrested by Khmer soldiers on the 6<sup>th</sup> of January [1978]. There was an order from the upper echelon regarding the questioning of 'Yuen' soldiers and the purpose was for them to confess that they invaded Kampuchea and they wanted to use Kampuchea as an umbrella of Indo-China. Their voices would be recorded and broadcast and that required two segments of five minutes each per week. It was Pou Nuon who ordered me to do that. ... When Vu Dinh Ngo arrived, I received an order from Brother Nuon regarding the audio recording of the confessions"]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 ["Only confessions of Vietnamese were radiobroadcast. It is Nuon Chea who decided this ... it was at a period where the number of Vietnamese prisoners was large enough to allow a regular broadcast once to twice a week"]. See **E3/10604** OCJ S-21 List, No. 13474 [Vu Dinh Ngor, Major Sergeant and former Thieu Ky marine from Vietnam, entered S-21 on 3 or 9 January 1978, and is recorded as having confession VN167]; **E3/1249** BBC-SWB, *Confession of a Captured SRV Sailor*, 29 Jan 1978, EN S 00008894-96 [radio broadcast of "confession by (Vu Dinh Ngo), former midshipman of the Thieu-Ky puppet navy, who was captured on 3<sup>rd</sup> January 1978," is described as proof of "The intention to force Cambodia into an Indochina federation headed by Vietnam"]; **E3/1359** FBIS, *Confession Cites SRV Attempt to 'Liquidate' Cambodian Leaders*, 29 Jan 1978, EN 00169681-82 ["confession by captured Vietnamese sailor (Vu Dinh Ngo)"].
- <sup>2808</sup> **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.10.40-15.13.58 [confirming that Nuon Chea made some "minor changes" to the Vietnamese confessions sent by Duch: for example, increasing the "number of firearms" of the Vietnamese soldier from 15 to "20 firearms"]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48 ["The essence of the confessions of those Vietnamese was sent to Uncle Nuon. Therefore, whatever it is he would adjust it and then he would send it to me"].
- <sup>2809</sup> **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.48.34 ["Q: Were those Vietnamese prisoners tortured? A: Yes, but not seriously ... although they were told to confess what I said. Of course, prisoners of war and spies were tortured in order to get confessions. So forcing them to say what I just said was not serious torture"]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.35.57 ["The objective is determined from the upper echelon and I, myself, I ordered the interrogators to do what it took in order to receive the objective of the upper echelon, that is, Vietnam invaded Cambodia in order to put Cambodia into the Chinese federation"], 09.35.57-09.38.48 [asserting there was only a "little torture" because the interrogations were done by Mam Nai], 10.04.15-10.07.07 [acknowledging torture was used on Vietnamese soldiers and civilians "when it was unavoidable"], 11.57.14 ["Q: So that means they were forced to confess to the way that you wanted? A: If we wanted them to say that the Vietnamese soldiers were starved and did not have any food to eat, they had to say that in their confession"].
- <sup>2810</sup> See e.g. **E3/1301** FBIS, *Captured Naval Officer Cites Coercion, Economic Pinch*, 10 Apr 1978 ["report on confession by SRV Navy Lt Vinh Minh Chau captured off Angkrang Island in March"]; **E3/7440** S-21 Confession of Vinh Minh Chau, 3 Apr 1978; **E3/1250** BBC-SWB, *Confession of Vietnamese Spies*, 21 Apr 1978, EN S 00010077 [radio broadcast of confession of "beautiful Vietnamese woman (Vo Thi Thuy)"]; **E3/7351** S-21 Confession of Vo Thi Thuy, 10 Apr 1978 [identified as a "female Yuen spy"]; **E3/1276** BBC-SWB, *Confession by Captured Vietnamese*, 20 May 1978, EN S 00010038 [broadcast of "confession by [Vuong Ngoc Sun], a Vietnamese private who had been captured at Lok, Kampot, Province on 7 April"]; **E3/7386** S-21 Confession of Vuong Ngoc Xuan, 2 May 1978; **E3/1312** FBIS,



692. This evidence thus proves beyond any doubt that the Party Centre leaders, including both Accused, were well aware of the imprisonment, interrogation, and confessions of purged CPK leaders and Vietnamese prisoners-of-war.

### 7. Number of S-21 Confessions

693. Duch testified that, due to the “large number of prisoners,” S-21 could not interrogate all of them, and “the majority of prisoners” were executed “without interrogation.”<sup>2811</sup> As such, S-21 prioritised interrogations of “important prisoners,” and sent less important prisoners away for execution without confessions.<sup>2812</sup>
694. S-21 records confirm that only a limited percentage of its prisoners underwent interrogations resulting in confessions. While S-21 usually had over 1,000 detainees at the prison during the 1977-78 purges,<sup>2813</sup> it only had about 30 interrogators,<sup>2814</sup> and the

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*Radio Carries Confession of Former ARVN Officer Spy*, 12 June 1978 [“report on confession by Vietnamese spy (Tran Ngoc Tuong), captured on 29 April 1978 in Mondolkiri Province”]; **E3/7385** S-21 Confession of Tran Ngoc Toeung, 9 June 1978.

<sup>2811</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.14.58-15.17.35 [“we could not question all prisoners in time since there were fewer cadres compared to the large number of prisoners”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.15.55-09.17.26 [“the majority of prisoners were sent to Choeung Ek to be killed without interrogation”]; **E1/440.1** Kaing Guek Eav, T. 20 June 2016, 14.27.52 [“there were also many prisoners who were smashed without having any confessions”]. See also **E3/79** Prak Khan WRI, EN 00161559 [“As for prisoners who were interrogated, half of the interrogations did not get responses”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 15.42.27-15.45.01 [“there were larger number of prisoners, compared to the fewer number of interrogators. And at the time I was walking back and forth to bring back the prisoners, so I could see that some prisoners remained detained in the cells without being sent anywhere else for interrogation”].

<sup>2812</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.07.55-14.09.40 [“important prisoners, they would be questioned first, and later there would be a decision whether any of their wives and children would be questioned ... if they were not important, they would be taken out”]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.17.26-09.19.08 [“we kept some prisoners, because we were expecting that one day the upper echelon would advise us to interrogate any particular prisoners, so keeping prisoners at S-21 depended on the importance of the questions they might have for particular prisoners ... Therefore, some prisoners, as I said, were not interrogated”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 11.14.19-11.17.07 [describing situations when prisoners were executed without interrogations: “in some other cases, when they were not important, then a decision was made to send them to be smashed”]; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185052-53 [describing “main principles” governing S-21: “Second, don’t allow the responses of the important people to be cut off, the ones the upper level were paying attention to”]. See also **E3/1684** David Chandler, *Voices from S-21*, EN 00192685 [“The records from S-21 also showed that most of the lower-ranking prisoners had been held for a few days or weeks, whereas more important ones ... had been incarcerated for several months”].

<sup>2813</sup> See **Annex F.48** *List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977*; **E3/10770** Logbook of S-21 Daily Counting Lists [showing daily totals of prisoners for period from 30 March to 3 December 1977]; **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 09.13.21-09.15.55 [“Q: ... During the period of these intense purges, were there usually 1,000 prisoners, or at least 1,000 prisoners, at S-21? A: Mr. Co-Prosecutor, the number could reach more than 1,000 ... that is based on my estimate ... but it did not reach up to 2,000”].

<sup>2814</sup> See section **S-21 Security Centre – Authority Structure and Communication** for discussion of Interrogation Unit at S-21.

prison interrogation logs show that no more than 200 to 250 prisoners (i.e 20-25% of the prison population) would be undergoing interrogation at any given period.<sup>2815</sup>

695. The OCIJ S-21 Prisoner List also shows that when large groups of cadres from the same DK organisation were arrested and sent to S-21, only the more important prisoners from such groups were selected for interrogation. For example, of the 10 high-ranking cadres from Division 310 who entered S-21 on 17 and 19 February 1977, seven have surviving confessions,<sup>2816</sup> and only three do not.<sup>2817</sup> By comparison, a confession has been recovered for just one<sup>2818</sup> of the 12 ordinary combatants from Division 310 who entered S-21 on 24 and 25 February 1977.<sup>2819</sup> Of the 35 lower-ranking Division 310 cadres who entered on 6 February 1977,<sup>2820</sup> only eight have S-21 confessions.<sup>2821</sup> Similarly, while the higher-ranking Sector 505 cadres sent to S-21 underwent interrogation until confessions were obtained,<sup>2822</sup> of 51 lower-ranking Sector 505 cadres who entered S-21 over a two-day period from 30 March to 1 April 1978,<sup>2823</sup> only three are recorded as having S-21 confessions.<sup>2824</sup>
696. Moreover, as shown by the Daily Counting Lists,<sup>2825</sup> there were significant periods during the 1977-78 purges when S-21 was at or over full capacity, and prisoners had to

<sup>2815</sup> **E3/2102** S-21 Interrogation Logs, 2 Feb 1978 [140 prisoners assigned for interrogation to Documentation Group]; **E3/2025** S-21 Interrogation Logs, 2 Feb 1978 [93 prisoners assigned for interrogation to Hot Group]; **E3/1666** S-21 Interrogation Logs, 2 Feb 78 [15 prisoners assigned for interrogation]; **E3/2196** S-21 Interrogation Logs, 2 Apr 1978 [144 prisoners undergoing interrogation]; **E3/2198** S-21 Interrogation Logs, 5 Apr 1978 [102 prisoners undergoing interrogation]; **E3/1922** S-21 Interrogation Logs, 6 Apr 78 [190 prisoners]; **E3/1674** S-21 Interrogation Logs, 11 Apr 1978 [103 prisoners].

<sup>2816</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 11 [regiment 11 Secretary Chhan], 2175 [regiment Secretary Nai], 7214 [regiment 13 Deputy Chet], 7806 [regiment 13 Secretary Song], 7978 [regiment 12 Secretary Pheng], 8135 [Division 310 Secretary Oeun], 13594 [Division Deputy Secretary Voeung]. Some of the specific titles of these cadres have been obtained from the Lists of Participants at the October and November 1976 General Staff Training Courses (**E3/1585**, Nos 1, 2, 6, 16, 26; **E3/847**, No. 230).

<sup>2817</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 2232 [Messenger of Division], 2235 [Battalion Secretary], 2236 [Deputy Secretary of Battalion].

<sup>2818</sup> **E3/10604** OCIJ S-21 Prisoner List, No. 5900 [Combatant of Division Telephone].

<sup>2819</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 2312, 2314-2319, 2389-2392, 5900.

<sup>2820</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 566, 1307, 1502, 1751, 2030, 2071-2074, 2076-2081, 2083, 2085-2088, 2090, 2092, 2094-2097, 2099, 2101-2105, 8145, 8663, 8715.

<sup>2821</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 566, 1307, 1502, 1751, 2030, 8145, 8663, 8715.

<sup>2822</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 110 [Sector Deputy Secretary], 150 [Sector Secretary], 463 [Chief of Sector Worksite], 1039 [Sector Deputy Secretary], 1513 [Chief of Sector Transportation], 4382 [Chief of Sector Hospital], 8109 [Sector Deputy Secretary], 11552 [Chief of Sector Office], and Nos 1095, 1480, 1683, 6898, 8452, 13059 [District Committee Members].

<sup>2823</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 5859, 8867-8870, 8873-8874, 8876-8883, 8885-8894, 8954-8958, 8960, 8963-8970, 8972-8981, 11880, 13344.

<sup>2824</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 5859 [Secretary of Kork Nap Commune], 11880 [Deputy Chief of Cooperative], 13344 [Chief of Commune 100].

<sup>2825</sup> **Annex F.48** S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977; **E3/10770** Logbook of S-21 Daily Counting Lists. See also **E3/1684** David Chandler, *Voices from S-21*, EN 00192714-15.

be sent out for execution before confessions were obtained in order to make space for the large numbers of new incoming prisoners.<sup>2826</sup>

697. Accordingly, contrary to the argument of the **Nuon Chea** Defence, the existence of 4,300 surviving S-21 confessions<sup>2827</sup> is consistent with the security office having imprisoned over 18,000 detainees. There is evidence that at least some of the many S-21 confessions that once existed have been lost or destroyed.<sup>2828</sup> But even more importantly, the prison's limited capacity to conduct interrogations explains the number of surviving confessions.

### MURDER, EXTERMINATION, AND WILFUL KILLING

698. The extrajudicial execution of S-21 prisoners is proven by: (i) the admissions of Duch and other S-21 cadres that virtually every person detained at the prison was killed; (ii) surviving S-21 execution lists and photographs of corpses; and (iii) the exhumed remains recovered from mass graves at Choeung Ek, and the study of those remains by Expert Voeun Vuthy.

#### 1. Admissions of S-21 Cadres

699. Duch and other S-21 cadres confirm that virtually every person detained at S-21 was

<sup>2826</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 ["when they planned to arrest new people, Brother Son Sen always instructed me to take those arrested people out so that new arrestees could be brought in"]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.47.34-10.50.14; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.16.09-15.18.00; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185052 ["Not every one of them had their confession taken ... That was done because of such overcrowding"]; **E3/1691** David Chandler, T. 6 Aug 2009, 13.59.32 [discussing prisoners sent out for execution without interrogations: "The trucks just went out to the killing fields, partly because the prison was too crowded and partly because the prisoners coming in the trucks were not of high-ranking responsible cadre"].

<sup>2827</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192685 [discussing S-21 confessions: "Roughly 4,300 of them have so far come to light"], 00192691 ["dozens" of additional confessions found in 1995]. The OCJ S-21 Prisoner List (**E3/10604**) identifies confessions by TSL number for 4,091 prisoners.

<sup>2828</sup> Not all S-21 records survived and were located and preserved by Tuol Sleng archivists, including papers that were taken and used by local residents returning to the neighbourhood. **E1/105.1** Ong Thong Hocung, T. 9 Aug 2012, 13.57.46-14.03.36 [witness who worked at Tuol Sleng archive in 1979: "I was told that some documents were missing ... documents at Tuol Sleng was scattered everywhere at the time and people who needed the paper for various purposes, they took them away. Some of the documents was used to wrap banana, cakes and things like that"]; **E1/107.1** Ong Thong Hocung, T. 14 Aug 2012, 11.32.16; **E3/2817** Nic Dunlop, *The Lost Executioner*, EN 00370126 [citing witness who saw "fried bananas" wrapped in S-21 confession sold at Tuol Tumpung market, and stating: "There had been no paper during the Khmer Rouge. Now, in the semi-derelict city, it was everywhere. Sheets of it blew through the streets. Children had begun to collect it"]; **E3/2126** Vann Nath, *A Cambodian Prison Portrait*, EN 00396875 [describing his return to the Tuol Sleng site in August 1979: "Prisoner records were scattered all the way from the entrance to the office"]; **E1/419.1** Nhém En, 20 Apr 2016, 09.28.12-09.29.53 [describing house "200 metres from Tuol Sleng" where negatives were developed: "I asked the occupant of the house about what was left in that house. And I was told that when they occupied the house, the films and the negatives were knee high, but they disposed of them all"], 09.34.26, 09.43.08-09.44.34 ["they said that they burned all those negatives and film. But I can say that there were a lot of negatives and film rolls, maybe 5,000 or 10,000 of them"].



killed. S-21 Chairman Duch, even while on trial for those murders, conceded that pursuant to instructions he received from the top CPK leaders, all persons arrested and sent to S-21 were smashed.<sup>2829</sup> The fate of S-21 detainees was further confirmed by the other S-21 cadres who testified at trial, including Him Huy,<sup>2830</sup> Prak Khan,<sup>2831</sup> Lach Mean,<sup>2832</sup> and Suos Thy, the cadre responsible for recording prisoner executions, who testified that all prisoners were “considered dead” as soon as they entered S-21.<sup>2833</sup> Expert David Chandler described S-21 as an “anteroom to death” and a “macabre project whereby all the prisoners, regardless of their actions and before they started talking, were condemned to death.”<sup>2834</sup> Thus, execution was the ultimate outcome for all prisoners, with the exception of a handful of people who were deemed useful for their skills and escaped death at the time of the Vietnamese arrival.<sup>2835</sup>

<sup>2829</sup> **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 13.54.40-13.56.10, 14.31.22 [“Whoever was sent to S-21 had to be smashed”]; **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 09.46.30; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.48.51; **E3/5796** Kaing Guek Eav, T. 30 Apr 2009, 09.44.22-09.48.09; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 09.46.18-09.51.17 [“The people who were arrested and sent to S-21, those were regarded as enemies; they had to be smashed. This is a policy no one can violate”]; **E3/1569** Kaing Guek Eav WRI, EN 00185477 [“all persons arrested had to be executed except for a few and only temporarily ... The only decision to be made was the timing of the execution”]; **E3/5748** Kaing Guek Eav WRI, EN 00153569; **E3/347** Kaing Guek Eav Interview, 4-6 May 1999, EN 00185053 [“the first main principle was whoever entered S-21 had to be smashed”].

<sup>2830</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.11.17-09.13.02 [referring to Duch: “He said anyone who was brought to S-21 would not have the chance to go out, and that the person would be killed”]; **E3/7461** Him Huy, T. 16 July 2009, 11.29.38-11.33.04, 11.49.42; **E3/7462** Him Huy, T. 20 July 2009, 10.07.36-10.09.00, 13.43.58-13.46.00; **E3/5155** Him Huy WRI, EN 00161591.

<sup>2831</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 11.26.32 [“from my experience, at S-21, if people were brought in, they would never be let out”]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 14.29.44-14.31.45; **E3/7463** Prak Khan, T. 21 July 2009, 10.30.38-10.33.44.

<sup>2832</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.58.17.

<sup>2833</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 13.52.10-13.56.20 [“It was the reality that after they came into S-21 and after their interrogations were concluded, they were considered dead already ... When they were brought in, they were supposed to be killed”], 13.58.48-14.01.10.

<sup>2834</sup> **E3/1684** David Chandler, *Voices from S-21*, EN 00192727, 00192694 [“Strictly speaking, S-21 was an interrogation and torture facility rather than a prison ... The facility served primarily as an anteroom to death”].

<sup>2835</sup> **E1/441.1** Kaing Guek Eav, T. 21 June 2016, 09.44.50-09.46.30; **E1/417.1** Chum Mey, T. 18 Apr 2016, 10.54.12-10.58.26 [“There were two points regarding my survival: The first point is about my knowhow and skill repairing the typewriter. I was the only one who knew how to repair the typewriters. That’s why they spared my life. And later on, the second point is when the Vietnamese troops and the Front troops came ... Without 7 [January] 1979, I would not survive”], 14.49.01 [“Overall, there were 7 survivors. Now, only two of us are still alive”]; **E3/7450** Vann Nath, T. 29 June 2009, 10.12.27, 11.45.45-11.48.38 [discussing how many prisoners remained on 7 January 1979: “at that time we left the painting workshop there were woodcrafters, electricians, blacksmiths and there were about 13 of us ... And there were no other prisoners remained”]; **E3/7452** Bou Meng, T. 1 July 2009, 09.56.24-10.02.24, 11.05.16-11.09.59; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.57.36-09.59.55; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.51.04-09.56.21 [“prisoners who were spared from being smashed ... The people who were artists, and Dy Phon the dentist, and the other people were spared also to assist the work at S-21 ... Maybe there are about 15 people, people who had been used temporarily at S-21. I see Mr. Chum Mey here in the Court. He is one”].

## 2. “Released” Prisoners

700. Contrary to the Defence assertion that some S-21 prisoners were “released,” the evidence proves that the limited number of individuals in question were not set free, but transferred for detention at Prey Sar or other prisons. In many cases, such individuals were later returned to S-21 and executed.
701. The thousands of surviving S-21 records document only a few occasions in which prisoners were “released.” First, in late 1975 or early 1976, during the period Nath was in charge of S-21, there are a number of prisoner confessions that contain annotations, in Nath’s handwriting, indicating the prisoner was to be “released.”<sup>2836</sup> DC-Cam conducted a field investigation to try to locate this group of prisoners and found two survivors, both of whom stated that they had not been released, but rather transferred to the Takhmau prison (and in one case to Prey Sar thereafter).<sup>2837</sup> With respect to a group of Division 703 soldiers “released” in December 1975,<sup>2838</sup> S-21 records show that most of them subsequently returned to the security office.<sup>2839</sup> With respect to the group of 100 Division 920 cadres who were sent to S-21 on 23 November 1977,<sup>2840</sup> but “released” a few days later on 26 November 1977,<sup>2841</sup> the OCIJ analyst who reviewed S-21 entry records was able to track 45 of these Division 920 cadres who re-entered S-21, in each case coming from Prey Sar (S-21 Kho or S-21D).<sup>2842</sup> The evidence is thus clear that S-

<sup>2836</sup> See e.g. **E3/2461** S-21 Confession of Try Cheap Ngorn, EN 00821866; **E3/9216** S-21 Confession of Ear Hor, EN 00361722 [“Released on 8 March 1976”]; **E3/5803** Kaing Guek Eav, T. 23 June 2009, 11.00.37-11.06.00 [confession of Try Cheap Ngorn: identifying 25 Dec 1976 annotation “Request Angkar to release” as Mam Nai’s handwriting, and 26 Dec 1976 annotation “Approved for release” as Nath’s handwriting].

<sup>2837</sup> **E3/8778** DC-Cam Field Reports, EN 00989314-15 [interview of Try Cheap Ngorn: “He was sent back to Takhmau prison after more than one month at S-21. At Takhmau, the KR soldiers released Cheap Ngorn and other prisoners to work ... Finally, he was sent to Prey Sar ... during working at Prey Sar, some prisoners were arrested and sent to S-21 again. Some prisoners were killed after they tried to run away”], 00989318-19 [interview of Ear Hor: “He was at [Tuol Sleng] over one month long ... Then he was sent back to Takhmau. At Takhmau at the time he was forced to work outside the prison at day time and shackled at night time ... In the dark of one day, he run away from the worksite”].

<sup>2838</sup> **E3/965** RAK Division 703 Report “Brief Biography of Released Soldiers of Company 44,” 20 Dec 1975.

<sup>2839</sup> **E3/8778** DC-Cam Field Reports, EN 00989320; **E3/10604** OCIJ S-21 Prisoner List, Nos 13226 [No. 1 on **E3/965**], 1013 [No. 2 on **E3/965**], 905 [No. 3], 931 [No. 4], 11099 [No. 6], 932 [No. 7], 3869 [No. 8], 2306 [No. 13], 12169 [No. 15], 2309 [No. 22], 15100 [No. 23], 3379 [No. 24], 14154 [No. 27], 13448 [No. 28], 15098 [No. 29], 9500 [No. 34], 3871 [No. 36], 997 [No. 38], 930 [No. 39], 5134 [No. 40], 5132 [No. 41], 13662 [No. 43], 13290 [No. 47], 982 [No. 48], 981 [No. 49]; **E3/3187** S-21 List of Executed Prisoners, July 1976, EN 00874517-18 – Nos 6, 8, and 23 [Nos 9, 30, and 35 on **E3/965**]; **E3/3187** S-21 List of Executed Prisoners, Oct 1976, EN 00874293-94 – Nos 9 and 11 [Nos 11 and 19 on **E3/965**]; **E3/1539** List of Prisoners Who Died at S-21C, Mar 1976, EN 00182903 – No. 157 [No. 16 on **E3/965**]; **E3/2285** S-21 List of Prisoners Smashed, EN 00873209 – No. 6 [No. 18 on **E3/965**].

<sup>2840</sup> **E3/1645** List of Prisoners Who Entered on 23 Nov 1977, Nos 1-61, 63-66, 68-71, 73-77, 79-96, 98-105.

<sup>2841</sup> **E3/8648** List of People Released on 26 Nov 1977 [list of 100 Division 920 cadres].

<sup>2842</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 1220, 1564, 5206, 5216, 7197, 7387-89, 7391-92, 7395, 7398, 7400, 7403-04, 7407, 7410-11, 7413-15, 7419-20, 7423-24, 7426-29, 7431, 7433-35, 7437, 7440, 7444,

21 prisoners were not set free. Rather, a small number were transferred for detention at Takhmau or Prey Sar (perhaps due to capacity constraints at S-21 and the need to make room for more important prisoners, or the temporary need for additional slave labour at Prey Sar) and, in most cases, were later returned to S-21 for execution.

702. During trial, **Nuon Chea** requested the Chamber to call Tes Trech, who they claimed was a living example of an S-21 prisoner who had been released. However, when Tes Trech testified, it was clear he had never been imprisoned at S-21, but only at a temporary detention office used by Division 310, from which people might be sent on to S-21.<sup>2843</sup> He testified that he did not know the name of the office where he was detained, and that he was not even aware it was a prison until his unit chief told him a few days later.<sup>2844</sup> The location where Tes Trech was held was not surrounded by a barbed wire fence like S-21.<sup>2845</sup> He was not handcuffed when he entered, and the office was run by a cadre named Ol.<sup>2846</sup> Wherever Tes Trech was detained, clearly it was not S-21.
703. There is thus no basis to support the Defence contention that significant numbers of S-21 prisoners were released and avoided execution.

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7462, 7467, 7477, 7480-84, 11334; **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 15.07.47-15.15.22. See also **E3/2181** List of Prisoners Entering on 23 Jan 1978 [Nos 37, 41, and 92 from **E3/8648** release list sent back to S-21 from "Section 21D" of "Brother Huy Sre"]; **E3/1668** List of Prisoners Taken from 21 Kor, Dec 1977, EN 00185256-57 [return of Nos 70 and 97 from **E3/8648**]; **E3/8460** List of Prisoners from S-21D, 10 Feb 1978, EN 00843445-49 [documenting return to S-21 of Nos 38, 40, 48, 82-83, 87, 95-96 & 99-100 from **E3/8648**].

<sup>2843</sup> **E1/506.1** Tes Trech alias Nuon Trech, T. 5 Dec 2016, 15.59.58-16.01.19 ["The prison office was under the division. After people were placed at that prison and charged by Ol, those people would be further sent to Tuol Sleng"]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 13.44.06-13.46.07 ["Ol was the chief of the prison office. He was in charge of forwarding people to the Tuol Sleng"], 15.26.05-15.28.18 [confirming that the office he was sent to was not S-21, but rather the office cadres went to "before they were sent further to Tuol Sleng"].

<sup>2844</sup> **E1/506.1** Tes Trech, T. 5 Dec 2016, 15.48.40-15.52.44 ["I was also invited to an office ... I did not realize that I was sent to prison ... I thought that I was re-assigned to another location"], 15.59.58 ["At first, I did not know that it was a prison compound"]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.20.39; **E3/7877** Tes Trech WRI, EN 00346979 ["They did not tie me when I was on the vehicle ... They dropped us at an office that I do not know what office it was"]; **E3/7537** Tes Trech DC-Cam Interview, EN 00251254 ["I thought it was the office of the international hospital, so I just sat there and waited ... I didn't realize I was to be in prison"].

<sup>2845</sup> **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.30.15 [after being shown photograph **E3/8063.95** of fence with barbed wire around S-21: "During the few-day detention, it was an iron fence, it was not barbed wire fence"].

<sup>2846</sup> **E3/7537** Tes Trech DC-Cam Interview, EN 00251255 ["Q: When you arrived at the prison, did they point any guns at you? A: No. There were no guns ... I didn't know the prison was there. I thought I was just transferred to work there. Q: Were you handcuffed? A: No ... they went out to eat, so I just sat there and waited to see where I was to be transferred"]; **E1/507.1** Tes Trech, T. 6 Dec 2016, 15.15.35-15.20.39.



### 3. S-21 Execution Lists

704. Standing on their own, the execution lists prepared by S-21 Deputy Chief Hor and Suos Thy<sup>2847</sup> prove beyond any doubt killing on a massive scale. The lists record at least 27 instances of mass executions exceeding 100 prisoners, mostly during the intense purges of 1977 and 1978,<sup>2848</sup> including: 129 women from Prey Sar killed on 1 July 1977;<sup>2849</sup> over 1,000 prisoners killed in a one-month period from 1 July through 3 August 1977; more than 850 prisoners killed over a one-week period in October 1977 from virtually all zones, ministries, and RAK divisions, reflecting the widespread purge of DK organisations that was then underway;<sup>2850</sup> numerous killings, primarily of East Zone

<sup>2847</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 10.01.28-10.03.37 ["I would prepare the list of ... outgoing prisoners"]; **E1/430.1** Suos Thy, T. 2 June 2016, 15.02.16-15.04.32; **E3/7465** Suos Thy, T. 27 July 2009, 15.38.08-15.47.18 ["Hor would give the list to me to verify the numbers, the names, especially who would be taken away to be smashed and who would remain at the premises. And after that I have to register in the list ... then I would give the list back to Hor who later on assigned his men to take the prisoners out"]; **E3/7466** Suos Thy, T. 28 July 2009, 09.52.08-09.57.15 [when prisoners were removed for execution, witness verified "the names of the detainees to be executed"]; **E3/7643** Suos Thy WRI, EN 00162616-17.

<sup>2848</sup> **E3/8450** Names of Prisoners Executed from 1-15 July 1976, EN 00784438-45 [Nos 1-130 all killed on 14 July 1976]; **E3/3187** List of Prisoners Executed on 16 September 1976, EN 00874455-64 [106 prisoners]; **E3/3187** List of Prisoners Executed on 6 December 1976, EN 00874178-87 [102 prisoners killed (2 additional prisoners are listed as having died from disease)]; **E3/2285** Names of Prisoners Smashed 15-31 January 1977, EN 00873378-92 [Nos 1-146 on list all executed on 28 January 1978]; **E3/2285** Names of Prisoners Smashed on 17 March 1977, EN 00873336-44 [101 RAK cadres executed (two additional RAK prisoners are listed as smashed on 25 February 1977)]; **E3/2285** Names of Prisoners Smashed on 18 March 1977, EN 00873356-65 [109 people]; **E3/2285** Electricity Section, Smashed on 6 April 1977, EN 00873155-65 [list of 100 executed Electricity workers]; **E3/2285** Names of Prisoners Smashed on 12 May 1977, EN 00873392-405 [152 prisoners]; **E3/2285** Names of Prisoners By Division Smashed on 10 June 1977, EN 00873500-20 [198 RAK cadres]; **E3/2285** Names of Prisoners Taken in and Smashed on 20 June 1977, EN 00873568-91 [256 prisoners]; **E3/8458** List of Prisoners Executed on 1 July 1977 – Bang Huy Sre's Section, EN 00828291-98 [129 female detainees]; **E3/2285** Names of Prisoners Smashed on 6 July 1977, EN 00873450-61 [127 Division 310 and 450 cadres]; **E3/3861** List of Prisoners Smashed on 8 July 1977, North Zone [173 people]; **E3/2285** Names of Prisoners Smashed on 16 July 1977, EN 00873130-43 [110 prisoners]; **E3/2285** Names of Prisoners Smashed on 20 July 1977, EN 00873466-86 [231 people killed]; **E3/2285** List of Prisoners from Bong Huy Srae's Section Smashed on 3 August 1977, EN 00873521-40 [229 prisoners originating from Divisions 310 and 450]; **E3/2285** Names of Prisoners Smashed on 3 August 1977, EN 00873557-58 [additional 12 prisoners killed same day, for total of 241]; **E3/2285** Names of Prisoners Smashed on 15 October 1977, EN 00873281-320 [418 prisoners]; **E3/2285** Names of Prisoners Smashed on 18 October 1977, EN 00873633-50 [179 people]; **E3/2285** Names of Prisoners Smashed on 23 October 1977, EN 00873592-605 [150 prisoners]; **E3/2285** Names of Prisoners Smashed on 23 November 1977, EN 00873321-31 [107 prisoners]; **E3/2285** Names of Prisoners Smashed on 9 December 1977, EN 00873605-33 [301 people]; **E3/10167** List of Prisoners Killed on 29 April 1978 [230 prisoners]; **E3/8463** S-21 Execution List, KH 00016184-89 [167 prisoners from East Zone killed on 5 May 1978, many of whom arrived that same day or the preceding week]; **E3/8463** S-21 Execution List, KH 00016199-223 [255 prisoners primarily from East Zone on 11 May 1978]; **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032508-36 [582 prisoners]; **E3/10455** List of Prisoners Smashed on 31 December 1978 [225 prisoners].

<sup>2849</sup> **E3/8458** List of Prisoners Executed on 1 July 1977 – Bang Huy Sre's Section, EN 00828291-98.

<sup>2850</sup> **E3/2285** Names of Prisoners Smashed on 15 October 1977, EN 00873281-320 [418 prisoners]; **E3/2285** Names of Prisoners Smashed on 18 October 1977, EN 00873633-50 [179 people]; **E3/2285** Names of Prisoners Smashed on 23 October 1977, EN 00873592-605 [150 prisoners]; **E3/10770** Logbook of S-21

cadres, in May 1978, including 582 prisoners on 27 May 1978, a mass execution that took so long it could not be completed until the next day,<sup>2851</sup> and 225 prisoners on 31 December 1978, as S-21 began the process of killing all remaining detainees before the arrival of the Vietnamese army.<sup>2852</sup> The executions on these 27 days alone took the lives of over 5,000 prisoners. In between these large-scale executions, there were regular executions of smaller groups of prisoners<sup>2853</sup> and many documented mass executions ranging from 30 to 100 persons.<sup>2854</sup>

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- Daily Counting Lists, KH 01356091-97 [lists for 16-23 October 1977, also showing the execution of 22 prisoners on 20 October and 87 prisoners on 21 October 1977].
- <sup>2851</sup> **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032508-36 [Nos 526-556 on the list arrived on 28 May 1978 and were immediately sent out for execution].
- <sup>2852</sup> **E3/10455** List of Prisoners Smashed on 31 December 1978. Duch has testified that following the 31 December 1978 execution of 225 prisoners, the hundreds of remaining prisoners were killed on 2 or 3 January 1979: **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that there were still “over 500” prisoners left when he received the order from Nuon Chea to execute all “remaining prisoners in S-21,” and that Hor reported back to him three days later that the order had been “carried out”]; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.39.10 [“all of them may have been killed by 3<sup>rd</sup> January, because there were many prisoners. It was difficult to smash all of them in just three days”]; **E3/452** Kaing Guek Eav WRI, EN 00147572. See also **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.18.53-09.21.04 [referring to late 1978 and early 1979: “we stopped interrogating any more prisoners, and I saw prisoners being transported out continuously until the 2nd or the 3rd of January when prisoners were no longer transported out to be killed”].
- <sup>2853</sup> **E1/427.1** Him Huy, T. 4 May 2016, 10.47.06-10.49.10 [stating that the “average” execution was “from 50 prisoners up to 100 of them,” and that sometimes they had to make multiple trips to Choeng Ek because their two vehicles could each only hold “30 up to 40 prisoners”]; **E1/426.1** Him Huy, T. 3 May 2016, 15.16.48-15.19.12 [“more than 50, close to 100 each time”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.31.56-15.34.39 [prisoners would be brought to Choeng Ek in groups of “20 or 30 or 50 prisoners at a time”].
- <sup>2854</sup> See e.g. **1976: E3/3187** List of Prisoners Executed, EN 00874209-11 (39 killed on 30 March); **E3/3187** List of Prisoners Executed May 1976, EN 00874571-74 (35 killed on 20 May), EN 00874575-83 (72 killed on 27 May); **E3/8452** List of Prisoners Died June-July 1976, EN 00843420-23 (36 killed on 14 July); **E3/3187** List of Prisoners Executed 29 July 1976, EN 00874511-00874514 (39 killed); **E3/8453** List of Prisoners Executed 31 August 1976 (54 killed); **E3/3187** List of Prisoners Executed 5 October 1976, EN 00874289-92 (35 killed); **E3/3187** List of Prisoners Executed 6 October 1976, EN 00874437-40 (32 killed); **E3/3187** List of Prisoners Executed 7 October 1976, EN 00874426-31 (34 killed); **E3/3187** List of Prisoners Executed November 1976, EN 00874405-10 (38 killed on 15 November); **E3/3187** List of Prisoners Executed December 1976, EN 00874187-94 (61 killed on 21 December). **1977: E3/2285** List of Prisoners Executed 23 March 1977, EN 00873421-29 (85 killed); **E3/2285** List of Prisoners Executed 30 March 1977, EN 00873540-48 (94 killed); **E3/2285** List of Prisoners Executed 13 April 1977, EN 00873146-51 (59 killed); **E3/2285** List of Prisoners Executed 7 May 1977, EN 00873405-12 (75 killed); **E3/2285** List of Prisoners Executed 14 May 1977, EN 00873345-00873356 (96 killed); **E3/2285** List of Prisoners Executed 14 June 1977, EN 00873373-00873376 (46 killed); **E3/2285** List of Prisoners Executed 30 June 1977, EN 00873193-00873201 (91 killed); **E3/2285** List of Prisoners Executed 22 July 1977, EN 00873122-29 (80 killed); **E3/2285** List of Prisoners Executed 8 August 1977, EN 00873561-00873567 (68 killed); **E3/2285** List of Prisoners Executed 19 September 1977, EN 00873165-00873173 (89 killed); **E3/2285** List of Prisoners Executed 25 September 1977, EN 00873174-00873181 (87 killed); **E3/2285** List of Prisoners Executed 20 October 1977, EN 00873663-00873671 (88 killed); **E3/2285** List of Prisoners Executed 4 November 1977, EN 00873257-00873265 (53 killed); **E3/2285** List of Prisoners Executed 6 December 1977, EN 00873276-00873280 (39 killed); **E3/2285** List of Prisoners Executed 29 December 1977, EN 00873248-00873256 (85 killed); **E3/2285** List of Prisoners Executed 30 December 1977, EN 00873266-00873274 (76 killed). **1978: E3/8466** List of Prisoners Smashed on 3 January 1978, EN 00087489-93 (65 killed); **E3/1900** List of Prisoners Smashed on 6 March 1978, EN 00193556-57 (39 killed); **E3/8463** List of Prisoners Taken Out in 1978, EN

705. These executions were conducted pursuant to direct orders received by Duch from the CPK leaders, including orders from Son Sen during the 1977 purges to “take out” enough prisoners to have space for the new incoming ones,<sup>2855</sup> and orders received from **Nuon Chea** relating to the large number of East Zone cadres killed in 1978<sup>2856</sup> and the execution of all remaining S-21 prisoners at the end of the regime.<sup>2857</sup>
706. The Daily Counting Lists of Prisoners at S-21, which record the intake and outflow of prisoners from the main compound, also demonstrate the scale of killings that took place. The logbook of those lists shown in the *Die Angkar* film<sup>2858</sup> and now in evidence<sup>2859</sup> record that in an eight month period, a total of 4,437 new prisoners entered S-21 and 4,515 prisoners were taken out, an average of approximately 520 people killed every month.<sup>2860</sup> It should be noted that the Daily Counting Lists only reflect the prisoners who were sent out for execution from the main S-21 compound, and do not include the substantial numbers of victims who were sent directly from Prey Sar to Choeung Ek.<sup>2861</sup>

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01032534-35 (31 killed on 28 May).

<sup>2855</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.35.46 [“when they planned to arrest New People, Brother Son Sen always instructed me to take those arrested people out so that new arrestees could be brought”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.47.34-10.50.14; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.16.09-15.18.00 [“Sometimes a large number of prisoners had to be removed so that there were spaces for a large number of incoming prisoners. I was instructed by my superior to do so”].

<sup>2856</sup> **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 10.55.33-11.01.06, 11.04.47-11.06.37; **E3/1576** Kaing Guek Eav WRI, EN 00160724.

<sup>2857</sup> **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 10.24.06-10.28.14 [testifying that he received an order from Nuon Chea “on the 1st or the 2nd of January 1979” to execute all “remaining prisoners in S-21”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 15.53.40-15.55.16; **E1/442.1** Kaing Guek Eav, T. 22 June 2016, 15.35.04-15.38.03 [“I am not quite sure about the date. The instruction was to kill all of prisoners ... The instruction may have been issued on 1 January and all the prisoners had to be killed by 3 January 1979 ... The instruction was made by Nuon, Uncle Nuon”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 15.25.33-15.30.24 [describing final days of S-21: “Uncle Nuon called me for work assignment and he said, ‘Comrade Duch, you have to remove all the prisoners to Choeung Ek’”]; **E3/1576** Kaing Guek Eav WRI, EN 00160724.

<sup>2858</sup> **E3/3095R** Video *Die Angkar*, 1981, 23:38-26:46.

<sup>2859</sup> **E3/10770** Logbook of S-21 Daily Counting Lists [covering period of 23 March to 3 December 1977].

<sup>2860</sup> **Annex F.48** List of S-21 Daily Prisoner Count Analysis 23 Mar – 31 Dec 1977 [the lists compiled in **Annex F.48** record a total of 4,761 outgoing prisoners over the period from 23 March to 31 December 1977. Included in this number are deaths from disease, torture, and suicide, which amount to 246. The total 4,515, cited in the text above as the number of prisoners “taken out,” does not include deaths from these causes].

<sup>2861</sup> For example, on 29 June 1977, there were two groups of prisoners sent for execution at Choeung Ek. One was a group of 40 prisoners who had been sent to the S-21 compound earlier that month from Prey Sar (**E3/2285** at EN 00873496-99). The other was a group of 78 Prey Sar prisoners who had no S-21 entry date, and who were therefore sent directly to Choeung Ek from Prey Sar without passing through the prison compound in Phnom Penh (**E3/2285** Names of Prisoners to be Smashed on 29 June, Section of Brother Huy Sre, EN 00873487-93). Because the Daily Counting List only tracked the number of prisoners physically moved in or out of the main S-21 compound, the group of 78 prisoners sent directly from Prey Sar to Choeung Ek was not included in the Daily Counting record prepared the next day. **E3/9984** Daily Counting List, 30 Apr 1977 [recording total of 42 prisoners “taken out,” two of whom had



707. The new S-21 Prisoner List compiled by the OCII contained only 5,512 execution dates because the analyst who prepared the list focused her review on entry lists documenting the arrival of prisoners at S-21, and did not review all available execution lists and record those dates in the OCII spreadsheet.<sup>2862</sup> OCP has conducted a review of the available S-21 execution lists in evidence and found over 5,600 additional prisoner execution dates, which have been added to the OCII List with references to the supporting S-21 record (see **Annex F.4** List of Execution dates of S-21 Prisoners). The execution dates derived from the OCP review more than doubles the number of prisoners with documented execution dates, from 5,512 to at least 11,137,<sup>2863</sup> and clearly demonstrates that killing on a massive scale took place at the S-21 security office.

#### 4. Executions at S-21 Compound and Takhmau

708. In the initial phase of S-21, including the period it operated at the *Police Judiciaire*, executions of prisoners were conducted at the Takhmau prison site.<sup>2864</sup> The corpses of prisoners killed at that site were exhumed and burned in 1977 before the site was handed over to the Ministry of Social Affairs.<sup>2865</sup>

709. After the prison began operations at the Ponhea Yet school in April 1976, executions were conducted in the area around the S-21 compound.<sup>2866</sup> The guard unit took prisoners

died of disease].

<sup>2862</sup> **E1/517.1** Hin Sotheany, T. 9 Jan 2017, 09.56.39, 10.36.23-10.41.07, 11.01.54, 11.06.05-11.08.46, 11.35.27-11.36.57, 13.35.27-13.36.56, 13.54.48-13.56.10 [“Q: Do I understand correctly that you did not have sufficient time to go through all the execution lists and put all those dates into the spreadsheet; is that correct? A: That is correct”], 14.08.51-14.18.27 [confirming that dates from four large execution lists were not included because of lack of “sufficient time”].

<sup>2863</sup> **Annex F.4** List of Execution Dates of S-21 Prisoners.

<sup>2864</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.11.25-14.16.29; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.13.39-09.20.21 [“psychiatric hospital in Takhmau” one of “three main sites” used by S-21 for executions over course of DK regime], 09.28.41-09.32.13 [“At PJ, they did not kill or bury the prisoners ... I believe that they were killed at the Ta Khmau and PJ was just a detention centre for interrogation”]; **E3/5794** Kaing Guek Eav, T. 28 Apr 2009, 09.48.10, 09.54.14-09.57.23; **E3/429** Kaing Guek Eav WRI, EN 00403925 [families from “Arab villages” who entered S-21 in April 1976 (**E3/8493**) were transferred “to the prison at Takhmau to be executed”].

<sup>2865</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.19.20-09.20.58 [discussing transfer of Takhmau to MSA: “there were many bodies buried on the compound and we needed time to exhume them”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.15.48-09.20.21; **E3/524** Kaing Guek Eav, T. 22 Apr 2009, 15.45.38-15.49.36; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 14.31.34-14.35.36 [after two weeks of exhuming graves, two pits still remained]; **E3/5795** Kaing Guek Eav, T. 29 Apr 2009, 15.32.07-15.34.30; **E3/7659** Sav Khe WRI, EN 00194985-86 [describing excavation of two grave pits at Takhmau].

<sup>2866</sup> **E3/5797** Kaing Guek Eav, T. 8 June 2009, 10.08.47-10.11.23; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.20.21 [“second site” used by S-21 for executions was “the area surrounding to the S-21 in Phnom Penh”], 09.22.24-09.28.41 [“the people who were killed inside the S-21 compound and the surrounding areas were numerous”], 10.36.30-10.39.25, 11.07.46-11.10.31 [describing prisoners being taken out “blindfolded” to be killed “two or three at a time up to 28 prisoners per day”], 11.13.22-

out of the compound at night and killed them in the same manner as at Choeung Ek; prisoners were struck in the head, their throats slit open, and their bodies dumped into pits and buried.<sup>2867</sup> On each such occasion, 50 to 100 prisoners would be killed.<sup>2868</sup> Even after Choeung Ek was established, certain groups of prisoners continued to be killed in the area outside the main S-21 compound in Phnom Penh.

710. *High-Ranking CPK Cadres*: Important prisoners were kept separate from the general prison population. They were registered and detained at the Special Prison,<sup>2869</sup> and were not sent to Choeung Ek for execution, but instead killed in the vicinity of Tuol Sleng.<sup>2870</sup> On one occasion, pursuant to orders from Son Sen, Duch watched the executions of two such cadres: Sector 24 Secretary Chhouk and Agriculture Minister Chey Suon.<sup>2871</sup> For

11.25.49; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.35.21-09.37.36; **E3/455** Kaing Guek Eav WRI, EN 00149911; **E1/426.1** Him Huy, T. 3 May 2016, 15.11.55-15.15.34 [prisoners were killed and buried in pits in an "open space" to the west of the compound]; 15.22.47-15.25.39 [prisoners were also killed and buried at a site 100 metres south of the compound]; **E3/7461** Him Huy, T. 16 July 2009, 11.49.42-11.56.48; **E1/423.1** Prak Khan, T. 27 Apr 2016, 09.26.46-09.28.56, 09.49.40-09.53.30 [at the beginning of his work at S-21, prisoners "were taken out to be killed at nearby places"]; 09.55.30-09.59.10 ["I saw the dead bodies were buried, especially at the former Saing Sarun theatre. So from the alleys near the fire station to that theatre, it was all graveyards for the executed prisoners"]; **E3/7671** Pen Heng WRI, EN 00163695-96.

<sup>2867</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.13.19-15.15.34 ["Peng's group dug the pits and killed the prisoners ... It was the unit of 100 men or the group chiefs of the guard unit"], 15.16.48-15.19.12 ["Prisoners were normally taken out to be killed at around 8 and 9 p.m."]; **E3/7461** Him Huy, T. 16 July 2009, 11.52.33-11.56.48, 11.59.19-12.02.06 ["When they were killed, first they were asked to sit at the edge of the pit. Then they were struck. Then their throats will be slashed. Then they would take off the clothes and then the handcuffs"]; **E3/7671** Pen Heng WRI, EN 00163695-96 ["I saw them when I walked the prisoners. Sometimes they had the prisoners sit, and sometimes they had them stand at the edge of the pit, but the prisoners were still in restraints. And they used water pipes to hit the base of their necks, and kicked them into the pit. There were 3 or 4 killers, but I just knew one of them, Peng, who was a platoon chairman"].

<sup>2868</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.16.48-15.19.12.

<sup>2869</sup> **E1/428.1** Him Huy, T. 5 May 2016, 10.08.03, 10.34.00-10.37.27; **E1/423.1** Prak Khan, T. 27 Apr 2016, 10.11.27-10.32.00; **E1/430.1** Suos Thy, T. 2 June 2016, 11.06.08-11.10.20, 15.34.42-15.37.33; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11 ["important detainees would be segregated"], 15.50.38-15.53.42; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01; **E1/421.1** Lach Mean, T. 25 Apr 2016, 14.26.19-14.28.30 ["For important prisoners, they did not want staff or guards at S-21 to see them being detained at S-21"]; **E1/53.1** Kaing Guek Eav, T. 26 Mar 2012, 15.53.05; **E1/54.1** Kaing Guek Eav, T. 27 Mar 2012, 09.17.20 ["most important prisoners" were not photographed with others on arrival "to maintain secrecy"].

<sup>2870</sup> **E1/427.1** Him Huy, T. 4 May 2016, 10.32.37-10.35.55; **E1/428.1** Him Huy, T. 5 May 2016, 13.43.08-13.45.50 ["Important people were killed within the vicinity of Tuol Sleng, and not transferred to Choeung Ek"]; **E3/7461** Him Huy, T. 16 July 2009, 14.14.58-14.17.26; **E3/5155** Him Huy WRI, EN 00161592; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.41.41-09.45.40 [key detainees were "killed somewhere near Mao Tse Tung Boulevard"]; **E3/1570** Kaing Guek Eav WRI, EN 00154194 [describing pond "close to the intersection of Mao Tse Tung Boulevard and Street 163" that was location "where Vom Vet, Chhay Kim Hor and Nath were killed"]; **E3/7653** Kok Sros WRI, EN 00705430 ["prisoners who were former important cadres were killed outside the S-21 fence"].

<sup>2871</sup> **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.25.27-09.28.41 ["the Standing Committee ordered me to inspect at 5.00 a.m. at the location west of Ponhea Yat college. When Chhouk Neou and Norng Soun were killed, they used a knife to stab on the veins of the neck"], 09.41.41; **E3/5790** Kaing Guek Eav WRI, EN 00414346 ["Son Sen asked me to attend the execution ... Hor commanded the operation and I

important prisoners and prisoners “close to people at S-21,” Duch was ordered to take photographs of their corpses to send to Son Sen or **Nuon Chea** as proof of the executions.<sup>2872</sup> S-21 execution lists identify some of the prisoners who were “smashed and photographed,” including the wife of Hu Nim, General Staff Deputy Seat Chhae alias Tum, numerous other military and sector leaders, and various S-21 cadres.<sup>2873</sup> The head of the S-21 Photography Unit confirmed the practice of photographing the bodies of deceased prisoners at S-21,<sup>2874</sup> and a number of surviving examples of such photographs are in evidence.<sup>2875</sup>

711. *Vietnamese and Westerners*: A second category of prisoners who were not sent to Choeung Ek, but instead killed near the S-21 compound, were Vietnamese soldiers and civilians. Former S-21 guard Him Huy admitted at trial that the guard unit killed Vietnamese soldiers at S-21.<sup>2876</sup> He also described how his unit was sent to Svay Rieng

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observed him from afar. It was Nat’s execution technique: a knife stab to the carotid artery”].

<sup>2872</sup> **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 09.49.58-09.56.32 [“Nat, Brother Vorn and Brother Hok were photographed as well by me under the instructions of the upper echelon”], 10.04.16-10.06.52 [“The photos of those who were killed or those who had just been killed were photographs based on the orders of Brother Nuon”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.41.41-09.45.40 [“photos had to be taken and to prove the severity and that the detainees surely died. Then their throat had to be slit ... Any photograph had to be ordered by the superior before they could be taken”]; **E3/7466** Kaing Guek Eav, T. 28 July 2009, 11.33.29-11.36.03; **E3/455** Kaing Guek Eav WRI, EN 00149910 [“this photography was only done after receiving orders from upper echelon, especially Nuon Chea, out of [their] fear of the release of some victims whom we knew. This type of photography began after a victim named Ly Phel alias Phen was arrested because he was a friend of Mam Nai. Three days after this person was smashed, the body was exhumed and photographed”]; **E3/65** Kaing Guek Eav WRI, EN 00147526 [“he [Son Sen] ordered the photographing of those killed, but just photographing the important ones and those close to people at S-21 ... I received the photographs and sent them to Nuon Chea”]; **E3/7468** Kaing Guek Eav, T. 4 Aug 2009, 16.11.11-16.13.16 [“Sry worked at the Special Unit who took photographs of the important people who were killed”].

<sup>2873</sup> **E3/2285** List of Prisoners Who Were Smashed and Photographed on 8 December 1977, EN 00873280-81 [in addition to Seat Chhae alias Tum, the list includes the Regiment 152 Secretary, Division 164 Deputy Secretary, Division 290 Deputy Chief, Sector 105 Deputy Secretary, and Members of the Northwest Zone General Staff and Sector 5 Committee]; **E3/8483** List of Prisoners from General Staff, Nos 5-7, 11 [entries for S-21 cadres contain annotation: “Removed & Photo taken”]; **E3/10604** OCJ S-21 Prisoner List, Nos 509 [Chief of Hundred Member Unit in S-21 Kho], 1207 [Northeast Zone Rubber Chairman], 1989 [East Zone Division 5 Secretary], 2047 [Division 170 Secretary], 2363 [East Zone Division 4 Secretary], 2900 [Stung District Secretary], 4395 [Sector 4 Secretary], 4556 [Sector 104 Deputy Secretary], 5160 [Committee Member of S-8 Warehouse], 5243 [Sector 103 Deputy Secretary], 5356 [railway Committee Member], 5575 [Chief of Team Economics in S-21], 6857 [Sector 3 Secretary], 11329 [S-21 Interrogator], 11460 [Division 805 Secretary], 11770 [Sector 104 Secretary], 12630 [To Thi Pheak, Chief of Boeng Trabek (K-15) Office], 13054 [Chief of Interrogator Group in S-21], 14931 [wife of Hu Nim].

<sup>2874</sup> **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.50.29-13.52.32, 15.44.52-15.56.19 [admitting that his unit took photographs of prisoners who died in the prison or were “beaten to death,” but Comrade Sry took “photos of the high ranking Party members”]. See also **E3/68** Nhem En WRI, EN 00401825.

<sup>2875</sup> *Photographs of Deceased S-21 Prisoners*: **E3/8063.6** [montage of 36 photos of deceased prisoners]; **E3/8063.9**; **E3/8063.13**; **E3/8063.15**; **E3/8063.16**; **E3/8063.20**; **E3/8063.27**; **E3/8063.28**; **E3/8063.29**; **E3/8063.30**; **E3/8063.32**; **E3/8063.33**; **E3/8063.37**; **E3/8063.44**; **E3/8063.45**; **E3/8063.46**; **E3/8063.47**; **E3/8063.48**; **E3/8063.49**; **E3/8063.109**.

<sup>2876</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.55.12-09.58.46 [“The Vietnamese soldiers who had been arrested



to arrest Vietnamese prisoners of war captured in battle and to transport them to S-21.<sup>2877</sup> Him Huy recalled seeing between 40 and 60 Vietnamese soldiers in the compound.<sup>2878</sup>

712. Other S-21 cadres, as well as surviving S-21 records and photographs, confirm the presence of Vietnamese prisoners at S-21. Lach Mean witnessed several “truckloads” of Vietnamese prisoners arrive at S-21, carrying at least 100 persons.<sup>2879</sup> Nim Kimsreang confirmed that his unit took photographs of Vietnamese soldiers,<sup>2880</sup> a number of which are in evidence.<sup>2881</sup> Propaganda films were also made of Vietnamese soldiers captured and detained at S-21, on orders from **Nuon Chea**.<sup>2882</sup> Prak Khan and Suos Thy testified that Vietnamese detainees included civilians who were “brought in along with their spouse and children.”<sup>2883</sup> Duch has admitted that there were “hundreds”

were killed after their interrogations had been concluded. They were killed behind the Tuol Sleng prison, to the south ... Peng’s group was the group who killed those people”, 14.30.53-14.34.05 [“their execution was also filmed and then shown to us ... Those prisoners died at Tuol Sleng”]; **E3/7461** Him Huy, T. 16 July 2009, 13.49.27-13.52.24; **E3/5155** Him Huy WRI, EN 00161591. See also **E3/7653** Kok Sros WRI, EN 00705430 [“Thai, and Vietnamese prisoners were killed outside the S.21 compound (south and west)”].

<sup>2877</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46 [“I went to bring them from Svay Rieng, the East Zone, on two occasions. Five of them were brought in on one occasion”, 14.27.20-14.30.53 [“they were wearing military uniforms”]; **E3/7461** Him Huy, T. 16 July 2009, 09.44.16-09.49.20, 09.52.20-09.55.04, 10.24.33-10.27.02; **E3/5155** Him Huy WRI, EN 00161590 [“Yuan soldiers were brought in four to five times during 1977, those who had been captured during fighting”].

<sup>2878</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46.

<sup>2879</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.33.53 [“I saw the Vietnamese people come, many Vietnamese, who were loaded and brought in by trucks, especially in 1978. There were about two to three truckloads of them”], 15.35.08-15.37.17 [confirming prior statement that the number of Vietnamese prisoners was “probably more than 100”]; **E3/7467** Lach Mean, T. 3 Aug 2009, 14.14.33-14.20.36.

<sup>2880</sup> **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.52.32-13.54.08; **E3/7639** Nim Kimsreang WRI, EN 00162734-35 [“Q: As far as you can recall, the Vietnamese prisoners, were they soldiers or civilians? A: Soldiers. When they were brought in they wore rank, everything ... When they were captured there were three instances, each time 20-30 persons. In total about 100”].

<sup>2881</sup> **E3/8063.3** [photographs of 18 Vietnamese prisoners in their uniforms]; **E3/8639.3917** [Nguyen Van Sang – No. 12581 on OCJ List]; **E3/8639.3918** [Nguyen Van Vinh – No. 12581 on OCJ List]; **E3/8639.4303**; **E3/8639.4333**; **E3/8639.4334**; **E3/8639.4347**.

<sup>2882</sup> **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.11.42-15.17.31 [describing film of Vietnamese prisoners in their uniforms that was ordered by Nuon Chea, and made by Pol Pot’s nephew Theng, parts of which were filmed inside S-21]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 14.23.48-14.31.39 [testimony of Pol Pot’s nephew confirming he was assigned by Pang to make a short film of Vietnamese prisoners in Phnom Penh]; **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.51.06-10.52.38 [“The film screened to the staff showed the interrogations and the Vietnamese prisoner[s] giving a confession”]; **E1/427.1** Him Huy, T. 4 May 2016, 14.28.46-14.34.05, 15.05.20-15.07.20 [“what I saw in the film was that they were ordered to walk single file and later on they were executed and they were disemboweled”], 15.11.10-15.15.53; **E3/351** Mam Nai WRI, EN 00162920 [regarding Vietnamese POWs: “I know they once made a film ... Filmed for upper echelon”]. See **E3/2354R** Video *Cambodia Kampuchea*, 12:21-12:52 [footage of Vietnamese prisoners].

<sup>2883</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56 [“Some of them were soldiers, and some were civilians”]; **E3/10572** Prak Khan WRI, A37-40; **E1/431.1** Suos Thy, T. 3 June 2016, 09.48.42-09.51.10 [Vietnamese prisoners were both soldiers and civilians, including families], 09.52.09-09.55.08 [Vietnamese prisoners arrested at sea trying to flee Vietnam for Thailand were recorded in S-21 lists as having been arrested at Kampong Som],

of Vietnamese prisoners, and that “all of them were executed.”<sup>2884</sup> He also confirmed that some of the Vietnamese civilians who were interrogated and smashed at S-21 had been captured inside Vietnam.<sup>2885</sup>

713. **Nuon Chea** and the other Party Centre leaders received telegrams from Son Sen when Vietnamese persons were captured and sent to S-21,<sup>2886</sup> **Nuon Chea** then informed Duch in advance of the arrival of Vietnamese prisoners,<sup>2887</sup> and **Nuon Chea** instructed Duch on the interrogations of Vietnamese prisoners of war.<sup>2888</sup>
714. The Revised OCJ S-21 List records 728 Vietnamese prisoners,<sup>2889</sup> approximately 34.9% of whom are identified as soldiers and 49% as civilians,<sup>2890</sup> and shows that they were often killed soon after their arrival at S-21.<sup>2891</sup> For example, a group of 24

10.37.35-10.42.02 [many of the Vietnamese prisoners sent from Kampong Som arrived at S-21 with their families], 15.30.04-15.31.42.

<sup>2884</sup> **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.09.07 [“many ‘Yvon’ soldiers were arrested and brought to the centre”], 15.20.50 [confirming that Vietnamese “civilians and soldiers had to be smashed”]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.31.12-09.33.27 [“from the 6<sup>th</sup> of January [1978], as I recall, the Vietnamese soldiers were entering in increasing numbers to S-21”], 09.38.48-09.40.49 [“All of them were ordered to be smashed”], 10.04.15-10.07.07 [agreeing that at least 345 Vietnamese were imprisoned and ultimately killed at S-21]; **E3/1580** Kaing Guek Eav WRI, EN 00177587 [“As regards the numbers of Vietnamese detained, I cannot be very precise but I can say there were hundreds, and that all of them were executed ... Regarding the soldiers, they arrived in uniform and were executed either immediately after their confession, or the radiobroadcast of their confession”].

<sup>2885</sup> **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.58.22-10.02.26 [identifying civilians captured in Vietnam]; **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 11.03.36-11.07.07 [confirming S-21 had a “small number of ‘Yvon’ civilians” captured during DK incursions into Vietnam, who were “forced to confess that they were ‘Yvon’ spies”]. See also **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.14.58-15.17.35 [stating that Mam Nai was assigned to interrogate “‘Yvon’ soldiers and ‘Yvon’ civilians”].

<sup>2886</sup> See e.g. **E3/181** Telegram 11 from 47 (Son Sen) to Respected, Beloved, and Missed Brother, 14 Feb 1978 [copied to “Grand Uncle, Grand Uncle Nuon, Archive”: “Comrade Tal (Division 290 Secretary) captured 2 Yvon heads, ages 17 and 27. They were sent to S-21”]; **E3/10604** OCJ S-21 Prisoner List, Nos 8227 and 14893 [17-year old Le Vang Khoeung and 27-year old Troeung Yaing Nhim entered S-21 on 15 February 1978].

<sup>2887</sup> **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 09.43.05-09.44.35 [confirming that Nuon Chea informed him that “‘Yvon’ soldiers would be sent to me”]; **E3/1580** Kaing Guek Eav WRI, EN 00177588 [“Sometimes I was informed by Nuon Chea but in general, it was Comrade Lin who came to tell me about the arrival of Vietnamese”]. See also **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.52.08-09.54.27 [discussing three alleged Vietnamese spies captured and held by Sector 25 for two months before entering S-21: “only after the Standing Committee decided to have them transferred to S-21 that they could be sent”].

<sup>2888</sup> **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 15.00.14-15.04.30; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.57.07-09.59.14; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.33.27-09.38.48; **E3/1580** Kaing Guek Eav, WRI, EN 00177588. (This issue is discussed in detail above in the *Use of S-21 Confessions by CPK Leaders* section.)

<sup>2889</sup> **Annex F.33** List of Vietnamese S-21 Prisoners.

<sup>2890</sup> **Annex F.2** Figure 5.1, *Vietnamese Described as Spies, Soldiers and Civilians at S-21*, p. 47.

<sup>2891</sup> **E3/10604** OCJ S-21 Prisoner List, Nos 582, 4622, 5361, 5880, 6630, 8982-8984, 8987, 9002, 9155, 9561, 9636-9638, 9640, 9647, 9650-9653, 9765-9768, 9856-9859, 9920, 9922, 9924-9927, 10258-10259, 10578, 10735, 11413, 11419, 12619, 12623, 12800, 13007-13010, 13424, 13426, 13543. See also **E3/5155** Him Huy WRI, EN 00161591 [“Q: ... did they keep the Vietnamese soldiers long before killing them? A: They kept them for about half a month. After interrogation they took them to kill”]; **E3/79** Prak Khan WRI, EN 00161556 [“they were not interrogated for a long time, not many times, so it was unlike

Vietnamese fishermen arrested at Kampong Som and branded “spies” entered S-21 on 7 May 1976 and were mostly executed on 24 May 1976.<sup>2892</sup> A mass execution of 35 Vietnamese prisoners occurred on 27 March 1978, which included soldiers, alleged “spies” captured at sea, and Kampuchea Krom arrested from the Southwest Zone.<sup>2893</sup> Among the Vietnamese executed at S-21 were babies<sup>2894</sup> and other children, who were killed within days of their arrival.<sup>2895</sup>

715. Westerners imprisoned at S-21, from Australia, New Zealand, Britain, and the United States,<sup>2896</sup> were detained separately from other prisoners,<sup>2897</sup> and taken out for execution in the vicinity of S-21.<sup>2898</sup> Pursuant to orders from **Nuon Chea**, their bodies were burned after their execution, so as not to leave any evidence of their remains.<sup>2899</sup>

the Cambodians. For them, they were interrogated one or two days and then they disappeared, that was the end of it”].

<sup>2892</sup> **E3/10604** OCUJ S-21 Prisoner List, Nos 592-594, 596-597, 602, 606-607, 612, 625, 651-653, 663, 676, 678, 13431-13434, 13436-13437, 13643-13644. *See also* **E1/439.1** Kaing Guek Eav, T. 16 June 2016, 10.38.56-10.41.52 [regarding Vietnamese fishermen sent to S-21: “After they were sent to S-21, the decision was made by the upper echelon that they were spies”]; **E3/525** Kaing Guek Eav, T. 10 June 2009, 09.38.48-09.40.49 [“the upper echelon would tell us to classify them as the Vietnamese spies”].

<sup>2893</sup> **E3/10604** OCUJ S-21 Prisoner List, Nos 8257, 8262, 8393-8394, 8396-8410, 8414-8425, 13485, 13503, 13510, 13521.

<sup>2894</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13; **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36, 14.06.41-14.09.16; **E3/7464** Prak Khan, T. 22 July 2009, 09.17.55-09.21.08.

<sup>2895</sup> *See e.g.* **E3/8463** List of Prisoners Smashed on 27 May 1978, EN 01032536 [No. 578: 8-year old Vin Yaing Fa]; **E3/10604** OCUJ S-21 Prisoner List, Nos 9856 [14-year old Vietnamese girl Troeung Thinhhieng entered S-21 28 April 1978, executed 30 April 1978], 9902 [14-year old Vietnamese girl Ngvieng Thimom executed 30 April 1978], 10130 [13-year old Vietnamese girl Vin Thi Ngok entered S-21 on 6 May 1978, executed 14 May 1978 – S-21 photograph **E3/8639.171**], 12619 [13-year old Vietnamese boy Ngvieng Yaing Vin entered 28 October 1978, executed 31 October 1978], 12623 [7-year old Troeng Yaing Fak, described by S-21 as a Vietnamese spy, entered 30 October 1978, executed the next day].

<sup>2896</sup> **E3/2210** List of Prisoners Entered 21-28 April 1978, EN 00181722 [No. 13 (Jim Clark), No. 14 (Lance McNamara)]; **E3/1553** S-21 List of 7 American and Vietnamese Soldiers Arrested on 26 November 1978, EN 01236389 [No. 1 (Christopher Delance), No. 2 (Michael Scott Deeds)]; **E3/7343** S-21 Confession of John Dawson Dewhirst, 13 Oct 1978; **E3/7344** S-21 Confession of Kerry George Hamill, 17 Sept 1978; **E3/3973** List of Foreign Nationals, EN 00837565 [No. 86 (Ronald Keith Dean)]; **E3/10604** OCUJ S-21 Prisoner List, Nos 12719-12720, 13021-13022; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.44.37 [“There were Vietnamese, American and Australian prisoners whom I used to see”], 09.47.53 [“In relation to American and Australian prisoners, I could recognize one foreign prisoner. The name was displayed on his denim shirt, David Scott”].

<sup>2897</sup> **E3/5795** Kaing Guek Eav, T. 29 April 2009, 15.37.06-15.39.11 [foreigners ... were detained and interrogated at the special prison”]; **E3/7465** Suos Thy, T. 27 July 2009, 14.42.48-14.45.09 [“Western detainees were not going through my location. They were sent to be detained straight at the special prison”].

<sup>2898</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40 [discussing execution of two Westerners: “They were taken and executed at the road to the north of the compound”].

<sup>2899</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.08.59 [regarding Westerners at S-21: “they were smashed per instructions. To smash here means they were burned with tires, car tires, so that there was no bone left behind”], 15.13.31-15.17.28 [Duch instructed by Nuon Chea that “the long nose people had to be smashed and that they had to be burned completely so that there was no evidence left behind”]; **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.06.52; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 09.33.00-09.35.23; **E1/57.1** Kaing Guek Eav, T. 2 Apr 2012, 14.29.20-14.35.52; **E3/1570** Kaing Guek Eav WRI,



716. *S-21 Staff*: Arrested S-21 staff were not sent to Choeung Ek for execution, but instead killed in the area of the compound.<sup>2900</sup> The Revised OCIJ S-21 Prisoner List contains 246 cadres from S-21,<sup>2901</sup> including 35 interrogators,<sup>2902</sup> and 43 guards<sup>2903</sup> (as documented in the 2016 OCIJ list), and another 266 combatants from Prey Sar.<sup>2904</sup> Duch testified that S-21 staff could only be arrested and smashed upon orders from **Nuon Chea** or **Son Sen**.<sup>2905</sup> On 26 March 1978, Duch sent a note to **Nuon Chea** on the cover page of a confession, citing “activities within the S-21 interrogator group,”<sup>2906</sup> and in the

EN 00154194; **E3/65** Kaing Guek Eav WRI, EN 00147526; **E1/427.1** Him Huy, T. 4 May 2016, 15.15.53-15.18.40 [“Ta Duch ordered Ta Hor not to bury the bodies of foreigners and that their bodies had to be burned. At that time I was on guard in the vicinity ... I saw the burning of the dead bodies”]; **E3/7461** Him Huy, T. 16 July 2009, 13.45.42-13.49.27 [“I saw they were burned with car tires”]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.49.05; **E3/7463** Prak Khan, T. 21 July 2009, 14.02.59-14.06.41; **E3/7469** Cheam Sour, T. 5 Aug 2009, 09.39.32-09.49.25.

<sup>2900</sup> **E1/427.1** Him Huy, T. 4 May 2016, 10.32.37-10.34.12; **E3/7461** Him Huy, T. 16 July 2009, 14.17.26-14.19.23; **E3/5158** Him Huy WRI, EN 00164451.

<sup>2901</sup> **Annex F.44** List of S-21 Cadres S-21 Prisoners.

<sup>2902</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 440, 848, 853, 1835, 2061, 2181, 3278, 4437, 5593, 5661, 5664, 5917, 6056, 7203, 8292, 8327, 8925, 9082, 9233, 9850, 10213, 10738-10739, 11097, 11329, 11665, 12031, 13054, 13202, 13204, 13207, 13211, 13313, 14163, 14248.

<sup>2903</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 3709, 4096, 4646, 4880-4881, 5402, 5662, 6132, 6586, 7198-7199, 7567, 8160, 8303-8305, 8328, 8392, 8488, 9084, 9817, 10183-10187, 10249, 11764, 12025, 12027, 12029-12030, 12051, 13139, 13212-13214, 14098, 14161, 14483, 14566, 14648, 14920.

<sup>2904</sup> **Annex F.45** List of S-24 Cadres S-21 Prisoners. See also **E1/423.1** Prak Khan, T. 27 Apr 2016, 11.15.25-11.19.57 [“from time to time, the interrogators, one or two of them at a time, were arrested and killed and only I remained”]; **E3/79** Prak Khan WRI, EN 00161562 [stating that of the “no fewer than 300” S-21 cadres who originally came from Division 703: “there remained only a few ... They all had been arrested and killed”]; **E1/427.1** Him Huy, T. 4 May 2016, 10.02.16-10.05.40 [“people kept disappearing as there were successive arrests”]; 14.10.11-14.12.16; **E1/428.1** Him Huy, T. 5 May 2016, 09.15.58-09.20.20, 15.33.16-15.36.45; **E1/431.1** Suos Thy, T. 3 June 2016, 11.23.20-11.26.56 [“I was so scared while I was working there. The fear was with me all the time. I observed that people whom I used to work with, including my commander, had been arrested. And later on, Huy was also arrested. I felt so hopeless, I thought that I would be arrested since I belonged to the same network”].

<sup>2905</sup> **E1/435.1** Kaing Guek Eav, T. 9 June 2016, 15.54.39-16.01.13 [regarding arrests of S-21 staff: “An arrest could only be made with authorization from a higher level, that is from Son Sen or Brother Nuon”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.42.19-09.47.10, 09.48.46 [“Q: And who was the superior that you reported to who made the decision on what to do with Huy Sre? A: Uncle Nuon. That is Nuon Chea”]; 09.59.11-10.03.16 [confirming that no S-21 cadres were arrested in 1978 “without the authorization from Brother Nuon”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 10.05.25-10.07.30 [regarding arrests of staff from S-21 and Prey Sar: “Before April ’77, Son Sen made the decision and later on Uncle Nuon would make a decision and nobody dared to make any moves without a decision”]; **E3/60** Kaing Guek Eav WRI, EN 00195604-05 [Nuon Chea “decided on certain arrests immediately, in my presence ... for example for the arrest of S-21 cadres”]; **E3/5771** Kaing Guek Eav WRI, EN 00185498-99 [discussing the arrest of S-21 cadres: “I always reported to the superiors and they always ordered the arrest of the persons implicated”]; **E3/5770** Kaing Guek Eav WRI, EN 00177611; **E3/1578** Kaing Guek Eav WRI, EN 00194552 [“Hor drafted a report that I forwarded to the Standing Committee and Nuon Chea ordered the arrest, the interrogation and the execution of Huy Sre”]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 11.32.18-11.35.32.

<sup>2906</sup> **E3/3694** S-21 Confession of Vong Sam Ath alias Vong Oeun, 26 Mar 1978, EN 00768210 [note from Duch to “respected brother”: “This bastard carries out activities within the S-21 interrogator group. Unlike the previous two persons, he acts only among his colleagues who are the interrogators and guards in S-21”]; **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 09.59.11-10.01.39 [“Respected Brother” to whom **E3/3694** was sent was “Brother Nuon”]; **E3/10604** OCIJ S-21 Prisoner List, No. 13313 [S-21 interrogator Vong Sam-At entered 8 Feb 1978, executed 29 Apr 1978].

ensuing weeks 13 S-21 interrogators and guards were arrested and imprisoned.<sup>2907</sup> Duch's testimony that **Nuon Chea** and Son Sen demanded photographs verifying the execution of prisoners "close to people at S-21"<sup>2908</sup> is corroborated by a number of annotations on S-21 execution lists.<sup>2909</sup>

717. *Blood Taking*: In order to provide blood supplies for the treatment of injured RAK combatants, medics at S-21 bled some prisoners to death.<sup>2910</sup> S-21 interrogator Prak Khan witnessed blood being taken from prisoners on multiple occasions, and described seeing prisoners, blindfolded and tied to beds, have "five bags of blood" taken from them until they were "gasp[ing]" for breath and thrown into a "pile" of bodies.<sup>2911</sup> He estimates that as many as 1,000 prisoners died by this practice.<sup>2912</sup> S-21 medic Makk Sithim, while denying that he personally witnessed blood extractions and claiming that his role was only to treat prisoners after their blood was taken,<sup>2913</sup> admitted that he saw large numbers of blood bags and that the "senior medics" at S-21 administered the

<sup>2907</sup> **E3/10604** OCIJ S-21 Prisoner List, Nos 137 [5 May 78], 853 [12 Apr 78], 4655 [9 May 78], 8925 [1 Apr 78], 9757 [22 Apr 78], 9817 [24 Apr 78], 9850 [27 Apr 78], 10187 [9-10 May 78], 10248 [12-13 May 78], 10249 [11-12 May 78], 10738 [7 Apr 78], 10739 [16 Apr 78], 13054 [20 May 78].

<sup>2908</sup> **E3/65** Kaing Guek Eav WRI, EN 00147526.

<sup>2909</sup> **E3/8483** List of Prisoners from General Staff, July 1978, Nos 5-7, 11 [entries for S-21 cadres Heng Chhun, Lieng Huoy, Yiv Sri, and Khoem Phau contain annotation: "Removed & Photo taken"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 509 [Chhun Soh alias Sarith, "Chief of Hundred Member Unit in S-21 Kho," entered S-21 on 18 July 1978], 5575 [Nhem Thai, "Chief of Team Economics in S-21," entered 12 or 14 July 1978], 11329 [Sou Latt, S-21 Interrogator, entered 26 July 1978], 13054 [Khoem Pho, "Chief of Interrogator Group in S-21," entered 20 May 1978] referencing **E3/2028** List of Prisoners of Office Staff, 28 June 1978, KH 00021084 [notes stating prisoner was executed and "photo taken"].

<sup>2910</sup> **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 16.07.44-16.11.20; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54; **E3/7463** Prak Khan, T. 21 July 2009, 11.53.40-11.57.11 ["I asked medic Try. He told me that the blood bank would be distributed to the Soviet Cambodian Friendship Hospital or to Preah Keto Mealea Hospital, because during the Democratic Kampuchea regime there were conflicts, armed conflicts, with the Vietnamese ... since there were a lot of wounded soldiers, so blood was much needed at that time"]; **E3/79** Prak Khan WRI, EN 00161559; **E3/7666** Sek Dan WRI, EN 00163823.

<sup>2911</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.48.17-15.52.40 ["For those prisoners whose blood had been drawn, they were nearly dead. But the medic carried them and threw them aside and then brought in new prisoners, put them in a bed and tied up their hands and legs, covered up their mouths and blindfolded them, then inserted a needle in each arm for their blood to be drawn"]; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.26.58-09.30.22 ["After the blood had been drawn, they removed the tubes and prisoners were thrown to a corner of the room and they were piled up there"]; **E3/7463** Prak Khan, T. 21 July 2009, 11.47.25-11.53.40 ["there were five bags of blood taken from one detainee until the person gasped or were dying"]; **E3/7464** Prak Khan, T. 22 July 2009, 14.22.15-14.28.06; **E3/79** Prak Khan WRI, EN 00161559 ["I saw] a vehicle full of prisoners whose blood had been taken, not yet dead, very weak and expiring"; 00161560-61 ["when they took the blood it was so terrifying. I have never forgotten it ... The intent was that they would die. Secondly, to get the blood. The intent was to kill"].

<sup>2912</sup> **E3/79** Prak Khan WRI, EN 00161560 ["Q: Were there many whose blood was taken? A: Twenty to thirty at a time, but it was not continual, once every four or five days. I estimate no fewer than a thousand persons. Every four or five days, regularly, for months, for years"].

<sup>2913</sup> **E1/426.1** Makk Sithim, T. 3 May 2016, 11.18.44, 11.20.31; **E3/7673** Makk Sithim WRI, EN 00401871-72 ["I saw about 30 to 40 prisoners whose blood had been drawn"].

extractions.<sup>2914</sup> Duch admitted that blood was taken from prisoners on Son Sen's orders for use at Hospital 98 (the General Staff hospital),<sup>2915</sup> but asserted that the total number killed by this practice was closer to 100.<sup>2916</sup> Duch and Prak Khan both identified the same S-21 medics as the persons who conducted the blood-taking procedures.<sup>2917</sup> The execution of prisoners by blood-taking is further confirmed by other S-21 cadres,<sup>2918</sup> as well as by surviving S-21 records.<sup>2919</sup> As with prisoners who died from disease, those killed by blood-taking were buried in the area surrounding S-21.<sup>2920</sup>

718. *Killings of Final Prisoners at S-21 Compound:* In the final days of the DK regime, **Nuon Chea** ordered Duch to kill all remaining S-21 prisoners, but allowed Duch to continue interrogating the four cadres accused of killing Malcolm Caldwell, with the

<sup>2914</sup> **E1/426.1** Makk Sithim, T. 3 May 2016, 09.31.41-09.34.20 ["I could see the bags for keeping blood, many of them under the staircase ... 20 or 30 bags"], 09.35.50-09.37.46 ["After seeing those bags of blood, I was terrified the next day, and I did not know when – which day, month or year I would be killed"], 11.23.52, 11.28.45 ["It was the chief of the medics who drew blood ... and also the group chief"]; **E3/7673** Makk Sithim WRI, EN 00401872 ["I saw bad blood bags thrown away near the concrete house I lived in"].

<sup>2915</sup> **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02 ["Son Sen instructed me about the matter, and I relayed the instruction to my subordinates. Try worked together with Tay, the chief of Hospital 98, on the issue concerning blood drawing"], 09.44.54 ["the instruction was to draw blood from the prisoners who were in good health"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.17.48 ["the order to draw blood, as I stated just then, was from the upper echelon ... I selected people as ordered by the upper echelon"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 16.07.44-16.11.20 ["Regarding the blood, the superior ordered S-21 to distribute to 98"]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54 ["some of them the blood was drawn until there was no blood in their body and they died, however, the practice of blood drawing was not systematic. Only when the 98 Unit required blood they would come to contact S-21 and with their superior's authorization, then S-21 medics had to provide them the solution"], 15.55.16-15.59.42 ["it was my superior, Son Sen, who demanded ... this practice"].

<sup>2916</sup> **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.28.52; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 11.10.31-11.13.22; **E3/7471** Kaing Guek Eav, T. 11 Aug 2009, 11.27.48.

<sup>2917</sup> **E1/444.1** Kaing Guek Eav, T. 27 June 2016, 09.37.17-09.41.02; **E3/7467** Kaing Guek Eav, T. 3 Aug 2009, 10.08.22-10.11.20 ["Comrades Rin and Try ... asked him to take the blood to Hospital 98"]; **E3/7463** Prak Khan, T. 21 July 2009, 11.50.31-11.53.40 ["Q: Who conducted the blood drawing? A: I noted Try and medic Rin who were present at that time"]; **E3/79** Prak Khan WRI, EN 00161559.

<sup>2918</sup> **E1/431.1** Suos Thy, T. 3 June 2016, 09.40.00-09.41.32, 09.43.33-09.44.51 ["Hor gave the list of the names of those whose blood had been drawn to me, and I incorporated it into the list with those who needed to be smashed"]; **E3/7465** Suos Thy, T. 27 July 2009, 15.27.59-15.31.05 ["for any prisoner whose blood was drawn, the prisoner would die"], 15.31.05-15.34.07; **E3/7466** Suos Thy, T. 28 July 2009, 11.17.50-11.24.05; **E3/352** Pes Math alias Ly Try WRI, EN 00195710.

<sup>2919</sup> **E3/2285** List of Prisoners Smashed on 21 May 1977, EN 00873432 [entries for five prisoners from Divisions 310 and 450, who had entered S-21 the prior week, contain the note: "Took blood"]; **E3/2285** List of Prisoners Smashed on 8 September 1977, EN 00873332-33 [No. 7 on list identified as from the "Blood-taking section"]; **E3/2164** List of Prisoners of 'Blood-Taking Section,' 25 Oct 1977, EN 00181692 [list signed by Hor identifying five prisoners from Regiment 152 who had entered S-21 only four days earlier on 21 October 1977]; **E3/10604** OCJ S-21 Prisoner List, Nos 3194, 3980, 3985, 4019, 4312, 5599, 6212, 6396, 6400-6401, 6408, 6412, 6969, 8162, 8819, 10644, 11535.

<sup>2920</sup> **E1/426.1** Makk Sithim, T. 3 May 2016, 09.14.11-09.15.45; **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.26.58-09.29.11; **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.48.17-15.50.40; **E3/7463** Prak Khan, T. 21 July 2009, 11.53.40-11.57.11; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 11.13.22-11.25.49 ["people who died of blood drawing and died of disease were buried in Phnom Penh"].



understanding they too would be killed before the prison was abandoned.<sup>2921</sup> On 7 January 1979, before the cadres fled S-21, an interrogator named Nan used a bayonet to execute these last remaining prisoners in Building A, decapitating two of them.<sup>2922</sup> Their corpses were left behind at the prison, and photographed when S-21 was discovered.<sup>2923</sup>

719. *Graves Discovered After January 1979*: Numerous local residents confirm finding grave pits containing human remains, ropes, and shackles in the area surrounding the S-21 compound when they returned to their houses after the end of the DK regime.<sup>2924</sup>

### 5. Executions at Choeng Ek

720. S-21 began to use Choeng Ek as its main execution site in early 1977.<sup>2925</sup> The bodies of victims were buried in large pits dug by a team of guards stationed at Choeng Ek.<sup>2926</sup> The executions were highly organised and carried out with cold efficiency.

<sup>2921</sup> **E1/437.1** Kaing Guek Eav, T. 14 June 2016, 11.02.41-11.04.47; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 15.25.33-15.42.08; **E3/452** Kaing Guek Eav WRI, EN 00147572 [“the Y8 group that had just been sent to S-21, Nuon Chea permitted me to keep them for questioning first ... Nuon Chea’s final message was that if anything happened, to master it by myself”].

<sup>2922</sup> **E1/438.1** Kaing Guek Eav, T. 15 June 2016, 10.42.45-10.46.59; **E1/56.1** Kaing Guek Eav, T. 29 Mar 2012, 09.36.40 [“on the 7<sup>th</sup> of January 1979, the Vietnamese troops were driving their vehicles across my house. Comrade Nan stabbed the prisoners to death by his bayonet”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.56.21-09.58.57 [“Comrade Nan, upon [order] from the Committee, had to smash those four detainees while they were still in their beds”]; **E3/452** Kaing Guek Eav WRI, EN 00147572 [“the four soldiers sent by Y8 ... It was their bodies that remained left on the beds”]. See also **E3/7661** Kung Phai WRI, EN 00163635 [S-21 guard confirming killings of prisoners at Tuol Sleng in final days: “I saw this killing with my own eyes”]; **E3/7465** Kok Sros, T. 27 July 2009, 11.11.19 [confirming Duch conveyed order to kill remaining detainees when the Vietnamese arrived]; **E3/7653** Kok Sros WRI, EN 00705430.

<sup>2923</sup> **E3/8063.120** Photograph of Decapitated Prisoner in S-21 Building A.

<sup>2924</sup> **E3/7613** Ay Simily WRI, EN 00186496 [“about five meters from the house, I saw a mass grave pit, a square approximately two meters on each side”]; **E3/7606** Pen Phalla WRI, EN 00186515 [“west of my house ... a mass grave of about 30 people was seen”]; **E3/7607** Pen En WRI, EN 00186522 [“(Southwest) of the Museum near the Syphal house, there were about 20 corpses ... Nearby, there was another site, about ten meters away, where there were about seven more corpses”]; **E3/7604** Chhay Sreiv WRI, EN 00186450 [“The burying graves started from the west of Tuol Sleng up to Street 163”]; **E3/7608** Nget Buntha WRI, EN 00186457 [“I found 36 corpses in a pit of 4 meters by 5 meters and 1 meter depth. There were nylon strings, ropes, cloth, shackles, blindfolding cloth, monk’s yellow ropes, black clothes, montegu cloth, mixed color clothes, army uniforms, pieced skulls and crack skulls”].

<sup>2925</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.25.39-15.29.42 [confirming that executions started at Choeng Ek sometime in 1977]; **E3/7461** Him Huy, T. 16 July 2009, 13.52.24-13.54.57 [“In 1977, Boeng Choeng Ek was chosen as the killing site”]; **E3/5766** OCIJ Written Record of Confrontation, EN 00165437 [statement of Him Huy that the wooden house used to hold the prisoners at Choeng Ek was constructed in 1977, and confirmation by Duch that it was operational when he “inspected Choeng Ek in 1977”]; **E3/1684** David Chandler, *Voices from S-21*, EN 00192832 [“During 1977, when purges intensified, the facility at S-21 filled up, and so did the impromptu cemetery nearby. At some point in 1977 a Chinese graveyard near the hamlet of Choeng Ek, fifteen kilometers southwest of the capital, was put into service as a killing field”]; **E3/5764** OCIJ Report on Crime Scene Reconstruction, EN 00197996.

<sup>2926</sup> **E1/426.1** Him Huy, T. 3 May 2016, 15.27.09-15.29.42 [stating that a guard unit was assigned to Choeng Ek to “dig the pits and kill the prisoners”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 14.33.27-14.37.24, 15.14.52-15.16.30, 15.49.24-15.50.40; **E3/7617** Tay Teng WRI, EN 00401876; **E3/5766** OCIJ

721. The executions usually took place at night.<sup>2927</sup> Suos Thy would receive the names of the prisoners to be executed from S-21 Deputy Chief Hor, and would prepare a list for the guards to use to collect those prisoners.<sup>2928</sup> He would then help check at the gate that the correct prisoners were removed.<sup>2929</sup> With the list received from Suos Thy, Him Huy's guard unit took the prisoners from their cells, placed them on trucks handcuffed and blindfolded, and transported the prisoners from the S-21 compound to the wooden house at Choeung Ek.<sup>2930</sup>
722. At Choeung Ek, the prisoners were received by Tay Teng's unit and taken from the

Written Record of Confrontation, EN 00165437 [Chhun Phal confirms digging of mass graves and burial of bodies]; **E3/5793** Kaing Guek Eav, T. 27 Apr 2009, 10.13.47-10.16.48 ["The guards who were stationed at Choeung Ek was part of the special force ... they were responsible for digging the pits and buried the corpses"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.36.30-10.39.25.

<sup>2927</sup> **E1/427.1** Him Huy, T. 4 May 2016, 10.43.32-10.45.08, 10.51.25-10.53.09; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57 ["Detainees were transported to be executed at Choeung Ek at nights"]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.19.51-15.22.43 ["Prisoners were brought in at around 7 p.m."], 15.28.03-15.30.24; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.20.54-09.22.28; **E3/7617** Tay Teng WRI, EN 00401877.

<sup>2928</sup> **E1/430.1** Suos Thy, T. 2 June 2016, 15.02.16-15.04.32 ["For outgoing prisoners, Duch made an annotation. Hor would give me the list with the annotations so I would draw up a list indicating which cells they were in ... Annotations by Duch were noted on the margin of the page and he wrote the word 'kom' in Khmer. The word 'kom' means 'komtech' or smash"]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.44.51-09.47.39; **E3/7643** Suos Thy WRI, EN 00162616 ["When he got the notations from Duch, Hor gave them to me to extract the names to make a general list ... After the lists were made and the numbers of those to be removed were tallied, I recorded the cell and building numbers and sent them to Hor to give to the company to take the people out ... They were very careful in the verification of the lists of prisoners to be removed. Hor said that, 'If you, Thy, make a list and one prisoner is incorrect, then you, Thy, are an enemy'"]; **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.47.30 ["Thy's group, at the time, gave me a list of [prisoners] to be sent to Choeung Ek"]; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57-13.59.15 ["The list of the detainees to be smashed were prepared by Ta Hor"], 14.02.16-14.04.56 ["When the prisoners were sent from the prison, actually they already made a list of the prisoners and the total number of the prisoners. So when I went to transport them then I take the list and then I would check the names against the list that I was given to make sure that the total number of the prisoners was correct. Otherwise, I would be responsible"].

<sup>2929</sup> **E3/7643** Suos Thy WRI, EN 00162617 ["So the prisoners taken from the cells, it was the guards who went and took them, and I waited at the door to check"]; **E1/431.1** Suos Thy, T. 3 June 2016, 09.44.51-09.47.39 ["Those prisoners needed to be checked carefully before they boarded the truck and taken away"].

<sup>2930</sup> **E3/5766** OCIJ Written Record of Confrontation, EN 00165437 [Him Huy: "Regarding my specific role, I was the head of the unit in charge of the transfer of prisoners from S21 to Choeung Ek"]; **E1/426.1** Him Huy, T. 3 May 2016, 15.33.33-15.37.02; **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.47.30, 10.54.28-10.59.05 ["I would do the head count when the prisoners were being loaded onto the vehicles and then, when we arrived at Choeung Ek, I would do the head count again when they were being loaded off"]; **E3/7461** Him Huy, T. 16 July 2009, 13.54.57-14.02.16 ["After having the lists of the detainees to be executed ... people would be removed from their detention cells and walked from that prison, and the truck would be parked next to the gate ... So in each load there could be 60, 70 or up to 100 prisoners"], 14.04.56 ["Upon arrival then the names would be checked again"]; **E3/7643** Suos Thy WRI, EN 00162618; **E3/7665** Chhun Phal WRI, EN 00163813; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.19.51-15.22.43, 15.24.19-15.28.03; **E3/7617** Tay Teng WRI, EN 00401877 ["they transported prisoners from S21 ... with Huy and his team coming along in the trucks each time"]; **E3/7672** Meas Peng Kry WRI, EN 00163707.

wooden house, one at a time, to be killed.<sup>2931</sup> Both Him Huy and Tay Teng testified before the Chamber and provided consistent accounts of how executions were carried out. The victims were ordered to sit or kneel down at the edge of the pit, and were struck on the back of the neck with an “iron bar,” “oxcart axle,” “pipe,” or similar club-like instrument, after which their throats were slit with a knife, their cuffs and clothes removed, and their bodies dumped into the grave pit.<sup>2932</sup>

723. Him Huy stated that the executions at Choeung Ek often “took hours.”<sup>2933</sup> He testified that S-21 Deputy Chief Hor “came every time” to organise and oversee the executions at Choeung Ek,<sup>2934</sup> described how Hor and Duch trained executioners on the specific killing techniques to be used,<sup>2935</sup> and confirmed the meticulous recording and checking

<sup>2931</sup> **E3/5766** OCUJ Written Record of Confrontation, EN 00165437 [“Meas Peng Kry: prisoners were unloaded from the truck to be taken to the wooden house ... **Him Huy**: Hor ordered me to designate someone to meet and guard the prisoners at Choeung Ek. Tay Teng’s group was in charge of that. It was made up of eight persons and had to dig graves and execute the prisoners. **Tay Teng**: That is correct. Brother Huy was my superior”]; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.31.56-15.34.39 [“When the prisoners were brought away to be killed, each of them were taken out one at a time until they were all killed”]; **E3/7617** Tay Teng WRI, EN 00401877; **E1/427.1** Him Huy, T. 4 May 2016, 10.41.10-10.42.08, 10.43.32-10.45.08, 10.54.28-10.56.26, 11.00.20-11.02.56; **E3/7461** Him Huy, T. 16 July 2009, 14.04.56-14.09.25.

<sup>2932</sup> **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56, 11.05.30-11.07.32 [“the prisoner was walked to the rim of the pit. The prisoner was asked to crouch down. Then a metal bar of the shackles was used to strike the nape of the neck and the throat was slashed as well ... Prisoners were also disemboweled. The shackles or cuffs had to be removed, then they would be thrown into the pit ... At that location, there was a knife – that is, a knife for cutting palm trees. And after the prisoner was struck down, they had their throat slashed with that knife”]; **E3/536R** Video *BBC’s Phil Rees Cambodia Report Including Nuon Chea Interview*, 25:46-26:00 [Him Huy: “When they reached the pit, we told the prisoners to sit, and then they were hit with a cart axle from behind. Then their throats were cut, their handcuffs were removed, and they were kicked into the pit”]; **E3/3912R** Video *Inside Pol Pot’s Secret Prison*, 30:30-30:56; **E1/420.1** Tay Teng, T. 21 Apr 2016, 15.36.04-15.39.10 [“Each of them was told to sit at the rim of the pit and then that individual was smashed. They were hit from the back”], 15.39.10-15.43.01 [confirming his statement in **E3/7617** described the “usual process of execution”], 15.52.42 [confirming his unit “personally carried out some of the killings at Choeung Ek”]; **E1/421.1** Tay Teng, T. 25 Apr 2016, 09.22.28-09.24.19 [“They used iron bars to beat people to death ... they were the iron axes the width of a knife handle and about a half a metre long”]; **E3/7617** Tay Teng WRI, EN 00401877 [“they sat about one meter from the edge of the pit ... they used a water pipe to strike the base of their necks. When the prisoners fell over, they removed the handcuffs. Then they also used knives to finish killing them ... after the killings, they took away palm knives stained with blood to wash clean”].

<sup>2933</sup> **E3/7461** Him Huy, T. 16 July 2009, 14.04.56-14.09.25 [“Q: ... For such a large number of people how long did it take to have them killed? A: It took hours. We departed Phnom Penh around 8 o’clock and we arrived there about 8.30. ... and it’s finished by about 1 or 2 a.m. in the morning”].

<sup>2934</sup> **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56 [“Ta Hor was also there. He was the one who organized the execution and how each prisoner had to be walked to the pit to be killed”], 11.09.11-11.10.26 [“Ta Hor was in the same vehicle as we were ... Q: And just to be clear, did he come every single time you went or did he come most of the time, sometimes, rarely? A: He came every time ... Every time there was a batch of prisoners who had to be brought there, Hor would accompany them”].

<sup>2935</sup> **E1/427.1** Him Huy, T. 4 May 2016, 11.07.32-11.09.11 [“It was Hor and Duch who taught us how to kill prisoners that way”], 14.13.55-14.15.45 [“Ta Hor and Ta Duch gave instructions that after striking their necks, we had to slash their throats and the purpose of the disembowelment was not to allow the body to swell so that ... the stench would get out, and people would know about that”]; **E3/7461** Him Huy, T. 16 July 2009, 14.09.25-14.11.59 [“executioners were instructed to kill the prisoners by asking the prisoners



of the name of each executed prisoner and the delivery of those lists back to Suos Thy after the executions were completed.<sup>2936</sup>

724. 1981-83 Exhumation: Between 1981 and 1983, 86 of the 129 mass graves at Choeung Ek were exhumed, and a total of 8,985 corpses recovered.<sup>2937</sup> Photographs and film of the exhumed graves show many thousands of skulls lying on the ground, and confirm the scale of the killings that took place there.<sup>2938</sup> The bones remained on the ground next to the pits for at least two years,<sup>2939</sup> and then were stored in an open, unprotected

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to kneel down near the rim of the pits. Then they would use an oxcart axle to strike the back of the necks and later on they would use a knife to slash the throat, and after that, when they were dead, then they would untie or remove the cuff and remove the clothes", 14.35.47-14.39.17 [instructed how to kill by "Ta Hor"], 16.12.11-16.14.18 ["Before the prisoners were taken to be killed, then we were instructed on how to execute them. After we struck the blow to the neck, then we have to slit their necks to make sure they were dead"]].

- <sup>2936</sup> **E1/427.1** Him Huy, T. 4 May 2016, 11.00.20-11.02.56 ["When the prisoners were sent out ... of the house ... there was a chair for me. I, at that location, took the name one by one and, after the names were recorded, they were sent away for execution"], 11.04.22-11.05.30 ["some prisoners, when they were being walked there, they actually cried and they wept after their names were written down, as they knew that they would be killed"], 14.15.45-14.19.50 ["there was a lightbulb and a chair and their names would be written down there, and then they were taken directly to the pits. ... I had to write down sequential numbers and write down the prisoners' names ... The list of names from Tuol Sleng was with Thy and he instructed me to re-write the names again so that he could use my list to check with the list in his possession ... upon arrival at Tuol Sleng, I gave that list of names to Suos Thy"]; **E1/426.1** Him Huy, T. 3 May 2016, 15.33.33-15.37.02 ["When I went to Choeung Ek ... I was to record the names of the prisoners and after that the report would be sent back to Suos Thy. And if one prisoner was gone from the list, I would be responsible for that"]; **E3/7465** Suos Thy, T. 27 July 2009, 15.50.38-15.53.42 [describing verification of lists after executions].

- <sup>2937</sup> **E3/10643** Dr. Nancy Beavan, *Evaluation of the Choeung Ek Conservation of Victims at Killing Fields Project* [hereinafter cited as "Evaluation Report"], EN 01235382, 01235396-97 ["Between 1981 and 1983, the Department of Culture and Propaganda (Kandal province) excavated 86 mass graves. The number of people buried in the 86 mass graves were counted on the basis of collecting together all of the crania and counting these (see Figure 3). The total number of people in the 86 graves was 8985"], 01235398 [Figure 3: photograph showing skulls arranged in rows]; **E3/10645** Preface to Choeung Ek Study, EN 01240557 ["in early 1981, 129 pits were discovered at this genocidal centre; 8985 bodies were exhumed from 86 pits"]; **E3/8063.105** Choeung Ek Pamphlet, 1989, EN 00032991 ["This camp occupies an area of 2 hectares. Towards the end of 1980 it was discovered: 86 out of 129 mass graves were unearthed and 8,985 corpses were found ... The biggest mass grave contained up to 450 corpses"]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 09.28.42-09.31.05, 09.36.55 ["The figure of 8,985 is the figure given by the Office of Propaganda and Culture"], 13.50.15-13.53.40 ["There were more than 100 gravesites and among those gravesites, only 86 gravesites were exhumed"], 14.06.09-14.09.14 [describing location of unexhumed graves]; **E3/2160** OCJ Diagram of Choeung Ek Execution Site [area of graves "not yet unearthed" appears on right hand side of diagram over the entire length of the site].

- <sup>2938</sup> **E3/3095R** Video *Die Angkar*, 1981, 42:17-42:41 [film showing exhumed graves at Choeung Ek]. Photographs of Exhumed Graves at Choeung Ek: **E3/8063.50**, **E3/8063.51**, **E3/8063.82**, **E3/8063.71**, **E3/8063.135**, **E3/8063.126**, **E3/8063.128**, **E3/8063.131**, **E3/8063.138**, **E3/8063.129**, **E3/8063.133**, **E3/8063.136**, **E3/8116**, EN 00360042-46; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 14.15.35-14.23.23 [identifying video and photographs showing Choeung Ek exhumation], 14.23.23-14.25.39 [regarding signs posted in ground next to exhumed pits, as shown in photo **E3/8116** at EN 00360046: "The signs that are posted at the rim of the two gravesites indicated the number of the remains that were counted. For example, the first one is 145 remains"]].

- <sup>2939</sup> **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 09.39.32-09.40.52, 15.11.02 ["those bones remained on the ground for two to three years"].

wooden hut for another three to four years<sup>2940</sup> until the encased Choeung Ek memorial was built in 1988.<sup>2941</sup> As a result, only 7,500 skulls remained when they were counted by a Vietnamese forensics team in 1988, before being placed in the memorial stupa.<sup>2942</sup> Further loss of bones occurred over the ensuing decades, as the stupa was not adequately sealed against rats and insects,<sup>2943</sup> and some skulls were removed for exhibitions or studies and never returned.<sup>2944</sup>

725. From 2013 to 2015, a team led by Expert Voeun Vuthy conducted a comprehensive analysis of the bones in the Choeung Ek stupa.<sup>2945</sup> Though only 6,426 skulls remained at that time, a total of 7,708 right humerus bones were identified,<sup>2946</sup> confirming that despite the significant loss of remains that occurred while the bones laid unprotected between 1981 and 1988, there were still exhumed remains from at least 7,708 persons at the time the bones were placed in the Choeung Ek memorial in 1988.

<sup>2940</sup> **E3/10645** Preface to Choeung Ek Study, EN 01240557 ["the remains collected from the pits were temporarily stored in a small wooden house with zinc roof. In early 1988, those remains were washed and conserved by Vietnamese expert doctors. Meanwhile, a stupa was built to store them"]; **E3/8063.103**, **E3/8063.70** and **E3/8144** [photographs of original hut used for storage of Choeung Ek remains]; **E3/10643** Evaluation Report, EN 01235399 ["animals may have eaten some of the bones while they were in the wooden stupa"]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.11.02-15.16.25 [testifying that the bones were in the wooden stupa for "three to four years," identifying photos of structure, and testifying: "it was not well maintained ... And probably that is the result that led to the decreased numbers of the bones ... there was no protection mechanisms to protect the bones from being eaten by animals"].

<sup>2941</sup> **E3/10643** Evaluation Report, EN 01235398 ["In late 1980's a new Memorial Stupa was built at the Choeung Ek Genocidal Center"]; **E3/8116** OCJ Choeung Ek Photographs, EN 00360020.

<sup>2942</sup> **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 09.39.32-09.42.56 ["when the stupas were newly built in 1987 and '88, that was the time when the remains were counted again, and the number came to 7,500"], 09.50.50-09.52.18 ["The difference in numbers was because some bones were eaten by animals, and some fell back into the mass graves ... between 1987 and 1988, there was a group of Vietnamese medical doctors came to examine the remains. They gave the numbers to the remains"], 15.22.52-15.24.44 [confirming that number in Beaven report is incorrect, and that the Vietnamese team used identification numbers up to at least 7,500].

<sup>2943</sup> **E3/10643** Evaluation Report, EN 01235389, 01235392, 01235421 ["The problems in the Stupa included: 1. Insects and rats could enter the shelves of the Stupa and eat the bones"]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.18.00-15.19.48.

<sup>2944</sup> **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 15.29.43-15.32.56 [some skulls were used by Tuol Sleng museum and some were "borrowed for the exhibition purpose but they were never returned"].

<sup>2945</sup> **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 13.50.07-13.57.10; **E3/10643** Evaluation Report, EN 01235394 ["for the first time in the history of the exhumation of the Choeung Ek gravesites, a well-planned program of data collection was completed on the group of human remains in the Memorial Stupa. In total, 6426 crania and 63,112 other skeletal elements including long bones, vertebrae, pelvis, were measured, age and sex recorded"]; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 10.10.50-10.12.42, 10.55.56-10.59.54 [testifying that the remains were confirmed to come from Choeung Ek based on analysis of mud on bones, and explaining difference from bodies buried in coffins in Chinese graveyard], 11.02.41-11.04.07 ["We cut open part of the bones that we have and we actually looked through the microscope ... We actually enlarged each cranium in order to see those small holes where the mud retains itself before we made our conclusion"].

<sup>2946</sup> **E3/10766** Voeun Vuthy Chart, "List of Preserved Remains," EN 01336759; **E3/10643** Evaluation Report, EN 01235383 [also identifying 7,673 left humerus].

726. The evidence relating to the Choeung Ek exhumations conclusively disproves the Defence assertion that only 5,000 people were killed by S-21. Moreover, the fact that nearly 9,000 bodies were found in the 1981-83 exhumation is consistent with a total prison population exceeding 18,000, given that: (i) S-21 executed several thousand prisoners in 1975-76 before Choeung Ek was established;<sup>2947</sup> (ii) even after it began operations in 1977, thousands of executed Vietnamese,<sup>2948</sup> S-21 staff,<sup>2949</sup> and prisoners who died from disease<sup>2950</sup> or blood-taking<sup>2951</sup> were buried around the S-21 compound, not at Choeung Ek; and (iii) thousands of the dead remained buried in the 43 unexhumed mass graves at Choeung Ek.<sup>2952</sup>
727. *Evidence of Trauma on Exhumed Skulls*: Of the 6,426 crania examined by Vooun Vuthy's team, "only one skull" did not contain evidence of trauma.<sup>2953</sup> A total of 28,083

<sup>2947</sup> **Annex F.2** Figure 1.3, *Arrests by Year at S-21*, p. 5 [records at least 2,440 prisoners who were arrested prior to the start of 1977]. Witness testimony confirms there were many bodies buried both at the Takhmau compound and the area around the Tuol Sleng compound: **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.19.20-09.20.58 [discussing Takhmau prison: "there were many bodies buried on the compound"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.25.27-9.28.41 ["the people who were killed inside the S-21 compound and the surrounding areas were numerous"]; **E3/10767** Him Huy Interview, EN 01336790 ["Q: We have discovered bones buried around Tuol Sleng. Did they bury many there? A: Yes, right at the back. Q: Were there many? A: Yes, there were. Before this site (referring to Choeung Ek) was chosen, they must have run out of other options already"].

<sup>2948</sup> **Annex F.2** Figure 5.2, *Vietnamese Arrested by Month at S-21*, p. 48 [records 610 Vietnamese prisoners who were sent to S-21 in 1977 and 1978]. See also **E3/1580** Kaing Guek Eav WRI, EN 00177587 ["As regards the numbers of Vietnamese detained, I cannot be very precise but I can say there were hundreds, and that all of them were executed"].

<sup>2949</sup> **Annex F.2** Figure 7.1, *S-21 Cadres Arrested by Month at S-21*, p. 64, and Figure 7.2, *S-24 Cadres Arrested by Month at S-21*, p. 65 [includes over 300 cadres and combatants from S-21 and Prey Sar who were arrested in 1977 and 1978]. See also **E3/7461** Him Huy, T. 16 July 2009, 14.17.26-14.19.23; **E3/79** Prak Khan WRI, EN 00161562 [discussing purged S-21 cadres: "I estimate about 300, no fewer than 300 ... They all had been arrested and killed"].

<sup>2950</sup> Witness accounts and surviving records show that prisoners regularly died from disease **Annex F.48** *List of S-21 Daily Prisoner Count Analysis*; **E3/10770** Logbook of S-21 Daily Counting Lists; **E3/1684** David Chandler, *Voices from S-21*, EN 00192710 ["a cadre notebook from 1977 recorded that 30 deaths had occurred at the prison in July, 88 in September, 49 in October, and 67 in November, making a total of 234 deaths over four months"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.52.11-13.54.05; **E3/503** Iem Hom WRI, EN 00401858 [S-21 guard: "I saw prisoners die every day ... Sometimes, two prisoners died per day"]; **E3/7674** Vann Nath WRI, EN 00163738 ["Many dead prisoners were taken out at night. In my cell eight or nine prisoners died during one month"]; **E3/7450** Vann Nath, T. 29 June 2009, 10.02.06-10.06.13 ["people died one after another"]; **E3/7467** Sek Dan, T. 3 Aug 2009, 09.47.41-09.49.48; **E3/7461** Him Huy, T. 16 July 2009, 11.52.33-11.56.48.

<sup>2951</sup> As discussed earlier, witness estimates of the number killed by blood-taking range from 100 to as many as 1,000: **E3/79** Prak Khan WRI, EN 00161560; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 15.25.44-15.31.54.

<sup>2952</sup> **E3/10645** Preface to Choeung Ek Study, EN 01240557 ["129 pits were discovered ... 8985 bodies were exhumed from 86 pits"]; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 13.50.15-13.53.40; **E3/10767** Him Huy Interview, EN 01336776 ["Q: Among the 100 graves, do you think they were all full of bodies, or were there cases in which only 4 to 10 bodies were buried in some graves? A: There was no such case. All of them were full"].

<sup>2953</sup> **E1/512.1** Vooun Vuthy, T. 13 Dec 2016, 14.17.00-14.19.50 ["among the 6,426 bones, after we conducted the analysis, we could find only one skull that was not result of the torture or the heavy beating by the tools. There was only one skull"]. See also **E1/512.1** Vooun Vuthy, T. 13 Dec 2016,



marks of trauma were identified on the skulls, with each skull containing multiple fractures, holes, or other such markings.<sup>2954</sup> The most common forms of trauma observed on the skulls were consistent with the victims having been struck in the head with clubs, sticks, axles, or similar such instruments: 9,802 marks consistent with “wood or bamboo sticks”; 5,806 marks consistent with a steel bar or axle bar; and 2,435 marks consistent with “square sticks.”<sup>2955</sup> There were also 3,563 marks from knives.<sup>2956</sup> The evidence from Vooun Vuthy thus helps quantify the scale of killing that took place at Choeung Ek, and corroborates the testimony of S-21 cadres as to the usual method by which victims were killed at this site.

## 6. Executions of Children and Pregnant Women

728. S-21 Chairman Duch has consistently admitted that the executions at S-21 included young children and babies who were brought to the security office with their parents.<sup>2957</sup> Duch testified that such killings were pursuant to a Party policy that “when the parents were considered traitors, the children would be taken away and killed.”<sup>2958</sup> S-21 guard

13.53.19 [describing procedure by which skulls were examined and the “marks or traces of trauma” registered and photographed], 14.19.50-14.21.43 [“we used the microscope to examine traces. If it was beaten with a bamboo stick, there could be a little piece there; particularly, with a square wood, we found some dented skulls resulted of heavily beating”]; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 15.34.20 [only skulls were examined for evidence of trauma].

<sup>2954</sup> **E3/10766** Vooun Vuthy Chart, “List of Marks of Torture and Marks of Execution,” EN 01336760 [total of 28,083 marks of trauma on the 6,426 skulls examined]; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 15.41.30-15.42.49 [“On each cranium, at least there are two markings and the maximum number is nine”]; **E3/10647** Photographs of Choeung Ek Skulls [examples of different marks of trauma].

<sup>2955</sup> **E3/10766** Vooun Vuthy Chart, “List of Marks of Torture and Marks of Execution,” EN 01336760; **E1/513.1** Vooun Vuthy, T. 14 Dec 2016, 15.37.58-15.41.30 [“marking or trauma” was the “result of the execution”]; **E1/512.1** Vooun Vuthy, T. 13 Dec 2016, 14.03.18-14.06.16 [“some of them were killed by clubbing. I would like to clarify that the club here refers to bamboo stem and wood. We also found 9,802 traces resulted from these tools”]; **E3/10647** Photographs of Choeung Ek Skulls, KH 01240474 [examples of “Evidence of killing by bamboo stick” and “Evidence of killing by wooden stick”], 01240475 [examples of “Evidence of killing by Iron tool”].

<sup>2956</sup> **E3/10766** Vooun Vuthy Chart, “List of Marks of Torture and Marks of Execution”; **E3/10647** Photographs of Choeung Ek Skulls, KH 01240474 [example of “Evidence of killing by Knife”].

<sup>2957</sup> **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.54.45 [“when the parents were taken away and killed, the children would be taken away and killed as well”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.39.23-09.41.28, 13.52.34-13.54.30, 14.20.37-14.23.01 [“Q: ... What happened to the children who came to S-21 with their parents? ... A: I think the three children who survived were those who entered in late 1978. As for the children who were entered from 1975, up to that period had all been smashed”]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.11.38 [“Q: How did all the children, the very young children who came with their mothers, die? A: Your Honor, let me conclude it in one word: they were killed. They did not die because of starvation or lack of food, but they were killed and, as I said, sometimes the babies were smashed”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 14.18.22-14.20.22 [children “as young as 12 months” were “separated from the mothers and those children were smashed”]; **E3/453** Kaing Guek Eav WRI, EN 00147582.

<sup>2958</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 13.52.34-13.54.30. See also **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.52.44-09.56.26 [instructed by Son Sen to have an “absolute stance” in the execution of children of prisoners, after Duch unsuccessfully tried to save the lives of the children of prisoner Sang Un]; **E3/5797** Kaing Guek Eav, T. 8 June 2009, 10.02.57-10.08.47 [“Son Sen said, ‘So now here is your

Him Huy also admitted that children as young as one-month old were killed,<sup>2959</sup> describing in detail how they were separated from their mothers and taken out for execution.<sup>2960</sup> Guards carried the babies and walked other young children to their death holding their hands.<sup>2961</sup>

729. Prak Khan personally witnessed the killing of a Vietnamese baby, which he described in Court as follows:

There was a two-storey house, and it was used as an office to receive prisoners. I was standing guard on the ground floor, and then there was a family – a Vietnamese family who arrived, that is, a husband, a wife and a young daughter that was about more than a year old. The child followed the parents, and Dek Bou and Tuy dragged the child away from the parents and took the child out of the office, that is, to the verandah, and dropped the child onto the ground. The child subsequently died, and then he signalled me to take the dead child to the southern area and buried it there.<sup>2962</sup>

Children were usually killed and buried in the area surrounding the S-21 compound,<sup>2963</sup>

experience. There is no gain to keep them and they might ... take revenge on you. You have to remember the class stand' ... I myself abided through implementing the Party's policy at S-21. So that's about the young children and the babies"; **E3/5752** Kaing Guek Eav Written Statement [Duch instructed by Son Sen that to let children live was "a stance 'lacking in class anger'"]; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 10.11.38 ["the children who came with their parents would be smashed as directed by the upper echelon"]; **E3/5805** Kaing Guek Eav, T. 25 June 2009, 09.29.11 [the "first reason" for CPK policy was that the regime was "afraid that the children would take revenge"]; **E3/453** Kaing Guek Eav WRI, EN 00147582 ["The order to kill children was decided by the upper echelon for the entire country"].

<sup>2959</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.37.38-09.40.44, 09.53.25-09.56.50 [confirming statements in video **E3/536R** about children being killed and adding: "the age range was between one month up to seven or eight years old"], 14.13.55; **E3/536R** Video *BBC's Phil Rees Cambodia Report Including Nuon Chea Interview*, 27:07-28:06 [Him Huy: "They would arrest and kill the entire families of alleged traitors. No one was spared. They would arrest the wives, husbands and children, and even brothers, sisters and other relatives ... I would send off children aged 7 or 8 years old"], 29:06-29:15 [Him Huy: "The babies were killed as well. They weren't spared"]; **E3/7461** Him Huy, T. 16 July 2009, 14.11.59-14.14.58, 15.37.33-15.39.24; **E3/7462** Him Huy, T. 20 July 2009, 11.58.35-12.00.56; **E3/5154** Him Huy WRI, EN 00161603.

<sup>2960</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.42.29-09.44.52 [mothers were deceived and told their children were being "taken to a children's centre," so they did not learn "what we were going to do with the children"].

<sup>2961</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.46.15-09.49.04, 09.50.46-09.56.50 ["For the older children, their hands were tied behind their back because they were afraid that those children would try to escape ... The security guards inside were the ones who carried down those babies to be killed"]; **E1/428.1** Him Huy, T. 5 May 2016, 11.13.44-11.16.20 ["As for the children ... they held their hands and walked them or they were carried by people and they were taken to the back road behind the prison"]; **E3/536R** Video *BBC's Phil Rees Cambodia Report Including Nuon Chea Interview*, 28:45-29:05 [Vann Nath: "I saw guards carrying 3, 4 or 5 babies in their arms. I met one of the men who took those babies away. It was Him Huy. He said the babies were taken to their deaths"].

<sup>2962</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13. See also **E3/7463** Prak Khan, T. 21 July 2009, 10.09.55-10.13.36 [describing same incident in which a "young baby who was about seven to eight months old" was thrown from building and killed], 14.06.41-14.09.16; **E3/7464** Prak Khan, T. 22 July 2009, 09.17.55- 09.21.08.

<sup>2963</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.32.45-09.36.26, 09.38.58 [children were killed at the S-21 compound, rather than being transported to Choeng Ek, to maintain secrecy]; **E1/428.1** Him Huy, T. 5

though some children sent to Prey Sar were executed at Choeung Ek.<sup>2964</sup>

730. Other witnesses also confirm the presence and execution of children at S-21.<sup>2965</sup> S-21 photographers Nim Kimsreang and Nhem En both admitted that children were imprisoned at the compound,<sup>2966</sup> and photographs taken by their unit show the faces of some of these children.<sup>2967</sup> Surviving prisoner Vann Nath likewise recalled that the prisoners detained and killed at S-21 included children.<sup>2968</sup>
731. Suos Thy testified that children under the age of 15 were usually not registered on S-21 prison lists or photographed, unless they arrived without their parents.<sup>2969</sup> Despite this

May 2016, 11.09.54-11.12.24; **E3/2357R** Video *Pol Pot: Journey to the Killing Fields*, 40:48-41:15 [Him Huy: "My boss, Mr. Peng, he took charge of the children. His men took them not far from here and then killed them"]; **E3/7461** Him Huy, T. 16 July 2009, 14.11.59-14.14.58; **E3/7462** Him Huy, T. 20 July 2009, 11.58.35-12.00.56; **E3/5154** Him Huy WRI, EN 00161603; **E3/5801** Kaing Guek Eav, T. 17 June 2009, 09.22.24-09.25.27 ["dead bodies, especially children, were buried within the compound. And also at the surrounding area outside the compound"], 09.41.41-09.45.40, 11.13.22-11.25.49 ["children below five years of age ... were buried in Phnom Penh"]; **E1/419.1** Nhem En, T. 20 Apr 2016, 13.52.09-13.54.47.

- <sup>2964</sup> **E3/2133** List of Prisoners Smashed by Brother Huy Sre, 23 July 1977; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.01.12-15.06.56 [regarding execution of children referenced in **E3/2133**: "When the decision was made, they were transported from Prey Sar directly to Choeung Ek"]; **E3/5802** Kaing Guek Eav, T. 22 June 2009, 09.35.21; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 11.58.35-12.04.26 ["If the mother was arrested, the baby or the children would be killed ... if the mother were transferred directly from Prey Sar to Choeung Ek, the baby would be transferred directly together with the mother to Choeung Ek"].

- <sup>2965</sup> **E1/430.1** Suos Thy, 2 June 2016, 15.49.55 [witness registered "women with babies or toddlers"], 15.53.00-15.58.00 [Hor instructed guards when to take "babies and toddlers" for execution, and children were generally "taken out first before the removal of their parents"]; **E1/423.1** Prak Khan, T. 27 Apr 2016, 13.36.07; **E3/7463** Prak Khan, T. 21 July 2009, 10.06.46-10.09.55 [confirming imprisonment of wives and children].

- <sup>2966</sup> **E1/474.1** Nim Kimsreang, T. 15 Sept 2016, 13.35.46-13.41.02 [admitting that he saw children in as many as "10 percent" of the negatives he developed at S-21], 15.09.54-15.12.16 [identifying **E3/8639.4724** and **E3/8639.5184** as photographs taken in "large room where women were detained there along with their children"]; **E1/419.1** Nhem En, T. 20 Apr 2016, 13.51.10-13.54.47 ["children or infants who had been brought together with the mothers, sometime two or three together with the mother, almost all of them were killed and only few survived ... Quite a number of infants and small children were sent into the centre ... sometimes these were brought in with the entire family. About 1,000 to 2,000 of them were brought in with their parents"]; **E1/420.1** Nhem En, T. 21 Apr 2016, 11.12.28-11.14.01 ["I took several photos of children"].

- <sup>2967</sup> **S-21 Photographs showing children**: **E3/8058**; **E3/8639.164**; **E3/8639.171** [Vinh Thi Ngoc]; **E3/8639.219**; **E3/8639.220**; **E3/8639.481**; **E3/8639.494**; **E3/8639.507**; **E3/8639.508**; **E3/8639.649**; **E3/8639.705**; **E3/8639.1081** [Tromg Sarith]; **E3/8639.1593**; **E3/8639.1896**; **E3/8639.1919**; **E3/8639.1962**; **E3/8639.1967**; **E3/8639.2339**; **E3/8639.2514**; **E3/8639.2969**; **E3/8639.3039**; **E3/8639.3069**; **E3/8639.3199**; **E3/8639.3589**; **E3/8639.3784**; **E3/8639.4372**; **E3/8639.4406**; **E3/8639.4694**; **E3/8639.4992**; **E3/8639.5070**; **E3/8639.5109**; **E3/9837**, Nos 16, 120 [Eng Saroth], 149, 430, 466, 957, 610 [11-year old Le Yaing Ve - No. 12590 on OCJ S-21 List and No. 4593 on OCP Revised S-21 List].

- <sup>2968</sup> **E3/7450** Vann Nath, T. 29 June 2009, 11.23.26-11.25.48, 14.33.25-14.35.26 ["I heard the screaming and ... the crying of both adult and young people, and the children were taken away ... Sometimes a young baby was taken away, the baby was about six to seven months. Sometimes a child was walked or sometimes two children were walked together"]; **E3/7674** Vann Nath WRI, EN 00163737, 00163739.

- <sup>2969</sup> **E1/430.1** Suos Thy, 2 June 2016, 15.40.05-15.45.05 ["Children below 15 years old were rarely listed down in the list of names"]; **E1/431.1** Suos Thy, 3 June 2016, 09.12.45-09.13.55 ["In relation to the Vietnamese girl who was 14 years old ... she did not come along with her parents. She was by herself



practice, some existing prison records confirm the killing of children as young as seven or eight years old, most of whom were sent out for execution shortly after their arrival at S-21.<sup>2970</sup> A March 1976 S-21 execution list records the killing of the “four children of Thach Chea,” an official in the Ministry of Education during the Lon Nol regime.<sup>2971</sup> Other prison lists record arrests of entire families, with wives and children often executed within days of entering S-21.<sup>2972</sup>

and, for that reason, I had to write her name down”, 10.37.35-10.40.13 [“Every prisoner who was brought in, I wrote down their names except children who were brought along with their parents”]; **E3/7465** Suos Thy, T. 27 July 2009, 14.38.08-14.40.11; **E3/7466** Suos Thy, T. 28 July 2009, 10.02.17-10.04.01 [confirming that children were not recorded]; **E3/7643** Suos Thy WRI, EN 00162614. *See also* **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.04.36 [“Q: ... Why was it that the four children of Thach Chea weren’t identified by name in the S-21 list? A: That was the practice”]; **E1/419.1** Nhem En, T. 20 Apr 2016, 09.20.33-09.22.12, 13.52.09-13.54.47.

<sup>2970</sup> *See e.g.* **E3/8463** List of Prisoners Smashed on 27 May 78, EN 01032536 [No. 578 – 8 year-old Vin Yang Fa]; **E3/2285** List of Prisoners Removed on 29 August 1977, EN 00873220-26 [No. 15 – 7 year-old girl Sreu Pheap, described as “stubborn sometimes, lazy to work, be instructed but not follow”]; **E3/10604** OCU S-21 Prisoner List, Nos 2488 [14-year old girl Peou Kdip entered S-21 on 13 March 1977, executed 17 March 1977], 4991 and 4998 [14-year old girls Keo Soeung and Ros Sam-Ol entered S-21 on 13 July 1977, executed 16 July 1977], 5182 [14-year old boy Po Senora entered S-21 13 July 1977, executed 16 July 1977], 5685 [14-year old boy An Chann Than entered S-21 13 August 1977, executed the following day], 7544 [14-year old Va Vuthy executed 14 February 1978], 7827 [12-year old Eng Chakk executed 13 March 1978], 8133 [13-year old Sok Phal executed 25 March 1978], 9856 [14-year old Vietnamese girl Troeung Thinhieng entered S-21 28 April 1978, executed 30 April 1978], 9902 [14-year old Vietnamese girl Ngieng Thimom executed 30 April 1978], 9943 [13-year old boy Port Bunny entered 1 May 1978, executed 5 May 1978], 10074 [14-year old boy Iv (Y) Sa-Em entered 5 May 1978, executed that same day], 10130 [13-year old Vietnamese girl Vin Thi Ngok entered S-21 on 6 May 1978, executed 14 May 1978 – S-21 photograph **E3/8639.171**], 12619 [13-year old Vietnamese boy Ngieng Yaing Vin entered 28 October 1978, executed 31 October 1978], 12623 [7-year old Troeng Yaing Fak, described by S-21 as a Vietnamese spy, entered 30 October 1978, executed the next day].

<sup>2971</sup> **E3/1539** S-21 List of Prisoners Who Died at Office S-21C, EN 00182903 – No. 159 [recording execution of “four children of Thach Chea” on 30 March 1976]; **E1/433.1** Kaing Guek Eav, T. 7 June 2016, 15.54.45; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 09.04.36 [“people spoke about the children and they were pretty young”]; **E3/5800** Kaing Guek Eav, T. 16 June 2009, 16.06.41 [execution of children of Thach Chea was in accordance with “the principle that even the children would not be spared”].

<sup>2972</sup> **E3/2047** Report from Huy “Names of Those Removed – Families of Sokh and Mai Lun,” 7 Apr 1977, EN 00182941-42 [list of 18 family members, including children aged four and six, with Duch annotation: “Propose questioning 4, and killing the others”]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 11.20.45-11.30.28, 14.07.55 [stating that if the wives and children were “not important” and “needed for the purpose of interrogation,” they would be “taken out”]; **E3/1576** Kaing Guek Eav WRI, EN 00160723 [discussing **E3/2047**: “Son Sen instructed me to interrogate the 4 persons mentioned under numbers 1, 2, 13 and 14 and to have the others executed”]; **E3/3187** List of Prisoners Executed from 15 to 30 Oct 1976, EN 00874320-32 [Nos 12 through 67 are spouses, mothers, and children of families from the Railway and electrical plants, almost all of whom entered S-21 on 28-30 Oct 1976 and were executed one or two days later]; **E3/3187** S-21 Execution List, Dec 1976, EN 00874194-96 – Nos 65-69, 77 [wife and 5 daughters of Railway cadre Toek Seng Eng all entered S-21 on 19 Dec 1976 – four daughters were executed on 25 Dec 1976, the other “committed suicide by hanging” the same day, and their mother was executed three days later], No. 61 [Eng Saroth, son of Toek Seng Eng, entered on 19 Dec 1976, executed two days later – his S-21 photograph is **E3/9837**, No. 120]. *See also* **E3/1684** David Chandler *Voices from S-21*, EN 00192717 [“Scattered entry records reveal that wives and children were often kept at S-21 for very short periods – sometimes as little as two days – before their executions”]; **E3/2285** Names of Prisoners Smashed on 2 July 1977: Section of Huy Srae, EN 00873549-55 [Nos 1-75 on list identified as children of other persons]; **E3/2285** Prisoners of Bong Huy Sre’s Section Smashed on 3 August 1977, EN 00873521-40 [list of 229 prisoners includes numerous children executed with their mothers – e.g. Nos 120-156].

732. With respect to unregistered children, two surviving documents reflect the scale of killings that took place at S-21. A 23 July 1977 execution list of 18 named prisoners contains a handwritten note from S-21 Deputy Chief Hor, reporting that the group killed that day included “160 children.”<sup>2973</sup> Duch authenticated this record, and testified that Hor’s signature on the document confirms that S-21 oversaw the execution of the 160 children, who had been transferred from Prey Sar.<sup>2974</sup> Another S-21 document, the Daily Prisoner Control list for 11 April 1976, illustrates the number or proportion of unregistered children who would accompany adults sent to S-21. It records the arrival of 58 new prisoners that day, 33 of whom were registered prisoners (a group of Muslims from a village on the outskirts of Phnom Penh), and the other 25 of whom were their children (20 boys and five girls), whose names were not recorded.<sup>2975</sup> Duch recalled the arrest of those families and testified that, pursuant to CPK policy, the parents and children were all smashed.<sup>2976</sup> While we will never know the exact number of unregistered children killed at S-21, the killing of 160 such victims in a single day, and the fact many of the prisoners sent to S-21 had young children who accompanied them,<sup>2977</sup> indicates that the total number was likely in the thousands. Given that children’s names generally do not appear in the surviving S-21 records and that, as discussed above, not all records from S-21 have survived or been recovered, there is no question that the number of victims killed at S-21 far exceeds the 11,137 registered prisoners.

733. In addition to children, the victims of S-21 also include pregnant women who were sent from Prey Sar to S-21 for execution as they neared full-term.<sup>2978</sup> Elderly women and

<sup>2973</sup> **E3/2133** List of Prisoner Names Smashed by Brother Huy Sre, 23 July 1977.

<sup>2974</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 15.01.12-15.08.09; **E3/7461** Kaing Guek Eav, T. 16 July 2009, 15.44.10 [“These children were removed ... from Prey Sar at the rice field ... That’s why it states in the document at the section of Huy Sre, so Hor was the one who signed on that piece of document. So Hor managed this execution and I believe that they were executed at Choeng Ek”]; **E3/5804** Kaing Guek Eav, T. 24 June 2009, 14.01.53-14.05.05 [“the 160 children were sent directly to Choeng Ek ... because there was no reason in getting the confession from those children”]; **E3/5799** Kaing Guek Eav, T. 15 June 2009, 14.03.00 [“the children who were removed from Prey Sar, they range in age from three and four years old up”].

<sup>2975</sup> **E3/8493** S-21 Daily Prisoner Control List, 11 Apr 1976.

<sup>2976</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 14.14.18-14.17.37 [“those Muslim people from the Arab villages were finally smashed at S-21 ... they applied the same principle. When the parents were considered traitors, the children would be smashed as well”].

<sup>2977</sup> **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 11.19.30-11.20.45 [“It is clear that when the mother or the father was brought in, the children had to be brought in as well. And that was a norm or part of the operation”]; **E1/419.1** Nheng En, T. 20 Apr 2016, 13.52.09-13.54.47.

<sup>2978</sup> **E3/2047** Report from Huy “Personal Histories of Those Pregnant,” 7 Apr 1977, EN 00182943-44 [list of 11 pregnant women, the first eight of whom were nearing full-term – also noting at end of list: “Among these there may be some small children as well”]; **E3/10604** OCU S-21 Prisoner List, Nos 3339-3341,

people suffering from infectious diseases were also sent from Prey Sar to S-21 for execution,<sup>2979</sup> reflecting the CPK's "to keep is no gain" policy that those no longer able to perform hard labour at tempering sites would be killed.<sup>2980</sup>

734. In short, the evidence from S-21 rebuts the **Nuon Chea** Defence's assertion that the security office was only used for *bona fide* "traitors" posing a threat to the DK regime. The sheer number of people imprisoned and executed over a three-year period, and the fact that the victims included young children and others murdered solely because of their relation to a perceived enemy, proves that S-21 was nothing more than a killing instrument of CPK leaders, who were willing to do anything and kill anyone to maintain their grip on power.

### 3. TRAM KAK DISTRICT COOPERATIVES

*They told us that 'Angkar will take care of you', and we were told that here we have cooperatives and we have a collective Angkar, and you all will be ready to receive meals and accommodation to be provided by Angkar; don't worry.*

*And after that, I was forced to work hard, day and night ... and I was deprived of food and I was not given sufficient clothing.*

– Civil Party Ry Pov, after arriving in Tram Kak District<sup>2981</sup>

3343, 3348-3349, 3351, 3359, 3361-3362 [pregnant women listed in **E3/2047** executed on 7 April 1977, the same date as Huy's report]; **E3/10506** S-21 Prisoner List, EN 01368995-97 [Nos 147-149, 151, 156-157, 159, 167, 169-170 are the pregnant women listed in **E3/2047**, with annotations indicating they were smashed]; **E1/434.1** Kaing Guek Eav, T. 8 June 2016, 13.30.39-13.41.10 [discussing **E3/10506**: "These people were smashed on 7 April 1977, so that means once they arrived at S-21 in Phnom Penh, they were sent away immediately to be smashed"], 13.45.45 ["the handwriting, as far as I can remember, was Hor's handwriting ... The word 'kom,' it was an abbreviated form of the full word 'komtech'"], 13.48.23 [explaining marks on list: "it means that those eight women were all near full-term pregnancy, not just the one on top of the list"], 13.52.34-13.54.30 [confirming "small children" referenced in report would have been "smashed" pursuant to "general policy" of the Party]. See also **E3/10166a** List of People to be Removed, EN 01248212 [40 prisoners, 16 of whom were pregnant, with the annotation "smash" at top]; **E1/431.1** Suos Thy, T. 3 June 2016, 14.33.21-14.39.12.

<sup>2979</sup> **E3/1041** Report from Huy, Office 24 "Names of People Who Have Infectious Diseases," 24 Mar 1977 ["The number of people requested to send to 21 includes: People who have infectious diseases – 5 people; Those who acted against revolution – 4 people; People who were seriously incapacitated, [moved] freely, [were] lascivious – 15 people; People who were pregnant – 13 people"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 2119, 3248, 3259, 3270, 3272, 3289, 3292, 3306, 4422 [recording execution of prisoners named in **E3/1041** on 25 March 1977, the day after the report]; **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 14.08.43-14.13.25 [stating that the 37 people in **E3/1041** were "supposed to be sent from the rice field to Choeung Ek"]; **E3/10604** OCIJ S-21 Prisoner List, Nos 3266, 3269, 3274, 3293-3298, 3300-3301 [11 women sent from Prey Sar and executed on same day, including elderly women aged 62, 65, 70, 73, 74, 75, 82 and 92].

<sup>2980</sup> **E1/436.1** Kaing Guek Eav, T. 13 June 2016, 14.15.26-14.17.22 [referencing **E3/1041**: "I believe the solution to these problems was the principle that we implemented – that is, to keep is no gain, to remove means no loss"].

<sup>2981</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37, 09.19.04-09.21.01.



735. Tram Kak District was designated District 105 under Sector 13 of the Southwest Zone during the DK regime.<sup>2982</sup> The birthplace of Zone leader Ta Mok,<sup>2983</sup> Tram Kak served as a stronghold of the Khmer Rouge during the 1960s and early '70s.<sup>2984</sup> By 1977, the district's construction and production achievements had attracted the attention of the Central Committee, who awarded the district an "Honourary Red Flag" and held it up as an example for others to emulate.<sup>2985</sup>
736. Tram Kak is one of the few areas where contemporaneous records from the DK era survived and have been recovered. These documents, particularly records from the District 105 Reeducation Office, also known as the Kraing Ta Chan Security Centre, provide insight into the inner workings of Tram Kak District under DK control and help demonstrate the systematic infliction of crimes against humanity that include enslavement; other inhumane acts through attacks against human dignity; enforced disappearances; imprisonment; torture; deportation; political, religious and racial persecution; forced marriage; and rape within the context of forced marriage.<sup>2986</sup>
737. The charged crimes for Tram Kak District relating to political persecution of Lon Nol officials, racial persecution of the Vietnamese, deportation, forced marriage, and rapes that occurred within the context of forced marriage, are discussed in other sections of this Brief, as the Co-Prosecutors are of the view that the evidence of the Accused's

<sup>2982</sup> **E1/270.1** Van Soeun, T. 3 Mar 2015, 13.51.10-13.53.38 ["Tram Kak district was also known as District 105 in Sector 13"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.53.03; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.14.36-15.16.35 ["I attended the meetings at District 105 -- that is, Tram Kak district"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.43.12-13.44.17; **E1/448.1** Moeng Vet, T. 26 July 2016, 09.38.25-09.41.14, 09.50.15-09.53.05; **E1/385.1** Sao Van, T. 1 Feb 2016, 14.29.42-14.31.18; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150087.

<sup>2983</sup> **E1/273.1** Neang Ouch alias Ta San, T. 9 Mar 2015, 10.59.16-11.01.09 ["Ta Mok's home village was in Trapeang Thum commune, Tram Kak district"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.14.06-09.15.09 ["Ta Mok lived in Prakeab village, Trapeang Thum Khang Tboung commune"]; **E3/5518** Sao Han WRI, A29; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150087 ["Tram Kak was Mok's birthplace"].

<sup>2984</sup> **E1/23.1** Nuon Chea, T. 15 Dec 2011, 11.56.30-11.59.13 ["there were two remaining Party branches at that time: one in the East, it's Tram Kak village Party branch, and another was in Kampong Chhnang, Peam Commune Party branch ... we contacted senior people who were good people. They included Ma Mang and Ta Mok. These people were honest. And as for the establishment of the Party ... we did that step by step ... we began our work from this very small work ... after that we began to collect all those good people to be Party members"]; **E1/36.1** Nuon Chea, T. 31 Jan 2012, 09.27.03-09.29.29.

<sup>2985</sup> For details, see evidence cited in fn. 3045.

<sup>2986</sup> **D427** Closing Order, paras 1391 [enslavement], 1434 [other inhumane acts (attacks against human dignity)], 1470 [other inhumane acts (enforced disappearances)], 1402 [imprisonment], 1408 [torture], 1397 [deportation], 1416 [political persecution], 1421 [religious persecution (Buddhists)], 1422 [racial persecution (Vietnamese)], 1442 [other inhumane acts (forced marriage)], 1430-1433 [other inhumane acts (rape in the context of forced marriage)].

conduct for these charges is better demonstrated when considered in conjunction with the legal and historical context addressed in those sections.<sup>2987</sup>

#### AUTHORITY STRUCTURE AND COMMUNICATIONS

738. In 1970, the CPK seized full control of Tram Kak District and imposed new leaders and communal work arrangements on area residents.<sup>2988</sup> Beginning in 1973, villages were organised into cooperatives, with several cooperatives comprising a commune.<sup>2989</sup> By 1976, the DK regime began expanding the village-sized cooperatives into high-level cooperatives of hundreds or even more than a thousand families.<sup>2990</sup> These communes included Angk Ta Saom, Cheang Tong, Kus, Leay Bour, Nhaeng Nhang, Popel, Samraong, Srae Ronoung, Ta Phem, Tram Kak, Trapeang Thum (Kang) Cheung, Trapeang Thum (Khang) Tboung, and Khpop Trabaek.<sup>2991</sup>

<sup>2987</sup> Regarding political persecution of Lon Nol officials, see **Policy to Persecute and Kill Enemies – Former Khmer Republic Soldiers and Officials – The Great Mass Movement to Attack and Smash: 1977-1979**; for racial persecution of the Vietnamese, see **Crimes against the Vietnamese – Killings in the Southwest Zone**; for deportation, see **Crimes against the Vietnamese – Implementation of the Genocidal Policy against the Vietnamese – Deportation of the Vietnamese**; and for forced marriage and rape within the context of forced marriage, see **Forced Marriage and Rape – Implementation of the Forced Marriage Policy – Nationwide Practice**, particularly fn. 2551.

<sup>2988</sup> **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.25.28-09.28.34 [“Q: When did the Khmer Rouge enter Nhaeng Nhang commune to control the area? A: It happened in 1970”] and **E3/5832** Cheang Sreimom WRI, A2; **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.11.16-11.12.49; **E1/299.1** Ek Hoeun, T. 8 May 2015, 10.09.29-10.11.14; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.45.51-15.49.07 [“First, Khmer Rouge came to select the village chiefs, the deputies and members of the committee, and after that they organized groups, the solidarity group to farm through labour exchange”] and **E3/5518** Sao Han WRI, A6, A9-10, A14-15.

<sup>2989</sup> **E3/5** *Revolutionary Flag*, Aug 1975, EN 00401482 [from mid-1973, the Party “set up a process of gradual cooperativization in type I liberated zones ... we made progress in eliminating private ownership of land and means of production, and in general we put cooperative ownership in place”]; **E3/10** *Revolutionary Flag*, Sept-Oct 1976, EN 00450511 [“Seeing that only by organizing cooperatives could we gain control of the economy, in mid 1973 the Party decided to organize cooperatives throughout the country”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486256 [“The collective peasant cooperatives throughout the country, which were founded in 1973 ... are developing and being strengthened, both quantitatively and qualitatively”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.46.34-09.48.25 [in Leay Bour commune, “Communal eating actually started at the time when we were asked to go to transplant in August ... 1975”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 09.34.40-09.37.40.

<sup>2990</sup> **E3/748** *Revolutionary Flag*, Oct-Nov 1975, EN 00495827 [“The party proposed a timeframe indicating that a general cooperative shall become a village structure not later than 1976 ... As a method of operation, we shall start mobilizing step by step from 300 to 400, 500, 700 and 1,000 families”]; **E3/762** *Revolutionary Flag*, Aug 1976, EN 00486756 [“The cooperatives have strengthened and expanded on the average to 100, 200, 300 families. Some cooperatives have 500 families. Throughout the country in general, the cooperatives are organized by village. The Party planned to organize them by village during 1976. Now this has been accomplished. In tandem with this, there has been a large amount of commune cooperative organization already. Commune cooperatives have 800, 900, up to 1,000 families”]; **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486256; **E3/5136** Pol Moeun WRI, EN 00231813.

<sup>2991</sup> See e.g. **E3/2453** DK Reports between Tram Kak commune and district offices and Kraing Ta Chan, EN 00388578 [signed by Cham of Khpop Trabaek [Commune] on 13 Oct 1977], 00388580 [signed by Khun of Srae Ronoung on 13 Oct 1977], 00388583 [signed by Sim of Nhaeng Nhang on 6 Oct 1977]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 11.25.43-11.28.12 and **E3/4628** Pech Chim WRI, EN 00379305; **E1/277.1** Nut Nov, T. 16 Mar 2015, 14.24.34-14.27.08 [“I was in Leay Bour commune probably from mid-1976 to

739. Atop the area authority structure was Southwest Zone Secretary Ta Mok,<sup>2992</sup> who had been a member of the CPK Standing Committee since 1963.<sup>2993</sup> The Deputy Zone Secretary and Ta Mok's second-in-command was Chan Sam alias Kang Chap alias Se.<sup>2994</sup> After Chap was transferred to the (old) North Zone, Sam Bith became Zone Deputy Secretary.<sup>2995</sup> At the sector level, Ta Saom was Secretary of Sector 13 until he fell ill in late 1976<sup>2996</sup> and was replaced by Sek Sat alias Prak.<sup>2997</sup> Prak was subsequently arrested<sup>2998</sup> and was replaced by Ta Ran.<sup>2999</sup>

- late-1977. And in May 1978, I was transferred to take charge of Srae Ronoung commune. And further on in late-'78, I was transferred to be in charge of Angk Ta Saom commune"; **E1/384.1** Sann Lorn, T. 28 Jan 2016, 11.12.30-11.15.54 [collected people from Angk Ta Saom, Leay Bour, Popel, Nhaeng Nhang, Kus, and Srae Ronoung communes], 10.53.54-10.57.06; **E1/271.1** Van Soeun, T. 4 Mar 2015, 11.18.57-11.20.45 [the witness assisted people in rice farming in Cheang Tong, Kus, Popel and Trapeang Thum Khang Cheung communes]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.28.17-15.29.23; **E1/264.1** Sao Han, T. 17 Feb 2015, 15.38.04-15.38.56 ["I lived in ... Tram Kak commune, Tram Kak district"]; **E3/4542** Tram Kak District Map [depicts 10 of the communes within Tram Kak District]; **E3/8051** Tram Kak District Site ID Report, EN 00428010-11 [discusses evidence relating to seven communes]. *See also*, **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.25.38-09.28.45 ["I was in Leay Bour, and only after 1979, he became Chief of the Tram Kak commune"].
- <sup>2992</sup> *See e.g.* **E1/129.1** Meas Voeun, T. 3 Oct 2012, 14.26.55-14.29.37; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 15.56.00; **E1/291.1** Pech Chim, T. 23 Apr 2015, 15.20.21-15.21.02; **E1/383.1** Prum Sarat, T. 27 Jan 2016, 11.23.17-11.25.33; **E1/448.1** Moeng Vet, T. 26 July 2016, 09.41.14; **E1/312.1** Chan Morn, T. 9 June 2015, 16.06.22-16.11.51; **E3/65** Kaing Guek Eav WRI, 7 Aug 2007, EN 00147521 [listing the seven important individuals in the Party: "Fourth was Ung Choeun alias Mok, who was responsible for the Southwest Zone"]; **E3/4202** Thet Sambath, *Behind the Killing Fields*, EN 00757494.
- <sup>2993</sup> **E1/24.1** Nuon Chea, T. 10 Jan 2012, 10.10.08-10.11.57; **E3/27** Khieu Samphan WRI, 13 Dec 2007, EN 00156751; **E3/459** Saloth Ban WRI, EN 00223595.
- <sup>2994</sup> **E3/4628** Pech Chim WRI, EN 00379303 ["The structure of the Southwest Zone committee included Ta Mok who was the Zone secretary; Kang Chab alias Se was the Zone deputy Secretary"]; **E3/4627** Iep Duch WRI, EN 00223474; **E3/9585** Phan Chhen WRI, A5.
- <sup>2995</sup> **E1/90.1** Khiev Neou, T. 21 Jun 2012, 11.28.56-11.31.15 ["The meetings were chaired by a person named Bit. He was Ta Mok's deputy ... Q: Is this a person whose full name is Sam Bit? A: Yes"]; **E1/273.1** Neang Ouch, T. 9 Mar 2015, 09.53.32-09.55.33 ["Sam Bit was Ta Ran's superior. He was in the zone"], 10.41.30; **E1/450.1** Moeng Vet, T. 28 July 2016, 09.17.30-09.19.50 ["What I observed is that he [Ta Mok] could effectively be in charge of the entire zone ... Even his deputy, Bith"]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.37.36-10.41.05 ["Sae alias Chap went to Siem Reap formerly known as the old North Zone"]; **E3/9462** Pech Chim WRI, A1; **E3/9480** Khoem Boeun WRI, A322.
- <sup>2996</sup> **E1/268.1** Phan Chhen, T. 24 Feb 2015, 15.41.03-15.43.27 ["Q: who was it that scolded you for releasing those prisoners without his approval? A: It was the Sector 13 secretary ... Soam"]; **E1/276.1** Nut Nov, T. 1 Mar 2015, 14.17.05 ["The chief of the sector at the time was Ta Saom"]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 10.45.24-10.49.56 [affirming that she recalled telling investigators: "At the very beginning, Ta Mok and Uncle Saom were Sector 13 Committee. Uncle Saom might have been Sector 13 Secretary, because he was always the speaker and decision-maker during meetings" as stated in her WRI, **E3/9480** at A58], 15.18.41-15.21.16; **E1/290.1** Pech Chim, T. 22 Apr 2015, 11.15.03-11.22.04 ["Q: who was it at the sector level who gave these instructions? A: It was Saom, alias Than"] and **E3/4628** Pech Chim WRI, EN 00379302, 00379304 ["in late 1976 Prak came to replace Ta Soam as the secretary of Sector 13 in Takeo province"]; **E3/4627** Iep Duch WRI, EN 00223475 ["Ta Soam was Secretary of Sector 13. He held the position from 1970 until 1976. He came down with a disease, so there was a change"]; **E3/9455** Sao Van WRI, A9.
- <sup>2997</sup> **E3/2012** Reports from An at Kraing Ta Chan Security Centre to Party, July-Aug 1977, EN 00276593 [Handwritten annotations where Prak of Tor. 13 (Sector 13) instructs An: "Please smash them all. On 7/8/77; Tor 13; Prak"], EN 00276594 ["It is okay to smash; 7/8/77; Tor. 13; Prak"]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.17.05-14.18.36 ["The chief of the sector at the time was Ta Saom ... And later on, it was Ta Prak"]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 14.05.50-14.07.51 and **E3/4628** Pech Chim WRI,



740. Various cadres held the position of Tram Kak District Secretary, starting with Ta Mok's daughter, Khom, who filled the role until early 1976.<sup>3000</sup> Her deputy, Ta Keav, became Secretary until May or June 1976<sup>3001</sup> and was then succeeded by Pech Chim, who had previously been a district committee member and was also a distant relative of Ta Mok.<sup>3002</sup> Pech Chim controlled the district until February 1977 when he was transferred to the Central Zone,<sup>3003</sup> and his elder brother, Preab Kith (Kit), then became

EN 00379304 ["When Ta Soam was sick, he went to get the treatment in Phnom Penh. Then in late 1976 Prak came to replace Ta Soam as the secretary of Sector 13 in Takeo province"]; E3/9480 Khoem Boeun WRI, A259; E3/4627 Iep Duch WRI, EN 00223475.

2998 E1/276.1 Nut Nov, T. 12 Mar 2015, 14.17.05 ["[the chief of the sector] was Ta Prak, but subsequently, Ta Prak was arrested"] and E3/9571 Nut Nov WRI, A1, A14; E3/4627 Iep Duch WRI, EN 00223475 ["Ta Prak came from Sector 25 to replace [Saom]. ... Later on Ta Prak was arrested too"]; E3/5498 Bun Thien WRI, EN 00384402 ["at the sector level, Ta Prak was cleansed"].

2999 E1/274.1 Neang Ouch, T. 10 Mar 2015, 15.27.34-15.34.43 ["Ta Prak came to Sector 13 and he was there before Ta Ran came ... Ta Prak worked there for two or three months and then he was replaced by Ta Ran"]; E1/276.1 Neang Ouch, T. 12 Mar 2015, 10.08.07-10.12.14 ["I saw brother Prak who was there before Ta Ran, and he was there for only a month or two and then I didn't see him and Ta Ran was there; and he was there until the end of the regime"]; E1/276.1 Nut Nov, T. 12 Mar 2015, 14.17.05-14.18.36.

3000 E1/274.1 Neang Ouch, T. 10 Mar 2015, 11.14.43-11.18.04 [the witness, Ta Mok's brother-in-law, identified Mok's daughter Khom as chief of Tram Kak District after the 1970 coup]; E1/385.1 Sao Van, T. 1 Feb 2016, 09.45.50-09.48.02 ["I was introduced by Yeay Khom, the daughter of Ta Mok, secretary of Tram Kak, who assigned me to come and work in Sector 25"]; E1/278.1 Riel Son, T. 17 Mar 2015, 10.54.12; E1/298.1 Ek Hoeun, T. 7 May 2015, 15.51.08-15.53.12 ["the district secretary Yeay Khom"]; E1/289.1 Pech Chim, T. 21 Apr 2015, 15.09.16-15.10.26, E3/4626 Pech Chim WRI, EN 00380135 ["The composition of the District committee included Khom who was the secretary, Keav was the deputy, Nhev, me and Ta Chay who were the members ... After the liberation in 1975, Khom was still the secretary of District 105 until early 1976 when Khom fell sick"]; E3/5522 Phan Chhen WRI, A7; E3/9480 Khoem Boeun WRI, A284.

3001 E1/289.1 Pech Chim, T. 21 Apr 2015, 15.24.30-15.26.39 ["Khom was the chairperson of the party. And Keav was the deputy ... He was in charge of providing education to the people and the party within the district. And he would work together with Khom; wherever he was, Khom was there"] and E3/4626 Pech Chim WRI, EN 00380135 ["After Khom fell sick, Ta Keav, who was her deputy, took over her work ... After Khom had moved to Kampong Som, Ta Keav replaced her as the secretary of District 105 ... After Ta Keav became the secretary of District 105 for about two to three months ... they wanted to take Ta Keav to work as the assistant to the Sector"], 00380136 ["After Ta Keav left, Ta Soam told me to replace Ta Keav as the secretary. I recalled that I became the secretary of District 105 about in May or June of 1976"]; E3/4627 Iep Duch WRI, EN 00223474 ["Ta Keav was the District Secretary"].

3002 E1/291.1 Pech Chim, T. 23 Apr 2015, 10.37.18-10.41.47 ["I am related to Ta Mok. Apparently, we were [distant] relatives. We are not biological brothers or cousins ... After leaving his monkhood, he came to visit my mother, and he addressed my mother as 'Aunt' .... My mother introduced me and suggested I address him as brother ... but he was not my mother's biological nephew; he was a [distant] nephew"]; E1/292.1 Pech Chim, T. 24 Apr 2015, 15.41.14-15.44.28 ["when I was an interim district secretary"]; E1/264.1 Phneu Yav, T. 17 Feb 2015, 10.41.25-10.42.54 ["I know only Ta Chim because he used to visit Samraong, and I asked him, and I knew that he was the district chief of Tram Kak"]; E1/257.1 Say (Sory) Sen, T. 5 Feb 2016, 15.23.48-15.25.50; E1/282.1 Saut Saing, T. 25 Mar 2015, 11.16.20-11.17.53; E3/4626 Pech Chim WRI, EN 00380136 ["After Ta Keav left, Ta Soam told me to replace Ta Keav as the secretary. I recalled that I became the secretary of District 105 about in May or June of 1976"]; E3/4628 Pech Chim WRI, EN 00379308 [after 17 April 1975 during the evacuation: "At that time I was the member of the District. Khom was the chairperson, and Keav was Khom[s] deputy. As the member of the District committee, I was assigned to be in charge of economics and food"].

3003 E3/4628 Pech Chim WRI, EN 00379306 ["I was transferred to the Central Zone in Kampong Cham in February 1977 ... As I can recall it, I was transferred to the Central Zone on 12 February 1977"]; E1/299.1 Ek Hoeun, T. 8 May 2015, 15.19.07-15.21.02.

Secretary.<sup>3004</sup> After Preab Kith was transferred to Kandal Province, Ta Chay led the district until he, too, was transferred.<sup>3005</sup> Ta Mok's younger brother-in-law, Neang Ouch alias Ta San, then held the position until the regime fell in 1979.<sup>3006</sup>

741. Each commune within the district had a commune committee as well as an armed militia.<sup>3007</sup> Below the commune level, villages and cooperatives were run by chiefs, and unit chiefs were responsible for individual work groups.<sup>3008</sup> The known district and commune committee members during the DK period are detailed in **Annex H**, the Tram Kak District Authority Structure chart.

<sup>3004</sup> See e.g. **E3/2430** DK Order from Kit, undated [instructs the police to further interrogate a former military captain, signed by Kit]; **E3/2052** DK Order from Kit to An, 13 June [1977], EN 00276591 [instructs An to "interrogate harshly and thoroughly" 10 traitors sent in [to Kraing Ta Chan] from Khpop Trabek Commune]; **E3/2453** DK Reports between Tram Kak commune and district offices and Kraing Ta Chan, EN 00388585 [message dated 9 Oct 1977 from Kit to An instructing him to make a concrete assessment and make the arrest]; **E3/4166** DK Report from An at Kraing Ta Chan to the Party, 25 Aug 1977, EN 00694356 [handwritten instruction from Kit telling An that three traitors should be smashed]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 13.54.09-13.56.41 [referring to **E3/2453**, EN 00388587 dated 18 Oct 1977: "I wrote this to Brother Kit ... Kit was the secretary of Tram Kak district"]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 15.16.35-15.18.52; **E1/277.1** Nut Nov, T. 16 Mar 2015, 09.13.58-09.16.10; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.54.37; **E3/4628** Pech Chim WRI, EN 00379306 ["I was transferred to the Central Zone in Kampong Cham in February 1977. At that time it may be my elder brother Kith ... took over [my post] ... At the time I was leaving for the Central Zone in Kampong Cham"]; **E3/4627** Iep Duch WRI, EN 00223474 ["After 75, Khom followed her husband to Kampong Som, and Ta Chim rose to replace her for a short time. Later Ta Kit rose to replace him"].

<sup>3005</sup> **E1/273.1** Neang Ouch, T. 9 Mar 2015, 15.19.20-15.20.51, 15.17.20-15.19.20; **E1/278.1** Riel Son, T. 17 Mar 2015, 10.52.04-10.54.12; **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.10.12-10.12.16 [confirms that she told OCU investigators that Ta Kit and Ta Chay became members of the Tram Kak district committee (see her WRI, **E3/9480** at A28)]; **E1/510.1** Long Vun, T. 9 Dec 2016, 09.58.01-10.00.45 [the witness was deputy chairman of Tram Kak district commerce: "Q: Can you tell us who was Ta Ti Chay? A: At that time, he was the deputy of the district committee"].

<sup>3006</sup> Although Neang Ouch alias Ta San denied being District Secretary (**E1/273.1** Neang Ouch, T. 9 Mar 2015, 09.45.14, 10.34.17, 13.43.34, 15.17.20-15.24.29), numerous witness confirmed he held that position: **E1/296.1** Khoem Boeun, T. 4 May 2015, 14.12.12-14.13.52 ["Q: ... Can you tell us then who was ... the district chief, between the beginning of 1978 and October 1978? A: San was by himself at that time"] and **E3/9480** Khoem Boeun WRI, A28; **E1/278.1** Riel Son, T. 17 Mar 2015, 10.57.01-10.59.14; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.01.33-14.04.10 ["Ta San was the new district committee"], 14.13.14-14.15.04 ["I met Ta San in 1977 ... he was the chief of the Tram Kak District"]; **E1/253.1** Chou Koemlan, T. 26 Jan 2015, 09.42.52-09.44.47, 14.01.08-14.02.44 ["He was Ta San ... He was the district committee. Before Khmer Rouge period, he was a teacher"]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.35.14-10.36.51 ["Ta San was the district chief of Tram Kak district. ... he was the member of Tram Kak district"]; **E3/5518** Sao Han WRI, A29; **E3/5519** Sok Sim WRI, A6; **E3/4627** Iep Duch WRI, EN 00223474 ["later Ta San the younger brother in law of Ta Mok came to govern all the way until it fell"].

<sup>3007</sup> **E1/274.1** Neang Ouch, T. 10 Mar 2015, 10.41.16-10.45.57; **E1/291.1** Pech Chim, T. 23 Apr 2015, 11.15.33-11.19.01; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.32.01-15.34.14; **E3/5135** Pil Kheang WRI, EN 00233134-35; **E3/5521** Nut Nov WRI, A87; **E3/9586** Van Soeun WRI, A99.

<sup>3008</sup> **E1/291.1** Pech Chim, T. 23 April 2015, 09.43.44-9.46.29 ["Without the unit chiefs, we would not be able to grasp information, therefore, they were established to monitor and organize forces, and work in a timely manner"]; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 15.00.00-15.02.13 ["there was a group chief who told us that that night we had to go and dig a pond. So, we all just followed the group chief"]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.23.24 ["The unit chief would lead the workers to the field and the village chief would remain at the village to manage the people in the village"].

742. In Tram Kak District, the policies of the CPK leadership were implemented through a highly organised system that conveyed reports and instructions. Oral and written reports on a gamut of issues were passed up an established chain of command, from unit to village, village to commune, commune to district, district to sector, sector to zone, and zone to the Party.<sup>3009</sup> Instructions were then passed back down in reverse, including from the Party and Zone levels, often through meetings or site visits.<sup>3010</sup>

<sup>3009</sup> **E1/269.1** Phan Chhen, T. 25 Feb 2015, 10.08.45-10.10.23. Examples of reports in which Tram Kak officials reported confessions or arrests or sought advice from their superiors are provided throughout the **Tram Kak District Cooperatives and Kraing Ta Chan Security Centre** sections of this Brief. See also section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Nuon Chea Speeches & Political Education**, para. 461 [discussing Nuon Chea's acknowledgement that he and other CPK leaders received reports from and visited every base area]; **E3/853** Record about Situation of Defense and Economic at Southwest Zone, 3 June 1977 [situation report from the Zone to the Centre that includes production progress from Tram Kak District and reports on living conditions and captures]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.24.18-11.25.48 ["When there were reports from the village to the commune, the commune would forward those report to the district"], 10.41.30-10.43.55 [the district orally reported to Sector 13 about economic, political and military matters]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.46.34-09.47.54 ["If someone made mistake then I would ... report the matter to the upper level and only after I received the instruction from the upper level then the person would have been sent [for reeducation]"]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 14.09.10-14.13.21 [all offences had to be the subject of a report that was sent to the sector office, which decided what to do]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.08.19-14.10.19; **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.43.44-09.46.29 ["only the unit chiefs could confirm what had happened. Without the unit chiefs, we would not be able to grasp information, therefore, they were established to monitor and organise forces"], 10.10.24-10.12.02 [the monthly report from the district to the sector about the management of the district, hostile conflict in the district, and harvest production was sent to the upper level and included measures they planned to take in the future]; **E3/4626** Pech Chim WRI, EN 00380138 [he was scolded for not reporting to the sector before authorising an arrest]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05.

<sup>3010</sup> See e.g. section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Nuon Chea Speeches & Political Education**, paras 460 and 461 [discussing the month-long political education of district and sector secretaries that was conducted by Nuon Chea and attended by District Secretary Pech Chim and other Tram Kak officials; also discussing Nuon Chea's acknowledgement that he and other CPK leaders received reports from and visited every base area]; section **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Joint Visit of Nuon Chea & Khieu Samphan to Tram Kak District** [regarding the early 1977 visit from DK leaders to view the progress being made on production projects in Tram Kak]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 11.11.16-11.13.07 ["In 1976, Ta Mok was still at the Southwest Zone and I met him probably once a month or once every two months when he came to Takeo ... Chiefs of communes and districts were called for meetings at the district level. He also called me to attend"]; **E1/276.1** Neang Ouch, T. 12 Mar 2015, 10.08.07-10.12.14 [commune committees met with the district leadership monthly]; **E3/4626** Pech Chim WRI, EN 00380137-38 ["Ta Mok talked about the work plans ... and instructed Ta Soam to lead this or that work"]; **E3/400** Pech Chim WRI, EN 00379170 [the Sector sent work plans to the districts]; **E1/292.1** Pech Chim, 24 Apr 2015, 09.45.12-09.46.52 [attended various meetings and then disseminated the instructions]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05 [as a commune official: "I attended the meeting at the district level as well as at the sector level. Such a meeting was held at least once a month"], 15.10.23-15.11.18 ["The commune would make a report and the report would be forwarded to the upper echelon, who would make a decision on the matter"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 11.16.05-11.20.21 ["The [district] meeting was held at a kitchen hall ... there were representatives from the nearby communes attending the meeting"]; **E1/385.1** Sao Van, T. 1 Feb 2016, 09.42.01-09.43.58 [the commune committee made decisions and then convened a meeting with the village chiefs "so those village chiefs would receive plans or instruction to be implemented in their respective cooperatives or villages"], 09.57.50-10.01.32 [attended a meeting in District 106 with leaders from 10 other communes in District 105]; 10.50.42-10.53.35 [he returned to Cheang Tong



Through this regimented system of communication, the highest echelons of the DK regime ensured that their orders were carried out as intended in Tram Kak District.

#### ENSLAVEMENT

743. The CPK exercised powers of ownership over the people of Tram Kak District, exploiting their labour and controlling all facets of their lives.<sup>3011</sup> CPK officials dictated when, where, and how much people should work and eat, where and with whom they should live, and when they could and could not move. Chou Koemlan testified, “We live[d] in a prison without wall[s]”.<sup>3012</sup>
744. The first step toward total control over Tram Kak residents involved forcing them to give up everything they owned.<sup>3013</sup> Without any possessions, the people became totally dependent upon *Angkar* for their most basic needs. Tak Sann recalled that when her group arrived in Tram Kak District, they were told that they would be considered enemies if they did not surrender all of their property.<sup>3014</sup> Meas Sokha testified that the only personal belongings they were allowed to keep were a plate and a spoon, and those had to be maintained communally.<sup>3015</sup> Anyone who broke, stole, or damaged cooperative property was deemed an enemy and was harshly punished.<sup>3016</sup>

commune and disseminated the Sector Secretary’s instructions to the village chiefs], **E1/264.1** Phneu Yav, T. 17 Feb 2015, 10.11.06-10.13.00; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.40.05-14.42.58.

<sup>3011</sup> In keeping with the policy discussed in **Common Criminal Plan – Policy to Enslave the Population**.

<sup>3012</sup> **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.39.15-11.42.59.

<sup>3013</sup> See e.g. **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26 [“It was in 1975 when everything that we owned were gathered and put for communal use. There was no longer private ownership”], 09.15.23-09.17.14 [“As for fruit, we could not pick them. For example, coconut trees were considered for communal use including cooking utilities or the cattle that we owned”]; 09.18.26-09.19.30 [“we were not allowed to do anything on our own. For example, to go and find frog or to go fishing and if we were to do that, then whatever we caught would have to [be] put for communal consumption”], 11.16.24-11.18.30 [“if we were to keep a spoon, then we would be questioned for why”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.20.03-09.21.57 [“all private properties had to be gathered and placed under collective ownership, including cattle, cooking utilities, et cetera. So, from that day onwards, the private ownership was abolished”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 11.23.45-11.25.12 [former Tram Kak District Committee Member and Secretary: “Wherever we could build dams or dig canals, then we would make a proposal to the upper level for approval ... We did not have an issue with land because it was for the collective use”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.22.24-09.24.50.

<sup>3014</sup> **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.53.31-13.57.01. See also **E1/262.1** Ry Pov, 12 Feb 2015, 09.29.12-09.30.30.

<sup>3015</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.50.14-13.53.23.

<sup>3016</sup> See e.g. **E3/4083** Notebook from Kraing Ta Chan, EN 00323974-75 [a list of KTC prisoners and their offences that includes “three traitors [who] provoked each other to break hoes in order to destroy the cooperative” and “four traitorous women”, ages 14-19, who “had broken cooperative spoons in order to destroy the cooperative to make it become private again”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.54.02-15.58.19 [former Cheang Tong Commune Secretary: “We received the instruction from the upper echelon. ... people who stole dishes or cooking pots or threw them away they would be considered the enemy”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.59.58-10.01.55 [“I can recall that if a plough or spoon was broken, then the person who did it would be considered as an internal enemy within the

745. Tram Kak officials forced people to live and work in cooperatives with their work units. Families were separated<sup>3017</sup> to eliminate family “distractions” and ensure that the focus was on revolutionary work. Although theoretically family members were supposed to be allowed to see each other every 10 days, in practice, it happened much less.<sup>3018</sup>
746. Residents were required to eat communally rather than with their families.<sup>3019</sup> One effect of this arrangement was to make Tram Kak residents completely dependent on the DK regime for food. Ry Pov recalled being told, when he arrived from Kampuchea Krom, that meals and accommodation would be provided and not to worry because

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cooperative, and that’s the language that was used by the unit chief”]; **E3/5881** Tak Sann VIF, EN 01069535 and **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.58.48-14.00.52 [Tak Sann was ordered to taste the fertiliser she had made from human excrement to ensure that it was not so salty that it would destroy cooperative property “I was ordered to taste it, so I had to force myself to do that as I was scared...If the rice seedlings died, then we would be punished”].

<sup>3017</sup> See e.g. **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.22.49-09.25.09 [in Tram Kak District: “it happened to everyone during the regime. We were not allowed to live together with our family members - or, with our wives. The children were separated and placed in a children’s unit and the wives would be put in the female unit and as for us, the husbands, we were placed in the male unit”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.39.10-13.42.05 [in Leay Bour Commune: “children which were aged from eight or nine would be put into the mobile unit ... I did not volunteer. We were forced to join that unit and we were not allowed to stay at home”]; **E1/283.1** Oem Saroeum, T. 26 Mar 2015, 09.18.47-09.21.08 [in Leay Bour Commune: “We were separated in 1976 and my husband was in a unit. We had a child. We did not live together and since that time I have not seen him again”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.37.16; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.42.54-15.44.32.

<sup>3018</sup> See e.g. **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 14.30.18 [“the upper Angkar determined, for example, every 10 or 20 days, that we were allowed to rest and that the couples could meet. ... on the 10th, the 20th and the 30th day of the month”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 09.20.50-09.22.49 [“I did not have any contact with my children. I did not have the opportunity to meet them and in fact we were allowed only to meet every tenth day – that is, on the 10th, 20th or 30th, and it doesn’t mean on that day we were not allowed to go to work, but we [were] only allowed to meet briefly during the night-time. And in fact I did not see them because when I went there they were not at their place of residence”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.42.54-15.46.11; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.45.57-13.47.59 [“In fact, the 10-day visit was only in theory; in practice, it did not happen”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.47.54-13.49.18 [“we were allowed only once a month to do home visits, but then because I missed my parents a lot I sneaked out to visit them and I was caught and I was beaten”]; **E3/5825** Meas Sokha WRI, 31 Oct 2007, EN 00223495 [“While in the children’s unit, they kept us far away, isolated from our families. They did not let us meet. Once every ten days we visited home for about twenty minutes. But for the most part, as for requesting to go [home], they would not let us do that”]; **E3/5135** Pil Kheang WRI, 12 November 2009, EN 00233133 [in Samraong Commune: “I was allowed to meet my family once every 20 days”].

<sup>3019</sup> **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.05.21-11.07.52 [in Srae Krubo Village, Cheang Tong Commune: “after 1975 or 1976, though, communal eating was then imposed again”]; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 15.00.00-15.02.13 [referencing the diary she wrote in Prakeab Village, Tram Kak District: “In my diary, that collective eating was from the 9<sup>th</sup> of February ’76, but let me state that, when we worked far from the village, we also have to have this collective eating. So, it happened from early on but later on, it was certain that there was communal eating”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.13.18-09.15.23 [in Paen Meas village, Samraong commune: “Communal dining started in 1975 and it continued until 1978 ... It started after the fall of Phnom Penh”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.27.13-11.29.12, 11.22.07-11.24.40; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.46.34-09.48.25; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.31.43-09.34.25; **E3/5519** Sok Sim WRI, A7; **E3/5136** Pol Moeun WRI, EN 00231813; **E3/5515** Phneu Yav WRI, A7; **E3/5518** Sao Han WRI, A26.

*Angkar* would take care of them.<sup>3020</sup> In reality, *Angkar* provided woefully inadequate rations which diminished as time progressed.<sup>3021</sup> Moreover, when people tried to supplement the meagre fare using other sources, they were punished for stealing because everything — even leaves — now belonged to the cooperative.<sup>3022</sup>

747. Tram Kak authorities denied residents freedom of movement, requiring permission for any movement outside the cooperative and *de facto* imprisoning the workers.<sup>3023</sup>

<sup>3020</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37 [when their identification and belongings were taken away after arriving from Kampuchea Krom: “They told us that ‘Angkar will take care of you’, and we were told that here we have cooperatives and we have a collective Angkar, and you all will be ready to receive meals and accommodation to be provided by Angkar; don’t worry”].

<sup>3021</sup> See the evidence cited in fn. 3048.

<sup>3022</sup> See e.g. the evidence cited in fn. 3194; **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866436 [regarding Chiem Heav, a former Lon Nol soldier: “This traitor has confessed his traitorous acts as follows: 1-He stole potato. 2-He stole potato and sugar”]; **E3/2441** Report from Sout of the Kus Youth Committee to Angkar, 19 Dec 1976, EN 00369471 [informs Angkar that Seng Chan, 23, is “deceitful and free in term[s] of walking around and communication as well as disobedient; he committed theft from the cooperative for food”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.46.00-13.49.18 [as an 8-year-old in a children’s mobile unit: “Sometimes we were so starving, we sought permission to go to the nearby bushes to relieve ourselves but in fact, we went to pick some tree leaves – that is from thnoeng vines and we ate those leaves because we were so starving ... if they found out that we picked the tree leaves then we would be arrested and beaten and actually we did it without letting them know”]; **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.15.15-15.17.25; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.14 [during interrogations at KTC: “If they didn’t confess then, for example, they stole something from the cooperative, namely a coconut or a mango or a potato and because those people starved then they stole, if they didn’t confess then they would be beaten until they confess”], 14.02.34-14.04.44 [“I was beaten with a whip many times when I picked some vegetable or cassava leaves, but the most severe beating happened when I stole cassava for food”]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.53.51-15.56.35; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.34.24-09.37.21 [in Leay Bour Commune from 1977: “When I was hungry, I went to steal a cassava and maize, and I was arrested ... I was told that ... if I stole food once again, I would be in danger. Because this was my first mistake, I was released”], 09.59.26-10.01.32 [youth mobile unit workers who stole food because they did not have enough to eat were arrested and sent for reeducation. Some returned, others disappeared since]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.29.04-11.31.46 [“They took my [13-year-old] son away to be killed because he uprooted some potatoes to eat. It was a brutal killing. ... He did not have enough food to fill his stomach, and then he went to pick up the potatoes and he was tied up and taken away to be killed”]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.17.58-14.21.29 [“as I was tending cows, another younger brother-in-law on my wife’s side climbed up a coconut tree and he saw me and he threw a coconut to me from the top of the tree. And when he climbed down he was taken away and I did not know where he was taken. When I arrived at the cooperative I saw him all tied up with his hands behind his back in the burning sun ... my son came back home crying and then he told me and his wife that her husband, my brother-in-law, Bou (phonetic) had been arrested and being taken away. ... She then went to beg the Khmer Rouge to release her husband and the Khmer Rouge said, ‘No, don’t cry, I am simply arresting the enemy’ ... Q: [W]as he taken away because he picked the coconut? A: Yes, yes. As far as I know ... that was the reason”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.52.06-15.56.34 [“Q: And with regard to the shortage that you are speaking about, would any of the inhabitants steal food? A: There might be cases of food stealing, yes. And what would happen when people who had stolen food were identified? A: If they were spotted, they might be detained and brought to the village or even the commune for re-education”]; **E1/262.1** Ry Pov, 12 Feb 2015, 09.43.04-09.45.19 [if they caught fish without permission and did not turn it over to the cooperative, “the 50-member unit would catch fish and force-feed the fish to that person to eat in one sitting” as punishment].

<sup>3023</sup> **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17; **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14.58.32-15.00.00; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.03.24-11.04.42; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.44.54-10.46.46.



Consequences for disobeying this restriction were severe.<sup>3024</sup> Even children were harshly punished. Civil Party Oum Vannak testified that she was arrested and beaten when she was eight years old because she had visited her parents without authorisation.<sup>3025</sup> Iem Yen was physically dragged back to her unit and buried up to her neck in the ground for the same offence when she was nine.<sup>3026</sup> Every night, authorities counted heads in the children's unit to ensure no one had snuck away without permission.<sup>3027</sup>

748. Tram Kak officials also exerted psychological control over residents by prohibiting them from turning to traditional avenues of comfort and solace. No one could practice their religion,<sup>3028</sup> talk freely, sing, dance, or protest.<sup>3029</sup> To ensure compliance with all of these restrictions, people in the cooperatives were constantly monitored.<sup>3030</sup>

<sup>3024</sup> See e.g. **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747245-46 [Ngaet Phoeun's alleged mistakes that led to his imprisonment included that "he was too free" in leaving his unit to visit relatives and others]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09:38.22-09:39.40 ["I heard this from the unit chief saying that if anyone who went to visit family members without any permission, or permission was rejected, he or she would be in trouble and the person may disappear"]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14:21.29-14:22.56 [after telling his sister they were going to go see their mother at home, "then my unit chief with an axe took me into the forest. He accused me of having moral misconduct. He was holding his axe. And I begged him for quite a while and then he accepted my request and let me go. However, he threatened me that he would kill me if I did that again"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.05.04.

<sup>3025</sup> **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13:49.18-13:50.30.

<sup>3026</sup> **E1/286.1** Iem Yen, T. 1 Apr 2015, 15:00.14-15:01.32 [the Civil Party was born in 1968], 15:03.21-15:05.41 [was sent to Tuol Kruos village [Trapeang Thum Khang Cheung commune] in 1976 to dig earth], 15:05.41-15:07.48 [in 1977 she left to see her parents and was captured and buried in the ground up to her neck, warned that if she did such a thing again, she would be killed], 15:17.25-15:20.59 ["I was separated from my parents from 1976 ... later on my visit time was reduced to once a month only. And as I was young, I missed my parents so miserably ... I asked them already a few times, but I was not allowed to visit my parents ... I was arrested and buried. The reason was that I ran away from my unit to visit my parents"], 15:20.59-15:21.56 ["There was a pit which can put me in and I was buried deep to my neck as a warning for me not to commit such a wrong again ... At that time I was deprived of food and water. I was starved and so thirsty. My whole body was in pain and I called for my parent's help, but no one could come to help me"], 15:21.56-15:25.26 ["it was the greatest pain I experienced"]; **E1/287.1** Iem Yen, T. 2 Apr 2015, 09:19.50-09:26.36 [the unit chief physically dragged her back to the children's unit site; she was buried for 2-3 hours]. See also **E3/5874** Iem Yen CPA, EN 01069536 ["In early 1976, they transferred me to live in Tuol Kruos village, but I did not know the name of the commune, but I heard that it was called Sector 105 or Tram Kak District, Takeo Province"].

<sup>3027</sup> **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13:49.18-13:50.30 [in a children's unit in Leay Bour Commune: "at night time they would go and count our heads and if they couldn't find us then we would be in trouble ... usually I would go back at around 3 o'clock in the morning as the head counting was at five"]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11:01.02-11:04.17 ["I was not allowed to visit home. It's only possible if I sneak out from my unit to visit my parents, but when I was caught sneaking out, I was tortured and brought back to my unit"] and **E3/5825** Meas Sokha WRI, EN 00223495 ["When I got back they asked where I had gone. I answered that I had snuck off to visit home, and they punished me by having me carry dirt outside working hours"].

<sup>3028</sup> See **Tram Kak District Cooperatives – Persecution – Religious Persecution** section and **Crimes against the Cham – Elimination of Cham Religious and Cultural Practices**.

<sup>3029</sup> **E1/251.1** Oum Suphany, T. 23 Jan 2015, 14:05.23 [Quoting from the diary that she kept at the time, and entry dated 18 November 1976: "I could not dare to sing, dance, speak, laugh loudly. Our regular routine

749. Work was also strictly monitored. Former district officials Pech Chim and Khoem Boeun testified that work units were established so leaders could more easily control the workers.<sup>3031</sup> Every member of the cooperative was assigned to a work unit and given specific tasks which were often physically demanding.<sup>3032</sup> They ploughed, planted, harvested, dug canals, and carried cement and earth to build dams that would irrigate the fields year-round.<sup>3033</sup>

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- activities were sleeping, working and eating"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.06.18-11.09.02 ["At that time nobody dared to protest. If anybody protested then we would be accused of being an enemy within the cooperative and that person would not be survived"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26. *See also* the evidence cited in fn. 3077.
- <sup>3030</sup> **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.28.28-14.32.46 ["it was only at night around 10 p.m. we could sleep and even as we were sleeping we were watched. My mother-in-law told me to say nothing and to keep quiet at night, since they watched us on a constant basis"]; **E1/265.1** Sao Han, T. 18 Feb 2015, 11.08.30-11.11.59 ["The role of the militiamen, as I experienced, was to monitor the activity of the people at their houses ... While they were watching the houses, they were waiting to see whether anyone would steal any food or anything at night"]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 13.51.51-13.54.10 ["there were people who were monitoring everyone, watching everyone"], 15.56.26-15.58.59; **E3/9480** Khoem Boeun WRI, A249; **E3/7980** Sim Chheang WRI, EN 00231694 ["There were many [spies] in each cooperative. They watched people and reported back to the commune when people did something wrong. When someone opposed the cooperative, he or she would be taken away for study. He or she then disappeared. We dared not talk to each other, even at home"].
- <sup>3031</sup> **E1/291.1** Pech Chim, T. 23 Apr 2015, 09.41.41-09.46.29; **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.25.09-15.30.16 [agreeing with Pech Chim's testimony that units were put in place in order to exercise some control over the work forces].
- <sup>3032</sup> *See e.g.* **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.18.26-14.20.18 [in Samraong Commune: "In Unit 1, members were recruited based on their strength and their age. As for the elder people, they were placed in another unit, and, yes, unit 2's force ... was not as strong as Unit 1. And they also were divided into sub-groups, for example Unit 1 consisted of a mobile unit of women and some old women with a few children, was considered a strong unit"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.28.55-11.29.54 [in Samraong Commune: "At that time men were separated from women, and we were put into different groups according to our age. For example, children will be grouped into the children's unit and for the adults would be put into the adults group, and we could not live or mingle together so I would not know about other people"]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 10.39.30-10.41.45 [in Cheang Tong Commune: "I organised people into various units in my commune, namely men's unit, women's unit, children's unit and youth unit"]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 10.58.26; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.32.36-09.34.24 [at a worksite in Leay Bour Commune: "we were in different groups, I was in a group of 12 and there were hundreds of workers"]; **E3/5518** Sao Han WRI, A26; **E3/7980** Sim Chheang WRI, EN 00231692.
- <sup>3033</sup> *See e.g.* **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.12.30-14.16.59 ["I was placed in a mobile unit and our job was to transplant the seedlings and to paddle the water wheel to feed water into the paddy fields"], 14.17.58-14.21.29 ["After the dry season rice farming I was sent to the village where I was assigned to tend the cows, to chop wood"], 14.21.29 ["After replanting the rice, I was sent to the ploughing unit and after ploughing I hitched cows"], 14.28.28-14.32.46 ["Towards the later part of the regime I was assigned to grow vegetable with the elder people"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.19.04-09.21.01 ["I was assigned to a mobile unit in Kbal Pou. And after that, I was forced to work hard, day and night to dig canals, to build [dams] and to spin water wheels"], 11.20.58-11.23.02 [at Pong Tuek village (close to Kraing Ta Chan): "I was assigned to plough in the village and to dig canal and to carry earth at that location"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.42.59-11.44.30 ["I was asked to pick up, or to uncover faeces. ... I was asked to also dig the canal, and I was also asked to transplant ... a hectare plot of land with only seven people"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.20.18-14.22.31 ["As for the women with the same age, were placed into one unit for transplanting rice and for men with the same age, they were also placed into a mobile unit responsible for carrying earth, and children were placed into another unit, and elder women were placed in a unit to look after the children, and elder men were placed into a unit for growing vegetables"]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.24.02-09.26.00 ["I was

750. The heavy physical toll of the tasks was exacerbated by the hours that were kept. Work started early in the morning and often extended into the night<sup>3034</sup> to meet the unrealistically high quotas set by authorities.<sup>3035</sup> People worked desperately to meet

assigned to build dykes or to plough the rice fields, or to plant vegetables or to engage in the dry season farming. I engage[d] in all sorts of work in the field of agriculture"; E1/250.1 Oum Suphany, T. 22 Jan 2015, 14.02.24-14.04.16 ["during the rice season, I was asked to carry earth to construct roads, dig ponds, dig canals. The ponds were so big in Tram Kak district, and I was involved in ... constructing a road from Angk Ta Saom to Angk Roka. And ... I work[ed] in the rice field transplanting, harvesting and spinning cotton. While I was pregnant, I tended cows and cattle"; E1/283.1 Oem Saroeurn, T. 26 Mar 2015, 09.14.01-09.17.06 [in Leay Bour Commune: "by 1977, I was assigned to a mobile unit to carry earth, to engage in digging canals. And I also carried cement at a railway station, and that work was done at night, in a group of 12 females"; E1/286.1 Tak Sann, T. 1 Apr 2015, 13.29.15-13.31.10 ["I was asked to carry the termite mound earth and later on to carry fertiliser and then to work on a canal at Kouk Kruos"], 13.32.58-13.35.20 ["The most difficult work was to carry the earth as it was rather too heavy for me, they sometimes filled in the baskets too full and it was too heavy for me to carry it"]; E1/288.1 Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 ["I was assigned to carry earth for building a canal called Prey Theat and it was in Leay Bour Commune"; E1/300.1 Vong Sarun, T. 18 May 2015, 10.44.39-10.47.18 ["I was sent to carry earth"]; E3/5826 Hun Kimseng WRI, EN 00223490-91 [after being released from Kraing Ta Chan in June 1978, she was sent to the cooperative to raise 70 pigs].

3034 E1/283.1 Oem Saroeurn, T. 26 Mar 2015, 09.14.01-09.17.06 [carried cement at night in Leay Bour Commune]; E1/262.1 Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["Twenty-four hours per day, we could have only two meals. We ate at 3 p.m. and in the evening, we ate at 12 a.m. In short, we [were] made to work without any breaks"; E1/250.1 Oum Suphany, T. 22 Jan 2015, 14.04.50-14.07.02 [in Trapeang Thum Tboung Commune: "During the harvest season, I worked almost the day and night, and sometime I slept on the grass. And for those who had energy, they continued their work, and we worked almost 24 hours. During dry season, in the morning, we carried rice, we carried termite mounds and we carried fertilizer to put in the fields. And at night time, we were asked to dig ponds and also small pools, and we worked sometimes until 10 p.m."; E1/247.1 Meas Sokha, T. 8 Jan 2015, 11.01.02-11.04.17 ["only the adults or the youth would be assigned to work at night"]; E1/263.1 Em Phoeung, T. 16 Feb 2015, 14.19.10-14.21.16 ["during the rainy season, we had to pull the rice seedlings. Actually, we stopped at 10, and after that we had to go and work again"; E1/265.1 Sao Han, T. 18 Feb 2015, 09.26.00-09.28.15 ["During the transplanting season ... at night-time after we had our meals, then we had to pull the rice seedlings ... Usually, a day's work ended around 7.00 or 8 p.m."; E1/288.1 Oum Vannak, T. 3 Apr 2015, 14.16.02-14.17.58 [while working in the children's mobile unit based in Tram Kak District, at night, she dug pits to plant coconut trees in Chreac village and Khnar village: "Q: That means that during the entire Khmer Rouge you had to work night and day; is that the case? A: Yes, I had to work night and day"]; E3/5135 Pil Kheang WRI, EN 00233133.

3035 See e.g. E1/265.1 Sao Han, T. 18 Feb 2015, 09.37.07-09.38.31 ["Q: Mr Sao Han, as someone who had been farming rice in the period before 1975, did you think that the goal of three to four tonnes per hectare [the quota set] was an achievable goal, was a possible goal? A: As far as I know, I am a farmer, we could not produce that three tons per hectare. We could not achieve that"; E1/274.1 Neang Ouch, T. 10 Mar 2015, 09.38.20 ["There was propaganda for workers, for people to produce three tonnes per hectare. Some areas could achieve such a quota while some area was not able to achieve such a quota"; E1/291.1 Pech Chim, T. 23 Apr 2015, 14.12.44-14.14.36 [in a meeting with sector leaders and Ta Mok: "I raised my concern that we would not meet the target. I suggested that 2.5 tons would be realistic, but they said let's try to achieve 3 tons per hectare and it would include cassava"; E1/288.1 Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 [in Leay Bour Commune: "a group of 10 children had to finish 10 cubic metres and sometimes we could complete it and some other times we could not. If the earth was soft, for the whole day from morning till late evening we could complete the work quota and if the earth was hard, then we could not"; E1/288.1 Bun Sarouen, T. 3 Apr 2015, 10.43.57-10.46.39 [in a Trapeang Chaeng Commune children's unit: "My job was transporting earth on a shoulder pole from the termite mounds. The unit had to completely flatten one big termite mound per day ... There were blisters on our hands and even tractors have a hard time flattening termite mounds"; E1/288.1 Loop Neang, T. 3 Apr 2015, 15.48.31-15.49.53 [in Tnaot Chang Commune, Tram Kak District: "I was forced to dig canal. And in a day, 10 of us were required to dig 10 square metres. When the earth was hard we could not complete it. If the earth was soft, then we could"]].



their targets because they would receive reduced rations or no rations at all if they fell short.<sup>3036</sup> Many felt they had no alternative but to continue to work even if they were ill. They feared if they did not work they would be denied rations and grow even weaker, or would be killed because they were no longer of use to the regime.<sup>3037</sup>

751. Everyone, even the most vulnerable, was expected to contribute to production efforts. Area schools were shut so children could tend cattle, collect cow dung, carry earth and fertiliser, or flatten termite mounds.<sup>3038</sup> Some pregnant and postnatal women were made

<sup>3036</sup> **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.03.21-15.05.41 [in Trapeang Thum Khang Cheung Commune in a children's unit at the Tuol Kruos dam: "Ten young people were asked to dig 10 cubic metres and if we were adults, we were asked to dig 15...cubic metres of soil. If I could not complete the quotas I would be deprived of food"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.44.17-13.46.00 ["If the earth was soft, for the whole day from morning till late evening we could complete the work quota and if the earth was hard, then we could not and then we would be deprived of gruel"]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.43.57-10.46.39 [in a children's unit in Trapeang Chaeng Commune: "we did not have the choice, we had to do our job otherwise we would not be fed. For example, if we were given, let's say, one bowl of rice soup, well then the ration would be diminished so we really had to make efforts"], 11.05.15-11.07.09 ["In order to have a complete food given to us we had to complete the work quota"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48 ["as for our ration, it was very strict, if we did not perform our work, we would not get our meal"]; **E1/289.1** Thann Thim, T. 21 April 2015, 10.32.48-10.35.16 ["For those who were not able to work, the food ration was reduced"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["We were ordered to complete assignment before asking for meals"].

<sup>3037</sup> **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [in Trapeang Trav Village in Tram Kak District: "Some people got sick and we could see that they were bony and knees were as big as the heads. Some people were accused of being psychologically sick, but they were truly sick and they adhered to the slogan that 'keeping is no gain, taking away is no loss', so they took these people away ... For those who were not able to work, the food ration was reduced. They were sick and their food ration was reduced and they said that if people did not do any labour, they should have only a little food to eat"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 9.35.48 ["Normally the people got sick almost daily. However, those who got a light illness, they continued going to work. And for those who had serious disease and illness, they were afraid of being accused of possessing a mental problem, so they went to work even if they were sick"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["Anyone who fell sick during the regime, at my worksite, and if he or she could eat, he or she would be accused of being an infiltrator or enemy. So, everyone dared not complain but tried to work very hard in order to get food; even though they got ill"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48 ["If we had to rest for [a] very long time, we would be considered mental, and also be taken away to be killed"].

<sup>3038</sup> See e.g. **E1/247.1** Meas Sokha, T. 8 Jan 2015, 10.52.52-10.57.08 [six members of the children's unit in Cheang Tong Commune tended cows], 10.57.08 ["The children, during the Khmer Rouge, were not allowed to go to school, but there were some teaching conducted under a tree ... no school operated ... those buildings were used to store ammunition and other things"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.41.54-13.44.19 ["We studied about the work, the nature of the work and three tons per hectare of production ... We were not taught literacy"]; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.46.16-13.47.43 [in Ta Phem Commune: "those children did not attend any schooling there"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.41.38 [regarding children in Samraong Commune tending cows and collecting cow dung]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.48.05-10.50.48 ["we had to work, there was no school ... we were told that we could learn how to read and write but in reality in my unit, we only worked"], 10.42.56-10.45.17 ["I was put into children's unit ... My job was transporting earth on a shoulder pole from the termite mounds. The unit had to completely flatten one big termite mound per day"]; **E1/286.1** Iem Yen, T. 1 Apr 2015, 15.21.56-15.25.26 ["During the regime I did not ha[ve] a chance to go to school, and now I am uneducated ... At that time there was no school and I was not allowed to attend any study"]; **E1/287.1** Iem Yen, T. 2 Apr 2015, 09.36.30-09.39.11 ["At that time there were no schools ... What I did was working ... I did not see any children going to school. The children in the same unit as mine, they were working. They were going to collect the cow dung and soil of termite mound"]; **E1/287.1** Beng Boeun, T. 2 Apr 2015, 14.28.28-14.32.46 [one of his children carried fertiliser in a children's unit].

to work throughout their pregnancies and shortly after delivery.<sup>3039</sup> Mothers were expected to work and leave their young children, often in the care of elderly women, even when their babies were ill.<sup>3040</sup> Monks were required to perform physical labour that directly violated the sacred vows they had taken.<sup>3041</sup>

752. All workers were closely monitored to ensure that they worked hard enough, and those who did not were punished.<sup>3042</sup> Ry Pov testified that he and others in his sector mobile

<sup>3039</sup> **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 15.21.44-15.24.18 ["After delivery, my son for just 27 days, I was asked to go back to harvest in the field. I could not describe these gruesome sufferings. ... I had to scavenge for faeces in the ground in order to dry it and make fertiliser out of it, since I had just delivered my baby so I could collect fertiliser, some leaves to dry it up and put it in a pit. When it was the time for transplantation, I was also asked to carry fertiliser into the field. It was very difficult for me at that time"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.08.35-11.11.45 [in Nhang Nhang Commune: "about three or four months into my pregnancy, I was ordered to collect cow dung to use as fertilisers in the rice fields. And they would weigh the cow dung that I collected, and if there was not enough, then I would be criticised. And, due to morning sickness, I could not eat well. I became very emaciated and ... everyone would criticise me of pretending to be sick and of being lazy in working and that put pressure on me. I was so worried. On one hand, I could not work, and on the other hand, the food was not sufficient. The work started at 4 o'clock in the morning, and ... was very hard"]; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.02.24-14.04.16 ["in Tram Kak district... While I was pregnant, I tended cows and cattle, and it was very tiring"]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.29.15-13.32.58 [in Tram Kak, "I had to work until the time that I delivered my baby"]; **E3/7902** Thaong Seav WRI, EN 00223468 [in Kus Commune: "I worked until the day I gave birth. One month later they had me go back to work again"].

<sup>3040</sup> **E1/283.1** Oem Saroeurn, T. 26 Mar 2015, 09.18.47-09.21.08 [Oem Saroeurn was separated from her family members in 1976 in Leay Bour Commune. She had a one-year-old son who "was put with the old female unit. The old women looked after him and I was told that he died as a result of measles"], 11.11.37-11.14.06 [other children also died in Leay Bour: "The children who were between two to three years old, many of them died when they were being looked after by the old women ... about seven or eight of them died [of measles] at Unit 3"]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.49.35-10.51.36 ["I lost only one younger brother ... he was not even one year old. He was separated from us, and the old lady was assigned to take care of children, and he was sent to be cared by those ladies, and I did not know how he felt sick"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.45.57-11.48.48.

<sup>3041</sup> **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 ["I saw some monks in their robes, and they rode bicycles to transport food supplies to the front line battlefield"]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.50.39-09.52.25 ["We were ordered to do those labours in our robes, as monks"]; 10.01.41-10.03.52 ["we were instructed that we had to leave the monkhood in a month's time, then to go and engage in building dams or digging the canals"], 11.23.28-11.26.25 ["We all had to leave the monkhood and to engage in labour regardless of whether they were young or old. And for older monks, even if they could not carry earth, they had to make the basket for the younger monks to carry the earth"], 15.01.00-15.06.31 ["I also engaged in transplanting cassava ... also, we grew vegetables ... In terms of the Buddhist disciplines, it was wrong. For example, engaging in planting cassava or in growing vegetables, it violates the Buddhist disciplines ... Monks were prohibited to engage in that nature of work"]; **E3/5515** Phneu Yav WRI, A34 ["Young monks were sent to join the army; elderly monks were assigned to make *banki* (earth moving basket); some monks dug canals, and some others farmed paddies"]; **E3/8298** Tentative Reports on Pol Pot Genocidal crimes in Takeo Province, 28 Dec 1984, EN 00721335 [in Takeo province "monks were defrocked and forced to work in the fields"].

<sup>3042</sup> See e.g. **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747244 [Pok Phai's alleged offences included "Lazy in dyke digging, waterwheel instalment, etc. ... The village assigned him to dig a dyke, but he returned home as he refused to do so ... He was too free and lazy"]; **E3/4092** Kraing Ta Chan Interrogator's Notebook, Mar 1978, EN 00834826-27 [Pok Bunly's alleged offences included thefts, pretending to be sick, and lazy to work in the cooperative; was often absent from work]; **E1/267.1** Srei Than, T. 23 Feb 2015, 10.02.45-10.04.23 ["The prisoners who were sent [to Kraing Ta Chan] were accused of stealing food, and pretending to be ill, and lazy"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.50.30-13.54.23 and 14.17.58-14.23.45 and 14.34.35-14.37.10 [in a children's unit in Leay Bour Commune, the Civil Party was ill with a high temperature and her request for permission to rest was

unit had to get permission to relieve themselves at the worksite and tell the unit chief how long it would take; if they took too long, they were accused of having “psychological sickness”,<sup>3043</sup> or, in other words, of being lazy.

753. Party leaders were well aware of the working conditions and activities taking place in Tram Kak because they received numerous reports and frequently inspected sites in the area, even bringing foreign visitors to view the work under way.<sup>3044</sup> Through the systematic, unrelenting subjugation of the people, Tram Kak District achieved its production goals and the Central Committee awarded it an “Honourary Red Flag”, declaring it a model district for others to emulate.<sup>3045</sup> The endorsement by CPK leaders further demonstrates that enslavement of the people in Tram Kak District was in accordance with the Centre’s policy.

#### OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

754. By prohibiting individual possessions and collectivising all enterprises, the CPK made the people of Tram Kak District entirely dependent on DK authorities for their most basic needs. In a place that was honoured as a model district, those that laboured long were rewarded with inadequate food, inhumane sanitary conditions, and little medical assistance. The regime’s drive to increase production at all costs had very real costs for the people in Tram Kak.

755. *Inadequate food rations:* A mountain of evidence demonstrates that rations in the Tram

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refused. When she was caught not working and drinking a traditional herb she had gotten from her mother, she was arrested, tied against a tree and, on the unit chief’s orders, beaten by 20 Base People children using bamboo clubs with nails attached]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 15.26.30-15.28.42 [“They monitored the activities of the members and the sub-unit chiefs and to make sure that the work quota was completed by the set time”]; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05 [“During those [district level] meetings, what I spoke of were on the agriculture production -- that is, trying to obtain three tonnes per hectare of rice yield. And if a leader in those fields could not reach that quota, then that person was to be removed”].

<sup>3043</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 11.02.28-11.03.24.

<sup>3044</sup> See **Contribution of Accused to Common Criminal Plan – Contribution to Enslavement of Population – Joint Visit of Nuon Chea & Khieu Samphan to Tram Kak District; see also Tram Kak District Cooperatives – Authority Structure and Communications.**

<sup>3045</sup> **E3/135** *Revolutionary Flag*, June 1977, EN 00406849-50; **E3/289** DK radio broadcast, *Revolutionary Organization Gives Awards to Three Districts*, 23 July 1977, EN 00168509-11; **E1/252.1** Chou Koemlan, 26 Jan 2015, 14.30.12-14.32.34 [“It was said that the region 105 Tram Kak districts, it was a model district compared to other districts. Tram Kak, District 105 achieved and got much harvest. I heard from the chief of the unit that the upper echelon praised Tram Kak district. Angkar admired the district because the district had good labour, had good irrigation system and had good harvest during DK periods”]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 14.19.43-14.23.12 [“Q: Now, were you assigned to Tram Kak district at the time when you were awarded this ‘red honorary medal’? A: Yes, I was there at that time and Ta Mok presented it to me ... he just placed it on the table and said, ‘Give it to Party 105 and all other cadres who had endeavoured to work on the rice production. You’ve scored number 1’”].



Kak cooperatives were inadequate throughout the regime.<sup>3046</sup> Meals, provided twice a day, typically consisted of small amounts of watery gruel, rice, porridge, or morning glory soup, which was perhaps mixed with pieces of vegetable.<sup>3047</sup> From 1977 onward, the meagre rations diminished further.<sup>3048</sup> Moreover, those who did not meet their work

<sup>3046</sup> See e.g. **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.46.39-10.48.05 ["No, of course [the food ration was not enough]. We had to work very hard, we had to get up early in the morning at around 6 a.m. and we had to work until 11 a.m., and and we resumed at around 1 o'clock and then we would finish at 5 o'clock in the afternoon, so all this in exchange for one bowl of rice porridge. No, that was not enough"]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.31.00-10.32.48 ["As for food rations, we did not have enough food to eat. We had only a watery gruel. We did not have enough food to eat"]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.55.06-10.56.53; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01, 11.05.04-11.06.18; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.50.25-11.56.00 ["we could have only a spoon full of rice ... I was absolutely hungry"]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.36.04-09.38.07 ["male and female, we had the same amount of meals: a spoonful of rice with a pot of soup for four of us in a group"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 14.07.30-14.11.40 [in the cooperative before he was detained at Kraing Ta Chan: "we got the meals from our units and the food ration would be for the members of each unit. However, food was not enough for all of us"]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.37.09-10.39.08 ["During the regime the labour was very, very hard but there was very little food and meals but we had to endure to try to survive"]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.32.58-13.37.29 ["We were given gruel to eat ... it was not enough and also I had to leave some for my child as well, as my child did not have enough food to eat ... I was hungry and I did not dare to steal anything as I was afraid, so we had just to try to survive. ... Q: Did you always have the same food rations or did such rations change over the months and years you spent at Tram Kak? A: It was basically the same; as they sometimes only changed the vegetable but the soup was still watery and we only had a bowl of watery soup for four of us in a group"]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 12.04.11-12.07.11 ["I have some questions to put [directly to the Accused]. The first question is the following. Why, why, when I worked very hard, was [I] not given sufficient food to eat?"]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.40.23-15.42.54 ["If we were to say [the food] was not sufficient, we would be mistreated. And when we were asked whether it was enough, we said yes. And when we were asked whether it was delicious, and we said yes. But in fact, it was on the contrary"]; **E1/385.1** Sao Van, T. 1 Feb 2016, 13.37.05-13.41.44 ["immediately after the war ended, the food ration was not enough, particularly for the general public ... After 17 April 1975, the food situation in Cheang Tong commune was not sufficient"]; **E3/5135** Pil Kheang WRI, EN 00233134 ["Q: What did you experience the most difficult? A: We did not have enough to eat. We worked very hard"], 00233132 ["In the cooperative, we ate collectively. We ate porridge and morning glory soup. It was not sufficient. A small pot of porridge was for 10 people"]; **E3/5515** Phneu Yav WRI, A22.

<sup>3047</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.44.53-10.48.01 ["Twenty-four hours per day, we could have only two meals"]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 11.19.44-11.22.38 ["Each day we were given two meals, in the morning and in the evening"]; **E1/287.1** Yem Khonny, T. 2 Apr 2015, 15.40.23-15.42.54 ["We were given rice gruel. And on the next day, it was gruel mixed with cassava, and sometimes, it was rice gruel mixed with other vegetable. And sometimes, it was mixed with water lily"]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.08.48-10.10.00 ["we were only given watery gruel, for example three cans of rice was cooked in a large pot for up to ten people and everybody had to eat gruel"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.41.19-09.43.06 ["in [my wife's] cooperative, she was assigned to do the cooking at the kitchen and there was very limited food and vegetables and people complained about food ration ... She told me that people did not have enough to eat, people would eat rice gruel and the soup was very little for everyone"]. See also the evidence cited in fn. 3046 for additional details regarding the types of rations provided.

<sup>3048</sup> **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.32.36-09.37.21 [in Leay Bour Commune: "In 1976, we were given rice for cooking, to eat, and we could have one can for two people per day ... When I was transferred to a unit, I had gruel. I had thick gruel when I was in the mobile unit. Q: And from 1977, did you have more to eat, or less to eat? A: After that, we had less food to eat"]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.14.10 ["In 1975 and the beginning of 1976, we were given thick rice gruel. But in late 1976, in 1977 and in 1978, the rice gruel was very thin ... The situation changed"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 11.08.58-11.11.05 ["Q: Can you tell us why the number of deaths from malnutrition increased dramatically in the latter part of the Khmer Rouge regime? A: Toward the latter part of the

quotas or who could not work because they were sick were given reduced rations or no rations at all.<sup>3049</sup> Complaints about the food (or lack thereof) were harshly punished.<sup>3050</sup> Abject hunger drove desperate people to steal or scavenge for food, often resulting in their arrest, imprisonment, or even execution.<sup>3051</sup>

756. *Inadequate sanitation*: Tram Kak District residents were given a single set of clothing to wear.<sup>3052</sup> Meas Sokha testified, “I only had one set of clothes for one year and I had to use it all day around, all day long.”<sup>3053</sup> The smell of poor hygiene and daily hard physical labour that accumulated in unwashed clothing was overpowering. Nov Mom

regime, it became worse. People did not have anything to eat. For that reason, swollen body and dysentery increased in a large number”. See also E3/5859 Riel Son DC-Cam Statement, EN 00729033 [“First, only [a] few died occasionally, but later the death toll increased dramatically due to dysentery and malnutrition ... Generally speaking, malnutrition and dysentery led to five deaths per day in the last period, sparingly involving males. Q: Five deaths per day! In which year? A: In 1978 and early 1979”].

See section **Tram Kak District Cooperatives – Enslavement – Inadequate food rations**.

See e.g. **Kraing Ta Chan Security Centre – Imprisonment – Alleged Offences**; E1/287.1 Beng Boeun, T. 2 Apr 2015, 14.27.43-14.28.28 [“when we ate, the Khmer Rouge would watch over us, they would circle us and they would ask us if there was enough to eat or not and if we said that there was not enough to eat well, then we were brought away to be executed”]; E1/252.1 Chou Koemlan, T. 26 Jan 2015, 11.50.25-11.52.31 [“if the word slips out of our tongue accidentally that we were not full, then we would be taken away to be killed or to a study session”]; E1/288.1 Yem Khonny, T. 3 Apr 2015, 09.27.15-09.28.45 [“If we were not to say [the food ration] was delicious, then we would be mistreated ... Nobody dared to say that the food was insufficient and that also applies to the children. If the children – if one of the children said the food was not enough, then that child would be taken for refashioning”]; E1/283.1 Oem Sarouern, T. 26 Mar 2015, 09.51.24-09.59.26 [“I could not complain [about insufficient food], otherwise, I would be killed. If we asked for more ... there would be a problem for all of us. We ate what we were given ... there was a young person about 15 years old complaining about the food ration and this child complained that he could not have enough food to eat, and he stole a fish to eat, and he was taken away to be killed when he was caught doing so”]; E1/247.1 Meas Sokha, T. 8 Jan 2015, 11.07.52-11.09.57 [“People did not report to the cooperative about the food because they were afraid that they would be taken away to be killed by the chief of cooperative”]; E1/265.1 Sao Han, T. 18 Feb 2015, 09.41.46-09.44.10 [“Q: Did people ever [complain] to the cooperative chief or to any other leader when they felt there was not enough food? A: Absolutely not. No one there complain[ed] about anything. We just complain[ed] by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”]; E1/286.1 Tak Sann, T. 1 Apr 2015, 13.32.58-13.35.20 [“I was afraid that I would be taken away and killed so we did not dare to complain even if the food was not enough”]; E1/298.1 Ek Hoeun, T. 7 May 2015, 13.55.25-13.56.50 [“You had to keep your mouth shut ... we couldn’t complain about what you were given, if we complained we would be led away to the forest immediately in broad daylight and considered as an opponent of the cooperative”]; E3/5852 Srei Than WRI, EN 00231675 [“I had to type documents they sent me in handwriting, like the reports of the accusations of being CIA agents, stealing, complaining of not having enough food, etc. Those written documents had annotations like ‘decide to smash’ and were signed by Leng An”].

See the evidence cited in fn. 3022.

E1/292.1 Pech Chim, T. 24 Apr 2015, 15.29.34-15.33.51 [“As for the clothing, the clothing was provided by the Party ... each person got a pair of clothes”]; E1/277.1 Nut Nov, T. 16 Mar 2015, 10.42.05-10.44.33 [“the district would supply [the commune] with cloth, not dress or clothing. We receive[d] cloth successively but not sufficient as we were in need at the time in the commune”]; E1/300.1 Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07 [“When I was working in the mobile unit, both my baby and I had nothing but only one set of worn-out clothes each. They did not care if we had enough to wear”]; E1/262.1 Ry Pov, T. 12 Feb 2015, 09.19.04-09.21.01; E1/263.1 Em Phoeung, T. 16 Feb 2015, 10.01.41-10.03.52 [when forced to leave the monkhood: “we were given clothes: at least, a shirt and pants, and a pair of shoes”]; E1/283.1 Oem Sarouern, T. 26 Mar 2015, 12.04.11-12.07.11 [the Civil Party asked the Accused why no clothing was provided to them]; E3/5511 Riel Son WRI, A3.

E1/249.1 Meas Sokha, T. 21 Jan 2015, 13.40.29-13.41.54.

was arrested and sent to Kraing Ta Chan for complaining, amongst other things, that “People wear only one set of clothes which ha[ve] a bad smell.”<sup>3054</sup> Worse than the smell, Yem Khonny testified that “we were infested with lice throughout the body. It was as big as the lice of the dogs, because we only had one pair of clothing.”<sup>3055</sup>

757. *Inadequate medical care:* Those who were sick had to get the permission of their unit or village chief to go to the hospital.<sup>3056</sup> Only “seriously ill” people were sent to the hospital, often to no avail as many died there as well.<sup>3057</sup> Medical care in the district was abysmal, as medics were untrained and inexperienced,<sup>3058</sup> food rations for patients were insufficient,<sup>3059</sup> and there was a limited availability of medicine.<sup>3060</sup> For the most part, medicine was non-clinical and locally produced.<sup>3061</sup> Riel Son, deputy chief of the

<sup>3054</sup> E3/5827 Kraing Ta Chan Interrogator’s Notebook, EN 00866424.

<sup>3055</sup> E1/288.1 Yem Khonny, T. 3 Apr 2015, 09.10.14-09.11.53.

<sup>3056</sup> E1/279.1 Riel Son, T. 18 Mar 2015, 09.56.10-09.57.39.

<sup>3057</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 10.39.31-10.41.07 [“when they arrived at my hospital, they died instantly, and corpses were sent back”], 15.39.11-15.42.41 [“about one month before the collapse of the regime, many, many patients died and there were too many to count. And those who had to bury the corpses did not stay still because they had to dig pits to bury those dead patients, maybe 10 to 20 dead patients every day”]; E1/279.1 Riel Son, T. 18 Mar 2015, 09.53.26-09.56.10; E1/277.1 Nut Nov, T. 16 Mar 2015, 10.12.17-10.15.45 [“in my commune, there were five to six medics for the treatment of the villagers and if they could not be treated, they would be sent to a sector hospital at Angk Roneab pagoda for further treatment ... some of them successively died there”].

<sup>3058</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 09.56.50-09.58.03 [“I didn’t receive any training”], 10.01.07-10.03.02 [“In fact the three women, who were my chiefs of the hospital, they did not have any idea at all about the medicines and as for female, Met, she did not even know how to read”]; E1/279.1 Riel Son, T. 18 Mar 2015, 10.04.30-10.06.46 [“there was no training for nurses there [in the hospitals]”], 10.36.35-10.41.03 [“When a staff was sent in to the hospital, the status of that staff was in a poor peasant class ... [their ages] ranged from 13, 15, 17, 18 to 20 years old ... we provided them with some limited trainings - one or two hours session trainings. But the fact is those young women did not want to study. They only studied for a day or two then they stopped doing it ... they did not really know how to read ... even for the mature women, majority of them did not know how to read”], 10.41.03-10.43.40 [“As for the injection, some of the medical staff did not have much experience and sometimes there was reaction from the injection as they push the liquid too early and too quickly into the vein”].

<sup>3059</sup> E1/251.1 Oum Suphany, T. 23 Jan 2015, 14.14.45-14.16.17 [at the Trapeang Kol District Hospital: “As for food rations for patients, I believe they had just rice and water lily soup. They did not have enough food”]. See also E1/278.1 Riel Son, T. 17 Mar 2015, 15.39.11-15.42.41 [“later on we were not given that rice, so I tried to collect rice from here and there until all patients were transferred to their respective bases”].

<sup>3060</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 10.32.00-10.35.33 [“At my hospital at the time, we were lacking of every medicine. There were some medicines but they were not enough ... they were not sufficient”], 15.35.38-15.38.23; E1/277.1 Nut Nov, T. 16 Mar 2015, 10.12.17-10.15.45 [“medication ... was in small supply”].

<sup>3061</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 15.34.33-15.35.38 [“I had a few staff who were in charge of collecting herbal medicines the few female medics were the one who made and used that traditional medicine. For modern medicines, I could not remember; there were probably eight or nine female staff. Some worked on steaming water, some mixed medicine while some others cleaned the tube or refill them. That’s for our own use within the hospital”]; E1/265.1 Sao Han, T. 18 Feb 2015, 09.40.10-09.41.46 [“Sometime[s] a nurse came to distribute medicine at the unit and also in the group. The medicine was produced locally in the area”], 09.59.07-09.59.58 [“Anyone who got diarrhoea -- there was no medicine for them at the group or at the unit. A round rabbit pellet-like medicine was given to those people who fell sick, but the medicine was not efficient for treatment. I didn’t see any modern medicine for any



District 105 hospital, testified that requests to the district committee for food and medicine for the hospital were ignored.<sup>3062</sup>

758. The pervasive malnutrition, overwork, poor sanitary conditions, and lack of proper medical care contributed to disease and illness, and many died.<sup>3063</sup> Riel Son testified that when he reported to the district secretary at their monthly meeting that malnutrition was the cause of disease in the area, he was accused of “attacking the cooperative”, and on another occasion when he raised the idea of trying to produce more medicine, he was called a “bourgeoisie and intellectual”.<sup>3064</sup> He did not raise the issues again.<sup>3065</sup>

treatment”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [“rabbit drop medicines were used and administered to the sick for treatment”]; **E1/252.1** Oum Suphany, T. 26 Jan 2015, 10.32.20-10.35.10 [after eating wild mushrooms out of hunger even though she did not know if they were poisonous or not: “I vomited, I had severe diarrhoea, I almost died, and I was given something to drink by Angkar, and later on I knew that it was cow dung mixed with sugar palm juice”]; **E1/283.1** Oem Saroeum, T. 26 Mar 2015, 09.56.56-09.59.26 [“I had malaria at that time in 1976. I was seriously sick. I was put in Leay Bour Hospital and the hospital was named Hospital 17; Hospital 12 rather ... I received IV injection and I was given the medicine ... made from cassava. The IV was made from coconut juice”]; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 13.50.30-13.52.32 [“I had a very high temperature, it was a bad fever ... I went to seek for some medicine and I was not given any except just a powder from cassava”].

<sup>3062</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 10.41.07-10.45.12 [“The way we did reporting from our District 105 hospital, we did not prepare a written report for the district committee, but we would appear before the district chief to make oral report. Because we thought that it was not helpful to prepare a written report, because when there was a lot of patients, there was still no medicine, and when the patients had no food to eat, we did not see any food or rice supply coming... I would go to the district office by myself [to meet with the district chief] alone at the end of each month”], 10.48.47-10.52.04 [“Q: And did you ask the district chief to provide more food to the hospital? And if so, what was his response? A: ... I would often request but I receive[d] nothing in return”].

<sup>3063</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 10.32.00-10.35.33 [“Q: in general what [was] the most common diseases ... patients at the Tram Kak district hospital were suffering from? A: For those patients who were sent to my hospital, most of them were suffering from diarrhoea, swollen body, and also malaria”], 11.08.58-11.13.37 [“Toward the latter part of the regime, it became worse. People did not have anything to eat ... And with the lack of nutrition, people got dysentery and swollen body, but the main concern was that their bodies became swollen and water kept coming out of their whole body. And that was caused by the lack of food and malnutrition”]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.32.48-10.35.16 [“Some people got sick and we could see that they were bony and knees were as big as the heads”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.35.48 [“Normally the people got sick almost daily”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.52.09-11.00.32 [stating that in 1976, her three-year-old daughter had measles and after she got sick, she could not eat anything. There was no medicine cure her and she could not eat, so she passed away]; **E1/283.1** Oem Saroeum, T. 26 Mar 2015, 11.11.37-11.14.06 [she knew of seven or eight young children who died of measles in Leay Bour Commune]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.14.40-10.15.45 [“Q: As for the sick people and due to the poor healthcare, for instance, did some of them die? A: Yes, they did. It happened successively”], 11.21.28-11.22.13 [“as for those who died, they mainly died of illness. And on the issue of food shortage, it could be one of the many factors that made those people ill”].

<sup>3064</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 10.47.14-10.50.17, 10.52.04-10.54.12, 11.07.03-11.13.37. See also that Khoem Bouen denied that the problem was dire in Cheang Tong Commune, stating that food shortage rarely happened and when it did, the people “hated to bear with the situation”; they became ill in her commune, but no one died from starvation: **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.52.06-15.54.02 and **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.34.41.

<sup>3065</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 11.11.05-11.13.37.

## ENFORCED DISAPPEARANCES

759. DK authorities in Tram Kak District often arrested and took people away surreptitiously, denying their loved ones any information on their whereabouts or fate. Numerous arrests took place under cover of night or using false pretences, meaning those left behind had no ability to describe the unexplained absences as other than “disappearances”.<sup>3066</sup> Riel Son explained when he testified:

I used the word ‘disappear’ because they were no longer [living] in their houses; they all disappeared. All the members of the family, including their children and wife and their personal belongings [were] all gone at night and we did not know. Nobody knew where they went or what happened to them.<sup>3067</sup>

760. People vanished from the district on a daily basis.<sup>3068</sup> Former District Youth Chairman Iep Duch said “every village reported disappearances”.<sup>3069</sup> New People, including the

<sup>3066</sup> **E1/298.1** Ek Hoeun, T. 7 May 2015, 16.00.11 [“The arrests were not carried out openly. They only arrested people in the evening and at night. And in the morning, we realised that they were no longer there”]; **E1/278.1** Riel Son, T. 17 Mar 2015, 09.24.50-09.28.50 [“After the cooperatives were established [toward the end of 1975], people kept disappearing. At night time there were people who would come to call those people to go and they disappeared, including my uncle”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 14.16.15-14.19.22 [“My husband was asked to go and collect the rice to make pounded rice. And I did not know where my husband was taken to ... He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since ... He went and never returned”]; **E1/263.1** Em Phoeung, T. 16 Feb 2015, 10.44.50; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.10.01; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 9.40.32-09.43.37 [“I had several relatives and many of them disappeared. In particular my father was arrested at 7 p.m. ... At seven o’clock the village chief and the chief of the unit called my father to get out of the house. And then my father disappeared. My mum, my mother at that time called my father and she did not know where he went. I was told that my father was talking secretly to someone down below the house and then he disappeared”]; 09.43.37-09.44.46 [“My father lived in Ruessei Srok village, Nhaeng Nhang commune at that time”]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 10.04.25-10.06.27 [at the Champa Leu(k) pagoda in Tram Kak District, “former teachers, soldiers, police, custom officers ... were taken away under the pretext that they would be sent back to their previous offices and they disappeared since”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.28.15-09.30.35 [“I did not know the reason for them being taken away. They were taken away and simply disappeared”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44-14.34.57 [“They would arrest people at night time so we would not know who had been arrested at night. Only in the morning, we whispered to one another while we were at the worksite as of who had been arrested at night. Even just two house[s] down from where I slept at night I would not know that the person would have been taken away at night. They would do it quietly”].

<sup>3067</sup> **E1/279.1** Riel Son, T. 18 Mar 2015, 15.31.30-15.32.52.

<sup>3068</sup> See e.g. **E1/278.1** Riel Son, T. 17 Mar 2015, 09.22.24-09.28.50 [“After the cooperatives were established [toward the end of 1975], people kept disappearing”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.15.48-14.17.48 [“if we committed any mistakes or if we were not active, if we were not energetic enough, we would disappear”]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 16.00.11-16.03.30 [“Q: Were the disappearances a source of fear for the people in Tram Kak? A: Yes, for everyone. The district heads, the commune chiefs, the village chiefs, even they were afraid. They were so afraid that they could hardly eat their rice or drink water. Everyone shivered because there were so many arrests”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.40.32-09.43.37 [“I had several relatives and many of them disappeared”]; **E3/9604** Ry Pov WRI, A42; **E3/5518** Sao Han WRI, A41.

<sup>3069</sup> **E3/4627** Iep Duch WRI, EN 00223480.

educated and skilled, regularly went missing.<sup>3070</sup> All those known or perceived to be affiliated with the Lon Nol regime noticeably vanished.<sup>3071</sup> Individuals taken by authorities to reeducation or to hospital were often never heard from or seen again.<sup>3072</sup> Co-workers present at a site one day were missing the next.<sup>3073</sup> Overheard complaints,

<sup>3070</sup> E1/252.1 Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.17.48 ["I never saw Base People disappear. I was there three years eight months and three days, I did not see Base People disappear. ... if we [New People] committed any mistakes or if we were not active, if we were not energetic enough, we would disappear"]; 14.36.37-14.38.44 ["Since my departure from Phnom Penh to live in Tram Kak district, I only observed that only New People had disappeared not any Base Person"]; E1/250.1 Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 ["There were some other women as well, including women whose husbands were ... teachers. They took them away just like that"]; E1/287.1 Beng Boeun, T. 2 Apr 2015, 15.05.15-15.09.03 ["I never saw [my brother-in-law] come back. When I was planting rice in the dry season, I observed that when people disappeared they never came back ... I was told that anyone who had more education than the Khmer Rouge had to be taken away, to be re-educated. And these people disappeared forever. And my brother-in-law claimed that he knew how to do everything. And that's why he disappeared in the end. It is because he was boasting maybe, and that's why he disappeared forever"]; E3/5518 Sao Han WRI, A22.

<sup>3071</sup> See e.g. E1/283.1 Oem Saroeurn, T. 26 Mar 2015, 10.04.25-10.06.27 [at the Champa Leuk pagoda in Tram Kak District: "former teachers, soldiers, police, custom officers ... were taken away under the pretext that they would be sent back to their previous offices and they disappeared since"]; E1/276.1 Nut Nov, T. 12 Mar 2015, 13.49.35-13.51.55; E1/279.1 Riel Son, T. 18 Mar 2015, 15.18.10-15.20.35 ["I had another uncle who heard the announcement about reinstatement of a major, so he ran with his children just to become a major but they did not allow children to go along and then he disappeared since. And an elder brother of mine, named Riel Oem (phonetic), who was a warrant officer in the police force wanted to have his rank reinstated also disappeared"]; E1/250.1 Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 ["It was not just [my sister-in-law that disappeared]. There were some other women as well, including women whose husbands were soldiers, teachers. They took them away just like that. And for women who lost their husbands, they were grouped and named as widow group. When I heard of a widow group, I knew that they didn't have husbands, so I assumed that those who were taken away would never come back"]; 14.28.25-14.33.08 ["I separated from my parents in 1975. I went to Tram Kak District with my elder sister and younger sisters and brothers. And when I arrived there, ... my brother-in-law, who was a lieutenant colonel and a pilot, was taken away"]; E1/264.1 Sao Han, T. 17 Feb 2015, 16.02.34-16.05.00 ["After the arrival of my older brother Luon Ham [who was a soldier], the village chief came to investigate at my house for three or four days, and after that, the militia men came to take my brother away"]; E3/4627 Iep Duch WRI, EN 00223476; E3/5518 Sao Han WRI, A22.

<sup>3072</sup> E1/288.1 Loep Neang, T. 3 Apr 2015, 15.35.17-15.40.40 ["During the Khmer Rouge regime, I lived in Tnaot Chang village ... Tram Kak district. ... My elder brother and sister were sick and they were taken to the hospital, and they disappeared since then. I was told they were taken to the hospital, but I never [saw] them returned"]; E1/263.1 Em Phoeung, T. 16 Feb 2015, 10.44.50-10.46.27 ["Q: Did you see people being taken away or disappear when you were working in Tram Kak district? A: I noticed some disappearance but I asked people and people told me that they don't know what happened to them because they were sent for re-education by the Angkar. That's all I know"]; E1/277.1 Nut Nov, T. 16 Mar 2015, 13.38.35-13.39.47 ["I knew that people were sent for re-education, and they disappeared"]; E1/283.1 Oem Saroeurn, T. 26 Mar 2015, 09.59.26-10.01.32 ["They were in the youth unit and they did not have sufficient food to eat, so they resorted to stealing different food namely cassava, sugarcane or corn or watermelon, that they grew it themselves, and they were caught, then they were arrested and sent for re-education. Sometimes they returned, but at other times they disappeared since"]; E1/215.1 Pech Chim, T. 1 July 2013, 14.13.12-14.15.38 ["I knew something about the re-education of civilians. I had no knowledge of how soldiers would be re-educated but I believe they, too, would be brought to some educational sessions where they could [be] re-educated and some disappeared. If they disappeared, they disappeared"]; E1/264.1 Phneu Yav, T. 17 Feb 2015, 14.10.01 ["in my cart unit consisted of 40 members, but, one member disappeared, then I asked other members, and then I learned that he was taken away last evening. That's how I knew about his disappearance"]; E1/286.1 Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 ["[My husband] was asked to go and collect the rice seeds. He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since"]; E1/265.1 Sao Han, T. 18 Feb

<sup>3073</sup> E1/264.1 Phneu Yav, T. 17 Feb 2015, 14.10.01 ["in my cart unit consisted of 40 members, but, one member disappeared, then I asked other members, and then I learned that he was taken away last evening. That's how I knew about his disappearance"]; E1/286.1 Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 ["[My husband] was asked to go and collect the rice seeds. He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since"]; E1/265.1 Sao Han, T. 18 Feb



criticism, protest, and a litany of other “mistakes” could also lead to disappearance.<sup>3074</sup>

761. As people who should have returned never did, the term “disappearance” took on a more ominous meaning. Civil Party Oum Vannak testified, “Back then, when people disappeared, we knew that it was because militiamen had taken them away.”<sup>3075</sup> Sao Han told the Court, “And of course, we presumed those people who disappeared, died.”<sup>3076</sup> Ek Hoeun testified that whenever someone disappeared, “we could only whisper to each other secretly. We couldn’t speak about all of that openly of course.”<sup>3077</sup>
762. The prevalence of disappearances in Tram Kak District gave credibility to DK threats that people would disappear if they did anything “wrong”.<sup>3078</sup> Tram Kak inhabitants consequently lived in a constant state of fear, trying to avoid any misstep that might lead to their own disappearance.<sup>3079</sup>

2015, 11.01.50 [“we knew that people disappeared from a group or from a unit and that made us very, very afraid”].

<sup>3074</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 09.24.50-09.28.50 [“My uncle complained a lot about the cooperative and one night he disappeared and he never returned ... Most of the people they complained but they did not do it publicly not like in the case of my uncle who did it openly, he stated that the cooperative was not good and then he disappeared”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.41.46-09.44.10 [“No one there complain[ed] about anything. We just complain[ed] by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.28.05-14.30.07 [“For moral misconduct, the person would be disappeared. It means the person was not absolute with Angkar regardless whether they were a soldier or a youth in a mobile unit or female youth in a mobile unit. They had to be absolute with the Party or with the Angkar”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.56.00-11.58.51 [“Later, after digging the canal, and after having good harvest, we would also not get enough rice to eat. Three of my colleagues, three of my peers, disappeared because they complained that they did not have enough to eat”]; **E3/5498** Bun Thien WRI, EN 00384401 [“it was the upper echelon’s plan. If any one dared to refuse to do it, he/she would disappear”].

<sup>3075</sup> **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.03.14-15.05.18. See also **E1/298.1** Ek Hoeun, T. 7 May 2015, 16.00.11-16.01.24 [“If in our group somebody disappeared, we knew that that person had been arrested”].

<sup>3076</sup> **E1/265.1** Sao Han, T. 18 Feb 2015, 14.02.58-14.04.16. See also **E1/250.1** Oum Suphany, T. 22 Jan 2015, T. 14.09.23-14.11.17 [reading the lyrics of a song that she wrote in late 1975 entitled ‘Inhumane Torture’: “Cooperatives ask us to do the work and if we disappear, it means that we die. Poor Khmer people”], 14.13.51-14.16.19 [“Q: Maybe you can explain to us why you wrote this sentence, ‘If we disappear, we die.’ A: ... I heard from my relatives that my sister-in-law was taken away. In late 1975, when I almost finished composing the song, I never saw her back, and I knew that she had disappeared. It was not just her. There were some other women as well, including women whose husbands were soldiers, teachers. They took them away just like that. And for women who lost their husbands, they were grouped and named as widow group. When I heard of a widow group, I knew that they didn’t have husbands, so I assumed that those who were taken away would never come back”]; **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.05.20-11.07.37 [“My family members did not know anything about my arrest, not even the neighbours. When they noticed that I disappeared, they thought that I died”].

<sup>3077</sup> **E1/298.1** Ek Hoeun, T. 7 May 2015, 16.00.11-16.01.24. See also **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44-14.34.57 [“in the morning, we whispered to one another while we were at the worksite as of who had been arrested at night”].

<sup>3078</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 09.38.22-09.39.40 [“I heard this from the unit chief saying that if anyone who went to visit family members without any permission or was rejected, he or she would be in trouble and the person may disappear”].

<sup>3079</sup> **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.17.14-09.18.26 [“Nobody dared to protest. Because if we dared to protest, it means we would disappear”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.41.46 [“No one there

763. This climate of fear also prevented many people from asking authorities for information about their loved ones, terrified that they would be punished for inquiring.<sup>3080</sup> Those who dared to ask were denied answers or arrested.<sup>3081</sup> As Pech Chim told investigators, when he was District Secretary and people came to him regarding the disappearance of their relatives, “I told them that I was not able to help with that.”<sup>3082</sup>
764. Arrests carried out by DK officials and their refusal to inform families had far-reaching consequences. Some 40 years later, many still wonder what happened to their spouse, their parents, their children, their siblings, their friends. Most will never know the answer.

#### IMPRISONMENT

765. In meetings at the sector and district level, the Party instructed district and commune officials on what categories of people to arrest.<sup>3083</sup> Cooperative and village authorities

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complained about anything. We just complained by ourselves among one or two people, and if it is overheard by the Khmer Rouge, the person will be disappeared”; **E1/250.1** Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 [“I heard my sister-in-law crying and my mother-in-law told her, ‘Please do not cry. Otherwise you would be taken away.’”]; **E1/514.1** Long Vun, T. 15 Dec 2016, 14.37.10-14.39.22 [former deputy chairman of the Tram Kak District commerce office (1977): “Q: Did you eventually believe that these disappearances might represent a danger for you? Did you think that you might be possibly considered as being tied to people who were suspected of being enemies? A: I told the Court already that I was so terrified because my relatives and siblings died without reason. I did not know what would happen with me next. That is why I had to work hard and do whatever I was told to build myself up”].

<sup>3080</sup> **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.27.27-13.29.15 [“when I returned I could not see my husband, he disappeared ... I did not dare to ask where he was at that time”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 11.01.50-11.03.45 [“On the issue of complete disappearance, we knew that people disappeared from a group or from a unit and that made us very, very afraid. We did not even dare to say anything about it”], 11.03.45-11.05.37 [“For each disappearance of a person within the group, personally, I was very, very fearful and I did not dare say anything about it ... I was afraid that, one day, it would be my turn”]; **E1/262.1** Ry Pov, T. 12 Feb 2015, 10.01.34-10.03.21 [“On the issue of the arrests or mistreatment, of course it happened on a daily basis. However let me stress that at the time, they didn’t use the word ‘being arrested’, they told us those people were sent for re-education. But I saw people were tied up in lines. And we knew what would happen to them and we were very scared but we didn’t dare ask them any question. During the time, we did not have any rights to free speech”].

<sup>3081</sup> See e.g. **E3/4095** Kraing Ta Chan Interrogator’s Notebook, Aug 1976, EN 00747298 [One of Long Naum’s allegedly confessed crimes was that he incited “people to demand the return of spouses and children who have disappeared”].

<sup>3082</sup> **E3/400** Pech Chim WRI, EN 00379173-74 [“Some people came to ask me, who was then the District secretary, for help with the disappearance of their relatives and children. I told them that I was not able to help with that. People came to make complaints to me about the disappearance of their relatives and children because their relatives had conflict about politics and were accused of being the traitors”].

<sup>3083</sup> See e.g. **E1/278.1** Riel Son, T. 17 Mar 2015, 11.13.37-11.21.39 [regarding a district meeting he attended with other commune officials where Ta Chay instructed them about what categories of people were to be purged] confirming **E3/9602** Riel Son WRI, A40-43 and **E3/5511** Riel Son WRI, A9; **E1/276.1** Nut Nov, T. 12 Mar 2015, 14.12.01-14.17.05 [“when I was at Srae Ronoung commune, I attended the meeting at the district level as well as at the sector level. Such a meeting was held at least once a month. On the issue of decision-making ... only the sector or the zone who had the authority to authorize for the arrest and subsequently the smashing] confirming **E3/5521** Nut Nov WRI, A60 and **E3/9600** Nut Nov WRI, A16-18; **E3/9480** Khoem Boeun WRI, A91.

then identified people in the targeted categories, and compiled their names into a report or a list which was sent to district level officials.<sup>3084</sup> The district designated whom to arrest and returned their instructions to the commune chiefs.<sup>3085</sup> The arrest orders were then passed on to the commune militias (*chhlops*), who carried out the orders.<sup>3086</sup>

766. Arrests typically occurred at night<sup>3087</sup> and were often implemented collectively – it was common practice for whole groups or families to be arrested at once.<sup>3088</sup> Arrestees fit

<sup>3084</sup> See e.g. **E1/276.1** Nut Nov, T. 12 Mar 2015, 15.10.23-15.11.18 [“The commune would make a report [on people who had expressed their opposition to the Regime] and the report would be forwarded to the upper echelon, who would make a decision on the matter”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.24.18-11.25.48 [“When there were reports from the village to the commune, the commune would forward those reports to the district”]; **E1/297.1** Khoem Boeun, T. 5 May 2015, 09.46.34-09.47.54 [“If someone made [a] mistake then I would ... report the matter to the upper level and only after I received the instruction from the upper level then the person would have been sent [for reeducation]”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 09.25.37-09.28.18 [“Usually bad people would be reported to the district, and that is after a thorough investigation by the district soldiers. The commune would send a report to the district, and the district would send its soldiers to arrest that person, and the person would be brought before Yeay Khom”].

<sup>3085</sup> See e.g. **E3/4127** Report from Nun of Tram Kak Commune to Kraing Ta Chan, 17 Jan 1978, EN 00362229 [regarding a new resident who complained about working like an animal but getting little food rations; the district committee instructed the commune to arrest and send him to Kraing Ta Chan]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.20.11 [“people whose names were put in blue brackets would be sent by the commune to the district and the district would get the district military force to bring them to the re-education office”]; **E1/299.1** Ek Hoeun, T. 8 May 2015, 10.04.41-10.09.29 [“It means that the decisions regarding those names annotated in red ink had already been made by the communes, the district and the province. If the person’s name was circled in red ink, the person would be arrested and taken to Yeay Khom, and the case would not be negotiable. And if another person whose name was circled in blue, the person would be arrested and sent to the district office, and the district would send him or her to the re-education office as he or she could have committed minor offense”].

<sup>3086</sup> **E1/298.1** Ek Hoeun, T. 7 May 2015, 14.08.19-14.10.19 [the district sometimes directly instructed the commune militias to arrest and bring people to the district]; **E1/264.1** Sao Han, T. 17 Feb 2015, 16.02.34 [“After the arrival of my older brother Luon Ham, the village chief came to investigate at my house for three or four days, and after that, the militia men came to take my brother away”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 16.02.34-16.05.00, 09.14.37 confirming **E3/5518** Sao Han WRI, A41; **E1/276.1** Nut Nov, T. 12 Mar 2015, 15.11.18-15.14.47 confirming **E3/5521** Nut Nov WRI, A40-42 [“In that statement ... the security refers to the security in the sector and they would liaise with the militia at the commune level [about who to arrest and tie]”]; **E1/266.1** Srei Than, T. 19 Feb 2015, 11.08.55 [“Those who brought them [the prisoners] in [to Krang Ta Chan] were commune militia”]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.54.00-09.57.00 [“Q: ... militiamen had authority to arrest these people who commit some offences. Is that true? A: Yes, that is true”].

<sup>3087</sup> **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44 [“They would arrest people at night time so we would not know who had been arrested”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.34.18 [“I saw there were many prisoners after the liberation by the Khmer Rouge ... They were brought in only at night”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.53.23-13.56.17 [“The majority of those people who were brought to Krang Ta Chan were brought in at around 8 or 9 o’clock at night. Rarely people were brought in during the day time”]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 13.35.22-13.36.55 [“arrest[s] took place at night-time because they did not want to let the ordinary people know about the arrests”].

<sup>3088</sup> **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.02.55-11.04.39 [“Q: Did the prisoners arrive in groups, or would the situation change? ... A: On some occasions, they came in groups and as for female prisoners, they would come in a group of six or seven people. For male prisoners, they would come in a group of four or five”]; **E1/247.1** Meas Sokha, T. 8 January 2015, 11.39.08-11.40.22 [“They [my family] were all arrested as the family and my father and my brother-in-law were arrested earlier ... all together 12 people were arrested”]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.36.58-14.41.39 confirming **E3/9586** Van Soeun WRI, A90-91.



into identifiable categories that reflected the Party's enemy policy.<sup>3089</sup> At no time in their detainment were any arrestees afforded a modicum of due process. They were rarely given the reason for their arrest,<sup>3090</sup> were never formally charged, nor were they allowed any procedural rights or hearing. Instead, they were shuttled deep into the DK security network without explanation, often never to see the outside world again.

767. The first stop for many arrestees was one of the commune offices.<sup>3091</sup> Commune authorities reported the arrest to the District, which then decided if the prisoner was a "light offender" who was to be reeducated and possibly released back into the cooperative, or a serious offender who would be sent to Kraing Ta Chan.<sup>3092</sup>
768. A step above the commune offices was Angk Roka prison, which was run by Meng (also known as "Meng's place") and located near the Angk Roka market.<sup>3093</sup> The prison

<sup>3089</sup> The types of prisoners detained in Tram Kak District are discussed in full in the **Kraing Ta Chan Security Centre – Imprisonment** section, paras 789-794.

<sup>3090</sup> **E1/255.1** Cheang Sreimom, T. 2 Feb 2015, 10.55.30-10.58.56 ["At the beginning, I was not told that I was under arrest. They simply came and told me that the upper Angkar would like you to ... instruct people at the upper echelon, especially to teach medical skills to other people ... However, when I went to the place, to the first place, the second and the third, it was rather late at night. I was ending up at Krang Ta Chan. When I was there, Krang Ta Chan detention centre, I was told that it was the re-education centre ... And when I passed the building, and then they shut down the door, surprised. I was shocked"]; **E1/252.1** Oum Suphany, T. 26 Jan 2015, 11.23.40-11.25.34 ["Yes, I was there [when my husband was arrested]. We were sleeping together. In fact I protested not to let him go, because it was already 9 o'clock night and I said that the meeting already ended at 8 o'clock. But they refused, and they said that he needed to attend a meeting which was a study session ... So, they took him away"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.04.48-14.06.39 ["Q: But did the people who come to arrest him, tell him the reason why he was arrested? I'm still not sure how you know what the reason for his arrest was. A: No, they did not state the reason for his arrest. They said that he would be taken for re-education"]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 13.35.10-13.39.41 [he only knew the reason behind his arrest based on the questions he was asked during his interrogation; he realized that his young daughter had been arrested and forced to confess that he was a lieutenant in Phnom Penh so that she could be free].

<sup>3091</sup> See e.g. **E1/300.1** Vong Sarun, T. 18 May 2015, 09.27.54-09.30.30 ["Before I was detained in prison at Kraing Ta Chan prison, I was transferred from Tram Kak to Chan Teab village, Trapeang Thum commune"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.44.51 ["Before I was transferred to Krang Ta Chan ... I was sent for re-education at the district youth unit at Wat Chak Chrum"].

<sup>3092</sup> **E1/298.1** Ek Hocun, T. 7 May 2015, 14.33.12 ["Minor offences included, for [instance], the fact of throwing crockery, that's pots and pans, into the water. That's a petty offence. Yet, perpetrators were taken away and killed for that offence and people considered as strong opponents or serious offenders were the alleged members of the KGB or the CIA and for such people there was no need to interrogate them and there was no need for a decision from the sector level, the district itself would undertake to arrest such people"]; 13.34.31-13.44.12 ["at the end of the period of one month and a half the prisoners [at Angk Roka] were told that they had been properly corrected and they would be released and sent back to their cooperatives of origin so none of the prisoners there were executed"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.55.30 ["Q: Do you know how long the light offenders ... would stay at Angk Roka prison, and do you know what would happen to them in the end? A: They called them to attend a re-education meeting, they gave instruction, and later they were sent back to the cooperative"]; **E1/287.1** Thann Thim, T. 2 April 2015, 10.41.46-10.52.20; **E1/286.1** Im Yen, T. 1 Apr 2015, 15.07.48-15.11.10.

<sup>3093</sup> See e.g. **E3/8424** Report to Angkar from On in Angk Ta Saom, 31 Aug 1977, ["According to Angkar's suggestion, Pom Oeun should be sent to Bang Meng's place in Ang Roka. Now we've sent him there"]; **E3/8417** Reports to Angkar from Meng, 23-24 Mar 1977 [two reports from Angk Roka prison chief Meng to Angkar regarding the arrest, interrogation and confession of a 10 year old boy named Ra, whose

was often used to temper prisoners while district authorities decided whether or not to send them on to Kraing Ta Chan.<sup>3094</sup> Civil Party Thann Thim was detained there for three months and testified that he and other prisoners were held in a small wooden cell with a bad smell, shackled at the ankles, and given inadequate rations and no medical care.<sup>3095</sup> They had to relieve themselves in front of the other prisoners and, on one occasion, had to share the cell with a fellow prisoner's corpse for three days until officials removed it.<sup>3096</sup>

769. Thann Thim also testified that some of the prisoners at Angk Roka were women, including a mother who was detained with her young baby.<sup>3097</sup> A contemporaneous DK document shows this was not uncommon. The document is an order from Neang Ouch to Comrade Chhouen that reads: "As for the widows from Trapeang Thom Khang Cheung who are currently staying at the place of Comrade Meng, request to sweep them all clean."<sup>3098</sup> The order also gave instructions regarding prisoners from Cheang Tong Commune, instructing that the mothers be brought for interrogation together with any of their children who were too young to be separated, "and after everything is

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alleged offence was being part of a group that tried to flee. In response to Meng's reports, on 28 March 1977, then district chief Kit directed Kraing Ta Chan Chief An to interrogate the spy in detail]; **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.47.25-10.51.06, 10.54.40-10.56.59; **E1/275.1** Neang Ouch, T. 11 March 2015, 15.12.40-15.14.48 ["Q: Why are you saying that she might be sent there rather than to Krang Ta Chan? A: This woman was involved in a minor offence and she would be -- she would likely be sent to the education place where people were sent for refashioning located to the west of Angk Roka market -- that is, at the place where Meng was in charge"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.46.27-09.52.55 [as a messenger for Kraing Ta Chan, he delivered messages to the Angk Roka prison on two occasions].

<sup>3094</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.15.04-14.16.25 [there were two stages to his arrest: "I was taken away from my house ... and I was sent to Angk Roka office ... It was the office of Ta Khon's prison. And then I was sent back to ... Ta Kil prison. And later that night I was sent to Krang Ta Chan"]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.59.26 ["I was arrested and sent to [be] detain[ed] at Angk Roka prison ... I was detained in Angk Roka for one night and on the next day at 3 p.m., I was transferred to Krang Ta Chan"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.44.51; **E1/271.1** Van Soeun, T. 4 Mar 2015, 14.19.15-14.21.20 *confirming* **E3/9586** Van Soeun WRI, A130 ["To my knowledge, serious offenders were sent to Kraing Ta Chan Security Office; light offenders were not sent there"]; **E3/9583** Saut Saing WRI, A91 ["There was a mixture of prisoners. They were arrested on accusations they had been against the revolution"]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416387 ["Serious offenders were those involved in political and class trends ... Especially serious offenders were those who had committed two crimes at once, meaning that they were political and class 'trenders,' as well as having committed other offenses"]; EN 00416388 ["Light offenders were those who had committed such offenses as stealing communally-owned property or fleeing from the units and cooperatives"]

<sup>3095</sup> **E1/287.1** Thann Thim, T. 2 Apr 2015, 10.47.25-10.52.20, 10.56.59-11.01.26, 11.22.52-11.27.25; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.49.30-10.55.40, 11.09.15-11.11.40.

<sup>3096</sup> **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.01.26-11.03.42.

<sup>3097</sup> **E1/287.1** Thann Thim, T. 2 Apr 2015, 11.03.42-11.05.20; **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.11.40-11.13.20, 11.15.53-11.17.44.

<sup>3098</sup> **E3/4093** Report on Smashing of Four Widows in Takeo, EN 00831486. *See also* **E1/289.1** Thann Thim, T. 21 Apr 2015, 11.13.20-11.15.53; **E1/274.1** Neang Ouch alias Ta San, T. 10 Mar 2015, 09.09.52-09.13.01.

finished ... sweep them all clean.”<sup>3099</sup> The order is a clear example of the arbitrariness of detentions — regardless of the results of the interrogations, the women and their babies were to be killed.

### TORTURE

770. DK authorities inflicted severe physical and mental trauma during interrogations in Tram Kak District using methods of torture similar to those employed at other prisons in the DK security centre network.<sup>3100</sup>
771. Several surviving District 105 documents confirm that prisoners detained at the commune level were interrogated by militiamen using torture. For example, in 1977, Chim of the Trapeang Thum Tboung Commune Committee reported: “We have conducted some cold and hot methods of interrogation against Moeng Sun”, who then purportedly confessed and implicated others in a scheme to destroy the cooperatives and the revolution.<sup>3101</sup> A 1977 report from Angk Ta Saom Commune discussed a former soldier who repeatedly engaged in stealing. The author had let the youths in the unit “wrap his face up in a plastic sheet, shackle and interrogate him”.<sup>3102</sup>
772. Civil Party Thann Thim testified that he had endured torture at the hands of commune authorities. In 1977, his unit chief in Trapeang Thum Khang Cheung Commune asked him to join a “meeting.” When he arrived, four militiamen tied his hands behind his back, beat him with a bamboo stick the size of his lower arm, and interrogated him about his previous occupation. He recalled, “They beat me one after another. After one was tired, another man came in to beat me until I passed out.”<sup>3103</sup>

### PERSECUTION

#### 1. Political Persecution (New People)<sup>3104</sup>

773. During the mass forced transfer of cities on 17 April 1975, the CPK forcibly removed residents from their homes to live in other areas. Following a meeting at the Sector,

<sup>3099</sup> E3/4093 Report on Smashing of Four Widows in Takeo, EN 00831486.

<sup>3100</sup> See section S-21 Security Centre – Interrogations and Use of Torture. See also E1/269.1 Phan Chhen, T. 25 Feb 2015, 09.47.40-09.49.17; E1/424.1 Prak Khan, T. 28 Apr 2016, 14.05.37-14.08.12; E3/5524 Phan Chhen WRI, A35; E3/1570 Kaing Guek Eav WRI, EN 00154194-95; E3/2120 Meng-Try Ea, *The Chain of Terror*, EN 00105735-36.

<sup>3101</sup> E3/2445 DK Report from Chim to the Party re. Moeng Sun et al., 17 Sept 1977.

<sup>3102</sup> E3/4094 DK Report to the District, July-August 1977, EN 00322103.

<sup>3103</sup> E1/287.1 Thann Thim, T. 2 Apr 2015, 10.41.46-10.56.59.

<sup>3104</sup> As discussed above, the political persecution of Lon Nol officials in Tram Kak District is described in the section *Policy to Persecute and Kill Enemies – Former Khmer Republic Soldiers and Officials – The Great Mass Movement to Attack and Smash: 1977-1979*.



thousands of displaced persons, commonly referred to as “depositees” or “New People” arrived in Tram Kak District and were sent to Wat Champa.<sup>3105</sup> After a week of registrations at the temple, the New People were then dispersed to villages within the district.<sup>3106</sup> In 1977, thousands more New People were transferred into Tram Kak from Kiri Vong District.<sup>3107</sup> When the New People arrived in their new communes, village officials and militia members took their biographies.<sup>3108</sup> At trial, former District Secretary Khoem Boeun agreed that the district asked the communes to find out about

<sup>3105</sup> **E1/298.1** Ek Hoeun, T. 7 May 2015, 10.44.35-10.47.11 [“People came from Koh Kong, from Phnom Penh, from Takeo, from all over the country and they stayed there [at Wat Champa] for a week. Registers were drawn up indicating how many people were present and if there were 20.000 people then they were redistributed to the communes. The commune chiefs came to pick them up and took them to their respective villages. That was the procedure of that particular operation”]; 10.47.11-10.49.33 [“Meetings were held regarding how to draw up lists, how to redistribute the evacuees [to] various communes. They divided the evacuees into different groups composed of 15 people. And, they asked us to hold meetings with three or four groups in every village. Then, they registered people’s names. For instance, the names of the evacuees had to be registered on the list with a view to redistributing them to the villages and communes that were to receive them”]; **E1/283.1** Oem Saroeun, T. 26 Mar 2015, 09.14.01, 10.01.32-10.03.27 [“there were ten of thousands or even millions of people who were evacuated from the Takeo province”]; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.47.43-13.49.24 [“after I was released from Krang Ta Chan to return to my house in the village ... I could see there [were] still thousands of evacuees living at Wat Champa. There were many people, thousands. I thought there was nobody left in Phnom Penh ... When I saw Ta Mok I didn’t dare go into that area where the 17 April People lived. I was standing from my house -- that is, outside the pagoda”]; **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.50.05-10.52.35 [agrees that there were meetings held in April 1975 in Tram Kak district before the evacuees from Takeo and Phnom Penh arrived in order to prepare for their arrival; the meetings were chaired by someone from the sector or district levels], 10.52.35-10.54.15 [“They were gathered in a place in the Champa pagoda”]; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 09.11.50-09.13.15; **E3/4628** Pech Chim WRI, EN 00379308 [“At that time the Sector instructed the district level to organize those evacuees from Phnom Penh. Before the evacuees arrived in our place, the Sector held a meeting to prepare plans for receiving them. There were so many people who were evacuated from Phnom Penh. They traveled on the road and stopped in any villages and communes they found along the road. So we had to gather them, organize them and send them to different villages and communes”]; **E3/5519** Sok Sim WRI, A8; **E3/9465** Seng Phally WRI, A16-17, A19, A22.

<sup>3106</sup> See the evidence cited in fn. 3105; **E1/264.1** Phneu Yav T. 17 Feb 2015, 09.20.43-09.22.48 [about 10 families of evacuees from Phnom Penh were placed in his village, Paen Meas village, in Samraong Commune]; **E3/7985** Chan Chocun WRI, EN 00233146 [17 April people lived in his cooperative in Ta Pheum Commune]; **E3/5521** Nut Nov WRI, A25-26; **E3/5518** Sao Han WRI, A20; **E3/5519** Sok Sim WRI, A8.

<sup>3107</sup> **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.06.34 [referring to an excerpt from **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 00678590, the Civil Party was asked: “Q: This excerpt of a book by Ben Kiernan describes thousands of New People from Kiri Vong who were transferred to Tram Kak in 1977. Do you agree with this estimate, this figure of several thousands of people? A: Yes, it is likely that the number was up to hundreds or thousands. I was put onto a vehicle first and sent to Tram Kak district and there were more trucks coming, one after another, to pick and send the people to Tram Kak until they finished”]; 09.57.28-10.00.23 [“17 April People, all of them were evacuated, were transported away”]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 10.45.34-10.47.50 [regarding a person named in an early May 1977 DK report: “Chorn was a mobile worker in the province in the sector ... He went around to find out how many people were evacuated from 108, from Kiri Vong, Treang and so on to Tram Kak”].

<sup>3108</sup> **E1/296.1** Khoem Boeun, T. 4 May 2015, 10.54.15-10.56.25 [“Q: And once they arrived in your commune -- I am speaking about the Phnom Penh evacuees -- was it necessary to take their biographies ... ? A: Yes, the biographies were taken”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.15.48; **E3/9465** Seng Phally WRI, A37. Note that on occasion; Base People were also required to prepare biographies in Tram Kak District: **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.02.20-15.04.32.

people's previous occupations in order to ascertain who had enemy links.<sup>3109</sup> The biographies were then reported to the upper echelons.<sup>3110</sup>

774. The population of Tram Kak was classified into three categories — full-rights or Base People lived in Tram Kak District in April 1975, New People arrived from the cities and other areas after 17 April, and Candidate People fell between the two as they were considered for either promotion or demotion to the other categories.<sup>3111</sup> These distinctions formed the basis for the segregation of New People from the rest of the population. Based on their biographies, New People were often placed in separate work units from Base People.<sup>3112</sup> In circumstances where they were placed in units together, Base People were told that New People could not be trusted as they were from the “enemy zone”.<sup>3113</sup>
775. Initially the CPK housed New People in small houses and huts that were comprised of a simple frame without walls or furniture.<sup>3114</sup> But soon they were sent to live with Base

<sup>3109</sup> **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.28.02-11.30.15.

<sup>3110</sup> See e.g. **E1/296.1** Khoem Boeun, T. 4 May 2015, 11.00.14-11.01.55 [“the villages sent the biographies to the commune. Biographies that had been collected by the village chiefs were forwarded by the commune to the upper level”]; **E3/2048** Request for Advice to District Angkar, 3 Apr 1977, EN 0145944 [informs Angkar that “a new inhabitant who is problematic and despises [Angkar] ... was extremely debauched in the previous society”].

<sup>3111</sup> **E1/276.1** Nut Nov, T. 12 Mar 2015, 11.29.12-11.31.06 [“there were different groups, the full rights people, the candidate people and the depositees. The full rights people, refers to the faithful or loyal people to Angkar. And the candidate people refer to those whose children had been sent away for study or whose children had lived in the enemy zone. As for the depositees, they refer to all city dwellers who had been evacuated”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 09.23.59-09.25.31 [“[Evacuees from Phnom Penh and Takeo] were considered New People and they were also considered depositees”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 09.28.34-09.34.25 [“under Khmer Rouge control in Nhaeng Nhang Commune, people were categorised as either full rights people or candidates. Cheang Sreimom says she was assigned to the candidate group because her family was considered to be ethnic Chinese and to have links with the previous regime”]; **E1/247.1** Meas Sokha, T. 8 Jan 2015, 11.28.42-11.32.05 [“People were divided into three groups. There were candidates, depositees and, full-rights”]; **E3/5515** Phneu Yav WRI, A12; **E3/5518** Sao Han WRI, A34.

<sup>3112</sup> See e.g. **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 15.02.20; **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.27.37-15.29.47 [“Q: So, were there children’s units for Base People children, and then children’s units for New People children? A: Yes, there were different units. And the work was not the same in each unit neither was the food ration”].

<sup>3113</sup> **E3/7982** Top De WRI, EN 00233142 [in Trapeang Khang Tboung Commune: “New people worked like the base people. Although they had never worked in the fields, they had to try to work hard. ... The cooperative chief had told us not to be close friends to new people because they came from the enemy zone and the Khmer Rouge leaders did not trust new people”].

<sup>3114</sup> **E1/251.1** Oum Suphany, T. 23 Jan 2015, 13.49.40-13.51.16 [“All New People would gather to live there so that it’s easier for them to control us ... Angkar made a structure for the house for us to stay and we, the New People, had to use, like, coconut leaves to make up the walls for the house and there was nothing, no furniture, in the house, no beds, nothing at all. There was no toilet. It was just a frame to the structure”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.28.32-09.31.28 [in Leay Bour cooperative: “the K-1 ... was a model cooperative for Base People. My unit was for New People -- that is, the 17 April People. We were based in various huts to the south of the commune office and there was also a common dining hall ... I was in the third unit -- or the K-3 unit and that unit was for the 17 April People ... I lived in the yard with just [a] roof. The Base People had longer houses. And as for our places for living, it was

People so that they could be more closely monitored.<sup>3115</sup> The CPK instructed the Base People to regularly monitor and report on the New People in their villages and units.<sup>3116</sup>

Civil Party Oum Suphany, who secretly kept a diary during the regime, wrote:

9 February 1976: *Angkar* made a new plan, mixing the new people with the base people. ... So, my family lived ... together in the kitchen of the people in Prakeab Khang Tboung. They mobilised us in such a way so that it was easy for them to work and to control us.<sup>3117</sup>

very small. It was a small hut so we slept close to each other ... As for the model house, it was made out of wood ... there was tiled roof. Only commune and district committee lived there. And as for us, our roof was made out of coconut leaves or sugar palm leaves"; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.53.17-13.57.01 [in Trapeang Thum Commune: "I was a newcomer in the area ... And I was told that I was considered a class below ordinary people ... I was given a house to sleep in. We could see the sky through the roof of that house and there were no walls"], 13.57.01-13.58.09.

<sup>3115</sup> **E1/251.1** Oum Suphany, T. 23 Jan 2015, 13.51.16 ["Not long after, New People were gathered again to come and live with the Base People ... And, of course, when we were living with the Base People we did not dare to talk about our past memories; we pretended to be mute. We only talked about eating, or whenever it was necessary to do so"]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.27.03-11.29.04 ["we had to live at the site of the Base People so that they could monitor us"]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 09.52.11-09.54.27 ["Base People ... would keep an eye on New People. They would observe whether New People are complaining against their line, such as [about] food, and work. And if New People mistakenly said something, we would be taken to a study session, or to be refashioned. So, Base People, they were in charge of New People"]; **E1/289.1** Thann Thim, T. 21 Apr 2015, 10.35.16 ["[The militiamen in Trapeang Thum Khang Cheung commune] did not trust New People at all. We were watched and we were under surveillance so we were not trusted. They kept making inquiries about us as they called it 'making a cold-water soup'. They constantly kept their eye on us and never trusted us"]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.56.26-15.58.59 ["The New People lived in my home. I witnessed it with my eyes. And in the evening, people would secretly sit under the house to listen to what they were saying. And if they said anything that was critical of the regime three times, they would be arrested and they were taken away and never seen again. Q: From where were those guards who kept watching on the people sent? Or, did they voluntarily eavesdrop upon the people's conversation? A: They were from the district. So all night, they would assigned to sleep under the houses to listen to the people. And when they had obtained the information they were looking for, they would report back to the district which would then take the necessary decisions on whether arrests should be made"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.54.30-13.57.01 [in Trapeang Thum Commune: "I was considered in a class below ordinary people. I was given a house to sleep in ... I woke up and went downstairs, I saw footprints ... Every day I could see the footprints. One day, I decided to ask the wife of Chan Teab village chief ... I asked her why there were footprints below my house ... She told me that perhaps I did not know that my family had been kept under surveillance very night ... So it became clear to me when we were being referred to as a class below ordinary people, we were actually not considered equal to the local people there because my family was constantly under watch or under surveillance"]; **E3/5832** Cheang Sreimom WRI, 11 Nov 2009, A13.

<sup>3116</sup> **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.28.06-15.30.16 ["Q: Did the Base People receive instructions to watch over the New People? A: Yes. However, I would like to place things in context, sort of. The New People were monitored as well as the Old People and such surveillance was done in the same way"].

<sup>3117</sup> **E3/5839** Oum Suphany CPA, EN 01037336 [containing expanded diary entries from her book, "When We Will Meet Again", including an entry from 9 February 1976]. See also **E1/250.1** Oum Suphany, T. 22 Jan 2015, 13.44.33-13.53.19 [describing how she secretly kept a diary during the regime, writing entries as notes for herself two to three minutes per day, then expanded those entries into a book in 1980 while events were still fresh in her mind (the book was subsequently submitted with her victim information form)].



776. Under the new living arrangements, New People were closely monitored for criticising the CPK, complaining about conditions, and planning or attempting to flee.<sup>3118</sup> They were subject to frequent arrests and were imprisoned for these and other mistakes at a much higher frequency than Base People.<sup>3119</sup> Surviving records from Kraing Ta Chan demonstrate that the majority of prisoners detained there were New People.<sup>3120</sup> Former prisoner Say Sen testified that New People were executed sooner than Base People at Kraing Ta Chan.<sup>3121</sup> He also told investigators, “Serious offense prisoners were the 17 April people who at that time were called the new people. The light offense prisoners were base area people.”<sup>3122</sup>
777. In addition to the above, New People in Tram Kak District experienced numerous forms of discrimination. They received less food than Base People<sup>3123</sup> and were

<sup>3118</sup> See e.g. **E3/4122** Kraing Ta Chan Interrogator’s Notebook, EN 00779250-51 [regarding Heng Daravuth: “This very person completed his final class in Phnom Penh, and after 17 April, moved to Angk Ta Saom, District 105. Since we had arrested his father, he said he was frustrated, unable to work anymore, and tempted to flee the unit”]; **E3/4120** Reports from Communes to District Office, 11 Oct 1977, EN 00322174 [report from Meng (at Angk Roka prison) to the District: “It was until 17 April when he moved to live in Trav Em village, Popeil Commune ... This youth had been fleeing back and forth ... Angkar to please be informed”]; **E3/2441** Reports between the Communes and District and Kraing Ta Chan, EN 00369471 [report dated 19 Dec 1976 from Sout of the Kus Youth Unit stating that Chao Phou came after the fall of Phnom Penh and “did not have any bad activities” but on 15 December “[he] escaped with a palm-tree boat”]; **E3/5832** Cheang Sreimom WRI, A13.

<sup>3119</sup> **E3/4120** Reports from Communes to District Office, EN 00322175 [report dated 4 Jan 1977 from Khun of Srae Ronoung to the Party stating: “I would like to make it clear to the Party that concerning the new people, there are still many others who are opposing Angkar (organization) and the Party, thus I will arrest them and send them up successively”]; **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.15.48 [in Leay Bour Commune: “we were 17 April People, whenever our infractions were found, we were taken to a study session. New People would be taken away and killed, as for Base People, I never saw Base People disappear. I was there three years eight months and three days, and I did not see Base People disappear”], 14.15.48-14.17.48 [“if we [New People] committed any mistakes or if we were not active, if we were not energetic enough, we would disappear”], 14.36.37 [“New People were the primary target for the arrest”].

<sup>3120</sup> See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34 [“most of the prisoners were the New People called 17 April People. It ... happened in 1975, but later in 1977 they were categorised the same, and anyone who commit any mistake were sent to Krang Ta Chan”]; **E3/4627** Iep Duch WRI, EN 00223476 [“Q: Where did the prisoners come from? Why were they detained there? A: Probably the majority were the brothers and sisters who had been evacuated from the cities, those called the 17 April group”]; **E3/7986** Chea Soeung WRI, EN 00231819 [“Q: Did you see the Khmer Rouge arrest people? A: Yes, I saw they walked the new people along. I heard they were taken to be re-educated, but did not know where they were taken to. Later, I learned that those people were all killed in Kraing Ta Chan”].

<sup>3121</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.51.53.

<sup>3122</sup> **E3/5214** Say (Sory) Sen WRI, EN 00225510.

<sup>3123</sup> **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 11.53.11-11.56.00 [in Leay Bour Commune: “Base People truly ate together with us. But in their shelter or their house, they had their own rice to have additional meal in the morning ... As for New People, we did not have such latitude. We did not have extra rice. We could eat only in the communal eating. That is why some people complained that they did not have enough food and as a result, they would be taken away to be killed”]; 11.18.25-11.19.58, 14.08.37-14.09.30, 14.17.48-14.21.52; **E1/286.1** Tak Sann, T. 1 Apr 2015, 14.11.51-14.14.03 [in Khporp Trabaek Commune: “The food ration was not equal. For Base People, they had more food. And as for us, we were New People, our food were less”]; **E1/291.1** Pech Chim, T. 23 Apr 2015, 13.59.32-14.03.25 [“I

restricted from gathering and walking freely.<sup>3124</sup> They were not given positions of authority and were generally supervised by Base People.<sup>3125</sup> In Cheang Tong Commune under Khoem Boeun, they were not permitted to marry Base People because in the eyes of the CPK, “the new people were no-good. They were the enemy and were not as valuable as the old people.”<sup>3126</sup> Finally, their working conditions were particularly harsh and they were often accused of not working hard enough.<sup>3127</sup>

778. Even the children of New People experienced discrimination. Oum Vannak testified that in her children’s unit, “Base People children were entitled to beat the 17 April children,” and the children who were tortured “were all New People children ... they were always looking for a small fault in order to beat us.”<sup>3128</sup> They were also given more

personally went to visit the commune [and] I observed that there was distinction in the distribution of rice. For instance, the Base People secretly received a can of rice for two people whereas a can of rice severed for three people for the New People. We did not blame or punish them; instead, we gently informed them that we were just one blood in one nation ... When I had observed that, I personally gave them direct political instruction so that they could improve the situation”; E3/7986 Chea Soeung WRI, EN 00231819 [in Samraong Commune: “The new people were given less rice than the base people”]. See also E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150087 [“The base people, who ‘liked the Khmer Rouge’ and supervised the new people, worked as hard as the new people generally but got better rations. The new people’s rice rations depended on how hard they worked”].

<sup>3124</sup> E1/252.1 Chou Koemlan, T. 26 Jan 2015, 11.18.25-11.19.58; E1/262.1 Ry Pov, T. 12 Feb 2015, 09.43.04-09.45.19 [“Our family members and others who returned from Vietnam, and other people who were evacuated, called 17 April People, were exposed to very miserable treatment. They treated us like worthless slaves. The Base People could curse us, could hit us, we could not move anywhere”].

<sup>3125</sup> E1/264.1 Phneu Yav, T. 17 Feb 2015, 10.35.08 [in Samraong Commune: “The cooperative chief was not a position for the 17 April People because they were the evacuee. This position is for Base People only”]; E1/287.1 Beng Boeun, T. 2 Apr 2015, 14.40.35-14.43.53 [in Nhaeng Nhang Commune: “They divided us into various groups and as for the leaders they were all Base People although I did not know them all”].

<sup>3126</sup> E1/296.1 Khoem Boeun, T. 4 May 2015, 09.50.28-09.52.05 confirming E3/9480 Khoem Boeun WRI, A120 was “based on what I has been instructed from the upper level ... The district level”. In her capacity as Cheang Tong Commune Secretary, the witness arranged marriages for people in her commune based on this understanding.

<sup>3127</sup> See e.g. E1/283.1 Oem Saroeun, T. 26 Mar 2015, 09.14.01-09.17.06 [in Leay Bour Commune: “by 1977, I was assigned to a mobile unit to carry earth, to engage in digging canals. And I also carried cement at a railway station, and that work was done at night in a group of 12 females. We were assigned by Angkar to carry cement, salt to store in a warehouse ... in 1978, Angkar sent me to Chamkar Siem (phonetic) to dig canals, to build dams ... There were three female 17 April People, including myself, so we were forced to work hard there”]; E1/252.1 Chou Koemlan, T. 26 Jan 2015, 11.21.58-11.23.40 [“27 days after delivery, and I had to harvest the rice in a field near the house ... The Base People were not asked to harvest the rice”], 11.48.48-11.50.25; E3/2441 Reports between the Communes and District and Kraing Ta Chan, EN 00369488 [report from Saen of Kus Commune dated 22 Sept 1977 alleging that Mei Moch, a New Person, amongst other transgressions, does not work hard enough and is talkative. The response to the report states: “Angkar has already decided to take him”], 00369485 [report from Saen to Angkar stating “On 10/10, On Vet, a new person from 109... is very deceptive; he does not work hard; sometimes he does not go to work”].

<sup>3128</sup> E1/288.1 Oum Vannak, T. 3 Apr 2015, 14.17.58-14.25.10 [she was beaten by about 20 base children on the orders of her unit chief].

work and less food than the Base People children.<sup>3129</sup>

779. The persecution was so severe that New People tried to hide their identities to avoid discriminatory treatment.<sup>3130</sup> Base People who had familial ties to New People were subjected to similar discrimination and attempted to hide their connections as well.<sup>3131</sup>

## 2. Religious Persecution

780. In strict adherence to the CPK national policy to annihilate Buddhism as an institution and practice,<sup>3132</sup> Tram Kak District authorities implemented discriminatory measures against Buddhists that were designed to eradicate every manifestation of the Buddhist faith in their district, and strip its followers of all religious freedoms. District Secretary Yeay Khom attended the May 1975 meeting in Phnom Penh, at which **Nuon Chea** and **Pol Pot** issued instructions to close all pagodas and disrobe monks.<sup>3133</sup> Upon her return, she convened a meeting with her district cadres at which she explained “what she learned” there, and led the implementation of the Party Centre’s instructions in each of Tram Kak District’s communes.<sup>3134</sup> By the end of 1976, there remained no practising Buddhist monks or functioning pagodas in Tram Kak District.<sup>3135</sup>

<sup>3129</sup> **E1/288.1** Oum Vannak, T. 3 Apr 2015, 15.27.37-15.29.47 [“Q: So, were there children’s units for Base People children, and then children’s units for New People children? A: Yes, there were different units. And the work was not the same in each unit neither was the food ration”].

<sup>3130</sup> **E3/5832** Cheang Sreimom WRI, A12 [“The new people hid their identity”].

<sup>3131</sup> **E1/255.1** Kev Chandara, T. 2 Feb 2015, 13.50.39-13.52.30 [“Q: You said you didn’t dare go into the area [Wat Champa] where the 17 April People were. Why didn’t you dare to go into that area? A: We were told by the Base People that whoever involved or had relatives living among those people, they were considered having connection with the enemy. So they actually cut off any relationship with siblings or with family relatives”].

<sup>3132</sup> See section **Policy to Persecute and Kill Enemies – Persecution of Buddhists**.

<sup>3133</sup> **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.31.36 [explaining that Tram Kak District Secretary Khom attended May 1975 meeting]. Regarding the instructions issued by Nuon Chea and Pol Pot, see the section **Policy to Persecute and Kill Enemies – Persecution of Buddhists** and section **Contribution of Accused to Common Criminal Plan – Contribution to Persecution, Imprisonment, and Execution of Enemies - Persecution of Buddhists**.

<sup>3134</sup> **E1/291.1** Pech Chim, T. 23 Apr 2015, 14.27.10-14.34.47 [explaining that Khom convened a meeting when she returned Phnom Penh to explain to district cadres “what she learned”: “Q: Do you recall whether she said anything about disrobing or defrocking of the monks? A: Yes, she actually spoke about that subject, but I cannot recall as to whether she was telling us at that time or whether it was on another occasion before that. She talked about that and she led the communes to implement according to their respective sections”].

<sup>3135</sup> **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.59.01-10.01.41 [“in 1976, no monk was left in the monkhood ... then we were told that we should leave the monkhood before the end of 1976”], 11.05.32-11.08.13, 14.36.13-14.38.26 [“I left [the] monkhood in 1976”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.05.05-10.07.26 [in Tram Kak Commune: “Buddhist monks in my area – to my knowledge, I did not know actually what happened to them. But I knew they were defrocked, all of them were defrocked in 1975 and ’76 ... I saw monks being walked to be defrocked”]; **E1/290.1** Pech Chim, T. 22 April 2015, 09.50.55-09.53.38 [“As regards the monks, what I can tell you is that they were defrocked but I do not know why”]; **E1/273.1** Neang Ouch, T. 9 Mar 2015, 11.27.47-11.30.02 [“there were no pagodas and there were no monks”], 13.32.21-13.34.53 [“when I arrived in Leay Bour, there were no monks and the pagoda was



781. Witnesses testified to attending meetings across the district at which Khmer Rouge cadres repeatedly decreed that practising Buddhism was forbidden in Tram Kak and that pagodas would be destroyed.<sup>3136</sup> At Wat Angk Roka, Khom herself ordered Buddhist monks, who had been gathered there from wider Takeo Province and Phnom Penh,<sup>3137</sup> to disrobe, leave the monkhood and abandon their pagodas.<sup>3138</sup> At Wat Angk Ponnareay, Wat Tuek Chrum and Wat Angk Roka together, the evidence suggests that at least 160 monks were forcibly defrocked.<sup>3139</sup> No measures were put in place to ensure

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- not used as a place for Buddhist worship at all"]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.04.35 ["From 1975, the monks were ordered to disrobe, and the pagodas were transformed into a fertilizer warehouse or meetings were also held at the pagodas"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45; **E3/9586** Van Soeun WRI, A146-148; **E3/5510** Khim Pang WRI, A12; **E3/5521** Nut Nov WRI, A17; **E3/5825** Meas Sokha WRI, EN 00223495; **E3/5135** Pil Kheang WRI, EN 00233134; **E3/7173a** Tep Ngoen CPA, EN 00823995 [in Ta Phem Commune: "I had two elder brothers: one named Tep Phon, a monk, was disrobed by the Khmer Rouge in 1975"]; **E3/5877** Bun Sarouen CPA, EN 01067019 [in Trapeang Thum Commune: "At the time, the Buddhist monks at Wat Bakhong pagoda were forced to quit the monkhood even at night. I knew this from the noise of the Khmer Rouge trucks which came to the pagoda ... Whilst collecting the monks' robes with In, Mach quietly asked his peers if all the monks' robes at other pagodas were collected too. At that time, Phat, who was the brother of Phat, the unit chief, replied that they had already collected the monks' robes last night"].
- <sup>3136</sup> **E1/263.1** Em Phoeung, T. 16 Feb 2015, 11.26.25-11.28.42 ["Q: During the meetings in Tram Kak District, did Khmer Rouge cadres tell you explicitly that the Buddhist religion was henceforth abolished, that it was no longer in existence? A: ... Their principle is that there would no longer be any Buddhism in Cambodia because they said that Buddhist religion would lead to no progress at all, because then there would be more free people who would sit still, who would do nothing and just freely enjoy the food offered by other people. And that such culture would no longer exist and that only the culture of engaging in labour would follow"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 ["In small meetings and big meetings at Angk Roka and Angk Roleay pagodas ... [i]t was said that religions and pagodas would no longer exist. ... It was said that there would not be religions ... So the regime did not believe in Buddhism. We are instructed not to believe in such Buddhism"]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.07.26-10.10.05. See also **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.06.35 confirming **E3/9586** Van Soeun WRI, A149-152.
- <sup>3137</sup> **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.35.45-09.45.59, 11.07.07-11.08.13, 11.13.10-11.14.45 [a Buddhist monk living in Phnom Penh in April 1975 describing his own evacuation to Wat Angk Roka, and confirming that "those monks who came to stay at Angk Roka, most of them came from Takeo province"]; **E3/507** Khiev Neou WRI, EN 00358141 ["all monks, those who were born in Takeo province and from Phnom Penh, were gathered and instructed to stay only in Ang Rakar pagoda. I was among them as well"]; **E1/280.1** Riel Son, T. 19 Mar 2015, 09.38.47-09.46.03 ["[At Wat Angk Roka] there were monks coming from Phnom Penh and among them there was also head of monks from Quarters 24 at Langka pagoda with whom I used to live....The monks had been evacuated from Phnom Penh and from elsewhere"].
- <sup>3138</sup> **E1/290.1** Pech Chim, T. 22 Apr 2015, 09.58.59-10.02.40 ["is it correct that Tram Kak district chief, Yeay Khom, was the one who ordered the defrocking of the monks at the Angk Roka pagoda? A: Yes, that's true ... Q: did Yeay Khom decide to do this herself, or did the Tram Kak committee receive instructions that the monks were to be disrobed? A: ... Khom would receive orders from the sector or from Ta Mok, personally"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.01.33-14.04.10 ["Q: ... you said ... that the daughter of Ta Mok, called Khom, had chaired a meeting at Wat Angk Roka, where she told monks to defrock ... A: Yes, I recall it ... Khom was then the chief of the district committee"], 14.06.35 confirming **E3/9586** Van Soeun WRI, A148-151. See also **E1/263.1** Em Phoeung, T. 16 Feb 2015, 09.43.58-09.45.59, 14.25.15-14.27.25; **E3/507** Khiev Neou WRI, EN 00358141; **E3/9602** Riel Son WRI, A48.
- <sup>3139</sup> **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.29.24-11.31.20 ["A: For Angk Ponnareay Pagoda, there were only 30 monks. As for Tuek Chrum (phonetic) pagoda, nearby my village, there were more than 100 monks, about 120 monks, residing in that pagoda ... They remained at the pagodas until after 17 April '75, when they began to disrobe and later on there was no longer any monk in the pagodas which became

that monks could disrobe in accordance with traditional ceremony.<sup>3140</sup> Instead, they were simply handed black clothing to replace their religious dress.<sup>3141</sup>

782. In the climate of fear that pervaded DK, few monks dared to protest the defrocking, as compliance was necessary “in order to survive”.<sup>3142</sup> Monks who did protest were subject to retribution. Ta Ich, head monk at the Angk Roka Pagoda, was beaten for protesting the abolition of Buddhism and for calling others to protest.<sup>3143</sup> Other monks were killed for their resistance.<sup>3144</sup>

- empty”; E3/9586 Van Soeun WRI, A147-148 [“I saw defrocking at Wat Angk Roka Pagoda, in Tram Kak District, perhaps in late 1975 ... They organized a meeting and the defrocking was carried out; about 30 or 40 Buddhist monks were defrocked”]; E1/278.1 Riel Son, T. 15 Mar 2015, 09.45.39-09.47.32.
- 3140 E1/263.1 Em Phoeung, T. 16 Feb 2015, 10.00.19-10.03.52 [“Q: When you left the monkhood, was there a ceremony for that process? Did you do it following the Buddhist practice? ... A: No, there was nothing. There was no ceremony at all”]; 15.03.59-15.08.04 [“To leave the monkhood and in order to become a layman, there has to be a witness who would see the whole process of leaving the monkhood. If it was not properly terminated the monkhood, one could turn insane. So that in terms of religion it means that we would leave the monkhood and we would become an ordinary person. We would need a witness so that the monkhood termination could be properly ritualised or that person could go insane” Em Phoeung explained that, in his case, although the Khmer Rouge did not provide for any arrangements, the monks managed to act as witnesses for each other]; E3/9586 Van Soeun WRI, A152 [“They did not defrock them in accordance with religious doctrine”].
- 3141 E1/263.1 Em Phoeung, T. 16 Feb 2015, 10.00.19-10.03.52 [“They then gave us clothing and shoes. And it was black in colour”]; E1/278.1 Riel Son, T. 15 Mar 2015, 09.45.39-09.47.32 [“I saw a jeep car transporting black uniforms and entered into [Angk Roka] Pagoda. There were more than 100 monks or more there ... the jeep car arrived with a load of black uniforms and the uniforms were unloaded from the car and they started defrocking the monks on that day... I didn't witness the defrocking because I left the pagoda but later the former monks who were from the vicinity or nearby village were all wearing black uniform”]; E3/9586 Van Soeun WRI, A152.
- 3142 E1/263.1 Em Phoeung, T. 16 Feb 2015, 11.14.45-11.16.20 [“As for leaving the monkhood, all monks did not dare to refuse ... We were afraid because there were instructions from Angkar and if we didn't follow it, that would be a matter that we had to concern about”]; 13.35.06-13.37.55 [“at that time, we were under their instruction and we only did ... what we could in order to survive”]; E3/507 Khiev Neou WRI, EN 00358141 [“some monks forced themselves to leave monkhood, including me”]; E3/5832 Cheang Sreimom WRI, A16; E3/9586 Van Soeun WRI, A153.
- 3143 E1/278.1 Riel Son, T. 17 Mar 2015, 09.49.10-09.54.37 [“Q: ... did you personally witness the head monk of Angk Roka pagoda [Ta Ich] be beaten with a club by the Khmer Rouge forces or is this something you were told of? A: ... I didn't witness it personally but I heard from other people and later he was defrocked. He was beaten for beating the drum to call people to protest against the Khmer Rouge ... [The beating] happened at the same time when the monks were being defrocked ... I know [Ta Ich] for long time and I went to that pagoda very often to celebrate religious ceremonies over there”]; E1/280.1 Riel Son, T. 19 Mar 2015, 09.38.47-09.41.30 [“At the time, I was actually there not far from where it happened ... Later on, I was chased away to go home so I left the place ... There were people standing there including a driver who was transporting clothes, the driver was rather young and small, and there was an elderly man who beat the monk with a club. I thought he joked when he beat the monk, but the monk said it hurt”].
- 3144 E1/263.1 Em Phoeung, T. 16 Feb 2015, 10.09.20-10.12.07 [“My friend ... told me that monks were tortured and killed at the place he was, as they opposed the Angkar's instructions”] 11.23.28-11.26.25 [“As for the event leading to the death of a monk at Angk Prey Pagoda in Samraong commune, I did not witness it myself but there was a fellow monk who was there. And when I met him, he told me about it, that they were cruel at the time and if they didn't like it, then they would kill the monks. And I asked ‘who were they?’ And he told me it was the Khmer Rouge. And a monk was killed by Angkar and was buried near the vicinity of the pagoda compound. I was told this by a fellow monk who studied together with me, I was further told I should not have any conflict with Angkar or Angkar instructions and that we

783. Yeay Khom enforced the destruction of pagodas and all religious statues and artefacts associated with Buddhism.<sup>3145</sup> As a result, some pagodas were dismantled or destroyed,<sup>3146</sup> and those that were not were used for purposes such as pigsties, meeting halls, warehouses, and commonly, prisons.<sup>3147</sup> As Civil Party Chou Koemlan aptly testified, “Pagodas were turned into prisons of innocents.”<sup>3148</sup> Sacred statues were dismantled, thrown into water, buried and destroyed, and holy texts and artefacts were defaced.<sup>3149</sup> Witness Sao Han recalled that “some of the Buddhist books were used to

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- all should be patient and follow their instructions, otherwise we would be killed by Angkar. Angkar only wanted people who did not dare to refuse or to make any protest against them”]; E3/7982 Top De WRI, EN 00233142 [“A monk from Wat Badong [Trapeang Thum Khang Tboung commune] was killed by the Khmer Rouge after the fall of Phnom Penh in 1975”]; E3/2818 Ian Harris, *Buddhism under Pol Pot*, EN 00703997 [“The chief monk of Takeo province, Ven. Son Sum of Wat Ratanaram, was forced to dig a canal as punishment [for refusing to disrobe]. Ten days later he was too sick to continue and was executed at a public meeting”]. In view of the evidence that the Khmer Rouge gathered monks from Takeo Province at Wat Angk Roka, Ven Son Sum was very likely among them.
- <sup>3145</sup> E1/291.1 Pech Chim, 23 Apr 2015, 15.54.-15.56.50 [“Q: Have you heard about [the demolition of Buddhist statues in pagodas]? A: Yes, I did ... in general it had to be demolished. Khom had announced this”]; E3/2120 Meng-Try Ea, *The Chain of Terror*, EN 00416409 [Meng-Try interviewed a younger sister of Ta Mok, who told him: “Some Buddhists believe the destruction of a temple or Buddha image is a sin ... Ta Mok’s daughter Khom went insane because she ordered the destruction of a temple and one of its Buddha images”].
- <sup>3146</sup> E3/5825 Meas Sokha WRI, EN 00223495 [“The pagodas near our village were dismantled ... they only tore down the temple sanctuaries”]; E3/7902 Thaong Seav WRI, EN 00223469 [in Kus Commune: “They tore down the pagoda, the monks’ dwellings, the temple, all of it. They did not allow any ceremonies”]; E3/8298 Tentative Reports on Pol Pot Genocidal Crimes in Takeo Province, 28 Dec 1984, EN 00721335 [“Pagodas in Takeo province were completely destroyed, just like in other provinces throughout the country”].
- <sup>3147</sup> E1/263.1 Em Phoeung, T. 16 Feb 2015, 11.26.25-11.30.28 [“Majority of the pagodas turned into prisons. The temples were also turned into prisons. They make holes along the temples’ walls and use a metal bar to shackle prisoners. And small numbers of the temples on the other hand had been turned into pig pens ... it was easier for them to transform pagodas into prisons because the temples in the pagodas were made of concrete, so they could make holes and then they could insert a metal bar of 20 millimetre diameter to shackle the prisoners inside”]; E1/253.1 Chou Koemlan, T. 27 Jan 2015, 09.44.47 [“in Leay Bour Pagoda ... the pagoda became the prison”]; E1/265.1 Sao Han, T. 18 Feb 2015, 10.05.05-10.07.26 [“There was one Ayadom (phonetic) Pagoda in Tram Kak commune. It was turned into a workshop. And here I refer specifically to the monks’ dining hall in that pagoda. And also in Thma Kaev Pagoda, it was turned into a place where they worked”] confirming E3/5518 Sao Han WRI, A45; E1/264.1 Phneu Yav, T. 17 Feb 2015, 11.04.35 [“From 1975, the monks were ordered to disrobe, and the pagodas were transformed into a fertilizer warehouse or meetings were also held at the pagodas”]; E1/247.1 Meas Sokha, T. 8 Jan 2015, 11.33.39-11.35.48 [“Buddhist temples were used as clinic and used as pigsty and security centres”]; E3/5135 Pil Kheang WRI, EN 00233134 [“Wat Choeck Chrum, was turned into a pig stall”]; E3/7981 Mich Siphon WRI, EN 00233138 [in Trapeang Thum Khang Tboung Commune: “The pagodas were turned into pig stalls, ammunition warehouses or [dining] halls”]; E3/5521 Nut Nov WRI, A110 [“Pagodas were used as [accommodations] of the collection unit or for storages of fertilizers/manures”]; E3/7043c Kim Ken Summary of Complaint, EN 00463355 [“Tnaot Chum Pagoda ... was turned into a dung storeroom”].
- <sup>3148</sup> E1/253.1 Chou Koemlan, T. 27 Jan 2015, 15.26.15-15.28.06.
- <sup>3149</sup> E1/263.1 Em Phoeung, T. 16 Feb 2015, 14.15.12 -14.17.20 [“During the DK regime, under the control of Pol Pot, everything was destroyed. The Buddhist manuscript, for example, that were made from palm tree leaves ... they tor[ed] them apart and used them as hats. And I personally witnessed it being destroyed and used it...Even the Buddhist painting was torn away and destroyed or some were used ... as hats”]; E1/278.1 Riel Son, T. 17 Mar 2015, 09.47.32-09.49.10 [“there were about 10 or 20 [Khmer Rouge cadres] some of them demolishing the sculpture in the temple, other would remove small Buddha statues



wrap tobacco as a smoke.”<sup>3150</sup> At Tuek Chrum pagoda, villagers were ordered by their unit chief to destroy a Buddhist statue in front of the temple.<sup>3151</sup> The complete destruction of these foundations of Buddhism in Tram Kak left Buddhist villager Bun Sarouen feeling “completely deprived of any psychological base”.<sup>3152</sup>

784. Throughout the district, there was a strict prohibition on all Buddhist ceremonies and rituals, including those performed for the dead,<sup>3153</sup> which compelled former monks and lay civilians to attempt continued worship in secret.<sup>3154</sup> Even high-level cadres were forced to practise clandestinely.<sup>3155</sup> Anyone found to be observing or sympathising with the faith could be imprisoned or sent for reeducation,<sup>3156</sup> and acts as small as lighting

and throw them into the water while some others dug a pit in front of the monk house and threw the small Buddha shrine into the pit and they buried them in the ground”]; **E1/265.1** Sao Han, T. 18 Feb 2015, 10.03.07-10.05.05 [from 1975 to 1979: “I didn’t see [Buddhist statues] in the pagoda anymore as they were all taken away. So ... were the Buddhist books and disciplines”] confirming **E3/5518** Sao Han WRI, A45; **E3/5825** Meas Sokha WRI, EN 00223495 [“The pagodas near our village were dismantled and the Buddha images were buried ... they only tore down the temple sanctuaries”]; **E1/264.1** Phneu Yav, T. 17 Feb 2015, 11.04.35-11.06.42 [“At Tuek Chrum (phonetic) pagoda the Buddha statues were thrown in to a pond. They did not maintain those statues in the temples anymore”], 14.14.54-14.16.29; **E3/7043c** Kim Keng Summary of Complaint, EN 00463355 [“in 1975 ... all Buddhist statues in Tnaot Chum Pagoda were destroyed.”].

<sup>3150</sup> **E1/265.1** Sao Han, T. 18 Feb 2015, 10.03.07-10.05.05.

<sup>3151</sup> **E1/264.1** Phneu Yav, T. 17 Feb 2015, 14.14.54-14.16.29 [“The Buddhist statues at Tuek Chrum (phonetic) pagoda were thrown into the water by the villagers, and those villagers were instructed to do so by the unit chief, and in fact the Buddha statue was dropped into a pond just in front of the Buddhist temple.”].

<sup>3152</sup> **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.38.36 [in Trapeang Thum Khang Cheung Commune: “I was absolutely torn because this was a sacred place and there were no longer any monks there and in the past there used to be celebrations, ceremonies but there were no longer any religious practice so I felt completely deprived of any psychological base.”].

<sup>3153</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.56.17-13.58.20 [“Nobody was allowed to make such a ceremony for the dead because, at that time, Buddhist religion was prohibited”]. See also **E1/264.1** Phneu Yav, 17 Feb 2015, 11.29.24-11.31.20; **E3/5518** Sao Han WRI, A38.

<sup>3154</sup> **E1/263.1** Em Phoeung, T. 16 Feb 2015, 13.33.38-13.35.06 [“they did not allow us to hold any rituals”], 09.54.22-09.57.30 [“we would do our prayer and our sermons quietly, without anyone noticing”]; **E3/7985** Chan Choeun WRI, EN 00233147 [in Ta Phem Commune: “Q: In that regime, were people allowed to practice religion or religious rituals? A: No”]; **E3/5136** Pol Moeun WRI, EN 00231816 [in Trapeang Thum Khang Cheung Commune: “During that time [religion] was prohibited. If one practiced religious rituals, he or she would be taken away to be educated”]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.01.45-11.03.08 [“At that time, in each pagoda, there was no longer any monks. They were all disrobed. However, there were still some Buddha statues, and there was one big statue in that pagoda ... I secretly walked into that temple at night time, without anybody seeing it. I prayed to the Buddha. ... without letting anyone know about it”]; **E1/255.1** Cheang Sreimom, T. 2 Feb 2015, 09.45.45-09.48.29 [“I went to a quiet Buddhist temple in which there seemed to be no monks. They had been removed”].

<sup>3155</sup> **E1/273.1** Neang Ouch, T. 9 Mar 2015, 13.36.23-13.37.50 [“During the DK period, there was no place of worship. However, at my house, I actually pray[ed]”].

<sup>3156</sup> **E3/8424** Report from Leay Bour Commune, 31 Aug 1977 [“Pom Oeun talked with a male adolescent (unknown name) in ploughing unit that nowadays Angkar says that it demolishes only the capitalists and soldiers; however at the moment there is no Buddhism, monks, schools, teachers or markets. It might be better if Angkar allows Buddhism, monks, schools, teachers and [markets] to exist. NB: According to Angkar’s suggestion, Pom Oeun should be sent to Bang Meng’s place in Ang Roka [Angk Roka prison]. Now, we’ve sent him there”]; **E3/5136** Pol Moeun WRI, EN 00231816 [“If one practiced religious rituals, he or she would be taken away to be educated”].

incense were seen as defying *Angkar*.<sup>3157</sup> The CPK actively denounced the religion in meetings, ridiculing and humiliating members of the Buddhist faith. Monks were described as “tapeworms” and “leeches”,<sup>3158</sup> and Buddhism as mere “superstition”, likened to worshipping nothing but stone.<sup>3159</sup>

#### 4. KRAING TA CHAN SECURITY CENTRE

*When I entered [Kraing Ta Chan], when the door was opened,  
I smelled the odour and saw all the people.  
I had them close the door. I did not want to look any more.*

– District Youth Chairman Iep Duch<sup>3160</sup>

785. The District 105 Reeducation Office, better known as the Kraing Ta Chan Security Centre, was located in Kus Commune. Established in 1972,<sup>3161</sup> Kraing Ta Chan served as Tram Kak’s main prison both before and after 17 April 1975. Testimony and surviving documents demonstrate that the prison served an important role in implementing the CPK’s enemy policy through the commission of the crimes against humanity of imprisonment, other inhumane acts (through attacks against human dignity), enslavement, torture, murder, extermination, and persecution on political and racial grounds.<sup>3162</sup>

786. The charged crimes relating to political persecution of Lon Nol officials and racial

<sup>3157</sup> E3/7985 Chan Choeun WRI, EN 00233147 [“People would not even dare burn incense”].

<sup>3158</sup> E1/263.1 Em Phoeung, T. 16 Feb 2015, 11.00.31-11.02.14 [“Q: ... can you tell us when you were told that monks were considered to be like worms or leeches? ... A: It was heard during each meeting. It was well known during the meetings at the village or at the commune”] confirming E3/5133 Em Phoeung WRI, EN 00223201 [“[Angkar] called meetings very frequently, and ... insulted us saying that for many thousand years the monks had been tapeworms, leeches, with crazy people on top and stupid ones at the bottom”].

<sup>3159</sup> E1/254.1 Cheang Sreimom, T. 29 Jan 2015, 10.58.35-11.01.45 [“It was said that there would not be religions, and they said that we worship ... only concrete, Buddha. ... We are instructed not to believe in such Buddhism because ... it was just a superstition ... After all of them had been disrobed, namely my younger brother-in-law, they were teased that they were being tricked by those Buddhist concrete stones”]; 13.48.23-13.56.33 [“[At district level meetings at Angk Roka and Angk Roleay] they emphasise ... not ... to pay respect to the Buddha statue which was just a piece of a concrete stone”]; E1/265.1 Sao Han, T. 18 Feb 2015, 10.07.26-10.10.05 [“At each meeting the group chief or the unit chief repeated the same message that we should not believe in superstition and that we should not pray to the statues”].

<sup>3160</sup> E3/4627 Iep Duch WRI, EN 00223476 (OCIJ brackets removed).

<sup>3161</sup> E3/4626 Pech Chim WRI, EN 00380132 [“That Center was created since 1972 by the Sector party and the District party”]; E3/5837 Kev Chandara WRI, EN 00223452 [“Q: What year was the Kraing Ta Chan prison created? A: Since 1972 or 73”]; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150089; but see E1/269.1 Phan Chhen, T. 25 Feb 2015, 09.57.00-09.58.36 [“In mid-1973, the district decided to use the Krang Ta Chan to be a prison”]; E3/10753 Hun Kimseng WRI, A22 [“it became a prison in 1973”].

<sup>3162</sup> D427 Closing Order, paras 1402 [imprisonment], 1434 [other inhumane acts (attacks against human dignity)], 1391 [enslavement], 1408 [torture], 1373 [murder], 1381 [extermination], 1415-1416 [persecution on political grounds], 1422 [racial persecution (Vietnamese)], and 1470 [other inhumane acts (enforced disappearances)].

persecution of the Vietnamese in Tram Kak are discussed in other sections of this Brief, as the Co-Prosecutors are of the view that the evidence of the Accused's conduct for these charges is better demonstrated when considered in conjunction with the legal and historical context addressed in those sections.<sup>3163</sup> Enforced disappearances relating to Kraing Ta Chan have already been discussed in the Tram Kak District section.<sup>3164</sup> The remaining charges are detailed below.

#### AUTHORITY STRUCTURE

787. The staff at Kraing Ta Chan totaled around 12-15 people.<sup>3165</sup> Several of these staff members testified in Court and/or gave statements to OCJ investigators.<sup>3166</sup> A few tended to be less forthcoming about events at the security office in public court sessions than they were when giving sworn statements to investigators, often minimising their own knowledge or role during public testimony. However, when the totality of evidence is considered, including that from former prisoners,<sup>3167</sup> a clear picture emerges of the horrors that regularly occurred at the Kraing Ta Chan Security Centre.
788. Phan Chhen was the first Chairman of the prison<sup>3168</sup> and Ta An was his deputy.<sup>3169</sup> In mid-1975, Phan Chhen was transferred,<sup>3170</sup> and An served as Chairman until the regime

<sup>3163</sup> Political persecution of Lon Nol officials is discussed in **Common Criminal Plan – Policy to Persecute and Kill Enemies – Former Khmer Republic Soliders and Officials – The Great Mass Movement to Attack and Smash: 1977-1979**; and racial persecution of the Vietnamese is discussed in the section **Crimes against the Vietnamese – Implementation of the Genocidal Policy Against the Vietnamese**.

<sup>3164</sup> See section **Tram Kak District Cooperatives – Enforced Disappearances**.

<sup>3165</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 ["As for guards, there were 12 guards ... Pai An (phonetic) was the chief of the guards – the guard unit, and when Duch was there, he was the deputy chief"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.04.44-14.07.09 ["There were 12 soldiers and ... 3 chiefs. ... They would send more staff and soldier[s] to the prison when the [number of] prisoners increase[d]"]; **E1/270.1** Van Socun, T. 3 Mar 2015, 15.10.18-15.12.37; **E3/5845** Van Socun WRI, EN 00223210; **E3/9583** Saut Saing WRI, A54-58.

<sup>3166</sup> **Phan Chhen** [Trial Testimony: **E1/268.1** T. 24 Feb 2015 and **E1/269.1** T. 25 Feb 2015; WRIs: **E3/72**, **E3/5522**, **E3/5524**, **E3/9465**, **E3/9466**, and **E3/9585**]; **Srei Than alias Duch** [Trial Testimony: **E1/266.1** T. 19 Feb 2015, **E1/267.1** T. 23 Feb 2015, and **E1/268.1** T. 24 Feb 2015; WRIs: **E3/5834**, **E3/5852**, and **E3/9597**]; **Saut Saing** [Trial Testimony: **E1/281.1** T. 24 Mar 2015 and **E1/282.1** T. 25 Mar 2015; WRIs: **E3/5864** and **E3/9583**]; **Van Socun** [Trial Testimony: **E1/270.1** T. 3 Mar 2015, **E1/271.1** T. 4 Mar 2015, and **E1/272.1** T. 5 Mar 2015; WRIs: **E3/5845** and **E3/9586**]; **Iep Duch** [WRIs: **E3/430** and **E3/4627**]; **Saing Sim** [WRI: **E3/5853**]; **Sok Soth** [WRI: **E3/5835**].

<sup>3167</sup> **Meas Sokha** [Trial Testimony: **E1/247.1** T. 8 Jan 2015, **E1/249.1** T. 21 Jan 2015 and **E1/250.1** T. 22 Jan 2015; WRI: **E3/5825**]; **Say (Sory) Sen** [Trial Testimony: **E3/256.1** T. 4 Feb 2015, **E1/257.1** T. 5 Feb 2015, **E1/258.1** T. 6 Feb 2015, **E1/282.1** T. 25 Mar 2015; WRIs: **E3/5129**, **E3/5214**, **E3/9589** and **E3/10801**]; **Vong Sarun** [**E1/300.1** T. 18 May 2015]; **Kev Chandara alias Yav** [Trial Testimony: **E1/255.1** T. 2 Feb 2015 and **E1/256.1** T. 4 Feb 2015; WRIs: **E3/5153**, **E3/5837**, **E3/7888** and **E3/9609**]; **Hun Kimseng alias Yeay Nha** [WRI: **E3/5826** and **E3/10753**]; **Lim Hach** [WRI: **E3/7984**]; **Neang Dam** [WRI: **E3/7904**]; [REDACTED] [WRI: **E3/9584**]; **Kev Mao** [WRI: **E3/7900**].

<sup>3168</sup> When Phan Chhen testified before this Court, he maintained that someone from the Tram Kak District Committee was in charge of the prison, that he never served as the Kraing Ta Chan prison chief, and that he left the area in 1974 [see **E1/268.1** Phan Chhen, T. 24 Feb 2015, 13.59.59-14.01.48 ["In 1974, I moved to live in Kampong Speu province"], 14.12.09-14.18.29, 14.36.06-14.37.40 and **E1/269.1** Phan



fell.<sup>3171</sup> Duch Thom, or Big Duch, served as Ta An's deputy until he was replaced by Penh.<sup>3172</sup> An, Duch and witness Saut Saing supervised the guards,<sup>3173</sup> who included

Chhen, T. 25 Feb 2015, 14.15.13-14.18.10]. However, see E3/5522 Phan Chhen WRI, A40-41. Moreover, witnesses with no reason to lie, including surviving prisoners and a former district chief, identified him as the first prison Chairman. See e.g. E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 14.29.43-14.31.28 ["The first chief was Ta Chhen, and then Ta An came in -- I forget the year -- but he came after the liberation of Phnom Penh by DK"]; E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 10.58.24-10.59.35 ["Q: ... if I understood correctly, you said that before 1975, the person who led the security centre was called Chhen? Is that accurate? A: Yes, Chhen was the first chief of Krang Ta Chan office"]; E1/258.1 Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: [W]hen you entered Krang Ta Chan in 1974, who were in the leadership or in the management of the prison at the time? A: ... When I initially arrived, there was Ta Chhen, that was prior to 1975; and after 1975, it was Ta An"]; E3/5214 Say (Sory) Sen WRI, 00225503; E3/4626 Pech Chim WRI, EN 00380134 ["Chhen was the chief of the Center, and An was Chhen's deputy ... [After 17 April 1975,] [t]he structure of the Kraing Ta Chan Security Center was not changed. The chief and the deputy were still the same persons"]; EN 00380136-37 [Chhen was transferred to another position in about mid-1975]; E3/401 Pech Chim WRI, EN 00381027; E3/5786 Pech Chim WRI, A32; E3/9583 Saut Saing WRI, A42; E3/7900 Kev Mao WRI, EN 00163473 [former KTC prisoner, arrested in 1974: "Phan Chhen was the chief. The deputy was An"]; E3/2062 Neang Vorn, *Brief History of Kraing Ta Chan Genocide Center*, EN 00301364 ["In late 1973, the prison in Pen Meas was moved to Kraing Ta Chan and was under the control of a group [of] people who used to be monks such as Achar Chhen, the head; Achar An; Achar Dam; and Achar Penh"].

<sup>3169</sup> E3/4626 Pech Chim WRI, EN 00380134; E3/5214 Say (Sory) Sen WRI, EN 00225503; E3/7888 Kev Chandara WRI, A2 and A13 ["I overheard Ta Chhen talking to his vice-chairman of the prison, Ta An ... The three people were walking before me: Chhen, chief of the prison, An, deputy chief of the prison, and Nuon Chea"]; E3/7900 Kev Mao WRI, EN 00163473.

<sup>3170</sup> E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 10.58.24-10.59.35 ["Chhen told everybody and told the soldiers that he would be transferred to be in charge of Prison 204"]; E1/258.1 Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["When I initially arrived, there was Ta Chhen, that was prior to 1975; and after 1975, it was Ta An"]; E3/4626 Pech Chim WRI, EN 00380136-37 [Chhen was transferred to another position in about mid-1975].

<sup>3171</sup> See e.g. E1/249.1 Meas Sokha, T. 21 Jan 2015, 11.00.03-11.01.25, 11.24.11-11.25.49 ["An was the chief and Om Penh was his deputy, and below that there was Cheng"]; E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 14.29.43-14.31.28 ["The first chief was Ta Chhen, and then Ta An came in -- I forget the year -- but he came after the liberation of Phnom Penh by DK"]; E1/258.1 Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: [W]hen you entered Krang Ta Chan in 1974, who were in the leadership or in the management of the prison at the time? A: ... When I initially arrived, there was Ta Chhen ... after 1975, it was Ta An"]; E1/267.1 Srei Than, T. 23 Feb 2015, 09.29.19-09.30.14 ["The chief of Krang Ta Chan office was Leng An and his deputy was Duch"]; E1/270.1 Van Socun, T. 3 Mar 2015, 15.03.28-15.06.19 ["Q: Once you got to Krang Ta Chan, who gave instructions to all staff at the centre? Who was in charge of discipline? And who chaired meetings at the centre? A: An and Penh ... Q: ... who headed the Krang Ta Chan [security] centre? A: It was Ta An"]; E1/274.1 Neang Ouch, T. 10 Mar 2015, 15.26.50 [former Tram Kak District Committee: "I knew that Ta An was the chief at Krang Ta Chan but I cannot recall whether I received any report from him"]; E1/277.1 Nut Nov, T. 16 Mar 2015, 11.04.56-11.08.35 ["I only heard that Ta An was chief of Krang Ta Chan Security Centre"]; E1/278.1 Riel Son, T. 17 Mar 2015, 14.33.48-14.36.12; E1/281.1 Saut Saing, T. 24 Mar 2015, 09.33.59-09.36.57 ["The head of the security office were was Ta An, Ta Penh, and Ta Chhen. The three individuals were heads -- they were the leaders of the security office of Krang Ta Chan area"]; E1/300.1 Vong Sarun, T. 18 May 2015, 11.15.48-11.18.04 ["The chief was Ta An and Ta Penh was the one who interrogated me"], 11.47.53-11.50.00 ["[Ta An] was the chief of the prison"]; E3/9480 Khoem Boeun WRI, A189, A201; E3/4627 Iep Duch WRI, EN 00223476 ["I asked permission from the chairman Ta An to enter and look at the prison"]; E3/5853 Saing Sim WRI, EN 00433574 ["Q: Who assigned people to dig the pits? A: Ta An the chairman"]; E3/9472 [REDACTED] WRI, A118; E3/9584 [REDACTED] WRI, A24; E3/9605 Toem Hy WRI, EN 00980269 ["Q: What was Ta An's position when you delivered letters to him? A: Ta An was Kraing Ta Chan Security Office Chairman"]. *Contra*: Phan Chhen asserted that Ta An was perceived by many to be in charge of the prison because he stepped in whenever Phy was at the district. While the Prosecution does not contest that Phy may have had oversight of the prison in his capacity on the district committee, the Prosecution disputes that he was the Chairman or chief handling day-to-day matters at the prison: that

- was Ta An. See **E1/269.1** Phan Chhen, T. 25 February 2015, 11.04.02-11.06.05, 13.45.41-13.47.02, 15.21.10-15.25.52 and **E3/72** Phan Chhen WRI, A3, A56 and A60; **E3/5522** Phan Chhen WRI, A22, A25, A37, A41, A44 and A47; **E3/5524** Phan Chhen WRI, A4, A30, A32-33 and A47; **E3/9465** Phan Chhen WRI, A40; **E3/9466** Phan Chhen WRI, A75 and A92-93; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.41.19-15.44.09 ["Ta Phy, the handicapped. I did not know about his actual role or position but he was overall in charge of Krang Ta Chan office"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.27.48-15.29.36 ["after Ta Chim, became a district committee in Kampong Cham, then he, the handicapped Ta Phy, became the district committee 105. And he would come to the Krang Ta Chan office about three to four times a week"]; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 14.12.09-14.14.13 ["Q: Do you recall the people in the management or in the management structure of Krang Ta Chan? A: Yes, there were Phy, An, Penh, Cheng, Chhon (phonetic)"]; 15.21.22-15.23.07 ["Q: ... It's correct that Phy was a member of the Tram Kak district committee? A: Yes. He was part of the Tram Kak district committee. Q: And was Phy one of the cadres who conducted interrogations at Krang Ta Chan? A: Yes, that is correct"]; **E1/274.1** Neang Ouch, T. 10 Mar 2015, 15.24.34-15.26.50 ["Q: Did you hear of a cadre called Phy or Phi (phonetic) Phy who was handicapped? He especially had problems with his legs. A: I heard of a name Phy. Q: What were Phy's functions? A: Phy worked in the same office with An. Q: Which means what precisely? What functions did he fulfil? A: I did not know of his real function but he worked in the same office that An worked"]].
- 3172 **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 14.36.10-14.37.55 ["Ta An was the chief ... Ta Penh actually was the member and Big Duch was the deputy"]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["Q: ... who were in the leadership or in the management of the prison at the time? A: ... after 1975, it was Ta An and Ta Penh (phonetic) and Duch 'Thom' or big Duch"]; **E1/277.1** Nut Nov, T. 16 Mar 2015, 10.37.42-10.40.10 ["Iep Duch, I know him very well. He was the chief of Tram Kak Youth Committee before, and later he was sent to Krang Ta Chan. He worked there, and later he was sent to the North Zone"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.24.11-11.25.49 ["big Duch actually had left Krang Ta Chan in 1977 to be transferred to the North Zone"]; **E3/5834** Srei Than WRI, A4; **E3/5214** Say (Sory) Sen WRI, EN 00225511 ["There were two [people] named Duch [at Kraing Ta Chan], Duch Thom (large) and Duch Touch (small). Duch Thom was the deputy chairman. Duch Touch was a subordinate ... Duch Thom was transferred out of the Kraing Ta Chan Office to work in Kampong Cham during 1976. Later Penh fulfilled the duties of deputy chairman in place of Duch Thom"]; **E3/9589** Say (Sory) Sen WRI, A38 ["[Big] Duch, who was a security guard at Krang Ta Chan Prison, was later promoted to be the Deputy Chief of Krang Ta Chan Prison in 1975. Duch was sent to Kampong Cham in 1976 after having worked as the Deputy Chief for a year ... After Duch had been sent to Kampong Cham, Penh was promoted to Deputy Chief, replacing Duch"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.31.43-09.36.57 ["I started working at Krang Ta Chan office from 1977 ... The head of the security office were Ta An, Ta Penh, and Ta Chhen"]. Note that Iep Duch denies ever having any role at Kraing Ta Chan and maintains that he never moved from Tram Kak District. See **E3/4627** Iep Duch WRI, EN 00223473.
- 3173 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 ["Pai An (phonetic) was the chief of the guards – the guard unit, and when Duch was there, he was the deputy chief"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.04.44-14.07.09 ["There were 12 soldiers and ... 3 chiefs. ... They would send more staff and soldier[s] to the prison when the [number of] prisoners increase[d]"]; **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 14.33.53-14.36.10 ["After [the guard unit] received the order from the chief of the security office, they were the one who arrested, transferred and executed prisoners"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.36.07-11.39.25 ["An and Duch were the leaders, and they would ask us to be on specific location and on guard, [but] only the commanders of my regiment could replace and remove us from our unit"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 14.33.24-14.35.07 [the witness, who was in the same six-person guard unit as Srei Than, testified: "In the Army, the Commander issued order but when I was at Krang Ta Chan office, we were no longer under the military command"], 11.34.29-11.36.28 ["When I was at Krang Ta Chan I would receive orders only from Ta An"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.29.48-15.34.13 ["Q: ... Did Ta An or the other members of the committee ask members of your unit, that was therefore subordinate, to supervise the prisoners ...? A: Yes"], 15.12.37-15.14.27 ["Q: Do you know what would have happened during that period if you did not abide by these disciplinary measures handed down to you by the leadership of the Krang Ta Chan centre? A: If we did not comply with the disciplines or the order, we would be detained in the prison"]; **E3/9586** Van Soeun WRI, A163; **E3/9583** Saut Saing WRI, A51-53 ["Q: Was it because of the good friendship between Ta An and Ta Chem that you were appointed Head of Security Guards at Krang Ta Chan? A: Yes, that was the reason I was appointed Head of the Prison Guards ... No, I was just an ordinary guard. Q: Who supervised the guards? A: Ta An himself"], A86 ["Q: ... We also have information indicating that you were Head of Prison Guards, but your role was to report to the higher level ... In such circumstances, you must have [been

witnesses Srei Than alias Duch (Duch Touch, or Little Duch), Van Soeun, and others.<sup>3174</sup> Chhoeun, Moeun and Van Soeun worked as messengers for the prison.<sup>3175</sup>

### IMPRISONMENT

789. Kraing Ta Chan was the centre of Tram Kak District's prison system during the DK regime, imprisoning "serious" offenders. None of the former prisoners who gave evidence to this Court at any time mentioned that they, or anyone else detained with them, were ever formally charged with a crime either before or after arriving at Kraing Ta Chan. They were accorded no due process, and some were arbitrarily held for years.<sup>3176</sup> Instead of having access to legal counsel or appropriate adjudication, prisoners

under] moral pressure, is that correct? A: Yes"] but see **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.49.02-14.56.51 where he denied holding such a position.

<sup>3174</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.47.34-11.50.41 ["As for guards, there were 12 guards ... Moeun, Penh, Cheng, Chhoeun, Ouk, Sieng (phonetic) and there were a few more subordinates. I remember ... the names of some of these people. There were 1) Suon, 2) Sin, 3) Saing, 4) Duch, 5) Touch ... They were guards"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 ["Q: ... Can you tell us the name of the guard who killed the younger of these two girls? A: Yes, they were Sieng, Moeun, Saing and Duch Touch, or Small Duch. Together, there were four of them"]; **E1/268.1** Srei Than, T. 24 Feb 2015, 09.18.42-09.24.50 [confirmed that the guards in his unit who were assigned by the army to guard Kraing Ta Chan included Saing, Sim, Soan, and Touch]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.25.38-09.28.45 ["I was transferred to Kraing Ta Chan -- that is, to provide security there, or simply, to guard Kraing Ta Chan"], 10.44.05-10.45.55 ["I was transferred to work there in 1976"]; **E3/5845** Van Soeun WRI, EN 00223208-10 [worked as a guard at Kraing Ta Chan from late 1976 until the fall of the regime: "There were six in the guard unit. ... Duch, Sim, Saing, Touch, Uok, and me too"]; **E3/5853** Saing Sim WRI, EN 00433568-69 ["in 1976, when I was transferred to the Kraing Ta Chan office ... they had me guard prisoners, ... The others assigned like me to guard outside included 1 Duch; 2 Soan; 3 Saing; 4 Touch; and 5 Uok"]; **E3/9583** Saut Saing WRI, A54-58, A69 ["Sarat was called Duch. There were two persons named Duch, 'small Duch' (Sarat), who belonged to the military group ... and 'big Duch', who belonged to the youth group"].

<sup>3175</sup> **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.33.36-14.36.58 ["My main task was to guard the office day and night, and also during ... the daytime, I had to be a messenger"], 15.44.09-15.45.18 ["Q: ... Were you the only one at Kraing Ta Chan to travel to the district to deliver envelopes from the Kraing Ta Chan centre or were there other people doing the same? A: There were two of us. One was Moeun, a Party member, and I, myself"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.59.37-10.01.49 ["Q: Who was in charge of playing that role as messenger after the 17<sup>th</sup> April 1975, up until 1979? A: It was Soan. I did not know the surname of Soan."]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.48.19-13.50.46 ["There was only one messenger ... but later when the soldiers were sent there ... Van Soeun who was assigned as messenger in addition to the existing one"]; **E3/9583** Saut Saing WRI, A72.

<sup>3176</sup> **E3/4145** List of Prisoners Detained for Months or Years, EN 00762837: Iet Chin, Hun Seng [Hun Kimseng], Meas Sarat, Vong Sanu [Vong Sarun], Uch Han; **E3/4145** Names of Prisoners from M-105 Detained for Years Pending Party's Decision, EN 00762844: Yuk Sen [Say (Sory) Sen], illegible, Hun Nha, Meas Rat, Sam Chun; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.14.09 ["I was detained [at Kraing Ta Chan] with my mother from 1976 until August 1978 ... almost three years, just two more months and it would make three years period"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.40.28-13.42.38 [confirmed that he was held at Kraing Ta Chan for five years]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07, 10.20.26-10.24.55, 11.42.57-11.47.53 [the witness was detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; **E3/7904** Neang Dam WRI, EN 00223517 [imprisoned at Kraing Ta Chan from 1977 until the regime fell]; **E3/10753** Hun Kimseng WRI, A32.



were tortured to elicit “confessions” which allegedly formed the basis for their unlawful detention.<sup>3177</sup>

790. Twelve surviving DK documents provide varying degrees of detail about the prisoners held at Kraing Ta Chan Security Centre.<sup>3178</sup> Some provide information about prisoner occupations before the regime, some state the prisoner’s alleged offences, and a few provide dates of incarceration and/or death. The Co-Prosecutors have compiled the information into a centralised spreadsheet in order to assist in determining what types of prisoners were arrested and imprisoned in Tram Kak District, particularly at Kraing Ta Chan.<sup>3179</sup> Eight graphs (Figures 1.1-1.8) which help provide better insight into the prison population at Kraing Ta Chan are included in **Annex G.2**.

791. *New People/Base People and Ethnic Groups*: An overwhelming majority (75.9%) of people arrested and imprisoned at Kraing Ta Chan were New People.<sup>3180</sup> Also detained but in much smaller percentages were Base People<sup>3181</sup> and CPK cadres.<sup>3182</sup> Chinese,<sup>3183</sup>

<sup>3177</sup> See section **Kraing Ta Chan Security Centre – Torture**.

<sup>3178</sup> See **E3/2046; E3/2107; E3/2427; E3/4083; E3/4092; E3/4095; E3/4122; E3/4145; E3/4164; E3/5827; E3/5860; E3/8407**.

<sup>3179</sup> The data is limited because some portions of the records are illegible and some information is clearly missing. There are also discrepancies in the transliterated spelling of names in the English and French translations of the documents. Where there was a conflict, the Co-Prosecutors looked to the original Khmer version as the authority. Note that only 11 of the 12 charts have been incorporated into the OCP’s analysis as the basis for the graphs. The 12th chart (**E3/4083**) was copied from the original document in two segments — one half contains the name, age and birthplace, which had to be matched with the half containing the occupation and arrest/execution dates. This involved lining up the proper village, commune, and districts with the corresponding provinces on the other half in the order that they appeared on the list. However, it appears some matching sections are missing because the locations do not match. The OCP has therefore kept this list separate and includes it as **Annex G.3**, providing only the portions of the list which could be reliably matched.

<sup>3180</sup> See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**. In the Kraing Ta Chan Security Centre Prisoner List analysis, prisoners were identified as New People based on available biographical information stating their birthplace, previous occupation, and last known residence. Prisoners for whom no biographical information was available are reflected in the “Not recorded” category of Figure 1.1. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34 [“most of the prisoners [at Kraing Ta Chan] were the New People called 17 April People”]; **E3/4627** Iep Duch WRI, EN 00223476 [“Probably the majority [of Kraing Ta Chan prisoners] were the brothers and sisters who had been evacuated from the cities, those called the 17 April group”]; **E3/7901** Seang Soeun WRI, EN 00223463.

<sup>3181</sup> See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**. In the Kraing Ta Chan Security Centre Prisoner List analysis, prisoners were identified as Base People based on available biographical information stating their birthplace, previous occupation, and last known residence. See also **E3/7901** Seang Soeun WRI, EN 00223463; **E3/4627** Iep Duch WRI, EN 00223476; **E3/9584** [REDACTED] WRI, A50.

<sup>3182</sup> See **Annex G.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex G.1**.

<sup>3183</sup> **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/9604** Ry Pov WRI, A59; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366676 [Lim Tech Huo], 00366677 [Heng Huor], 00366692 [Ly Koun]; **E3/4092** Kraing Ta Chan Interrogator’s Notebook, EN 00834809 [Lay Kiek], 00834818 [Chung Kim Chhe], 00834819 [Lim You], [Chung Chhorn]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064182 [Kim Savan], [Sok Nam], 01064183 [Ieng Bunthan], 01064190 [Lip Liep], 01064195 [Sokha alias Seu]; **E3/8407** Kraing Ta Chan Prisoner List, EN 00276559 [Mao Tung]; **E3/2107** Kraing Ta Chan

Vietnamese,<sup>3184</sup> Cham,<sup>3185</sup> and Khmer Krom<sup>3186</sup> were also part of the detainee population.

792. *Sex and age*: More than 80 percent of the prisoners at Kraing Ta Chan were male,<sup>3187</sup> but females were also detained there, including young girls, pregnant women, and wives of persons deemed enemies.<sup>3188</sup> Testimony and surviving documents also show there were prisoners of all ages, from the very young<sup>3189</sup> to the very old (87).<sup>3190</sup>

Interrogator's Notebook, EN 00290226-27 [Sok Teang]; E3/5827 Kraing Ta Chan Interrogator's Notebook, EN 00866460 [Sam Soeung].

<sup>3184</sup> E3/2427 Kraing Ta Chan Interrogator's Notebook, EN 00366681 [Yin Ting alias Long]; E3/5860 Kraing Ta Chan Interrogator's Notebook, EN 01064165 [Thach Soeung]; E3/2107 Kraing Ta Chan Interrogator's Notebook, EN 00290216 [De Yeun].

<sup>3185</sup> E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 09.46.43-09.49.36; E3/5826 Hun Kimseng WRI, EN 00223488; E3/9604 Ry Pov WRI, A59.

<sup>3186</sup> E3/4145 Kraing Ta Chan Prisoner List, EN 00762845-46 [Thach Vanna]; E3/4095 Kraing Ta Chan Interrogator's Notebook, EN 00747241 [Thach Saren], 00747279 [Thach Uk], 00747286 [Kem Khen], 00747289 [Chan Dara]; E3/4092 Kraing Ta Chan Interrogator's Notebook, EN 00834816 [Khieu Phy], 00834816-17 [Phao Phan]; E3/5860 Kraing Ta Chan Interrogator's Notebook, EN 01064171 [Tach Snguon]; E3/2107 Kraing Ta Chan Interrogator's Notebook, EN 00290225 [Thach Oeng], 00290236 [Neang An], 00290237-38 [Kim Thy Saren], 00290238-39 [Tuon Hin]; E3/5827 Kraing Ta Chan Interrogator's Notebook, EN 00866431 [Ly Lem], 00866438 [Sok Kao alias Kav], 00866447-48 [Kim Inh], 00866457-59 [Nang Horn alias Nhoung]; E3/9596 [REDACTED] WRI, A33.

<sup>3187</sup> See Annex G.2 Figure 1.3, *Male and Female Prisoners at KTC* and the supporting data in Annex G.1 as well as supplementary information contained in Annex G.3. See also E1/267.1 Srei Than, T. 23 Feb 2015, 11.23.29; E1/451.1 Henri Locard, T. 29 July 2016, 09.46.40-09.48.41 ["I think it's extremely important to realize that at least 90 per cent of prisoners in all prisons in Cambodia were men, and that is why, at the end of the regime, there were so many widows in the new regime"].

<sup>3188</sup> See e.g. E1/300.1 Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07, 10.20.26-10.24.55, 11.42.57-11.47.53 [the witness was detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 13.42.38-13.45.31 ["Yes [I confirm], there were children and female prisoners"]; E3/7901 Seang Soeun WRI, EN 00223463 ["Q: Were there women and children? A: There were. Every kind of prisoner. They killed pregnant women, girls, husbands, wives, children whole families"]; E3/4095 Kraing Ta Chan Interrogator's Notebook, EN 00747244-45 [Ieng Seab], 00747254 [Phoeuk Sok, Pich Savin], 00747284 [Seng Sitha], 00747295 [Kok Leng]; E3/4145 Kraing Ta Chan Prisoner List, EN 00762837 [Hun Seng, Meas Sarat, Vong Sanu, Uch Han].

<sup>3189</sup> See Annex G.2 Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in Annex G.1 as well as supplementary information contained in Annex G.3. See also E1/300.1 Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07 [the witness was detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; E1/281.1 Saut Saing, T. 24 Mar 2015, 09.42.10-09.47.03 ["From my observation, children and babies, they were coming [to Kraing Ta Chan] with their parents ... During that time, the babies or children, regardless of male or female, lived with their parents"]; E1/267.1 Srei Than, T. 23 Feb 2015, 11.16.04-11.17.33 ["I did not remember how many children, male and female, were killed. But, actually, there were killing of children"]; E1/249.1 Meas Sokha, T. 21 Jan 2012, 10.05.24-10.10.44, 10.16.15-10.18.34 ["As for my younger siblings, they died three months after they were detained due to lack of milk and food"]; E3/5826 Hun Kimseng WRI, EN 00223490 ["Q: [Your] two infants died too? A: They died from lack of breast milk"]; E3/5853 Saing Sim WRI, EN 00433572-73; E3/9586 Van Soeun WRI, A211; E3/9484 [REDACTED] WRI, A40; E3/9584 [REDACTED] WRI, A51; E3/10753 Hun Kimseng WRI, A24-25.

<sup>3190</sup> See Annex G.2 Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in Annex G.1 as well as supplementary information contained in Annex G.3. See also E3/5827 Kraing Ta Chan Interrogator's Notebook, EN 00866442 [Nop Long, 87 years old]; E3/8407 Kraing Ta Chan Prisoner List, EN 00276559 [Va Saophan, 82 years old]; E3/2107 Kraing Ta Chan Interrogator's Notebook, EN 00290226 [Chao Tit, 79 years old]; E3/4092 Kraing Ta Chan Interrogator's Notebook, EN 00834806 [Mak Hien, 75 years old]; E3/2427 Kraing Ta Chan Interrogator's Notebook, EN 00366686 [Chhoel Kiet, 70 years old].

793. *Occupations*: The Kraing Ta Chan Security Centre Prisoner List (**Annex G.1**) very clearly demonstrates that former Khmer Republic soldiers and officials were targeted for arrest and imprisonment, as an analysis of stated occupations reveals that almost 50 percent of the prison population had worked as soldiers, officials or police during the Lon Nol regime.<sup>3191</sup> Students, teachers, monks and professionals comprised another 10 percent of prisoners, while approximately eight percent were former CPK cadres or combatants.<sup>3192</sup> The evidence further demonstrates that family members of people linked to the Lon Nol regime were also arrested and often suffered the same fate as the former officials.<sup>3193</sup>

<sup>3191</sup> See **Annex G.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.38.17 ["The number of prisoners increased after ... they liberated Phnom Penh. Those former Lon Nol soldiers ... were taken there [to Kraing Ta Chan]"]; **E1/298.1** Ek Hoeun, T. 7 May 2015, 11.08.47-11.10.37 ["Q: ... civil servants, as well as the Lon Nol servicemen, were these enemies still the same after 17<sup>th</sup> April 1975, were they still being tracked down? A: Yes, indeed"]; **E1/265.1** Sao Han, T. 18 Feb 2015, 09.11.15-09.14.37 [his older brother, a former Lon Nol soldier, was killed Kraing Ta Chan]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 16.02.55-16.04.55; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416381-82 [The majority of those arrested in mid-1975 and 1976 were Lon Nol soldiers and policemen ... in early 1976, there were many more Lon Nol soldiers and policemen than those in other categories]; EN 00416384 ["Among the 500 prisoners on the execution lists of the Tram Kak district reeducation center for 1977 and part of 1978, 252 were class/political trenders, Lon Nol officials, and escapees"].

<sup>3192</sup> See **Annex G.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. See also **E1/298.1** Ek Hoeun, T. 7 May 2015, 11.08.47-11.10.37 ["Q: [T]his concept of enemy however, that is to say former teachers ... were these enemies still the same after 17<sup>th</sup> April 1975, were they still being tracked down? A: Yes, indeed"]; **E3/5518** Sao Han WRI, A22.

<sup>3193</sup> See **Annex G.2** Figure 1.7, *Imprisoned Relatives of Former Khmer Republic Officials* and the supporting data in **Annex G.1** as well as supplementary information contained in **Annex G.3**. Figure 1.7 depicts individuals detained at Kraing Ta Chan who were not former Khmer Republic officials themselves but indicated they were related to a former soldier or official. See also e.g. **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366680 [Nob Kea, 21: her father was a Lieutenant Colonel stationed at the General Staff in Phnom Penh]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973150 [Em Sambath, 24: father was a captain (already smashed)]; **E3/2107** Kraing Ta Chan Interrogator's Notebook, EN 00290211 [Nget Nel, 13: father was a colonel], 00290253 [Chea Pheakdei, 19: father was the Governor of Kampong Chhnang Province]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.40.28-13.42.38 ["I believed my detention was due to my father being District Chief during the Sihanouk regime. I myself did not commit any wrong-doing"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.18.02-09.20.07 ["one prisoner said he was accused of being connected with [the] former regime because his sibling or relative have a rank of a major or a captain"], 10.09.00-10.11.07 ["Based on my observation, if the prisoners ... were alleged to have a connection with the former Lon Nol regime, then they would be tortured"]; **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.14.22-11.16.37 ["If they [had] any relatives who held senior positions in the previous regime, they would be arrested and killed as well. They used a phrase at that time. If they dig out the grass, they had to dig out the root as well"]; **E1/247.1** Meas Sokha, T. 8 January 2015, 11.55.57 ["Five days after [my father's] arrest, they came to arrest my mother and my siblings and other villagers"]; **E1/270.1** Van Soeun, T. 3 Mar 2015, 14.36.58-14.41.39 *confirming* **E3/9586** Van Soeun WRI, A90-91; **E3/9745** Ou Dav WRI, A187 ["Khmer Rouge soldiers reviewed his background and arrested him and his family to be detained at Kraing Ta Chan Security Office ... his family was arrested, detained, and tortured at Kraing Ta Chan Office. My eldest brother was an army captain during the Lon Nol era: All the members of his family were killed at that security office"]; **E3/5864** Saut Saing WRI, EN 00223551 ["Some had connections to [officials of] previous times, some



794. *Alleged offences:* People in Tram Kak District were also arbitrarily arrested and sent to Kraing Ta Chan simply for scavenging for food,<sup>3194</sup> being perceived as educated or from the upper-class,<sup>3195</sup> complaining or criticising the Regime,<sup>3196</sup> or making any kind of “mistake”.<sup>3197</sup> Those considered lazy or pretending to be sick,<sup>3198</sup> accused of stealing,<sup>3199</sup> or attempting (even planning) to flee the commune were also arrested.<sup>3200</sup>

- had deserted the ranks ... I knew because when I took them to work, I secretly asked questions of those prisoners”].
- <sup>3194</sup> See e.g. the evidence cited in fn. 3022; E3/2427 Kraing Ta Chan Interrogator’s Notebook, EN 00366684-85 [Sok Sorn: stole husked rice], 00366685 [Van Sarun: stole potatoes, chicken and chicken eggs], 00366687 [Nheb Ma: stole palm tree juice]; E3/4164 Kraing Ta Chan Prisoner List, EN 00973150-51 [Suon Phy, Chak Ieb and Chum Thal: stole chickens]; E3/4095 Kraing Ta Chan Interrogator’s Notebook, EN 00747246-47 [Mak Mon alias Mit: stole cucumber and garlic], 00747265-66 [Chay Nha: stole husked rice and climbed palm trees to get juice for his children].
- <sup>3195</sup> See e.g. E3/4092 Kraing Ta Chan Interrogator’s Notebook, EN 00834804-05 [Sin Sarath “was a senior student from the petty bourgeoisie”], 00834817 [Sok Huoy was a “capitalist” owner of eight car shops]; E3/2427 Kraing Ta Chan Interrogator’s Notebook, EN 00366695 [Ke Sav: “working at a civil aviation company at Pochentong in Phnom Penh as a capitalist”]; E1/298.1 Ek Hoeun, T. 7 May 2015, 13.58.50-14.00.46 [“The upper class peasants were capitalists and petty bourgeoisie. These classes were considered to be of no good and had to be crushed by the wheel of the history... The wheel crushed every person, provided that he/she was categorised in the wealthy class”]; E1/299.1 Ek Hoeun, T. 8 May 2015, 10.09.29-10.11.14 [“those who fell into the class of capitalist or of feudalist, or anyone who owned just a small rice mill or rice threshing machine, they would be arrested. And even someone with 10-20 mango trees and coconut trees on their property and who had a barn with rice stock would also be arrested as they were accused of being a middle class capitalist”]; E3/5498 Bun Thean (Thien) WRI, EN 00384406 [“Ta Saom was arrested probably because he was a student belonging to a petty bourgeoisie class”].
- <sup>3196</sup> See Annex G.2 Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in Annex G.1, e.g. E3/2427 Kraing Ta Chan Interrogator’s Notebook, EN 00366695 [Long Tel: gathered with others for a debate where they said: “Nowadays we live in hardship like slaves; we can not stop working even a bit; the unit chief is very strict”]; E3/4095 Kraing Ta Chan Interrogator’s Notebook, EN 00747287 [Yang Kay complained about collectivism, rations, the new regime resembled the old regime in that high-ranking officers could eat anything as long as they way]; E3/4092 Kraing Ta Chan Interrogator’s Notebook, EN 00834802 [Hem Chantha: when the base people advised her to irrigate the fields, she refused to do so and said she was in sorrow for her husband, whom Angkar had taken for execution; also refused to eat, throwing it away]; E3/5860 Kraing Ta Chan Interrogator’s Notebook, EN 01064172 [Hao Neang: when he heard gunfire at the border, said he would be happy if his people won the war and at least he would be appointed as village chief]. See also E1/298.1 Ek Hoeun, T. 7 May 2015, 13.55.25-13.56.50 [“we couldn’t complain about what we were given, if we complained we would be led away to the forests immediately in broad daylight and considered as an opponent of the cooperative”]; E1/247.1 Meas Sokha, T. 8 January 2015, 11.39.08-11.40.22 [“in 1976, he [my father] complained about insufficient food rations and they accused him of betraying the cooperative”]; E3/10753 Hun Kimseng WRI, A27 [“Q: Why did the Khmer Rouge send you and your family to Kraing Ta Chan Prison? A: ... My husband complained that we worked very hard but did not have enough food”].
- <sup>3197</sup> See Annex G.2 Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in Annex G.1, e.g. E3/2427 Kraing Ta Chan Interrogator’s Notebook, EN 00366684 [Sok Sorn: he let the cattle eat rice plants]; E3/4164 Kraing Ta Chan Prisoner List, EN 00973147 [Neang Dam: was “free-spirited and overjoyed, failing to respect organizational discipline”]; E3/4092 Kraing Ta Chan Interrogator’s Notebook, EN 00834812 [Chheng Ngaol: often had rows with his wife and wanted to run away from his family to Vietnam], 00834827 [Aom Chantha], EN 00834828-29 [Em Sambath: stole food and walked one of the cattle to fall down the bridge and it broke a leg]; E3/5860 Kraing Ta Chan Interrogator’s Notebook, EN 01064191 [Ung Ly: every night in bed he thinks to himself about America and the luxurious life he experienced there. “He has never expressed the feelings to anyone. He has never done any anti-Angkar activities”]. See also E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 14.02.34-14.04.44 [“later in 1977 ... anyone who commit any mistake were sent to Kraing Ta Chan at that time when the situation became chaotic”]; E1/252.1 Chou Koemlan, T. 26 Jan 2015, 14.00.11-14.03.05 [“They said that anyone

## OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

795. *Inhumane conditions*: The conditions at Kraing Ta Chan were cramped and cruel. Up to four wooden buildings measuring approximately three to five metres by seven to 20 metres<sup>3201</sup> held at least 20 to 200 prisoners at any given time.<sup>3202</sup> Men, women, and

who made a mistake in the village would be sent to their commerce office ... I did not know whether they were transferred to be imprisoned elsewhere in another detention centre, because they disappeared since").

<sup>3198</sup> See **Annex G.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2107** Kraing Ta Chan Interrogator's Notebook, EN 00290213 [Prak Un alias Ros: when called to thresh rice, "he evaded and slept, and he tried to resolve this by saying he was faint and did not have to work"]; 00290233 [Ie Lim Touch: "He is lazy in his work and plays sick a lot"]; 00290210 [Nget Rin: "he is bored and too lazy to work, and he walks around saying if there is an opening he won't stay with these people"]; **E3/4092** Kraing Ta Chan Interrogator's Notebook, EN 00834826-27 [Pok Bunly: "never stopped stealing ... then [pretended] to be sick and was lazy to work in the Cooperative. He was often absent from work"]; **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366685 [Van Sarun: "He is lazy at work and he is a major thief"]. See also the evidence cited in para. 752.

<sup>3199</sup> See **Annex G.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/2427** Kraing Ta Chan Interrogator's Notebook, EN 00366684 [Moeng San: "This person is a major thief. The commune was unable to re-educate him so they arrested him and sent him in"]; **E3/4164** Kraing Ta Chan Prisoner List, EN 00973148 [Kuy Ny: "This person was a doctor at the Russian Hospital. He stole a great deal. He cannot be re-educated"]; 00973149 [Kong Vet: he "stole a great deal" and had been educated for three years but remained the same]; **E3/2107** Kraing Ta Chan Interrogator's Notebook, EN 00290256 [Chea Sopha: "thief of thieves", repeated reeducation has not worked]. See also **E1/296.1** Khoem Boeun, T. 4 May 2015, 15.54.02-15.58.19 [former Cheang Tong Commune Secretary: "We received the instruction from the upper echelon. ... the serious offence would be for those who acted against the regime or they stole dishes and buried them. ... they would be considered the enemy"].

<sup>3200</sup> See **Annex G.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex G.1**, e.g. **E3/5860** Kraing Ta Chan Interrogator's Notebook, EN 01064190-91 [Val Than]; **E3/4095** Kraing Ta Chan Interrogator's Notebook, EN 00747238 [Ly Phai]; **E3/5827** Kraing Ta Chan Interrogator's Notebook, EN 00866455 [Han Sou, Toeng Len]. See also **E3/4120** Reports from communes to District Office, 11 Oct1977, EN 00322174, ["It was until 17 April when he moved to live in Trav Em village, Pepeil Commune ... This youth had been fleeing back and forth ... Angkar to please be informed"].

<sup>3201</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.02.41-10.04.15 [describing the building where he was detained: "The building was 12 metres in length and 5 metres in width"]; 13.56.17-13.58.20 ["There were three buildings where they housed the prisoners"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 ["There were three buildings for keeping prisoners. One was located on the north of the entrance, another one, where the prison chief stayed, was located on the east and a bit further on the south of the chief's building [were] located two other identical buildings"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.22.45-14.24.02 ["Before 1975 there were only two buildings, and later they built another two buildings. Together there were four buildings"], 13.42.38 ["In the prison compound the building[s] ... varied in size. Sometimes the buildings are 5 metres wide and 12, 9 or 15 metres long"]; **E1/268.1** Srei Than, T. 24 Feb 2015, 11.07.07-11.10.12 ["When I arrived, there were two prisoner's buildings ... The buildings were made of wood, with wooden planks as walls and thatch roof. Each building [was] about 5 metres wide and about 7 metres long ... They were similar in size"]; **E3/5853** Saing Sim WRI, EN 00433572 ["Q: At the Kraing Ta Chan office, how many long buildings for holding prisoners were there? A: There were three buildings"]; **E3/5825** Meas Sokha WRI, EN 00223496 ["When we arrived they took me and my family into a building ... That building was about 20 meters long and five meters wide"]; **E3/10753** Hun Kimseng WRI, A36; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

<sup>3202</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.02.41-10.05.24 ["In the building that I was put I saw more than 20 prisoners, more than 10 on each side"], 10.20.50-10.23.47 ["the prison buildings could not hold more than 100 prisoners"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.24.25 ["the number of prisoners were not fixed; there were about 50, 100, 70 or 20 prisoners per building"], 15.47.43 ["The number of prisoners varied from time to time. Sometime we have 20 today and some were removed and others were sent in, sometimes 30 prisoners at a time"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.21.42-15.23.48

children were confined together in the same buildings with no privacy.<sup>3203</sup> As there was no space for babies or young children, they had to lie on top of their mothers.<sup>3204</sup>

796. Upon their arrival at the security office, prisoners were shackled at their ankles by steel rings fastened to long iron bars, forming rows.<sup>3205</sup> Most prisoners were shackled day and

["When the prison was full ... for the two rows in the building, it could accommodate 100 to 200 prisoners"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.56.97-10.59.19 [regarding the building where she was held: "The building could actually hold about 40 prisoners, but in such a case, we had to squeeze ourselves when we slept. As for the other two buildings, whose sizes were more or less the same, they could probably hold the same number of prisoners, to my observation"]; **E1/266.1** Srei Than, T. 19 Feb 2015, 11.14.39-11.16.49 ["there were two buildings in Kraing Ta Chan compound. Each building could hold about 50 to 60 prisoners"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.25.10-09.27.22 ["Q: Were there, as Little Duch said, times when more than 50 prisoners were detained in each detention building? A: Out of the three buildings, one building was very old, and could hold only a few prisoners, and for the other two new buildings, yes, each building could accommodate that number of prisoners"]; **E1/278.1** Riel Son, T. 17 Mar 2015, 14.37.16-14.39H [when the witness went to the prison to spray insecticide: "I looked into one building in which I saw four rows of prisoners... there were about more than 100 prisoners"]; **E3/5853** Saing Sim WRI, EN 00433572 ["There were about 20 people in one row ... There were three buildings [for holding prisoners]"]; **E3/7984** Lim Hach WRI, EN 00166453 ["While I was held in that detention building there were about 60 in a row, so there about were 120 in that building"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 ["During the war period, before the fall of Phnom Penh to the Khmer Rouge, in a building there were two rows of the prisoners ... one row for women prisoners and another for male prisoners. But after the liberation they detained mixing men and women prisoners in the same row, in the same building"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.20.24-15.21.42 ["when the new buildings were not yet built, the prisoners were crowded into the buildings. Sometimes for the size of 1 metre length, four prisoners would be crammed together, because the metal bar that was used to shackle the prisoners -- the length of that bar could accommodate up to seven prisoners in a row"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 ["all of us could not sleep and babies were crying because too many people were brought into the building. It was chaotic as the building became overcrowded"]; **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/5825** Meas Sokha WRI, EN 00223501; **E3/5864** Saut Saing WRI, EN 00223551; **E3/5853** Saing Sim WRI, EN 00433572; **E3/7984** Lim Hach WRI, EN 00166453.

<sup>3203</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.07.16 ["Q: Do I understand correctly then that there was not a separate place where babies or young children were kept ... they were in the same detention building as the parents? A: Yes, that is correct"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 ["During the war period, before the fall of Phnom Penh to the Khmer Rouge, in a building there were two rows of the prisoners ... one row for women prisoners and another for male prisoners. But after the liberation they detained mixing men and women prisoners in the same row, in the same building"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.20.24-15.21.42 ["when the new buildings were not yet built, the prisoners were crowded into the buildings. Sometimes for the size of 1 metre length, four prisoners would be crammed together, because the metal bar that was used to shackle the prisoners -- the length of that bar could accommodate up to seven prisoners in a row"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 ["all of us could not sleep and babies were crying because too many people were brought into the building. It was chaotic as the building became overcrowded"]; **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/5825** Meas Sokha WRI, EN 00223501; **E3/5864** Saut Saing WRI, EN 00223551; **E3/5853** Saing Sim WRI, EN 00433572; **E3/7984** Lim Hach WRI, EN 00166453.

<sup>3204</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 13.56.17-13.58.20 ["Babies or young children were allowed to stay with their mothers. They were not placed elsewhere. They would stay and lie on the mothers because there was no space"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22 ["Q: Were there separation of children, babies or male and female prisoners in that area? A: During that time, the babies or children, regardless of male or female, lived with their parents"]; **E3/5835** Sok Soth WRI, EN 00223507 ["Q: Where did they put the children? A: On the stomachs of the mothers"].

<sup>3205</sup> **E3/5851** Photograph of iron shackles recovered at the site of the Kraing Ta Chan Security Office; **E3/5850** Photograph of an investigator indicating iron shackles recovered at the site of the Kraing Ta Chan Security Office; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.24.35-15.26.26 [affirming that the two photos of the shackles cited above are identical to those used at Kraing Ta Chan to shackle the feet of prisoners]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.11.27 ["prisoners who were initially brought in, regardless of minor or serious offense, would be shackled and then they would also be cuffed by a metal ring attached to a long bar"]; **E1/268.1** Srei Than, T. 24 Feb 2015, 11.10.12 ["Prisoners were shackled to their ankles, they were put in a row and then they would use metal bar to shackle them"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.04.15 ["The way they were shackled was that they were made to sit on a wooden floor, about half a metre -- about 30 centimetres from the ground, and they used a round metal bar which was -- as long as the length of the building, about 12 metres long. And the prisoners had to put the metal into the shackles by themselves"]; **E1/250.1** Meas Sokha, T. 22 Jan 2015, 11.23.01-11.25.02 ["for the shackle the metal divider will be used ... to shackle five prisoners and then another five prisoners



night, except for a few light offenders and small children because there were no shackles small enough to fit them.<sup>3206</sup> The tight restraints caused many prisoners to develop painful wounds,<sup>3207</sup> and if a shackle came loose, the prisoner was harshly beaten, sometimes to death.<sup>3208</sup>

797. Prisoners slept next to each other, face up, on wooden floors, and when they wanted to turn to one side, they had to do so without noise.<sup>3209</sup> They were also not allowed to

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would be shackled within another segment of that metal bar”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.46.07-09.48.38 [“Inside the hall, I was asked to sit down with my legs laid before me, and then they put shackles around my ankles, and secured them by a metal bar”]; **E3/7984** Lim Hach WRI, EN 00166453 [“When I arrived [at Kraing Ta Chan], they put both my legs in shackles and they put a piece of steel in from below my feet and those of the other prisoners”]; **E3/5853** Saing Sim WRI, EN 00433571; **E3/5825** Meas Sokha WRI, EN 00223496; **E3/5845** Van Soeun WRI, EN 00223211; **E3/5826** Hun Kimseng WRI, EN 00223488; **E3/5835** Sokh Soth WRI, EN 00223505; **E3/5524** Phan Chhen WRI, A26; **E3/7952** Moeng Chum Siev DC-Cam Statement, EN 00835962 [“victims were shackled foot-to-foot in two rows, sixty persons for each row”].

<sup>3206</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.42.38-13.45.31 [“Younger children could not be shackled or cuffed so they were allowed to lay next to their parents because they did not have cuffs small enough to put around their ankle or wrist”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.02.41 [“My mother and elder sister were cuffed, and I and my younger siblings were not cuffed”], 10.05.24 [“All prisoners, male and female, were shackled all day and night, and only when they were let out to work they would be released from the shackles”]; **E1/281.1** Saut Saing, T. 24 March 2015, 09.38.49 [“Upon arrival, prisoners would be put in a house and their ankles were shackled”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.46.07-09.48.38 [“Not only my ankles were shackled, but my hands were also cuffed”]; **E3/5853** Saing Sim WRI, EN 00433572 [“They shackled them day and night, except for when they had the prisoners go out to work, when they unshackled them ... There were adults and children, but the small children were not shackled”]; **E3/7984** Lim Hach WRI, EN 00166454; **E3/9472** [REDACTED] WRI, A346; **E3/10753** Hun Kimseng WRI, A32-33. *See also* **E1/256.1** Kev Chandara, T. 4 Feb 2015, 09.53.18-09.55.18 [“the prisoners were in shackle and cuff even though they are defecating or urinating”]. Although Kev Chandara was released either right before or right after 17 April 1975, his evidence is still corroborative of shackling practices at Kraing Ta Chan. Some prisoners were allowed outside to work during the daytime and then returned to their shackles. *See also* **Kraing Ta Chan Security Centre – Enslavement** section.

<sup>3207</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.26.26-15.28.11 [“Q: For certain prisoners, were the wounds that were caused by wearing these shackles prone to infection? A: Indeed, infections had occurred and relapsed occurred and relapsed. Thanks to my mother’s shawl, I actually killed small frogs and ground it with salt and then I appl[ied] on that wound area so that it could be treated temporarily”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 09.48.38-09.51.29 [“I had no strength to walk, and I was also suffering from numbness in my ankles because I was shackled. While I was walking [to the interrogation room], I did not even feel my legs”].

<sup>3208</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“The guards were rotating each other two at a time to guard the prisoners every hour. If anybody moved, they used the pincer to check the shackle. And if the shackle was found to be loose, the prisoner would be beaten to death that night in front of all the prisoners in the building”].

<sup>3209</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“And any prisoner who made any sound to the shackles, he or she would be beaten to death that night. The guards were rotating each other two at a time to guard the prisoners every hour”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.10.44 [“At night, if the guard asked, ‘Who moved?’, and there was no answer, all the prisoners inside would be beaten with a bamboo stem. The punishment applied to all prisoners, regardless of who had moved”], 14.23.50 [“there were disciplines applied to prisoners day and night ... they were not allowed to move when they slept. They would be beaten if they moved”]; **E3/7984** Lim Hach WRI, EN 00166453 [“They had us sleep face up. If we wanted to turn to one side, we had to do it quietly and not make noise. If they heard a sound they would enter and beat all of us. If we answered that we all moved they would club each of us once and leave. But if we dared to implicate one person as having moved and been heard, they would beat that

communicate with each other.<sup>3210</sup> Former prisoner Lim Hach told investigators that if the guards heard a sound, “they would enter and beat all of us.”<sup>3211</sup>

798. Hygiene within the detention buildings was inhumane. The buildings were infested with lice, bedbugs, cockroaches, and rats.<sup>3212</sup> Meas Sokha testified, “The detention building was filled with bedbugs. If you slapped the floor, you would kill a hand full of them.”<sup>3213</sup> Riel Son testified that he was once sent by the district secretary to spray insecticide because prisoners were dying of malaria but he sprayed only around the compound, not in the detention halls.<sup>3214</sup>
799. *Inadequate sanitation*: Kraing Ta Chan detainees were not permitted to bathe.<sup>3215</sup> At night, they were forced to relieve themselves at the spot where they slept.<sup>3216</sup> They were provided no change of clothes, which forced Meas Sokha and Say Sen to secretly steal clothes no longer needed by dead prisoners.<sup>3217</sup> The smell was terrible — not only from unwashed bodies and clothing and waste, but also from the burial pits full of

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person to death ... I saw it with my own eyes ... The prisoners I saw them beat to death were named Phat, Uon and Hai”].

<sup>3210</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 10.53.10-10.56.97 [“because I was talking to this individual, I was put back in the prison again. I was imprisoned and shackled for a week before I was released to work outside ... I was warned not to talk to anyone or to hear anyone’s story, and that I had no such rights to do so in that place”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 14.23.50-14.25.36 [“there were disciplines applied to prisoners day and night. They were not allowed to talk to each other ... They would be beaten if they ... talked to each other”].

<sup>3211</sup> **E3/798.4** Lim Hach WRI, EN 00166453.

<sup>3212</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.32 [“Prisoners in Kraing Ta Chan] were in miserable conditions. There were bed bugs and insects surrounding them”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [“even the cockroaches and rats could not escape”]; **E3/484.6** Say (Sory) Sen DC-Cam Statement, EN 00527779 [“We couldn’t stay still because there were too many bedbugs and body lice that were biting us. I probably killed millions of bugs by just crushing the ground with the palm of my hand. It bit us so much that our skin became so numb. It wasn’t just me, we all suffered it”]; **E3/798.4** Lim Hach WRI, EN 00166455; **E3/582.5** Meas Sokha WRI, EN 00223497; **E3/584.5** Van Soeun WRI, EN 00223212.

<sup>3213</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.10.44.

<sup>3214</sup> **E1/278.1** Riel Son, T. 17 Mar 2015, 14.31.45-14.36.12, 15.49.39-15.52.44; **E1/279.1** Riel Son, T. 18 Mar 2015, 10.55.40-11.01.32.

<sup>3215</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.28.11-15.29.41 [prisoners had access to one bucket of water after meals and those who finished first had to quickly drink water and wash their face before guards scolded them]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility were not allowed to clean themselves”]; **E3/521.4** Say (Sory) Sen WRI, EN 00225510 [“There was no water to wash-up with after the prisoners relieved themselves, and the prisoners did not get any water to bathe”]; **E3/798.4** Lim Hach WRI, EN 00166454 [“Q: In general, did the prisoners get to bathe? A: No. For some people until they died. Light offense prisoners were released to work nearby, so we could bathe”], EN 00166455.

<sup>3216</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24 [“at night-time, because people relieved themselves, in terms of urinating and having faeces, they had to do it there”].

<sup>3217</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.42.59-11.45.20; **E3/484.6** Say (Sory) Sen DC-Cam Statement, EN 00527773 [“I did not witness it, but right after [my father’s] execution I went to see him. In less than an hour they had transfer[red] the body to the grave. I took my father’s cloths off, washed the blood out and kept it to wear and cover myself”].

decomposing bodies that surrounded the compound.<sup>3218</sup> Former prisoner Vong Sarun testified that when she first entered the detainment building, she could “smell death”.<sup>3219</sup>

800. Prisoners were also routinely humiliated and degraded. While shackled in mixed company, they had to publicly relieve themselves in a coconut shell or pot that was passed down the row from person to person, and they had nothing to clean themselves with afterward.<sup>3220</sup> Those who spilled faeces or urine or made any sound during the process were beaten by guards with a bamboo club.<sup>3221</sup> At the end of the row, the coconut shell was emptied into a container kept inside the cell.<sup>3222</sup> Prisoners were given minimal drinking water<sup>3223</sup> and were expected to drink from the same coconut shell used for urine and faeces after simply rinsing the shell with water.<sup>3224</sup>

<sup>3218</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24, 15.41.43-15.43.36 *confirming* **E3/5214** Say (Sory) Sen WRI, EN 00225507-08 [“[soldiers] did not enter the prison because it smelled of urine and excrement”], 16.02.13-16.03.45 [“a day or two after [executions], when the corpses became swollen, cracking the covered soil. There was a smell – strong smell or stink, it was very bad and the chief called me ... to use the soil to cover the decomposing bodies”]; **E1/272.1** Van Soeun, T. 5 Mar 2015, 09.58.32-10.01.13 [“Q: While at Kraing Ta Chan, did you ever smell something out of the ordinary? A: Talking about this, because I was there, I smelt something ... It was a smell from the human corpse ... It was a stink smell, and it was awful smell everywhere inside the area, the site of the compound ... The smell came from the pits where corpses were buried”]; **E3/4627** Iep Duch WRI, EN 00223476 [“When I entered [Kraing Ta Chan], when the door was opened, I smelled the odour and saw all the people. I had them close [the door]. I did not want to look any more”].

<sup>3219</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27.

<sup>3220</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.10.44-10.12.33 [“Prisoners who were detained in that building had a container to store the faeces or urine. They had a coconut shell for the prisoners to relieve themselves. The prisoners had to turn to the side, lift themselves a little bit and relieve themselves while still shackled. Then we would pass the shell from one prisoner to another in order to pour it into the container”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.02 [“Both legs were in shackles, so they would tilt themselves, and they used the coconut shell for relieve themselves and they passed from one prisoner to another and then they dropped into a bucket”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03; **E3/5845** Van Soeun WRI, EN 00223212; **E3/7984** Lim Hach WRI, EN 00166454; **E3/5864** Saut Saing WRI, EN 00223551; **E3/5853** Saing Sim WRI, EN 00433572.

<sup>3221</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“any prisoner who made any sound to the shackles, he or she would be beaten to death”]; **E3/5825** Meas Sokha WRI, EN 00223497 [“They passed the urine and faeces from one to another to put into that can, and if a prisoner spilled the faeces or urine they would be beaten with a bamboo club”].

<sup>3222</sup> See the sources cited in fn. 3220.

<sup>3223</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.07.16-10.10.44 [“For drinking water, I had to drink water nearby where they stored fertilizer. The water was red from the fertilizer’s pit. They allowed us to drink the water only twice a day, at most three gulps of it, so that our throats were not too dry”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.28.11-15.29.41 [“After meals time I was ordered to carry a ... handmade bucket of water and I carried that one bucket with a coconut shell and placed it along the row of where the prisoners were having their meal and whoever wanted the water, they would use the coconut shell to fetch the water from that bucket. So, whoever finished first would use the bucket that they used to have their meals to take the water to drink and to wash their face ... they had to do it quickly, otherwise the guards would scold them”]; **E3/7984** Lim Hach WRI, EN 00166454 [“they gave out water to drink in that coconut shell scoop too”], 00166455 [saw a prisoner killed for stopping during the digging of a pit to find water to drink].

<sup>3224</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.02 [“they used the same coconut shell [into which prisoners had relieved themselves] and then just cleaned by water, and they used the same coconut



801. *Inadequate food rations and medical care*: Food rations were also woefully insufficient, consisting of a ladle of watery gruel containing a few grains of rice or small pieces of potato, and a little amount of water plant.<sup>3225</sup> Prisoners became emaciated, and one former prisoner testified that they were being starved before they were killed.<sup>3226</sup> Vong Sarun testified that she witnessed a fellow prisoner desperate for food eat a live mouse and give some to his one-year-old son. The man and his son died a month later after their bodies became swollen.<sup>3227</sup> Young children died from malnutrition, and “babies became skinny” because their starving mothers were unable to produce milk.<sup>3228</sup> Even though prisoners were starving, they were forbidden from

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- shell for giving the water to the prisoners. So when I talk about this, it is hard for me to describe, I feel emotional on that. I do not wish to remember it again”].
- 3225 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.07.16-10.10.44 [“for each meal we were given a ladle of gruel with at most 10 grains of rice or three small pieces of potatoes and a little bit of water plant ... We were given two meals per day but it was not enough. It was very little. And of course we were very hungry. In total for two meals there were probably only about 20 to 30 grains of rice and about six small pieces of potato”]; **E1/250.1** Meas Sokha, T. 22 Jan 2015, 11.50.50-11.55.03 [the witness received a bigger ladle of gruel than other prisoners so he had the energy to tend cattle]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.24.25-11.25.30 [“the rice they cooked was a very small quantity ... prisoners received only a few grains of rice in the water in the porridge”]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.47.03-09.49.38 [“prisoners did not have enough food to eat. They could have gruel, mixed with cassava or potatoes, sometime prisoner could have only watery gruel”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 13.36.56-13.39.20 [“from what I could observe, the most food that a prisoner could eat or was given was a coconut shell full of rice, that was the most ... The coconut shell was used for gruel, or for cooked rice mixed with soup in it”]; **E3/9484** [REDACTED] WRI, A22 and A31; **E3/7984** Lim Hach WRI, EN 00166454 [re. making of the gruel and there was no shortage of rice, they were being “tempered”]; **E3/5845** Van Soeun (Vann Soan) WRI, EN 00223212; **E3/5835** Sokh Sot WRI, EN 00223507.
- 3226 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.21.34-11.24.11 [“Prisoners ... would be starved for one week until they became emaciated; and then they were sent to the pit to be killed”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.34H-10.36.57 [“Q: Yesterday, you testified that following the interrogations of prisoners, some of them would receive nothing to eat, and you even recounted the story of one prisoner who was starved for 18 days. Did Sim or another security guard from Krang Ta Chan ever explain to you why the prisoners would be deprived of food following an interrogation? A: No, they didn’t tell me anything. The only thing was that not to send the food to those prisoners”]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.32 [“I then asked my mother and other people to go to Krang Ta Chan and when we arrived there, I saw my father carrying water to the vegetable plots and that made me sad. I was crying. He was so thin that I could hardly even recognise him. He was wearing under drawers, but no shirt, and I saw him from a distance and I had a hard time recognising him”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 [“people who were kept there a bit long before their execution were very thin, and they could not even -- they could hardly walk”]; **E3/5826** Hun Kimseng WRI, EN 00223490 [“Q: What did they have the prisoners eat? A: They said it there was no need to let them eat their fill, let them be weak, and keep it for your own children to eat their fill”].
- 3227 **E1/300.1** Vong Sarun, T. 18 May 2015, 11.03.09-11.05.26 [“there were many mice running around and he caught a mouse alive and because of his hunger he ate that mouse alive and gave some meat to his one-year old child who was learning to walk ... About a month later, his body became swollen, so did his child and they were not given medical treatment, not at all, and as a result he died. His child also died”].
- 3228 **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.05.24-10.10.44, 10.16.15-10.18.34 [“As for my younger siblings, they died three months after they were detained due to lack of milk and food”]; **E3/5826** Hun Kimseng WRI, EN 00223490 [“Q: [Your] two infants died too? A: They died from lack of breast milk”].

complaining.<sup>3229</sup> In contrast, cadres who worked at Kraing Ta Chan were given a greater quantity and variety of food along with wine, which some drank with the dried gallbladders of executed prisoners.<sup>3230</sup>

802. There was no medical unit at Kraing Ta Chan and prisoners who were sick or wounded were left without treatment.<sup>3231</sup> Prisoners died daily of starvation, torture, and disease.<sup>3232</sup> Those who died in the detention buildings were sometimes left there for hours amongst the other prisoners before their corpses were removed.<sup>3233</sup>

<sup>3229</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.54.17-11.56.11 ["Prisoners could only have gruel ... no matter the dish was plain or salty, they could not complain"]; **E3/5826** Hun Kimseng WRI, EN 00223488 ["They forbid talking about not getting enough to eat. They did everything to frighten us"].

<sup>3230</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.54.17-11.59.04 ["as for cadres, they had four kind of dishes per day and they had rice for their meal ... some cadres had their own wine and they drank wine ... They made the white wine three times per year, and they also added some human gallbladders ... I could see many gallbladders were dried in the sun ... whenever there were killings, the guards would drink wine together with gallbladder"], 14.00.01-14.01.55 ["[Gallbladders were] put in the wine ... to make people brave"]. See also **E1/267.1** Srei Than, T. 23 Feb 2015, 13.36.56-13.39.20 ["we ate outside the compound and our food was not related to the food given to the prisoners. Although our food was not really sufficient, but it was better than the food ration given to prisoners"].

<sup>3231</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.12.33-10.14.09 ["There was no treatment for any prisoner who became sick. Prisoners would get sick and they would be left there without treatment until that person died. There was no modern or traditional doctor to treat prisoners. In there, if any of them got sick, they would be dead"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 ["Prisoners in the detention facility ... were not provided with proper medicines"]; **E1/279.1** Riel Son, T. 18 Mar 2015, 11.01.32-11.03.15 ["Q: You never received from the Krang Ta Chan Security Centre any requests for medicines or other products? A: No, I didn't receive any request from that centre"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.03.09-11.05.26 [the prisoner and his son whose bodies became swollen after eating the live mouse received no medical treatment and died]; **E3/9602** Riel Son WRI, A139-143, A160; **E3/7984** Lim Hach WRI, EN 00166455 ["There were deaths due to illness, no medicines"]; **E3/5845** Van Soeun (Vann Soan) WRI, EN 00223212 ["Q: When the prisoners fell ill, then what? A: There was no clinic there. The prisoners who were sick just laid there moaning and died, that's all"].

<sup>3232</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.12.33-10.14.09 ["I saw it happen almost every day, those who starved to death, those who were sick and died, and those who died before their release. And there were many of them ... Sometimes they were interrogated and tortured and, since they were deprived of food, they died. So every night at least one or two of them died, before they were even taken to be killed"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.32 ["There were at least three or four prisoners [who] died because of bed bug bites"]; **E3/7984** Lim Hach WRI, EN 00166455 ["There were deaths due to illness, no medicines, due to bedbug bits, because of the cut-off of water to drink and bathe"]; **E3/5845** Van Soeun WRI, EN 00223212 [They died from starvation, from having been tortured to get responses and being beaten excessively. When they were brought back to the detention buildings, they died. Some died from being bitten by bedbugs, but especially it was from starvation"]; See also fns 3227-3228.

<sup>3233</sup> See e.g. **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.33.40-15.35.44 ["I was the one who was ordered to unshackle the dead body and remove [it]. So, I was ordered to remove the body at 4.00 or 4.30 in the evening ... So anyone who died at night, they would keep the dead body in shackles the day -- the next morning and wait until the evening at 3 pm or 4 pm, then they removed the dead body"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.54.48-16.01.30 [describing how a prisoner who had been beaten during interrogation the day before was taken back to the detention hall and the next morning, when he (Meas Sokha) was ordered to open the door of the building, he saw that the prisoner was dead, shackled and lying amongst other prisoners]; **E3/2120** Meng-Try Ea, *The Chain of Terror*, EN 00416390 ["If a prisoner died during the night, the Khmer Rouge cadres did not take the body away immediately: they left the corpse until dawn or the next afternoon when the light offenders returned from work and could carry it away for burial"].

## ENSLAVEMENT

803. A small group of prisoners were assigned various tasks to keep the security centre in operation. Former prisoner Vong Sarun testified: “they needed to enslave us in order to provide them with the service within the compound.”<sup>3234</sup> These select prisoners were unshackled each day to work outside of the detention rooms.<sup>3235</sup> Their tasks included cooking and distributing gruel to other prisoners, digging burial pits for executions, dragging and burying corpses of prisoners who died in detention, carrying water, and emptying waste containers of urine and faeces.<sup>3236</sup> They were guarded to make sure they

<sup>3234</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 11.20.23-11.22.34.

<sup>3235</sup> **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 09.25.38-09.28.52 [“there were only four or five of us who were allowed to work within the prison compound and there was no other person who was allowed to do so ... A group of siblings or relatives of Yeay Nha, including Khom, Khay, Hab, also Ta Chen, me and Nom and Hun, and that’s all”]; **E1/267.1** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40 [“Some prisoners were allowed to work outside the detention buildings ... Some of them carried earth, or engaged in transplanting rice if it is the transplanting time”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.53.10-10.56.97 [“If prisoners had been brought to Krang Ta Chan during the transplanting season, they would have not been killed immediately. Those prisoners would be asked to go and transplant seedlings with all of us including, Ta Dam, Pou Saem, Auntie Rat, Auntie Phon, and Voeun. We were the type of prisoners who were allowed to work outside the prison”]; **E3/9586** Van Soeun WRI, A169 [“Fifteen to thirty prisoners were allowed to work outside of the detention rooms every day. Those prisoners were made to carry mound soil or the soil at the bottom of ponds on their shoulders to put on the rice fields. During that era, such labour was constantly assigned to them”]; **E3/10753** Hun Kimseng WRI, A23, A32.

<sup>3236</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.19.27-11.21.08 [“I was released to work inside to tender buffalo and dig the pits for the corpse and to carry the prisoner who died in shackle and then I was ordered to drag -- to bury in the grave. And then we were told to grow coconut on the grave with Ta Chen”], 11.23.13 [“During the daytime I was let out to tend cattle and I returned at 4 p.m. and other 12 or 13 people were assigned to doing farming, other, growing vegetables”], 11.25.30-11.27.35 [“if there’s a dead body in the building, I had to remove and bury them before I come to the building to shackle myself as part of the detention”]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 14:15:02-14.20.02 [“Only Yeay Nha was the cook, and because she was rather old and then, and as I was young then two of us were assigned [to] carry rice and soup for the distribution ... It happened only occasionally, and it only happened when there were more prisoners in the building ... Yeay Nha would prepare the food there in coconut shells, at the kitchen hall. Then we were instructed to carry those meals to the prisoners, and I only did it once or twice”], 14.21.35-14.23.18 [“My regular work was to tend to water buffalos, and cows, and to plough the rice fields ... Ta Chin, he tended the horses, and another person tended the cows, it’s Kha. My work was also to plough ... after the ploughing work concluded, then we would be assigned to carry urine and faeces from the prison buildings. Ta Chin and I did that work together and carried this stuff to the rice paddy”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.18.34-10.20.50 [“during the day time, [my mother and elder sister] were asked to make gruel for prisoners. And my elder sister was asked to carry swamp mud ... I was asked to tender two cows and four water buffaloes, and I had to tender them in the field”], 15.54.48-15.56.14 [“Say Sen and Ta Chhen were ordered to dig a pit to bury that prisoner’s body”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27 [“Yeay Nha was a cook”], 10.53.10-10.56.97 [“If prisoners had been brought to Krang Ta Chan during the transplanting season, they would not have been killed immediately. Those prisoners would be asked to go and transplant seedlings with all of us”], 11.18.04-11.20.23 [“I was led out to work in the field with other inmates, including the children of Yeay Nha, Ta Dam, Pou Saem and Voeun. We were asked to carry soil and termite mound soil as well, and I became ill, physically ill as I worked so hard in carrying the soil at the time. I have suffered from the fallen uterus to the present. The soil-carrying baskets were huge that I had to use all my strength to lift them up”], 14.01.34-14.03.30 [“I was detained in a house while [Say (Sory) Sen] was allowed to work outside the house, as he was used to drag away any dead prisoner and to carry faeces and the waste of the prisoners away every morning”], 14.03.30-14.05.24 [“When we were ordered to carry the human waste fertiliser for the rice field, we were working together with [Say (Sory) Sen] ... And during the plantation



did not escape,<sup>3237</sup> and when their tasks were completed, they were re-shackled and placed back into their cells.<sup>3238</sup>

### TORTURE

804. Interrogations incorporating the same methods of torture as those used at S-21 and other security centres in the DK network were carried out at Kraing Ta Chan pursuant to orders passed down from sector and district level authorities.<sup>3239</sup>
805. Interrogations were conducted in an open structure on the south side of the compound,<sup>3240</sup> close to the guards' dining hall and approximately 50 metres from the

season, for example, water melon or cucumber, we also worked with him. He would make beds for the vegetation, and we would plant them"; **E1/281.1** Saut Saing, T. 24 Mar 2015, 15.24.06-15.27.37 ["Yeay Nha cooked rice for the prisoners. However, sometimes the prison staff asked her to wash the dishes"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 10.59.28-11.01.28 ["Q: When a prisoner died ... who was in charge of removing them from the detention building? Were they taken out by guards, like yourself, or by other prisoners who worked in the prison? A: That was carried out by the people who worked inside the compound ... They organised people; for example, in the case of Sen. So they used the internal force there to carry out that task"]; **E1/272.1** Van Soeun, T. 5 Mar 2015, 09.24.10-09.25.30 ["Q: I understand that grandmother Nha was sometimes, or most of the times, cooking for other prisoners. Do you know if her daughter Rath (phonetic) assisted her with the cooking? A: Yes. Q: Do you remember whether she was busy with cooking all day or was it only part of the day? A: She was busy for one session in the morning and again for another session in the afternoon"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40 ["Some prisoners were allowed to work outside the detention buildings ... Some of them carried earth, or engaged in transplanting rice if it is the transplanting time"]; **E1/268.1** Srei Than, T. 24 Feb 2015, 09.55.38 ["Small children, the minors, they were asked to go to tend the cows and buffalos"]; **E1/288.1** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.42 [the Civil Party was told his father had been taken to Kraing Ta Chan so he went to see him: "when we arrived there, I saw my father carrying water to the vegetable plots and that made me sad. I was crying. He was so thin that I could hardly even recognise him"]; **E3/5826** Hun Kimseng WRI, EN 00223490; **E3/5853** Saing Sim WRI, EN 00433572, 00433574; **E3/7984** Lim Hach WRI, EN 00166454; **E3/7904** Neang Dam WRI, EN 00223517; **E3/9586** Van Soeun WRI, A169; **E3/10753** Hun Kimseng WRI, A52, A68.

<sup>3237</sup> **E1/281.1** Saut Saing, T. 24 Mar 2015, 10.50.45-10.54.55 [Ta An conducted monthly reeducation or "life view" meetings with the guards instructing them that their duty was to prevent escapes: "combatants were instructed to be in charge of their duty. If the prisoner could be able to escape, their life would end"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.50.44-13.52.33 ["It would be a serious offence if a prisoner attempted to escape even one step away, they would not be beaten. They would be shot. For example, two or three soldiers would escort five prisoners to go and work, and if any of them attempted to flee, then they would be shot"].

<sup>3238</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 11.23.13 ["During the daytime I was let out to tend cattle ... But I was also detained and shackled at night"], 11.25.30-11.27.35 ["I was considered to be the less serious offender and they spared my life and then they ordered me to come back to the detention building late in the evening. I had to shackle myself, but they were the ones who locked the door from the outside. But if there's a dead body in the building, I had to remove and bury them before I come to the building to shackle myself as part of the detention"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.05.24-10.07.16 ["only when they were let out to work they would be released from the shackles and after that, at lunch time, they would be returned and shackled again"], 10.18.34; **E3/5853** Saing Sim WRI, EN 00433572; **E3/5864** Saut Saing WRI, EN 00223551; **E3/10769** Hun Kimseng WRI, A33.

<sup>3239</sup> **E3/5524** Phan Chhen WRI, A32-34 ["Phi was the interrogator and An was the recorder ... Phi was the person who received the instructions to interrogate the prisoners. Q: From whom did Phi receive instructions on interrogation methods? A: From the Sector and the district. Q: How do you know that? A: Because that was customary in their work"].

<sup>3240</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.41.02-11.45.20 ["They made an office with a one-sided wall at the back. To the south and to the north, it was very open, everyone could see through it, and to the east,

detained prisoners.<sup>3241</sup> While surrounded by vegetation that mostly shielded interrogations from view, the interrogation room's open structure and proximity to other buildings meant that guards and prisoners often heard the cries of pain from victims undergoing torture.<sup>3242</sup> Former prisoner Meas Sokha testified, "The building was filled with screams."<sup>3243</sup>

the room would also be seen ... There was only a roof, no walls were built. There was only a short wall about 50 centimetres from the ground. There were no walls surrounding the room"; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.13.05-15.14.24 ["The front wall was made of wooden planks, and it was just low wooden planks, up to the height of the waist. For the other walls they used coconut tree leaves in-between bamboo sticks"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.52.48-10.56.36 ["the interrogation room had a thatched roof, and for the walls, it was made from coconut leaves. There was a wall at the back and the front was open, but they built a lower wall ... We could see through because the front wall of the interrogation room had a lower wall. And as I said, there was a wall at the back where they hang their weapons and other equipment, but for the front wall of the interrogation building, we could see it. Q: So, there was no wall, no complete wall, at the front of the interrogation building? A: Yes, that is correct. There was a lower wall"]; **E1/268.1** Phan Chhen, T. 24 Feb 2015, 14.43.51-14.45.59 ["Yes, that is correct" confirming **E3/5522** Phan Chhen WRI, A35-36 ["The interrogation site was inside the office compound; it was a small building at the south corner of the office. ... The interrogation building was open and was square, about 1.5 meters on each side, thatch-roofed, and there were no walls"]; **E1/272.1** Van Socun, T. 5 Mar 2015, 09.16.07-09.17.36 ["**The interrogation room was 30 metres to the south of the road**"]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

<sup>3241</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.27.54 ["The place where prisoners were interrogated was not far from where prisoners were detained. It was about 50 metres away ... [and it] was about five metres away from the [guards'] kitchen"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.13.05-15.14.24 ["The distance [was] ... about more than 10 metres from the guard's dining hall to the interrogation area"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.11.38-09.12.47 ["Q: ... your estimated distance between the prisoner buildings and the interrogation site. Can you read for me your estimate of those distances ... ? A: The distance from one building to another is about 40 metres"]; 09.12.47-09.14.54 ["The distance between the prison chief's room to the interrogation site was about 70 metres or a little bit above 70"]; **E3/5852** Srei Than WRI, EN 00231675 ["I saw them take prisoners for beatings and interrogations every single day at the interrogation room approximately 50 meters from the building where I worked"]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

<sup>3242</sup> **E1/267.1** Srei Than, T. 23 Feb 2015, 09.18.25-09.19.52 ["around the interrogation rooms, they grew vegetables and plants, including banana trees and cassava trees. So it seemed like a vegetation. We could not see through"]; 13.44.06-13.46.48 ["I myself did not witness the tortured prisoners. What I heard was the screaming of the tortured prisoners. But I did not witness them with my own eyes ... I could also hear the screaming from my guard post if the screaming was high or loud, but usually only when I was closer that I could hear the screaming"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.25.38 ["The interrogation took place in the open where I could see while I walked around or when I went to pick up some vegetable ... It was an open place where people were interrogated and it was not far from the kitchen"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 ["One day I was tasked to feed pigs ... Although there was cassava plantation in-between, I could clearly hear what was being said in the interrogation house. They were interrogating people loudly. They did not care if I was listening to them as they knew that my life would come to an end there at that prison. They were interrogating a New Person from Phnom Penh ... Then I heard the sound of whipping."]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.49.02-14.52.21 ["The screaming or the cries from the prisoners I heard when they were interrogated and they suffered from torture or beating during interrogation, I would hear screaming"]; **E3/5825** Meas Sokha WRI, EN 00223498 ["When they took the prisoners out I knew it, and when they beat them and interrogated them I heard the screams"]; **E3/5826** Hun Kimseng WRI, EN 00223490 ["They beat them; they screamed and bawled like cattle. I heard them beating during interrogations from a distance of about 50 meters"]; **E3/5830** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen [see cassava plantation, line of coconut trees]. See also **E3/9472** [REDACTED] WRI, A281-282

806. The interrogations and accompanying acts of torture followed the premeditated, institutionalised pattern practiced throughout DK. The goal of the torture was to extract “confessions” which ranged from purported admissions about involvement with enemy networks such as the Khmer Republic, Vietnam, CIA, or KGB, to offences as minor as stealing a potato.<sup>3244</sup> Every confession was recorded and summarised in a notebook,

[the witness lived near KTC from 1975-1976 (see A2 and A3): “They tortured the prisoners while they were interrogating. Any prisoners who did not confess would be beaten or kicked, and so on ... I know this because I heard their screams and saw them through holes in the prison fence”].

<sup>3243</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.25.38.

<sup>3244</sup> See e.g. **E3/4092** Kraing Ta Chan Interrogator’s Notebook, Mar 1978, EN 00834804-05 [reports that “intense interrogations” were conducted on Sin Sarath, a former captain in the military police, “to search for his network”]; **E3/4095** Kraing Ta Chan Interrogator’s Notebook, EN 00747279 [reports that Khmer Krom prisoner Thach Uk “belongs to the network of the contemptible Yip” and “was beaten during the [interrogation], but did not confess”]; **E3/5827** Kraing Ta Chan Interrogator’s Notebook, EN 00866436 [regarding Chiem Heav, a former Lon Nol soldier: “This traitor has confessed his traitorous acts as follows: 1-He stole potato. 2-He stole potato and sugar”]; 00866447 [reports that two men “in the string of Pann Lieng Cheav and Kiet Neng” implicated two others during their confession]; **E3/2427** Kraing Ta Chan Interrogator’s Notebook, EN 00366687 [“As confirmed through intense interrogations to locate their connections”]; 00366688 [“When we conducted an interrogation and investigation, [Puth Pen] confessed that he received instructions from his leader Trieng, a soldier from Takeo”]; **E3/5860** Kraing Ta Chan Interrogator’s Notebook, EN 01064186 [“After having been questioned back and forth he finally confessed that he had received instructions from the three traitors ... who are the masterminds of all plans”]; **E3/2012** Report from An at Kraing Ta Chan Security Centre to Party, July-Aug 1977, EN 00276595 [“after an inquiry was conducted” on Sin Yang, he implicated two former Lon Nol officers who were “the head of mobilisers and propagandists”]; **E3/8417** Report from Meng at Angk Roka prison to Angkar, 23-24 Mar 1977 [regarding the arrest, interrogation and confession of a 10-year-old boy named Ra, whose alleged offence was being part of a group that tried to flee. On 28 March, district chief Kit directed An at KTC to “interrogate this spy in detail”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 [“I could clearly hear what was being said in the interrogation house ... They were interrogating a New Person from Phnom Penh. They were asking him whether the person had held the rank of a captain in the army, and the New Person responded that he had not held any position in the army. Then I heard the sound of whipping ... they asked the question again whether he had held the rank of a captain and he said ‘no’ and the same process kept repeating. The man was actually beaten almost to death before he finally confessed that he had been a captain in order to have the beating stopped”]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 [“I heard the interrogator ask the prisoner what they did during the Lol Non regime, whether they were a captain or colonel or major, or whether they were an American CIA or ‘Yuen’ CIA ... It was rather rare when they used a plastic bag to suffocate a prisoner. They used this method only when the prisoners did not answer the questions, and I only saw it on one occasion”]; 15.31.48-15.33.47 [“During the interrogation, sometimes they accused prisoners of breaking a plough part or they stole a chicken or other things, or that they opposed the cooperative. There were many, many questions ... But mainly the questions focused on the American CIA or the ‘Yuen’ CIA”]; 15.38.30-15.40.34 [“The purpose of using the bag was to force the prisoner to respond or to confess on his position or the activities he [was] involved in or on other former civil servants”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.145 [“At the interrogation place, they would tie them up, and they would be blindfolded. If they didn’t confess then, for example, they stole something from the cooperative, namely a coconut or a mango or a potato and because those people starved then they stole, if they didn’t confess then they would be beaten until they confess”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.07.14-10.11.07 [“The purpose of the interrogation was ... in relation to CIA spies of Lon Nol or whether they had any connection with Prum San ... Based on my observation, if the prisoners were rather old or maybe they were alleged to have a connection with the former Lon Nol regime, then they would be tortured”]; **E3/5214** Say (Sory) Sen WRI, EN 00225504 [“While I was held in detention there, I knew that the other prisoners were only interrogated about the matter of Prum San ... he was the leader of the Front in the forest; later they said he was a traitor. Q: Do you know if the other prisoners were tortured during interrogation? A: There was serious torture”]; **E3/7984** Lim Hach WRI, EN 00166452-53 [“The interrogator threw a line over a beam up above, tied both my feet, and tied my arms behind my back and



often by a senior cadre.<sup>3245</sup> These summaries were then typed up as reports, signed by Chief An, and delivered to the district office.<sup>3246</sup> This procedure was confirmed by former prison chief Phan Chhen, the former cadre who typed the reports, a former messenger who delivered the reports, and a former district secretary who received them.<sup>3247</sup> Their evidence and surviving documents also confirm that district and sector

to a post. They covered my face with a rain cloth and covered my face to the post ... I heard them say it had been half an hour, and they loosened it. When they loosened it, I fell to the ground and pretended to be unconscious for fear they would beat me again ... They asked how many times I had bad involvement with the chairman. And they said that if I had actually been bad [sexually immoral] with him, had contact with him, to answer truthfully and they would not mistreat me"; **E3/9584** [redacted] WRI, A52-53 ["I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used pincers to pinch my fingers in order for me to confess. They asked me if I was ever a spy for Lon Nol during the time I stayed in Phnom Penh ... They asked me that among people in Phnom Penh who military commanders were, and I did not know, so they tortured me"]; **E3/4627** Iep Duch WRI, EN 00223479 ["I even participated in the interrogations, I listened to the interrogations ... when [the prisoners] did not confess, they tortured them"].

<sup>3245</sup> See e.g. **E3/2427** Kraing Ta Chan Interrogator's Notebook; **E3/4092** Kraing Ta Chan Interrogator's Notebook, Mar-Dec 1978; **E3/4095** Kraing Ta Chan Interrogator's Notebook; **E3/5827** Kraing Ta Chan Interrogator's Notebook; **E3/2434** Reports on Confessions from Kraing Ta Chan Security Office to the Party, Mar 1977-July 1978; **E3/5860** Kraing Ta Chan Interrogator's Notebook; **E3/4122** Kraing Ta Chan Interrogator's Notebook and Reports to the Party; **E3/2107** Kraing Ta Chan Interrogator's Notebook; **E1/451.1** Henri Locard, T. 29 July 2016, 15.33.34-15.34.43 ["This is what we found in the archives of the Krang Ta Chan prison there were documents, and then summaries of interrogations in school notebooks"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.30.05-15.31.48 [An interrogated while the deputy, Penh, used a pen to write down the prisoner's answers]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.29.12-11.33.27 [regarding her interrogation: "Yes, somebody was taking note and in fact it was An who was taking note at that time ... He was sitting at the far end of the table so I could not see the handwriting ... I witnessed the incident when a man was beaten until he had to confess that he had been a captain as they wished to hear. So I am of the opinion that my responses to their questions could be written by them anything they wanted"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.43.52-13.46.20 ["The interrogators would take note of their interrogation, but I was not around, up close, when they did that"]; **E3/5835** Sok Soth WRI, EN 00223506 [regarding his interrogation: "Q: Who did the interrogating? A: Duch, the deputy chairman ... Penh was the recorder. Cheng was the beater and torturer"]; **E3/5826** Hun Kimseng WRI, EN 00223489 [regarding her interrogation: "Sann just sat and watched. Duch Tauch [Little Duch] gave beatings as ordered. Duch Thom, the record keeper, recorded"]; **E3/5524** Phan Chhen WRI, A32; **E3/4627** Iep Duch WRI, EN 00223479 ["I even participated in the interrogations, I listened to the interrogations. Q: Who were the interrogators? A: The unit chairman, deputy chairman, and a recorder ... (Duch) he wrote them, and later they typed them"].

<sup>3246</sup> See e.g. **E3/4098** Report from An to the Party regarding the Confessed Statement of Prisoners, 4 Aug 1976, EN 00322114-15; **E3/2431** Report from An to the Party regarding Confessions of Prisoners, 14 Nov 1976; **E3/2012** Reports from An to the Party regarding the Confessed Statement of Prisoners, July-Aug 1977; **E3/4166** Report from An to the Party regarding Confessions of Prisoners, 25 Aug 1977; **E3/4126** Report from An to the Tram Kak District Committee, 26 Dec 1977, EN 00366714; **E3/2434** Reports from An to the Party regarding Confessions of Prisoners, Mar 1977-July 1978; **E3/2421** Reports from An to the Party regarding Confessions of Prisoners, 5 July 1978.

<sup>3247</sup> **E1/267.1** Srei Than, T. 23 Feb 2015, 09.32.57-09.35.02 ["The statement was already in the handwritten notebook and the notebook was placed on the table and I was asked to do the typing from the statement in the written notebook"], 09.45.41-09.47.58 [witness confirms that "the format and typing nature" of **E3/2421** is true to the type of document he typed while working at Kraing Ta Chan], 09.51.18 ["Q: What I'm asking you is, did you take the handwritten notes of confessions that were given to you on paper, and turn those into a typed report that would be signed by prison chairman An? A: Yes, that is true"], 09.53.03-09.54.15 ["Q: Did prison chief An or deputy Duch instruct you on how the reports – or who the reports should be addressed to, in this case, to the Party? A: Yes, that is true. The report was submitted and sent to the Party"], 09.56.50 ["Can you look at the end of the document, and tell me, do you recognize who it was that signed this report? A: This report was signed by An. Q: Were all the reports

officials returned the documents to An with instructions for implementation, further demonstrating that Party leaders in Tram Kak District were aware of and authorised the use of torture at Kraing Ta Chan.<sup>3248</sup>

807. The duration, frequency, and intensity of torture at Kraing Ta Chan demonstrate the intent to inflict severe harm on the prisoners. In the presence of senior prison officials,<sup>3249</sup> torture occurred on a regular basis and was particularly inflicted on prisoners deemed uncooperative during questioning.<sup>3250</sup> In preparation for torture, the interrogation rooms contained chains, clubs, whips, axes, and pliers.<sup>3251</sup>

you typed at Krang Ta Chan signed by prison chief An, or were there other cadres who sometimes signed those reports? A: When I finished the typing, there was no one there to put the signature. In the group there were two or three people, and I did not know their names. These people were the ones who put the signatures"; **E3/9586** Van Soeun WRI, A40 [former KTC messenger and guard: "Yes, [An] wrote the letters himself, and then he gave them to Duch, the typist"], A48-49 ["When you carried the letters to the district, what means of transport did you use? A: Sometimes I rode a bicycle, and sometimes I rode a horse. The distance between Kus Commune and Angkar's office was about seven to eight kilometres ... Once I arrived at District Commerce, anyone there could accept [the letter]; then they took it to the district governor"], A55-56 ["after I had taken the letter to the district, and the district had delivered a letter back to Kraing Ta Chan. Only then did killings take place. Q: That means the letters could have been ... reports about the prisoners or their confessions. Is that correct? A: Yes, that is correct"]; **E3/4626** Pech Chim WRI, EN 00380132-33 [former Tram Kak District Committee Member and Secretary: "According to communication procedure ... the confessions of [the prisoners] who had been interrogated by the security police were placed in the envelope and sent to the District, and then the District sent them on to the Sector. After the Sector made the decision, it sent them through the District back to the Security Center"]; **E3/5524** Phan Chhen WRI, A13 [when shown document E3/2107: "Q: Did you ever see or know about the interrogation methods? Were the responses recorded? And were the responses sent to the upper echelon? A: Ordinarily they would make such records and send them to the upper echelon. The responses were like what is written in the document that you have shown me"], A20-22 [in regard to E3/2012: "This is a report that they made for the district, and the district then gave it to the Sector, and the Sector sent orders back. Q: When the Sector sent order back, how did they send those orders? A: They sent orders through the district. Q: And subsequently the district sent the orders to An, correct? A: Correct."].

<sup>3248</sup> See fn. 3247; **E3/2052** DK Order from Kit to An, 13 June [1977], EN 00276591 ["To respected Comrade An: Regarding the ten traitors ... sent in yesterday, propose Comrade interrogate harshly and thoroughly, interrogate to find all of their network"]; **E3/2447** DK Order from Kit to An, 6 Sept 1977, EN 00355474 ["Beloved Comrade An, Request that a thorough interrogation be conducted, because this person is an organized string of the CIA"]; **E3/2012** DK Order from Kit to An, 31 July 1977, EN 00276596 [instruction from District Secretary Kit to KTC chief An which states: "Concerning the issue of all the prisoners who were arrested from Cheang Tomg commune ... they are to be interrogated in order to find out their whole networks, then smash them"]; **E3/2423** DK Order from San to An, EN 00322210 [instructions from San to An to interrogate Hul and Sean to find out their networks]; **E3/2451** Report from Kit at District 105 to the Party, 6 Oct 1977, EN 00322172 [Kit requested a decision on a female combatant detained for walking around without authorisation. Sector 13 Secretary Prak responded: "This female comrade must be an enemy. It is requested to interrogate her immediately in order to find out her network ... It is requested to the police to conduct an intense interrogation immediately"].

<sup>3249</sup> See the evidence cited in fns 3239, 3245.

<sup>3250</sup> See e.g. **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.34.52-15.37.07 ["It depends on prisoners responses. If they responded quickly, then they would not be suffocated with a plastic bag, but for those who refused to respond then they would be beaten and beaten again and the next thing they would be suffocated with a plastic bag"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.145 ["if they didn't confess then they would be beaten until they confess"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 ["I witnessed the incident when a man was beaten until he had to confess that he had been a captain as they wished to hear"]; **E3/9584** [REDACTED] WRI, A52-53 ["I was interrogated and tortured. They held my arms

808. Numerous former prisoners and guards testified about the types of torture used at Kraing Ta Chan. Prisoners were severely beaten, often to a state of unconsciousness or death.<sup>3252</sup> Pliers were used to pull fingernails out of their nailbeds, or to pinch body parts

from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used pincers to pinch my fingers in order for me to confess ... They asked me that among people in Phnom Penh who military commanders were, and I did not know, so they tortured me"; E3/7904 Neang Dam WRI, EN 00223518 ["I saw them beat during interrogations. ... They used clubs, bamboo trunks ... Q: How many times did you see them give beatings? A: Innumerable times"; E3/4627 Iep Duch WRI, EN 00223479 ["when [the prisoners] did not confess, they tortured them"]; E3/5852 Srei Than WRI, EN 00231675 ["I saw them take prisoners for beatings and interrogations every single day at the interrogation room approximately 50 meters from the building where I worked. I heard the prisoners' screams coming from the interrogation room"]; E3/9472 [REDACTED] WRI, A281-283 [the witness lived near KTC from 1975-1976 (see A2 and A3): "They tortured the prisoners while they were interrogating. Any prisoners who did not confess would be beaten or kicked, and so on ... I know this because I heard their screams and saw them through holes in the prison fence ... I saw them beat the prisoners and violently split open the mouths of prisoners who did not talk"]; E3/5524 Phan Chhen WRI, A32 ["When Phi questioned and the prisoner did not respond, Phi was the person who used hot or cold methods to get the responses"], A35 ["Hot methods were when they were questioned but did not respond; then they would be beaten or tortured, they were beaten with whips"].

3251 E1/249.1 Meas Sokha, T. 21 Jan 2015, 10.23.47-10.25.38 ["When prisoners were interrogated ... there were sticks, there were chains, there were axes, there were pliers used, during the investigation, prisoners would be tortured with bamboo stems and rattan. The building was filled with screams"], 10.27.54 ["Prisoners were beaten with the stem of bamboo and rattan during the interrogation, or sometimes they used a plier to pull the fingernails"]; E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 10.09.00-10.11.07 ["They used bamboo clubs, about 70 or 60 cm long to beat the prisoners. And there were three or four bamboo clubs in that [interrogation] room"], 10.55.20-10.56.36 [in the KTC interrogation room: "there was a wall at the back where they hang their weapons and other equipment"]; E1/271.1 Van Soeun, T. 4 Mar 2015, 10.35.52-10.38.31 ["the clubs and whips were kept at the place of the interrogation"], 11.13.40-11.15.14 ["Yes, there was torture during the interrogation because there were clubs, rattan whips and bamboo clubs, et cetera"], 11.23.55-11.25.38 ["My aunt was detained there for three years and they used a rope to hang the neck. When I was working there, I did not see this kind of torture. To this day, her neck still has the scar."]; E1/281.1 Saut Saing, T. 24 Mar 2015, 13.39.07-13.42.42 ["Q: Did you see any bamboo clubs and whips at the interrogation site? A: I saw only whips, but ... I didn't see bamboo club. I saw only whips over there"]; E3/5835 Sok Soth WRI, EN 00223508 ["Q: Did you see prisoners with wounds after interrogation? A: Yes! Bleeding wounds. I saw that every day ... Q: What did they hit them with? A: With clubs, they had the clubs lined up along the walls. When one broke, they took another. ... They beat them all. They beat them to make them weak so it was easy to throw them into the pits"].

3252 See e.g. E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 10.09.00-10.11.07 ["They used bamboo clubs, about 70 or 60 cm long to beat the prisoners. And there were three or four bamboo clubs in that room"]; E1/281.1 Saut Saing, T. 24 March 2015, 13.39.07-13.42.42 ["Prisoners were beaten by club and plastic sheet were used to cover their face and they tortured to extract their confession"]; E1/249.1 Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 ["they had to answer truthfully; otherwise they would be beaten to death"], 15.40.34-15.44.02 ["First, they interrogated the prisoner, then they kicked and beat the prisoner. ... They actually wore [an] American made boot, to kick a prisoner during the interrogation"]; E3/5825 Meas Sokha WRI, EN 00223500 ["They asked, 'What did you do? Were you American CIA or Yuen CIA? What rank were you during the Lon Nol era?' When they did not respond, at times they beat them unconscious"]; E3/5835 Sok Soth WRI, EN 00223508 ["They all went unconscious. Q: What did they hit them with? A: With clubs, they had the clubs lined up along the walls. When one broke, they took another. Q: They beat the women too? A: They beat them all"]; E3/5853 Saing Sim WRI, EN 00433573 ["From what I could sneak a look at when cooking nearby, I saw them beating and interrogating and researching ... Some prisoners were beaten to death at the interrogation site"]; E3/5845 Van Soeun WRI, EN 00223210 ["They tied up the prisoners, put them in shackles. They beat them to force the prisoners to answer during the interrogations ... They beat with clubs and rattan whips"]; E3/9605 Toem Hy WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC: "They used a one-metre-long club 5 cm. in diameter to have the prisoners confess." He was then asked: "Q: You confirmed that you had seen the interrogators torturing prisoners; did you see this firsthand? A: Yes, I



until prisoners confessed.<sup>3253</sup> Prison officials hung detainees upside down by their feet, or up by their necks, and beat them.<sup>3254</sup> Other prisoners were suffocated with plastic bags tied around their faces or were held under water.<sup>3255</sup> Interrogated prisoners were left with bleeding wounds and cried in pain when placed back in their cells.<sup>3256</sup> Many died during or following interrogation.<sup>3257</sup>

- saw that with my own eyes"; **E3/7483** Mann Seng CRC Statement, EN 00342741 ["They interrogated me once every 3 days, and I was beaten up and fell unconscious twice during each interrogation"].
- <sup>3253</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.27.54 ["Prisoners were beaten with the stem of bamboo and rattan during the interrogation, or sometimes they used a plier to pull the fingernails"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.11.07-10.12.52 ["Pliers were used to extract or to hurt the breast or the nipples of female prisoners"]; **E3/9584** [REDACTED] WRI, A52 ["I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate. Moreover, they used ... pincers to pinch my fingers in order for me to confess"].
- <sup>3254</sup> **E1/271.1** Van Soeun, 11.23.55-11.27.23 ["My aunt was detained [at Kraing Ta Chan] for three years and they used a rope to hang the neck. When I was working there, I did not see this kind of torture. To this day, her neck still has the scar... During the interrogations, as my aunt told me, they used a rope to hang at her neck"]; **E3/5835** Sok Soth WRI, EN 00223506 ["Then they called me for interrogation. I saw ropes. If we did not answer straight, they would hang us by our feet"]; **E3/9605** Toem Hy WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC, he saw: "Each detainee was blindfolded with black cloth and walked to the torture site, where they were hung upside down. The victim's head hung downwards. They were beaten and interrogated by one or two security officers"]; **E3/7984** Lim Hach WRI, EN 00166452-53 ["The interrogator threw a line over a beam up above, tied both my feet, and tied my arms behind my back and to a post ... I heard them say it had been half an hour, and they loosened [the line]. When they loosened it, I fell to the ground and pretended to be unconscious for fear they would beat me again"]; **E3/7825** Phim Ram CRC Statement, EN 00434852-53 [Chairman of the (Kus) Commune Committee when interviewed in 1984: "I have conducted research with brothers and sisters who were tortured at [Kraing Ta Chan] ... There were deaths due to being hung by the neck during interrogation ... They tied a wooden pole up above. There were two wooden posts close together. They placed a horizontal pole high above the ground, and they brought the accused person and pulled them up by the neck; then they let them back down and asked their questions"].
- <sup>3255</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 ["A prisoner was suffocated with a plastic bag for five minutes, and then the prisoner confessed, and then they continued to beat that prisoner"], 11.45.20 ["Prisoners were beaten if they did not confess, and after beating ... the plastic bag would be put on their heads"]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 15.14.33-15.16.21 ["what I saw was that ... [prisoners'] arms were tied to their backs and they would use a plastic sheet to cover his face"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 11.13.40-11.15.14 ["In addition, and most importantly, they would suffocate those prisoners with plastic bags during the interrogation process"]; **E1/281.1** Saut Saing, T. 24 March 2015, 09.38.49-09.42.10 ["Yes, the prisoners were interrogated, they were beaten up, and plastic bags were tied around their face – their eyes"]; **E3/5853** Saing Sim WRI, EN 00433573 ["I saw them beating and interrogating and researching. Sometimes they put plastic cloths over their faces and beat them as they interrogated"]; **E3/9584** [REDACTED] WRI, A52 ["I was interrogated and tortured. They held my arms from behind and pushed my head into a bucket of water to make me almost suffocate"].
- <sup>3256</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 11.35.55-11.40.02 ["On one occasion, a soldier was brought in, and put to sleep next to me ... During his interrogation he was severely beaten up. His entire body was wounded and throughout the night, he cried from the wounds, he cried for his parents, he cried for his mother to help him throughout the night"], 10.53.10-10.56.97 [after her friend Rom had been taken for interrogation: "Rom and I were kept in the same cell that night ... I staggered to her and touched her. My goodness, what's a pity! The moment I touched her, I could no longer feel the flesh on her body, but rashes from the torture as big as the size of my thumb all over her body"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 09.26.33-09.30.49; **E3/5835** Sok Soth WRI, EN 00223508 ["Q: Did you see prisoners with wounds after interrogation? A: Yes! Bleeding wounds. I saw that every day ... Q: What did they hit them with? A: With clubs, they had the clubs lined up along the walls. When one broke, they took another"].
- <sup>3257</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 15.34.52-15.37.07 ["I did not know how many minutes he was suffocated with a bag. The next thing I saw was that the guard drag[ged] him back into the building

809. Female detainees were also targeted for sexual abuses amounting to torture. Prison guards and officials raped female prisoners with impunity. On at least one occasion, guards inserted ammunition into the women's sexual organs.<sup>3258</sup> One former prisoner told investigators that she heard the screams of women pleading with the Khmer Rouge, "you can kill me, but please do not abuse me."<sup>3259</sup>
810. All of the prisoners at Kraing Ta Chan were subjected to severe mental suffering as they were constantly afraid that they or someone they cared about would be the next to be tortured or killed. Meas Sokha and messenger Van Soeun were warned to be silent about the torture and killings they witnessed or they would meet a similar fate.<sup>3260</sup> Numerous witnesses described hearing the agonised screams of prisoners being brutally

where he was detained. The next day, he was dragged outside to be buried"; E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 13.55.14-13.58.37 ["Q: If they were not executed, for how long were the people able to survive under those conditions of detention? A: Prisoners who were tortured and detained there could not stay longer than one month. They would be shackled all the time there without any food. Q: Does that mean that in any case, they died within a month, even if they hadn't been executed before then? A: Yes, because before they were interrogated and brought back into the building, they were in very bad shape already during those series of being tortured"]; E3/5845 Van Soeun WRI, EN 00223210 [prisoners died "from having been tortured to get responses and being beaten excessively. When they were brought back to the detention buildings, they died"]; E3/5853 Saing Sim WRI, EN 00433573 ["Some prisoners were beaten to death at the interrogation site"]; E3/9605 Toem Hy WRI, EN 00980271 [former district messenger confirming his DC-Cam statement that at KTC: "Sometimes the prisoners died during interrogation, and sometimes they died when in leg shackles"]; E3/10753 Hun Kimseng WRI, A52 ["Some prisoners died after torture. They dragged unconscious prisoners back into the detention cell and assigned me to feed those prisoners rice gruel; however, those prisoners later died there"].

3258 E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 13.58.37-14.00.40 [the witness was sent by a guard to bury the corpses of two women that the guard had just raped and killed; the guard had inserted M-79 bullet tips into the vaginas of the women]; E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 [identifies the guards who raped and killed the two women as Duch Touch or Small Duch, and Saing; they were not punished]; E1/258.1 Say (Sory) Sen, T. 6 Feb. 2015, 14.24.52-14.30.49. *But see* E1/267.1 Srei Than, T. 23 Feb 2015, 15.50.52-15.57.40 [denies Say Sen's rape evidence as a "fabrication" because rape was prohibited and anyone who committed sexual rape would not be spared]; E1/271.1 Van Soeun, T. 4 Mar 2015, 15.13.28-15.17.56 [admits there were killings at KTC, "but as for rape, I don't think there were rapes that happened there ... That statement is not true"]. *See also* E3/9472 [REDACTED] WRI, A347-372 [heard from the messenger named Mocun that there were cases of violence and rape against women from Phnom Penh in the Kraing Ta Chan prison compound, perpetrated by Mocun's fellow workers, including Ta An and his deputy. There was no punishment for the rapes and the women who were raped were sent to be killed]; E3/9584 [REDACTED], A83 ["Women who were accused of stealing things were arrested to Kraing Ta Chan prison, but they were not detained in a common room; they were detained in a room with the windows closed. Then all those women were raped before they were killed. The killing of those women mostly took place at night. Moreover, they used a loudspeaker to prevent others from hearing those women screaming"], A84 ["The place where I was detained was near the place those women were killed; it was approximately ten metres away. The place where they raped those women was not far away. No woman could escape from that place. Those women were undressed before they were killed. Next morning I saw them fold skirts and clothes of those victims and took them to be distributed to base people"].

3259 E3/9584 [REDACTED] WRI, A84.

3260 E1/249.1 Meas Sokha, T. 21 Jan 2015, 10.25.38-10.27.54 ["the interrogation place was about five metres away from the kitchen. Of course I could see it ... but I was warned that I'd better not speak about what I saw there, or that prisoners were tortured and bled. That's what they warned me"]; E1/271.1 Van Soeun, T. 4 Mar 2015, 14.26.24-14.28.03 [former KTC guard: "I was threatened and they warned us not to let anything out of our mouths. If they heard it from someone's mouth, that person would be responsible"].

tortured.<sup>3261</sup> [REDACTED] recalled trembling when she saw an executioner holding the organs of a freshly killed victim.<sup>3262</sup> Vong Sarun, imprisoned with her one-year-old daughter, testified that she gave her ration of gruel to her baby for three days because “when she cried, they came in and beat her before my very eyes. As a mother, my heart was breaking in pieces. As a result, I was starving myself.”<sup>3263</sup>

## MURDER AND EXTERMINATION

### 1. Murder

811. Prisoners at Kraing Ta Chan died as a direct result of conditions that were completely under the control of their DK captors, who intentionally subjected them to inadequate food and water, poor sanitary conditions that spawned disease, and a complete absence of medical care.<sup>3264</sup> Other prisoners died as a direct result of injuries inflicted during brutal interrogations and torture.<sup>3265</sup> Thousands more died at the hands of prison guards and officials in premeditated, violent executions.
812. The killings at Kraing Ta Chan were explicitly ordered by the higher levels of the DK hierarchy. Following interrogation and torture sessions, prison officials sent reports detailing the prisoners’ confessions to the District and after review, the District forwarded them to the Sector.<sup>3266</sup> The Sector then reviewed the confessions and decided who was to be ‘swept clean’ or ‘smashed’ and marked the confessions accordingly.<sup>3267</sup>

<sup>3261</sup> As previously detailed in fns 3242-3243.

<sup>3262</sup> **E3/9584** [REDACTED] WRI, A51 [“three days before the Vietnamese arrival, a woman who was pregnant and detained with me, was about to deliver a baby, and she was taken to outside by an executioner. When the executioner returned, I secretly looked through a [hole] at the door from the detention cell. I saw that executioner holder liver, gall bladder and heart with blood. I trembled when I saw this. I did not see that executioner kill that woman, but I did not see her return”].

<sup>3263</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 09.48.38-09.51.29. *See also* 10.59.19-11.01.19 [the guards also forced her daughter to play with fish that had hard and sharp fins which could be very painful. They “said that they wanted my baby to die so that there would be no more offspring of the contemptible Sact. They said that in front of me. I could not do anything to help my baby, but to pray to Buddha to protect my baby from being hit by the fins of those fish”].

<sup>3264</sup> *See* section **Kraing Ta Chan Security Centre – Other Inhumane Acts – Attacks Against Human Dignity**.

<sup>3265</sup> *See* **Kraing Ta Chan Security Centre – Torture** section, particularly fn. 3257.

<sup>3266</sup> *See* **Kraing Ta Chan Security Centre – Torture** section, para. 806.

<sup>3267</sup> **E3/2012** Reports from An at Kraing Ta Chan Security Centre to Party, July-Aug 1977, EN 00276593 [Handwritten annotations where Prak of Tor. 13 (Sector 13) instructs An: “Please smash them all. On 7/8/77. Tor. 13; Prak”], EN 00276594 [“It is okay to smash. 7/8/77; Tor. 13; Prak”]; **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.04.51-10.07.14 [describing that when letters were brought from the district and given to one of the leaders of the Kraing Ta Chan prison committee, although he could not read, he knew that red ink meant the prisoners had to be smashed]; **E1/290.1** Pech Chim, T. 22 Apr 2015, 14.13.47-14.19.10 [“[Sector chief Saom] merely put a cross sign beside [names on confession reports] and he did not make any additional comments and he forwarded it to Khom, and Khom reviewed it, after which he would refer it to An ... This issue of the prisoner, it was under the exclusive control of the sector. It was the matter within the sector’s responsibility”]; **E1/292.1** Pech Chim, T. 24 Apr 2015, 11.21.05-11.23.00



Neang Ouch testified that any order to execute had to be approved by the Zone.<sup>3268</sup> Once approved, the orders to kill were sent back to the District, a District 105 messenger then carried the orders to the Kraing Ta Chan prison chairman, and the orders were quickly implemented.<sup>3269</sup> Former District Secretary Pech Chim believed that Ta Mok was kept informed about what happened at Kraing Ta Chan because at one sector level meeting,

["Q: My question was whether you know the names of people who were to be purged, who were to be physically crossed by a red ink pen? A: Everything was there on the paper. And whatever decisions were made by the upper echelon, people at the office would implement it"]; **E3/401** Pech Chim WRI, EN 00381025 ["If there were some names in the confessions were crossed by the red ink, it meant that the sector level had decided that these names were to be purged. To purge meant to kill. The District then sent these names to Kraing Ta Chan Security Centre who was responsible for implementation. If the names in the confession were not crossed by red ink, it meant that the Sector level had decided to release them back to their village. The District did not have the right to cross any name in the confession with red ink. The District only had the right to receive the decision from and implement the decision of the Sector level"]; 00381025 ["After the Kraing Ta Chan Security Centre had received the decision from the Sector to smash [someone], it had the right to smash that person as circumstances suggested"]; **E3/5853** Saing Sim WRI, EN 00433573 ["After the meetings, they had the lists that had been sent to the district. When those lists were returned, I looked and saw that the names lined through in red ballpoint pen were the names of those who had been taken away and killed. Q: How did you know the names lined through in red ballpoint had been killed? A: Because that's what they said. Those whose names had been lined through in red ballpoint had been taken away and killed"]. Note that sometimes the order to smash was conveyed by the District Secretary. See e.g. **E3/2012** DK Order from Kit to An, 31 July 1977, EN 00276596 [instruction from District Secretary Kit to KTC chief An which states: "Concerning the issue of all the prisoners who were arrested from Chieng Torn commune ... they are to be interrogated in order to find out their whole networks, then smash them"].

<sup>3268</sup> **E1/274.1** Neang Ouch, T. 10 Mar 2015, 09.10.50-09.13.01 ["yes, 'to sweep somebody clean', it means to execute that person ... I reiterate that all the decisions were made by Ta Ran, who was chairman of Sector 13, and Tram Kak district was one of the districts under the supervision of this sector. Q: Was it the policy during the DK period that any order to execute had to be approved at the sector level? A: The sector actually made a further request to the zone ... Once there was a decision from the zone and the sector, then in my capacity as an assistant at the district level, I wrote down that decision"].

<sup>3269</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.07.09-14.08.54 ["Before the execution [Ta An] would call two of his messengers, and I was tending cow[s] next to the prison, and when I saw the messenger rode a horse to the district office and they returned with an envelope. Sometime the next morning, there would be a program"]; **E1/271.1** Van Soeun, T. 4 Mar 2015, 09.45.12-09.46.27 ["Q: According to your observations, each time a message was delivered from the District 105 to the Kraing Ta Chan centre, were there executions that followed? A: Yes. Q: Conversely, would Ta An tell you during meetings that executions were to take place without having noticed that a messenger from the district has arrived beforehand at Kraing Ta Chan? A: No"]; and **E3/9586** Van Soeun WRI, A54-55 ["Q: Did you ever see any strange occurrences when you were delivering letters from Kraing Ta Chan Security Office to the district? A: Yes, there were killings. Q: Each time there were killings, did they happen before or after you delivered a letter to the district? A: It happened after I had taken the letter to the district, and the district had delivered a letter back to Kraing Ta Chan. Only then did killings take place"]; **E1/290.1** Pech Chim, T. 22 April 2015, 14.13.47-14.17.48 ["[Sector chief Saom] merely put a cross sign beside [names on confession reports] and he did not make any additional comments and he forwarded it to [District Secretary] Khom, and Khom reviewed it, after which [s]he would refer it to An"]; **E3/9605** Toem Hy WRI, EN 00980269 [former District 105 messenger: "My tasking was to courier letters to Kraing Ta Chan ... I had to deliver the letters to Ta An in person"]; **E3/400** Pech Chim WRI, EN 00379170 ["When the Sector level requested or instructed the District level to implement something, the District would not refuse but to follow it"]; **E3/401** Pech Chim WRI, EN 00381025 ["The confessions and reports, which were in the enclosed envelope and sent from the Kraing Ta Chan Security Centre to the Sector, had to go through the District first. The District then sent them to the Sector ... One or two days later, the Sector sent the decision writing on the confessions back to the District"]; **E3/5524** Phan Chhen WRI, A18, 20-23.

he overheard Ta Saom tell Ta Mok that a group “had been resolved,” which Pech Chim understood to mean a group of prisoners at Kraing Ta Chan had already been killed.<sup>3270</sup>

813. Say Sen testified that during the years he was detained at Kraing Ta Chan, all prison staff participated in killings, although they all denied it.<sup>3271</sup> Sometimes when the prison was at capacity, subsequent arrivals were killed immediately without interrogation.<sup>3272</sup> Most other prisoners, however, were executed after a few days or weeks of detention.<sup>3273</sup>
814. The prisoners selected for execution were told they were being returned to their cooperatives.<sup>3274</sup> Instead, they were walked (or carried) to the killing site, ordered to kneel, and typically hit in the back of the head with a hoe or other object before having

<sup>3270</sup> **E3/4626** Pech Chim WRI, EN 00380137 *confirmed by* **E1/290.1** Pech Chim, T. 22 April 2015, 14.27.46-14.30.02 [“That word was said following the meeting, the congress and they talked to each other, only the sector and Ta Mok. ... They only said that the matter had already been resolved ... when there was approval, they would approve it orally”].

<sup>3271</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 15.58.18; **E1/270.1** Van Soeun, T. 3 Mar 2015, 15.27.34-15.29.48; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.14.13-11.16.04; **E1/281.1** Saut Saing, T. 24 Mar 2015, 13.50.46; **E3/4627** Iep Duch WRI, EN 00223480 [“Q: You never saw them kill? A: Never. I only participated in interrogations”]. *See also* **E1/257.1** Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 [“Q: Yesterday you also talked about the massacre of two young girls ... Can you tell us the name of the guard who killed the younger of these two girls? A: Yes, they were Sieng, Moeun, Saing and Duch Touch, or Small Duch”]; **E3/9584** [REDACTED] WRI, A24, A65; **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527781 [“The guards were Sorn, Dim, Saing, Duch, and Ouk. Q: The biological brothers, right? A: Yes. Those were the executioners of Kraing Ta Chan Prison”], 00527772 [“The group of executioners have 12 people and I know all of them. The top leader’s name was Ta Chan, next was Ta An, following him was Ta Pen, there were 6 others that were under Ta Pen’s control. [Their names were] Duch Dorn, Sim Sang, Hoeun, Chouen, Ouk, Moeun”]; **E3/9586** Van Soeun WRI, A193.

<sup>3272</sup> **E3/5826** Hun Kimseng WRI, EN 00223488 [“Q: How many prisoners were there? A: Many. When it was full they took them to be killed”]; **E3/5834** Srei Than WRI, A69 [“Q: How many prisoners were taken to be killed in a day? A: I did not know how many prisoners had been taken to be killed, but when the prison was full the prisoners were taken to be killed”].

<sup>3273</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14-13.57.04 [“Prisoners who were tortured and detained there could not stay longer than one month. They would be shackled all the time there”]; **E3/9472** [REDACTED] WRI, A156.

<sup>3274</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.16.05-11.17.21 [“first they were told that they would be sent back to their bases and that they had to listen to Angkar when they returned to their cooperative. They were told not to complain about this place. But, before that they had to meet with a big Angkar before they were allowed to return to their cooperative”]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.52.33-13.54.10 [“Before prisoners were taken to be killed, they could open the buildings though and say that they would be allowed to return to their respective cooperative, they therefore must follow the Angkar’s plan but only some of them would be taken first”]; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.48.08-13.49.24 [“whenever the loudspeaker was activated, it was announced that prisoners were being allowed to go home since they had already been fully refashioned”], 10.50.27-10.53.10 [“I first thought that they actually meant it when they said people were being released to go home. ... After those people had left, sister Phon (phonetic) who constantly pinched me when I was about [to] speak told me that ‘Run, you perhaps ... were not aware of the pretext that people were sent back home; actually, they were sent to be killed’”]; **E3/5214** Say (Sory) Sen WRI, EN 00225504-05 [“In general, the prisoners who were to be taken and killed, were cuffed, and then they called out their names, telling them they were going back to the cooperative. Those prisoners were taken away at night, at about 8 or 9 p.m. Two to five prisoners were taken away each time”], 00225509 [“First, they gave instructions to the prisoners, saying, ‘Sit. Before you return to the cooperative do not hold any grudge against Angkar.’ Then they killed them”].

their throats slit.<sup>3275</sup> Former prisoner Vong Sarun testified that she saw knives being sharpened, people taken away to be executed, and executioners returning, soaked in blood.<sup>3276</sup>

815. Children were often killed alongside their parents.<sup>3277</sup> Typically, babies and younger children were held by their feet and swung against tree trunks, smashing their skulls upon impact, then thrown into burial pits.<sup>3278</sup> At trial, surviving prisoner Say Sen recalled the sound of children's bodies cracking against palm trees.<sup>3279</sup>
816. Loud music was played or firewood was chopped in order to mask people's screams as they were executed.<sup>3280</sup> Prisoners were forced to dig burial pits and drag the dead bodies

<sup>3275</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14 ["Prisoners were walked ... near the pit. Then they were ordered to kneel and they would use a hoe to hit the back of their neck, they then kicked them down, and after that ... they use[d] the machete about 40 to 50 centimetre long to slash their throat, then they would be dropped into the pit, and then they would undress those people, and pile them in a pile"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.17.21-11.20.06 ["And most of them had their throats slit rather than were beaten with a bamboo stump or a space, because it would take a very long time to kill them with the bamboo stems. They used only the method of throat cutting. Two would hold the prisoner tight and another would slit the throat of the prisoner"]; **E1/281.1** Saut Saing, T. 24 March 2015, 14.02.55-14.07.36 ["The execution site was to the south of the interrogation location ... prisoners were killed with the head of hoes or with a bamboo club ... Sometimes, I had a glimpse at it from a distance"]; **E1/300.1** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 ["I could see that at that time, those people who were kept there a bit long before their execution were very thin, and they could not even -- they could hardly walk. For this reason, they had to be transported by a cart when they were taken out for execution"], 14.33.38-14.36.24 ["those who could not walk were put on carts"]; **E3/5826** Hun Kimseng WRI, EN 00223489 ["They threw crippled people into the pits still alive; they carried them in baskets to the pits"]; **E3/5853** Saing Sim WRI, EN 00433573 ["Q: When they killed people, what tools did they use? A: When they killed people they used hoes, bamboo trunks; there were also swords for cutting their throats"]; **E3/5826** Hun Kimseng WRI, EN 00223489-90 ["Q: When you saw them kill, what did you see? ... A: I saw ropes and clubs in carts and long swords"]; **E3/9586** Van Soeun WRI, A177; **E3/9472** [REDACTED] WRI, A255, A381.

<sup>3276</sup> **E1/300.1** Vong Sarun, T. 18 May 2015, 11.10.00-11.13.44, 13.43.41-13.45.50, 15.03.28-15.06.20.

<sup>3277</sup> **E1/250.1** Meas Sokha, T. 21 Jan 2015, 10.33.40-10.36.49 ["So, after the execution of the mother, the babies would also be killed"]; **E1/281.1** Saut Saing, T. 24 Mar 2015, 14.07.36-14.10.08 ["Children and young babies were killed at Krang Ta Chan because from my personal ... observation, when the mothers disappeared, the children would also disappear along with the mother"].

<sup>3278</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.21.34-11.24.11 ["As for children, their throats were not slit. They would be used to thrown against the trees and then they would be dropped into the pits"]; **E1/267.1** Srei Than, T. 23 Feb 2015, 11.16.04-11.17.33 ["I did not remember how many children, male and female, were killed. But, actually, there were killing of children"]; **E3/5826** Hun Kimseng WRI, EN 00223489 ["They beat the children against the trunk of a teal [tarminalia] tree. I saw that with my own eyes"]; **E3/5214** Say (Sory) Sen WRI, EN 00225510-11 ["The younger girl was about two years old. Duch Touch grabbed both of her feet and swung her head into the trunk of a tamarind tree"]; **E3/5835** Sok Soth WRI, EN 00223507; **E3/9472** [REDACTED] WRI, A155, **E3/9584** [REDACTED] WRI, A51; **E3/9583** Saut Saing WRI, A90; **E3/7825** Phim Ram CRC Interview, EN 00434853 ["the tamarind tree in front was a killing site. In those killings, they grabbed children that they had unreasonably charged without any factual basis; they grabbed those children by the legs and swung them, breaking their heads open against the large trees"].

<sup>3279</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.35.47-13.37.33.

<sup>3280</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 10.20.50-10.23.47 ["Also, before prisoners were killed they would play music through a loudspeaker in order to hide the sound of the killing. They would also knock on various instruments so that people could not actually hear the sound of the killing"]; **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.54.10-13.55.14 ["Then they were taken to the killing site, and they would



into the pits after execution.<sup>3281</sup> Others were forced to dig their own graves before they were killed.<sup>3282</sup> Dead bodies of all ages were piled on top of each other.<sup>3283</sup> In some cases, executioners removed organs such as the liver and gallbladder from those executed, to be consumed.<sup>3284</sup> Kraing Ta Chan officials then reported the number of deaths at the prison to the District Office.<sup>3285</sup>

817. A forensic analysis conducted on the osteological remains recovered from burial pits at Kraing Ta Chan was completed in December 2016.<sup>3286</sup> Many of the remains had been

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play music on a loudspeaker and sometime they would crack firewood nearby in order to muffle the sound of the killing that they are about to do. They would play the Khmer Rouge songs over the loudspeaker, and then after they did the killing, they would return for more"; **E1/300.1** Vong Sarun, T. 18 May 2015, 13.48.08-13.49.24 ["After a while, I learned by myself that when people were being taken away, and killed, the loudspeaker was activated. In general, they were turning the volume to its maximum so that people in the buildings would not be able to hear any screaming"]; **E3/5853** Saing Sim WRI, EN 00433573; **E3/7902** Thaong Seav WRI, EN 00223469 ["They played a loudspeaker [while] they hit [killed] the people"]; **E3/9472** [REDACTED] WRI, A36, A168; **E3/7903** Nhem Khan WRI, EN 00163542 ["I heard them playing loudspeakers. I asked them why they were playing the loudspeakers and they told me that they played the loudspeakers so they could kill people"]; **E3/10753** Hun Kimseng WRI, A59-60 ["When they killed prisoners, they played loudspeakers ... They played various types of songs, including *ayai* songs to prevent the sound of the killings from being heard. Sometimes they put dining tables nearby and hit the tables to prevent us from hearing the killings"].

<sup>3281</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.57.04-13.58.37 ["I fully engage[d] in the digging and burial of the dead bodies in 1977. At that time there was a war going on near the Cambodia-Vietnamese border and the activity of the killing there was very active at the time"]; 11.19.27-11.21.08 ["I was released to do labour work ... I was ordered to ... dig the pits for the corpse and to carry the prisoner who died in shackle and then I was ordered to drag – to bury in the grave"]; **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 15.21.30-15.24.21 ["I and Ta Chhen were ordered to dig the pits ... we dug between 10 to 30 pits and in each pit they buried between 10 to 30 bodies of the prisoners who were executed"]; **E1/250.1** Meas Sokha, T. 22 Jan 2015, 11.03.28-11.05.37 ["the bodies were in the pit, and I was ordered to bury the bodies"]; **E3/7904** Neang Dam WRI, EN 00223518 ["They used me to dig the pits, two of us, [me] and Sen. They used us two or three times each month. Each pit held 50 to 60 persons"]; **E3/5853** Saing Sim WRI, EN 00433574; **E3/9472** [REDACTED] WRI, A159.

<sup>3282</sup> **E3/7902** Thaong Seav WRI, EN 00223470 ["They had those people who were about to be killed dig the pit(s) themselves, and they hit them with hoes and bamboo clubs"].

<sup>3283</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.37.33-13.38.46 ["for older people when they hit them with a hoe, they would use a machete to slit their throats, but in this case they hit the child with a hoe and they dragged her body into the pit"]; 13.55.14-13.57.04 ["then they would be dropped into the pit, and then they would undress those people, and pile them in a pile"].

<sup>3284</sup> **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 13.35.47-13.37.33 ["I saw the children were smashed against the palm trees and then the gallbladder were taken out from the both the children and hanged there"]; **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.56.11-11.59.04 ["I could see many gallbladders were dried in the sun ... and one day I could see some of the superiors, they had wine and they ate gallbladders ... whenever there were killings, the guards would drink wine together with gallbladder"]; 12.02.45-12.04.31 ["I could see that gallbladders were dried in the sun near the fence while I was tending cows. And I could know that these gallbladders were from human beings, because there were many gallbladders, and those couldn't be cows or buffalos gallbladders"]; **E3/9584** [REDACTED] WRI, A51.

<sup>3285</sup> **E3/4085** Report to the Party for the Month of July 1977 [This report demonstrates that similar information was sent to the Party leaders on a monthly basis from Kraing Ta Chan, including the number of prisoners that entered the prison during the month, the total number of prisoners, the number that died from illness, the number of prisoners killed, and the number of prisoners remaining. For the month reported, those numbers were 18, 81, 2, 39 and 40, respectively]. See also **E3/2108** Report to the Party from An at Reeducation Office 105, undated, EN 00290205 [handwritten note stating "Up until today we have smashed 15,000 enemies. May the party be advised." Signed by An].

<sup>3286</sup> **E1/512.1** Voeun Vuthy, T. 13 Dec 2016, 13.42.58-13.45.38.

looted or destroyed by animals, and the condition of the bones still at the site had decayed from decades of exposure to the elements.<sup>3287</sup> Nonetheless, the forensics team was able to examine 1,904 pieces of bone to investigate torture that might have been used on victims and the means of death, all based on markings left on the bones.<sup>3288</sup> The study's findings constitute a long list of painful torture and death:

1. **2,623** marks from breaking the nape of the neck with a wooden stick or bamboo.
2. **389** marks from being beaten with square wooden sticks.
3. **1,933** marks from being beaten by round iron (cartwheel iron with a diameter of 26 millimetres).
4. **530** marks from being cut with a knife (thin blade knife).
5. **449** marks from being beaten with [a] hoe.
6. **9** marks from being beaten with an axe.
7. **2** marks from being shot [to] death with a bullet.
8. **178** marks from being stabbed with a bayonet.
9. **2** marks from being slit across the throat.
10. **133** marks from being pushed against hard materials (For example, a wall or floor).
11. **4** marks from being stabbed with a steel nail.
12. **4** marks from having the ear cut off.
13. **315** marks from being stabbed with a rifle barrel.<sup>3289</sup>

818. Expert Voeun Vuthy, who directed and led the study, testified that, based on similar studies conducted at other DK security centres, “the main prisons used the same tools” to kill.<sup>3290</sup>

## 2. Extermination

819. Almost every prisoner who entered Kraing Ta Chan died either because of the inhumane living conditions inflicted upon them or by execution. Thousands died at the prison during the DK regime, although the exact number of victims will never be known due to a variety of factors. First, the prison was established in 1972<sup>3291</sup> and some physical remains recovered from the site are very likely attributable to killings that took place before the temporal jurisdiction of this Court. Second, many of the remains,

<sup>3287</sup> **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35 [regarding excavations conducted in 1980 to search for clothes and gold], 16.03.30-16.06.07 [regarding dogs eating bones and cows eating dried remains], 16.12.50-16.15.08 [“The remains at Kraing Ta Chan were left unattended longer than the remains at Choeung Ek Crime Centre because, at the time, no one really understood about the importance of the remains ... Kraing Ta Chan ... was like a haunting place. That's why many remains were lost”].

<sup>3288</sup> **E3/10769** Voen Vuthy, *Study on Kraing Ta Chan*, EN 01362854, 01362857.

<sup>3289</sup> **E3/10769** Voen Vuthy, *Study on Kraing Ta Chan*, EN 01362858-59 (*emphasis added*).

<sup>3290</sup> **E1/512.1** Voen Vuthy, T. 13 Dec 2016, 13.42.58; **E1/513.1** Voen Vuthy, T. 14 Dec 2016, 16.16.58-16.18.20.

<sup>3291</sup> See the evidence cited in fn. 3161.

particularly skulls, were looted or taken by families hoping to have some symbolic remembrance of lost loved ones.<sup>3292</sup> Other remains were taken away by animals, or significantly decayed from decades of exposure to the elements and lack of proper preservation.<sup>3293</sup> Finally, while there are surviving prisoner lists and reports regarding activity at Kraing Ta Chan, there is no way to determine how many other records were never recovered. Nonetheless, ample evidence demonstrates that killings at this site occurred on a massive scale after 17 April 1975.

820. Only a handful of people imprisoned at Kraing Ta Chan during the DK regime survived.<sup>3294</sup> They and former prison guards gave extensive eyewitness evidence about other prisoners' deaths from inhumane conditions and routine executions at the security centre.<sup>3295</sup> Several witnesses corroborated that executions occurred on a regular basis,<sup>3296</sup> and Meas Sokha, who was detained for nearly three years at Kraing Ta Chan, routinely saw executions involving 20 or more prisoners.<sup>3297</sup> He also recalled that executions sometimes lasted over three hours.<sup>3298</sup>

<sup>3292</sup> **E1/255.1** Kev Chandara, T. 2 Feb 2015, 14.13.50-14.15.44, 15.12.03-15.17.45; **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 16.03.30-16.06.07; **E3/9258** DC-Cam Mapping Report, EN 00343165.

<sup>3293</sup> **E1/513.1** Voeun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35, 16.03.30-16.06.07, 16.12.50-16.15.08; **E1/255.1** Kev Chandara, T. 2 Feb 2015, 14.07.13-14.12.35; **E3/9258** DC-Cam Mapping Report, EN 00343165.

<sup>3294</sup> As detailed in fn. 3167, this Court obtained evidence from survivors Meas Sokha, Say (Sory) Sen, Vong Sarun, Kev Chandara, Hun Kimseng alias Yeay Nha, Lim Hach, Neang Dam, [REDACTED] and Kev Mao. See also **E1/300.1** Vong Sarun, T. 18 May 2015, 14.19.43-14.21.07 [stating that Yea Nha [Hun Kimseng] and her relatives were allowed to return home while she, Ta Dam [Neang Dam], Sen [Say Sen], and Auntie Han stayed], 15.14.21-15.16.22 [Han and others escaped before Vong Sarun was released]; **E1/258.1** Say (Sory) Sen, T. 6 Feb 2015, 09.39.39-09.41.26 [“almost all of them passed away. Only children of Yeay Nha, Yeay Nha and I survived the period”] and **E3/4846** Say (Sory) Sen DC-Cam Statement, EN 00527776 [“Those who survived that prison was Ta Chiin, Grandma Ngor, and Grandma Rath and her family”]; **E3/9583** Saut Saing WRI, A119; **E3/5845** Van Socun WRI, EN 00223212 [“the majority of the males died of illness or were killed. Very few males survived”].

<sup>3295</sup> See sections **Kraing Ta Chan Security Centre – Other Inhumane Acts – Attacks against Human Dignity**, and **Kraing Ta Chan Security Centre – Murder and Extermination – Murder**.

<sup>3296</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.13.35-11.14.54 [“Q: ... Can you tell us how many times you saw prisoners being taken to pits outside the prison compound? A: ... I saw it happen almost every day and the execution took place once every week”]. See also **E1/256.1** Say (Sory) Sen, T. 4 Feb 2015, 14.00.40-14.02.34 [“the number of those who were killed varied from day to day, and the killing did not happen every day”]; **E3/5835** Sok Soth WRI, EN 00223507 [“Yes [they killed] many, almost every day. Whenever some came in, the next morning they killed”]; **E3/9472** [REDACTED] WRI, A385.

<sup>3297</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 11.17.21-11.20.06 [“Q: On the occasions where you were able to see prisoners being killed can you tell us how many prisoners were killed on each of those occasions? A: It ... varied. Sometimes there were 50, 70, 80 or 100 of them. And the minimum number was 20 prisoners per day”]; **E1/250.1** Meas Sokha, T. 22 Jan 2015, 10.51.26 [“From 3 p.m., prisoners were transported out ... from within the first level fence to the execution place. Two or three or four prisoner were taken out once at a time until they collected all 100 -- all 100 prisoners to that pit”]; **E3/5853** Saing Sim WRI, EN 00433573 [“There were more than 100, up to 200 prisoners each time they took prisoners to kill them, both children and adults”]; **E3/10753** Hun Kimseng WRI, A37.

<sup>3298</sup> **E1/249.1** Meas Sokha, T. 21 Jan 2015, 12.00.10-12.02.45 [“Killing would -- took place from 2 p.m., until 5 p.m. and on some occasions, it would last until 8 p.m.”].



821. Meas Sokha and Say Sen both testified about an occasion when more than 100 people from Sre Ronoung and Nhaeng Nhang communes arrived at the prison and were killed without interrogation because the prison was already filled to capacity.<sup>3299</sup> Yin Neng, who lived near the security centre, recalled an incident where two groups of Khmer Krom, totaling 127 adults and children, arrived at the prison “to study” and were held for two days, then killed.<sup>3300</sup> Vong Sarun testified that one night when the door to her detention building opened, she saw lines of people whose hands were tied being walked by a small boy armed with a rifle. She recalled that people could not sleep that night because the building was chaotic and overcrowded and babies were crying, but the next morning, she saw lines of people being “released to go home”, which meant they were killed.<sup>3301</sup>
822. Two prisoners regularly assigned to dig burial pits, Say Sen and Neang Dam, both gave evidence regarding the number of corpses the pits could hold, ranging from two to 60.<sup>3302</sup> Say Sen testified that in 1977, they ran out of room for burial pits in the usual area, so more had to be dug outside the inner compound.<sup>3303</sup> Also in 1977, prisoners were ordered to dig into a small pond to make more room for bodies.<sup>3304</sup> Former guard and messenger Van Soeun told investigators that the number of people killed at Kraing Ta Chan was highest between 1977 and 1978.<sup>3305</sup>

<sup>3299</sup> E1/249.1 Meas Sokha, T. 21 Jan 2015, 10.20.50-10.23.47, 12.00.10-12.02.45; E1/257.1 Say (Sory) Sen, T. 5 Feb 2015, 09.44.48-09.49.36.

<sup>3300</sup> E3/9472 [REDACTED] WRI, A129, 141-143, 147-156.

<sup>3301</sup> E1/300.1 Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10.

<sup>3302</sup> E1/258.1 Say (Sory) Sen, T. 6 Feb 15, 15.13.01-15.14.24 [“Q: What about the number of pits within the compound. How many pits were there altogether? A: I could not could all the pits because there were many pits. There were smaller pits and larger pits. One pit, for example, contained only two or three bodies”]; E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 16.02.13-16.03.45 [“[E]xcept [when] the pits [they] used were very deep. For example, it is too deep for 30 corpses”]; E3/7904 Neang Dam WRI, EN 00223518 [“They used me to dig the pits, two of us, [me] and Sen. They used us two or three times each month. Each pit held 50 to 60 persons”]; E3/5214 Say (Sory) Sen WRI, EN 00225508 [“Thirty or more could be placed in one pit by placing them in alternating rows stacking them along the length or the width of the pit”]

<sup>3303</sup> E1/282.1 Say (Sory) Sen, T. 25 Mar 2015, 15.21.30-15.24.21 [“Q: Can you simply tell me whether you yourself had to dig pits outside of the first perimeter in order that bodies could be buried in them? A: Yes. I and Ta Chhen were ordered to dig the pits ... I guess we dug between 10 and 20 pits and in each pit they buried between 10 and 30 bodies of the prisoners who were executed”].

<sup>3304</sup> E1/256.1 Say (Sory) Sen, T. 4 Feb 2015, 15.19.12-15.20.42 [“in 1977 the water reservoir to the south was where they buried the bodies and that pond was initially small, dug by prisoners. Q: Did you yourself dig this pit alongside other prisoners? A: Yes, I did. However, I was only involved in the last part of the digging. That was in 1977, when they needed the place to bury more bodies.”].

<sup>3305</sup> E3/9586 Van Soeun WRI, A185.

823. As for physical remains, at least 11 burial pits have been exhumed at Kraing Ta Chan.<sup>3306</sup> Kev Chandara testified that skulls found at the site numbered over 10,000.<sup>3307</sup> Former District Youth Chairman Iep Duch told OCIJ investigators he agreed that the number reached tens of thousands because every village reported disappearances.<sup>3308</sup> Expert Vocun Vuthy testified to the number possibly being higher, as six grave pits were not yet exhumed<sup>3309</sup> and many remains were lost during the time it took to begin the exhumation process.<sup>3310</sup>
824. Written records also show that prisoners were killed on a massive scale at Kraing Ta Chan. Two monthly reports from 1977 give a snapshot of monthly statistics: a combined total of 131 prisoners were killed and eight died of other causes.<sup>3311</sup> Former guard Srei Than testified that 99 percent of the prisoners held at the prison were executed.<sup>3312</sup> Perhaps the best indicator of all is the undated, signed report from Prison Chief An advising the Party that over 15,000 enemies had been “smashed” at the

<sup>3306</sup> **E1/513.1** Vocun Vuthy, T. 14 Dec 2016, 16.03.30-16.06.07 [“our team have found 11 mass grave pits. We did not count the pits outside of the fence where two or three people were buried in the rice field”]; **E3/5837** Kev Chandara WRI, EN 00223457 [“Q: How many pits were dug up? A: Eight pits”].

<sup>3307</sup> **E1/256.1** Kev Chandara, T. 4 Feb 2015, 10.07.19-10.09.02 [former chief of one of the neighbouring communes and personally involved in the exhumation in the 1980s: “Q: ... can you say whether the 10,013 skulls that you stated ... was the figure that you stand by? A: Yes, that’s [the] correct number of the skulls that we gathered”]; **E3/5837** Kev Chandara WRI, EN 00223457 [there were “Eight pits, 10,045 persons (from the actual count of skulls), but there were many other pits which had not yet been dug up”]. See also **E1/282.1** Say (Sory) Sen, T. 25 Mar 2015, 15.19.10-15.21.30 [“Through my observation of the area, it could be in excess of more than 10,000 because, initially when people exhumed the bodies and trying to look for gold in 1979, the skeletal remains that they found totaling for more than 10,000 already. And the area on the west of the prison, which was the area in-between the first perimeter and the second perimeter was also the execution site where the remains have not been exhumed yet”].

<sup>3308</sup> **E3/4627** Iep Duch WRI, EN 00223480.

<sup>3309</sup> **E1/513.1** Vocun Vuthy, T. 14 Dec 2016, 13.47.44-13.49.35 [“So the figure of 10,042 was obtained from Mr. Yin Thoeun (phonetic), who used to be the head of the community over there. He received the figure when the remains were counted after the gravesites were excavated. In fact, based on my research that head of community obtained that figure from others. If we counted the actual individuals, the figure could arrive at a different one since there were still six remaining grave pits which were not yet excavated”].

<sup>3310</sup> **E1/513.1** Vocun Vuthy, T. 14 Dec 2016, 16.12.50-16.15.08 [“The remains at Kraing Ta Chan were left unattended longer than the remains at Choeng Ek Crime Centre because, at the time, no one really understood about the importance of the remains ... Kraing Ta Chan was first left behind and it was like a haunting place. That’s why many remains were lost.”].

<sup>3311</sup> **E3/4085** Report to the Party for the Month of July 1977, EN 00276557 [during the month of July 1977, 39 of 81 prisoners were “swept away” and “[t]wo died from illness. 40 remained”]; **E3/2109** Report on Prisoners by late November 1977, EN 00276555 [this document reported that during the month of November 1977, 75 new prisoners entered, 92 prisoners were “purged,” 6 “died of illness” and 1 (a Lieutenant Colonel) was “removed to Sector” by Angkar, leaving a total of 85 prisoners].

<sup>3312</sup> **E3/5834** Srei Than WRI, A53. See also **E3/5826** Hun Kimseng WRI, EN 00223491 [“Q: Not so many people survived that prison? A: Not so many, just Sen who they had stay with me like me child, so he lived”]; **E3/9472** [REDACTED] WRI, A207 [“Do you know if all the people sent to Kraing Ta Chan were killed? A: I never saw them come back again”]; **E3/7986** Chea Seoung WRI, EN 00231819 [“Yes, I saw they walked the new people along. I heard they were taken to be reeducated, but I did not know where they were taken. Later, I learned that those people were all killed in Kraing Ta Chan”].

prison.<sup>3313</sup> Whatever the exact number, it is clear that thousands were killed at Kraing Ta Chan Security Centre during the DK regime without due process as a direct result of the Party's policy to kill all those deemed to be "enemies". As one villager who lived near the security office told investigators, "They mistreated the people without pity, they killed the people without evidence."<sup>3314</sup>

## 5. AU KANSENG SECURITY CENTRE

*[T]here was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells<sup>3315</sup>*

– Witness Mao Phat

825. Au Kanseng Security Centre was located in the Northeast Zone. The prison was operated by Division 801, which was a part of the Centre army and reported directly to Son Sen and the Standing Committee. The prison formed part of the CPK's national security system and regularly sent reports to, and received instructions from, the Party Centre. The prison was created primarily to detain Division 801 soldiers but eventually detained hundreds of other prisoners branded "enemies" of the CPK including women, children, and ethnic minorities. The authorities executed prisoners regularly and dumped their bodies in nearby grave sites.
826. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes in relation to the Au Kanseng Security Centre: the crimes against humanity<sup>3316</sup> of murder, extermination, enslavement, imprisonment, persecution on political grounds, and other inhumane acts through attacks against human dignity; and grave breaches of the Geneva Conventions consisting of wilful killing, and deprivation of the right of a fair

<sup>3313</sup> **E3/2108** Report to the Party from An at Reeducation Office 105, undated, EN 00290205.

<sup>3314</sup> **E3/7902** Thaong Seav WRI, EN 00223469. See also her evidence at EN 00223470 ["I asked them [about killings at the office] and they said, 'You don't want to know. If you do want to know, your entire bloodline will be finished.'"]

<sup>3315</sup> **E3/9326** Mao Phat WRI, EN 00272580 ["there was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells"].

<sup>3316</sup> For purposes of crimes against humanity charges, crimes against members or former members of a state's own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.



and regular trial.<sup>3317</sup> The evidence relating to persecution on racial grounds is discussed in *The Crimes Against the Vietnamese* as the Co-Prosecutors are of the view that the Accused's conduct is better considered in conjunction with the legal and historical context addressed in that section.

#### LOCATION AND OPERATION

827. Au Kanseng Security Centre ("Au Kanseng")<sup>3318</sup> was located in La Ban Siek Commune, Banlung District, Ratanakiri Province in the Northeast Zone.<sup>3319</sup> It began operations no earlier than late 1976 and operated until the fall of the regime.<sup>3320</sup> The prison has been referred to by several names including the Boeng Kanseng Security Office,<sup>3321</sup> Au Kanseng Prison,<sup>3322</sup> O Kanseng Prison,<sup>3323</sup> and Division 801 or 810 Reeducation School and Corrections Office.<sup>3324</sup> At its largest, the security office covered more than three

<sup>3317</sup> **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1402 [imprisonment]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; 1495-1496 [wilful killing]; 1511-1514 [deprivation of the right of a fair and regular trial]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>3318</sup> Although the Introductory Submission refers to this Security Office as 'Phum 3', upon further review the OCP has determined that the more appropriate name to reference this particular Security Centre is Au Kanseng Security Centre.

<sup>3319</sup> **E1/177.1** Chhoam Se, T. 8 Apr 2013, 14.05.10-14.07.20; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384804 ["In the Northeast Zone: Ratanakiri Province, there was a security center"]; **E3/405** Chhaom Se WRI, A6 ["Q: When was the re-education and corrections office at Au Kansaeng created? A6: ... This office was located in Ban Lung District, La Ban Siek Commune"]; **E3/3541** Site Form of O Kanseng DC-Cam, EN 00067958 ["khet: Ratanakiri ... srok: Banlung ... khum: LaBan Siek ... phum: Thuoy"].

<sup>3320</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 ["A. It was around late 1976 when it was established, when I was in control of the centre for about two years"]; **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.13.45-09.16.09 ["The security centre was established in around 1977"]; **E3/405** Chhaom Se WRI, A6; **E3/3984** Chhaom Se WRI, EN 00403574; **E3/7684** Khoem Peou WRI, EN 00250072 ["I was imprisoned from 1978 until the Vietnamese came to liberate us in 1979"]; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384805 ["The prison existed until early 79 with the arrival of the Vietnamese"]; **E3/2628** Mapping Project 1999: Ratanak Kiri DC-Cam Report, EN 00078145 ["The security office no longer exists. People demolished it ... and burned down the structure in 1979"].

<sup>3321</sup> **E3/2628** Mapping Project 1999: Ratanak Kiri DC-Cam Report, EN 00078145 ["Security Office Boeng Kanseng ... Village number 6"]; **E3/7684** Khoem Peou WRI, EN 00250073 ["that prison was located west of Boeng Kanseng"].

<sup>3322</sup> **E3/405** Chhaom Se WRI, A4 ["Re-education and Corrections Office at Au Kansaeng"]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 ["Jarai were in fact captured and brought to the Au Kansaeng Security Office"]; **E3/9326** Mao Phat WRI, EN 00272577 ["The prison where I was held was called Au Kanseng during the Khmer Rouge era"]; **E3/9328** Kheu Hun WRI, EN 00272625 ["I was never imprisoned at Au Kanseng prison"]; **E3/9357** Moeung Chandy WRI, A1 ["The persons who went to bring me carried rifles and transported me in the truck to be placed in a booth somewhere behind the Ratnakiri Hospital near Au Kanseng"]; **E3/9327** Sam Soem WRI, EN 00272620 ["they took me and put me in prison west of Au Kanseng"].

<sup>3323</sup> **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384798 ["O Kanseng Security center was under the authority of Division 801"].

<sup>3324</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.04.40 ["The official name was the re-education school"]; **E3/5173** Um Keo WRI, EN 00272661 ["They arrested me in September 1977, and they took me to Reeducation School 810 ... west of what is today the Provincial Hospital near a stream"]; **E3/9326** Mao

hectares,<sup>3325</sup> and consisted of four detention buildings separating male and female prisoners,<sup>3326</sup> two detention buildings for serious offence prisoners,<sup>3327</sup> housing for security personnel,<sup>3328</sup> as well as an interrogation site in the nearby forest.<sup>3329</sup> As the number of prisoners increased, three more detention buildings were constructed.<sup>3330</sup> The prison was enclosed by bamboo spikes.<sup>3331</sup> Execution sites were located as close as 50 metres from Au Kanseng.<sup>3332</sup> The bodies of those executed were dumped in existing B-52 bomb craters just outside the compound.<sup>3333</sup>

## AUTHORITY STRUCTURE AND COMMUNICATION

### Above the Security Office

828. Au Kanseng was part of Division 801<sup>3334</sup> which was under the direct authority of the Party Centre.<sup>3335</sup> Until 1978, the Chairman of the security office reported to, and

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Phat WRI, EN 00272577 ["The prison ... was called Au Kangseng ... sometimes they called it the Division Prison"]; **E3/5172** Phan Thol WRI, EN 00272585 ["Division 801 prison ... During the Khmer Rouge era, they called that site the Division 801 Re-education School"].

<sup>3325</sup> **E3/405** Chhaom Se WRI, A11 ["The re-education and corrections office occupied over three hectares"].

<sup>3326</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 15.03.39-15.06.23 ["women were placed in a different building from men"]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 10.52.58-10.55.26 ["the men were separated and put in another building, and women were put in a different building"]; **E3/405** Chhaom Se WRI, A11 ["there were four prisoner buildings ... Male and female prisoners were held in separate buildings"]; **E3/9327** Sam Some WRI, EN 00272620 ["they separated the male and female prisoners from one another"].

<sup>3327</sup> **E1/405.1** Chin Kimthong alias Chhang, T. 21 Mar 2016, 11.31.27 ["The building to house the serious-offence prisoners, yes there was such a building and that building was guarded day and night"]; **E3/405** Chhaom Se WRI, A11 ["there were two more buildings for holding special prisoners, serious offenders"].

<sup>3328</sup> **E3/405** Chhaom Se WRI, A11 ["Inside the office ... there was a ... house for the security personnel"].

<sup>3329</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 11.33.05 ["there was only forest to the sides of the interrogation house"]; **E3/8024** CIJ, Site Identification Report for O Kanseng, EN 00384805 ["There was also an interrogation building in the forest"]; **E3/9326** Mao Phat WRI, EN 00272577 ["there was an interrogation building in the forest almost half a kilometer from the prison"]. See contra: **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.19.44-14.21.25 ["It was about 50 metres away from each other ... Anyway, there were bushes of Kamplea (phonetic) trees between the detention building and the interrogation building"].

<sup>3330</sup> **E3/405** Chhaom Se WRI, A11 ["later on when the number of prisoners increased, three more prisoner buildings were constructed"].

<sup>3331</sup> **E3/7684** Khoem Peou WRI, EN 00250073 ["The prison compound was not fenced, but they planted bamboo spikes around it"]; **E3/5172** Phan Thol WRI, EN 00272586 ["it was a large prison ... surrounded by a bamboo fence with bamboo stakes emplaced"].

<sup>3332</sup> **E3/407** Chhaom Se WRI, A22 ["Q: How many meters from the killing pits to Au Kangseng? A-22: It was about 50 meters only"].

<sup>3333</sup> **E3/3984** Chhaom Se WRI, EN 00403575 ["The majority of the bodies of ordinary people were taken to be buried in about 10 existing B[52] craters"]; **E3/405** Chhaom Se WRI, A16 ["they were buried in bomb craters near Phnom Svay"]; **E3/2628** Mapping Project 1999: Ratanak Kiri DC-Cam Report, EN 00078146 ["The Khmer Rouge used these two craters as mass graves for their victims. 'Each of the craters is thirty meters in diameter and ten metres deep,' he said. 'About 600 victims were in these two craters'"].

<sup>3334</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 14.11.52-14.14.21; **E1/158.1** Ung Ren, T.10 Jan 2013, 11.46.44-11.49.00 ["The security centre at Au Kanseng was under the supervision of Division 801"]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.04.40-11.06.20 ["It [Au Kanseng SC] was supervised by Division 801 located in Veun Sai District"]; **E3/3984** Chhaom Se WRI, EN 00403574 ["It seemed that the re-

received orders from<sup>3336</sup> Unit 806 (the transport unit of Division 801) Chairman Ta Smien and then his replacement Ta Mon, who would forward them to the Division 801 Office.<sup>3337</sup> On important matters,<sup>3338</sup> and from 1978,<sup>3339</sup> the Chairman reported directly to Division 801 Commander Saur Saroeun<sup>3340</sup> alias Ta 05.<sup>3341</sup> Prison Chairman Chhaom Se attended regular meetings with Saroeun, in addition to any urgent meetings that were required.<sup>3342</sup> Division 801 Commander Saroeun received regular reports on the prison<sup>3343</sup> and personally ordered the arrest<sup>3344</sup> and execution of prisoners.<sup>3345</sup>

- education centre belonged to the zone security centre but it, in fact, was Division 801 centre"; **E3/405** Chhaom Se WRI, A6 ["This office ... in the vicinity of Au Kansang ... was subordinate to Division 801"]; **E3/5173** Um Keo WRI, EN 00272661 ["Reeducation Schools 810 and 809 were subordinate to Division 801"]; **E3/9326** Mao Phat WRI, EN 00272577 ["they called it the Division Prison"].
- <sup>3335</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 10.06.55-10.08.49 ["Q: ... So, did you know if back then this practice of asking instructions from the Centre was something that was frequent on the part of Division 801? A: Yes, of course. We had to communicate. If we do not communicate, we cannot lead the unit. This is what I can tell you"]; 11.06.37-11.09.24 ["after Phnom Penh was liberated: Division 14 changed to Division 801"]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.04.00-10.06.30 ["Q: Do you recall when Division 14 was renamed a Centre Division 801? ... A: ... in around October or November"]; **E3/1664** Colm Sara and Sim Soriya, *Khmer Rouge Purges in the Mondul Kiri Highlands*, EN 00397698 ["Division 801, which was directly responsible to the Party Center for security in Ratanak Kiri"].
- <sup>3336</sup> **E3/5512** Chin Kimthong alias Chhang WRI, A7 ["I reported to Se, the office chairman, and Se reported to Ta Mon. Receiving orders from upper echelon was the same"]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.25.51-15.28.00 ["There were different means of report concerning economy and other affairs. 06 used to be in charge of this section, and later on he did not ask me to report things to him and he asked me to report directly to the commander of the division"].
- <sup>3337</sup> **E3/3985** Chhaom Se WRI, A1 ["I reported through Ta Smien. I continued to do such reporting for another year, but reported to Ta Mon, Ta Smien's deputy, who was promoted to replace Ta Smien"].
- <sup>3338</sup> **E3/3985** Chhaom Se WRI, A1 ["I made reports and sent them to 801 through Ta Smien ... throughout this period, the work concerned with important matters such as confessions that contained two or three pages, I also had to report directly to 801"].
- <sup>3339</sup> **E3/3985** Chhaom Se WRI, A1 ["During the last one year, I had to directly report about all works to 801 according to the direct instruction of commander Ta Son"].
- <sup>3340</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.09.24-14.11.08 ["I knew only this name from the security guards at Au Kansang Security Centre and they told me that the Commander of the Division was Saroeun"]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.20.39-14.21.54 ["Who was the Secretary of Division 801 back then? A. Sou Saroeun was the commander"]; **E3/405** Chhaom Se WRI, A10 ["We did not have the right to decide to release any of the prisoners. Only upper-echelon, meaning division commander Saur Saroeun, could make those decision"]; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 ["In Rattanakiri province there was only Division 801, and Ta Saroeun was the Division commander"]; **E3/5173** Um Keo WRI, EN 00272662 ["The Commander of Division 801 was Sau Saroeun"]; **E3/7684** Khoem Peou WRI, EN 00250073 ["The division chief named Saroeun"].
- <sup>3341</sup> **E1/157.1** Ung Ren, T. 9 Jan 2013, 14.22.33 ["Sou Saroeun and 05 is the same person"]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 11.11.17-11.13.27 ["His [Sou Saroeun] code name was 05 ... Ta San was the deputy commander of Sou Saroeun. His code name was 06"].
- <sup>3342</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.42.11-09.45.48 ["Q: Did you ever have the opportunity to hold an individual meeting with Sou Saroeun and meet with him alone with respect to Au Kansang Detention Centre or with respect to the confessions that were extracted there? A: Yes, there was. Whenever there was any issue relating directly to my office, particularly when he wanted to give a particular instruction or in-depth instruction, then we also - I also contacted with him. And there were also internal enemies attacking from inside against Sector 801, and at the time he tried to draw our attention to that particular issue"]; **E3/405** Chhaom Se WRI, A14 ["We attended work meetings with Saur Saroeun once every three to four months, and sometimes there were immediate and urgent meetings"]; **E3/3984** Chhaom Se WRI, EN 00403575 ["I chaired the meetings with the prisoners for every fortnight ... Before the meeting was held with the prisoners, I had a meeting with the upper echelon to have plans for disseminations.];



829. Saroeun, in turn, made reports via radio communication to Son Sen,<sup>3346</sup> who was Chief of the General Staff, the reserve Standing Committee member in charge of security, and Deputy Prime Minister for National Defence.<sup>3347</sup> Son Sen worked daily at K-1,<sup>3348</sup> where Pol Pot, Nuon Chea, and Khieu Samphan also had offices, and met with Nuon Chea daily.<sup>3349</sup> Surviving documents demonstrate that Son Sen routinely passed on Division 801 reports to “Angkar”.<sup>3350</sup>

#### At the Security Office

830. Chhaom Se was the Chairman of the Au Kanseng Security Centre.<sup>3351</sup> Chhim Tim, the Deputy Chief, dealt with security and supervised the guards.<sup>3352</sup> Member Chin

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- <sup>3343</sup> **E3/407** Chhaom Se WRI, A5; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077.  
<sup>3343</sup> **E3/405** Chhaom Se WRI, A12 [“they took them and killed them during the night at pits inside the re-education and corrections office compound. The orders, the decision to do that, were orders from Zone Chairman level, but at that time Ta Lav, the Zone Chairman, discussed the matter with Ta SAUR Saroeun”], A14 [“When any prisoner who was an internal enemy was discovered, we prepared a written report to division commander SAUR Saroeun to request an opinion from him”].  
<sup>3344</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 [“People were arrested and sent to my office or centre through the regiment, under the decision made by the secretary of division. Reports could have been filed before people were sent gradually to the centre -- the correction centre”].  
<sup>3345</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.53.51-15.57.43 [“Separately, regarding the group of six people, I receive instructions from Sao Saroeun for them to be executed ... there were three other people”]; **E3/405** Chhaom Se WRI, A16 [“Ta Saroeun ordered them killed and gotten rid of”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“Ta Saroeun (Ta 05) ... told us that to sort out those Jarai. ... The term ‘sort out’ ... meant ‘to kill and get rid of’”].  
<sup>3346</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.34.54 [“I only knew that Ta Saroeun and Ta San were commanders and how he communicated to the upper echelon ... he made the report via radio communication to general staff headquarter in Phnom Penh. And that location was Son Sen’s office, who received the information”]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 15.46.16-15.48.58 [“Son Sen was also the upper level; Pol Pot was also the upper level ... when we had to make a report ... these two were the main figures that reports would be sent to; 05 also made a report to them”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.35.04 -15.36.58 [“Q: And do you know how Sou Saroeun himself received confessions from Phnom Penh? ... A: He had all kinds of radio communication at his disposal”].  
<sup>3347</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150047 [“Son Sen was ‘in charge of the General Staff and security’”], EN 01149992 [“Son Sen, another deputy prime minister of his Democratic Kampuchea (DK) regime and its defense and security chief from 1975 to 1979”], EN 01149989 [graph showing Son Sen as part of the Standing Committee].  
<sup>3348</sup> **E3/70** Lonh Dos WRI, A14 [“Q: Can you tell us, did Son Sen go to work regularly at the General Staff or at some other places? A-14: Every day in the morning he left the General Staff with his wife to work at K-1”].  
<sup>3349</sup> **E3/70** Lonh Dos WRI, A15 [Son Sen and Nuon Chea “generally met and worked together and worked together every day”].  
<sup>3350</sup> **E3/70** Lonh Dos WRI, A35 [Explains that the reason a report to Son Sen had been forwarded to Angkar was that “every matter happening must be reported to Angkar”]. See e.g. **E3/1061** DK Report from Reuan to Uncle 89, KH 00231377-78; **E3/1060** DK Report from Reuan to Uncle 89, KH 00231674-76 [both reports contain handwritten annotations from Son Sen to Angkar].  
<sup>3351</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.07.34-15.09.05 [“It was around late 1976 when it was established, when I was in control of the centre for about two years”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 [“at Au Kanseng, Smien came to appoint Se to be chief”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.06.20 [“Se was the supervisor of that security centre and below him was Chhang and then Tim”]; **E3/405** Chhaom Se WRI, A7 [“I was the chairman in charge of leadership and general political affairs”]; **E3/5172** Phan Thol WRI, EN 00272585 [“The Chairman of the Division 801 prison was Se”].

Kimthong alias Chhang led the interrogation of prisoners and prepared prisoner records.<sup>3353</sup> Additional staff included nine security personnel.<sup>3354</sup>

### Communication

831. Au Kanseng communicated constantly to the Party Centre through the RAK military structure. Reports detailing prisoner activities were regularly sent from Au Kanseng to the Division Commander,<sup>3355</sup> including confessions.<sup>3356</sup> Summary reports of interrogations were sent upwards through the heads of the transport Unit 806, Ta Smien<sup>3357</sup> and Ta Monn,<sup>3358</sup> who then forwarded the messages to the Division

<sup>3352</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 ["Tim was part of unit 806, became the deputy chief"], 10.54.41-10.56.28 ["Tim was in charge of security guards at Au Kanseng"]; **E3/405** Chhaom Se WRI, A7 ["Chhim Tim was deputy chairman in charge of techniques and arranging the guard and taking prisoners to work"]; **E3/5172** Phan Thol WRI, EN 00272585 ["Tim was responsible for Economics"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["There were 3 interrogators: ... Tim in charge of logistic"].

<sup>3353</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.51.58-10.54.41 ["I was a member"], 10.54.41-10.56.28 ["I was a member in charge of compiling the confessions or answers from the detainees"] and 13.37.06 ["My actual role at Au Kanseng security centre was member"]; **E3/5512** Chin Kimthong alias Chhang WRI, A4 ["I, Chhang, was deputy chairman in charge of interrogation and preparation of prisoner documents"]; **E3/405** Chhaom Se WRI, A14 ["Comrade Chhang interrogated the prisoners in the presence of a guard. Next, Comrade Chhang made the reports on the prisoners and sent them to me for me to take measures of re-educate, correct, and monitor"]; **E3/9326** Mao Phat WRI, EN 00272580 ["There were two interrogators, Deputy Chairman Chhang and a recorder, and a guard"]; **E3/5172** Phan Thol WRI, EN 00272585 ["Division 801 Re-education School; it was under the supervision of Division 801 ... the Deputy Chairman responsible for the military was Chhang"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["There were three interrogators. ... second, the deputy was Chhang, in charge of military"]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 14.07.20 ["The other experts were in charge of questioning the detainees ... they had their own techniques ... Sometimes I also participate because I want to get more information"].

<sup>3354</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.17.38-09.21.02 ["The nine people I referred to ... were those guards inside the compound"]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.57.48-10.59.15 ["I can recall ... Lay and Chup and Nhok, and Ta Ouy, Chang, Set. And I cannot recall others' names"]; **E3/405** Chhaom Se WRI, EN 00406213 ["In total ... the security personnel ... were nine persons"]; **E3/5512** Chin Kimthong alias Chhang WRI, A4 ["There were nine security personnel in this security office"]; **E3/7684** Khoem Peou WRI, EN 00250073 ["There were 9 soldiers working there as guards"]; **E3/9027** Em Ren DC-Cam Statement, EN 01207933 ["if a platoon of soldiers were imprisoned, those soldiers were controlled by nine security guards"].

<sup>3355</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.25.51-15.28.00 ["There were different means of report concerning economy and other affairs ... [Au Kanseng] report[ed] directly to the commander of the division"]; **E3/3984** Chhaom Se WRI, EN 00403575 ["Q: In your position as a supervisor of the prisoners, were any records produced? A: ... Statistics reports were sent to the division on a daily basis"].

<sup>3356</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00 ["Q: regarding the reports you would send about the confessions, how often would you send these reports to the division commander, Sou Saroeun? A: ... it depends on the urgency of the matter. If it's urgent, then it would be more frequent."].

<sup>3357</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.21.02-09.22.15 ["Q: ... you also testified that the communication between the centre and Division 801 had to go through 806. It means it has to pass through Ta Smien. Is that correct? A: Yes, it is"]. See **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 15.27.04 ["After Ta Smien was removed from the unit, Ta Koy and Mon were in charge of the unit"].

<sup>3358</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.21.02-09.22.15 ["Q: And did it have to go through other individual before it reached Ta Saroeun? A: Yes, there was another person name Mon"].

Commander.<sup>3359</sup> Commander Saroeun sent back his related orders to Au Kanseng by a messenger.<sup>3360</sup> The security office also received telegrams.<sup>3361</sup>

832. Au Kanseng and the Party Centre exchanged communications about purges of internal and external enemies. Based on the information received from Au Kanseng and other sources, Division 801 formulated reports that were sent to Son Sen.<sup>3362</sup> These reports mentioned the existence of “enemy links” in various regiments, and stated Division 801’s commitment to a policy of arresting anyone suspected of being an enemy.<sup>3363</sup> Such communications also outlined how those affiliated with a political tendency were to be “gradually arrested” with the “good” being “temporarily kept”.<sup>3364</sup> Additional communications from the Division 801 Committee requested decisions on whether to remove certain cadres for failing to implement the Party line properly.<sup>3365</sup> Instructions from the Party Centre were communicated to the units through Division 801 Commander Saur Saroeun.<sup>3366</sup> Saroeun would often ask the advice of the Party Centre.<sup>3367</sup>

<sup>3359</sup> **E3/5512** Chin Kimthong alias Chhang WRI, A7 [“After the interrogations, we made summary reports to be sent through Ta Mon, the commander of Unit 806, to Ta Saroeun at division level”].

<sup>3360</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.28.00-15.29.58 [“A. It was for him to make the decision whether the case was involved greatly in politics, or whether it became a systematic issue, or whether it was an isolated incident, and whether the person should be arrested or disciplinary actions shall be taken for that particular individual. That was the nature of the report.”]; **E3/407** Chhaom Se WRI, A6 [“Those confessions were not sent to my Au Kanseng Security Center directly. They were first sent to Ta Sau Saroeun, then forwarded to the units of those prisoners so that they could arrest them and sent them to the Au Kanseng Security Center I knew that they were the confessions from Phnom Penh through the Brigade and Ta Saroeun messenger who delivered the confessions to [me]”].

<sup>3361</sup> **E1/158.1** Ung Ren, T. 10 Jan 2013, 13.59.48-14.02.32 [“with regard to the telegram I received at Au Boeng Kanseng”].

<sup>3362</sup> **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516708-13 [at EN 00516711, comprises five measures regarding the security including the arrest of any person suspected of being an enemy or denounced by enemies and of those who are lazy or affiliated to political tendencies]; **E3/1079** DK Report from Reuan to Uncle 89, 25 Dec 1976, KH 00052340-41; **E3/9367** DK Report from Reuan to Uncle 89, 24 Mar 1977, EN 00184014-16; **E3/9380** DK Report from Reuan to Uncle 89, 29 Mar 1977, EN 00185554-57; **E3/1168** DK Report to Respected Uncle 89 from Reuan of the Division 801 Committee, 30 Mar 1977, KH 00052318; **E3/1198** DK Telegram from Sam-un to Reuan, copied to Brother 89, 5 April 1977, KH 00052313; **E3/876** DK Telegram from Leu to Reuan, copied to Brother 89, 23 Apr 1977, EN 00183714.

<sup>3363</sup> **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516711 [“Anyone who is suspicious of being an enemy must absolutely be arrested”].

<sup>3364</sup> **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516711 [“To impose a measure to remove and put into a group for surveillance anyone who ... repeatedly violated the disciplines after education”].

<sup>3365</sup> **E3/1168** DK Report to Respected Uncle 89 from Reuan of the Division 801 Committee, EN 00916974 [“I request the withdrawal of a number of cadres from the unit because those cadres carry out the line mostly in a contradictory manner”].

<sup>3366</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.37.07-09.39.55 [“Q: You said just now that he relayed instructions from Phnom Penh. And each time that Sou Saroeun travelled to Phnom Penh, would he summon or call a meeting upon his return from Phnom Penh in order to issue the instructions that he would have received from the Centre, in Phnom Penh, and from the leaders there? A: Yes, there was.”]



833. The Chairman of Au Kanseng regularly led meetings at the security office to order to reeducate prisoners,<sup>3368</sup> pass on reports and instructions from the upper echelon,<sup>3369</sup> and strengthen the party line.<sup>3370</sup>

#### IMPRISONMENT AND WILFUL DEPRIVATION OF A FAIR AND REGULAR TRIAL

834. An estimated 600 prisoners were arbitrarily imprisoned at Au Kanseng.<sup>3371</sup> None were afforded a trial or any judicial process reviewing their arrest or eventual punishment. Au Kanseng held many kinds of arrested CPK “enemies”, but was primarily “created during the situation of the internal enemy movement” to detain Division 801 soldiers.<sup>3372</sup> The number of prisoners present at one time varied, but the compound had a

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There was a plan from the upper authority, and it was to be disseminated to the lower level, as I mentioned earlier on”, 09.42.11 [Instructions from the Party Centre relayed to Chhaom Se by Saur Saroeun included measures to handle the internal enemies who sabotaged or opposed the forces]; **E1/158.1** Ung Ren, T. 10 Jan 2013, 09.23.42 [“We knew of the instructions from the Upper Echelon through him [Saroeun], only through the meetings that he relayed those instructions to us”].

<sup>3367</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 10.06.55-10.08.49 [“Q: ...in this document, E3/240, it is stated that ‘the definite and immediate decision was proposed to the Centre by 801 and by the Northeast Zone’, but that ‘extra instructions’ were expected from Angkar. So, did you know if back then this practice of asking instructions from the Centre was something that was frequent on the part of Division 801? A: Yes, of course. We had to communicate. If we do not communicate, we cannot lead the unit. This is what I can tell you.”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 10.38.22-10.40.23 [“The divisional report to general staff consisted of letters ... in the report ... he requested for advice and suggestions from the upper echelon”].

<sup>3368</sup> **E3/9326** Mao Phat WRI, EN 00272582 [“there were meetings once in a while ... Those meeting were to indoctrinate the spirit of the prisoners to strive to build [reeducate] themselves and to believe in the Party leadership. The Prison Chairman led those meetings”].

<sup>3369</sup> **E3/3984** Chhaom Se WRI, EN 00403575 [“Before a meeting was held with the prisoners, I had a meeting the upper echelon to have plans for disseminations”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“These three cadres went to attend meetings regularly with the division chief in Veun Sai ... After returning back from the meeting, cadres always called on prisoners to a meeting, in which they talked about nation, food production and fighting the Vietnamese”].

<sup>3370</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.36.35-09.38.50 [“There were meetings every 10 days to explain the prisoners about the socialist revolution. Q. Who was in charge of presiding over ... those meetings? A. It was Se”], 15.45.05 [“The main purpose of the meetings was to build up the socialist revolution and agricultural production, and it also the meetings also discussed the love of the party and the loyalty towards the Party”]; **E3/3984** Chhaom Se WRI, EN 00403575 [“I chaired the meetings with the prisoners for every fortnight. The objectives of the meetings were to raise awareness on the country situations, life educations in my centre, emotional education, and corrections of mistakes which were committed in their bases and reported by their units”].

<sup>3371</sup> **E3/5173** Um Keo WRI, EN 00272661 [“At 810 there were approximately 400 to 600 prisoners”]; **E3/7953** Bun Vann Tha DC-Cam Statement, EN 00843457 [“Some prisoners were the workers of the rubber plantation, others were just ordinary people, and some others were from the [military] division. In total there were about 600 prisoners”].

<sup>3372</sup> **E3/405** Chhaom Se WRI, A6 [“This office was created during the situation of the internal enemy movement occurring throughout the country ... to hold prisoners who were Division 801 soldiers”]; **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.29.45-14.31.11 [“A. When I came to control that centre initially, ... I did not have the authority to receive those from the cooperatives or from the union. I was authorized to control those within Division 801”], 15.03.24-15.07.34 [“they had to make sure that a system was in place to discipline those people who were free and ill-disciplined. Each division had to properly manage this, and that’s why a centre was set up, so that the bad elements -- irregular elements could be contained and detained at the centre ... within the unit, people had been removed, people who were holding the ranks of the colonel and other senior people had to be removed ... enemy could take

capacity of over 200 prisoners.<sup>3373</sup> During 1976, there were 40 to 60 prisoners,<sup>3374</sup> in 1977, there were between 70 and 200 prisoners,<sup>3375</sup> and by 1978 there were at least 100 prisoners.<sup>3376</sup> However, Au Kanseng could also accommodate large intakes of prisoners, as occurred when about 200 ethnic Jarai were briefly detained at the security office before being executed.<sup>3377</sup>

835. Those arrested were accused of making critical comments that allegedly resulted in a negative impact on the party.<sup>3378</sup> The Au Kanseng prison population expanded over time to include civilian workers from cooperatives and rubber plantations from within Sector 101 who were first arrested by their cooperative or union chairmen.<sup>3379</sup> Some prisoners were arrested and detained for minor offences such as being suspected of stealing

advantage of this opportunity to make the situation worse. That's why the centre was set up", Chhaom Se testified that high-ranking Division 801 cadres were sent to Phnom Penh for "study purposes": **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.25.56-14.29.45, 15.09.05-15.12.00, 15.41.00, 15.50.12; **E3/407** Chhaom Se WRI, A18 ["After the leaders of the Northeast Zone had been removed ... the prisoners who had been arrested were sent to the Au Kanseng Security Center"].

- 3373 **E3/5512** Chin Kimthong alias Chhang WRI, A12 ["the number of prisoners had risen to more than 200"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["At the beginning there were about 200 prisoners, but later it was down to about 100, and at the end [of the regime] there were about 20 to 30 prisoners left"].

- 3374 **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.32.06 ["they were about [50] to 60 prisoners and later on the number increased"]; **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.32.45-09.35.31 ["At the beginning, there were not many prisoners. One month later, the number increased"]; **E3/3984** Chhaom Se WRI, EN 00403574 ["in late 1976 ... about 40 prisoners were detained there"].

- 3375 **E3/3984** Chhaom Se WRI, EN 00403574 ["The number of prisoners was increased to about 70 in 1977"]; **E3/5512** Chin Kimthong alias Chhang WRI, A12 ["By late 1977 when the situation was in turmoil, the number of prisoners had risen to more than 200"].

- 3376 **E3/3984** Chhaom Se WRI, EN 00403574 ["In 1978, there were about 100 prisoners"]; **E3/5512** Chin Kimthong alias Chhang WRI, A12 ["In 1978 and up until we fled from the Yuon, there were only 100 or more prisoners"]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.32.06 ["the situation developed from bad to worse and the purges operation was intensified and for that, more and more people were sent to the re-education centre. And this also coincides with the intensifying situation at the border areas"].

- 3377 **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.56.00-15.58.50 ["When I received them at the security centre, there were less than 200 people"]; **E3/405** Chhaom Se WRI, A12 ["In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border. ... Those soldiers brought the prisoners in and left them with the office for only one night. Then they took them and killed them"]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 ["Jarai were ... captured and brought to the Au Kanseng Security Office ... There were more than 100 of those Jarai"]; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 ["209 Yuon troops ... All of them are of Jarai national"].

- 3378 **E3/405** Chhaom Se WRI, A6 ["This office was created to hold prisoners who were Division 801 soldiers who were free elements and who had inclinations and who had been implicated in responses ... and used critical words that had a negative impact on the Party"].

- 3379 **E1/159.1** Chhaom Se, T. 11 Jan 2013, 14.35.12-14.39.00 ["Civilians were sent to me in around 1977 -- that is, mid-77 ... the base sent those people from the cooperative and from the union ... it was the decision of Sou Saroeun ... instructing me to receive them... I did not have the capacity to receive them but ... with Sou Saroeun's instructions, then I agreed to receive them temporarily"]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.15.56 ["some people were sent from Sector 101 to this centre ... by late 1977 ... base people ... workers in the union"]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 13.55.44-13.58.37 ["Those who were detained at Au Kanseng ... were workers from unions and cooperatives ... as well as soldiers"]; **E3/405** Chhaom Se WRI, A9 ["As for the prisoners who were ordinary people or workers, their cooperative or union chairmen made the arrests and sent them in to my corrections office"].

food.<sup>3380</sup> Some were arrested on a suspicion of being an “enemy” to the party,<sup>3381</sup> including those thought to be in the CIA network,<sup>3382</sup> while others were accused of having been part of the “upper class”.<sup>3383</sup> Prisoners were also detained because they were perceived as having some connection to Vietnam or the Vietnamese.<sup>3384</sup> Many prisoners were not informed why they were arrested<sup>3385</sup> and sometimes even the prison officials were given no indication of the prisoners’ alleged wrongdoing.<sup>3386</sup> Large groups of prisoners would sometimes be arrested at once, and they were brought to the prison to be detained together regardless of their alleged crime.<sup>3387</sup>

836. One witness described how he was “imprisoned for three months in a cell locked from the outside ... chained day and night”.<sup>3388</sup> Prisoners were rarely released back to their villages following interrogation,<sup>3389</sup> even those who were found to have no “enemy”

<sup>3380</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 09.29.18-09.31.33 [“As for the offences that they were allegedly made were mostly that they were accused of stealing food or fruit ... without seeking permission”]; **E1/158.1** Ung Ren, T.10 Jan 2013, 11.46.44-11.49.00 [“they just stole some sweet potatoes, and by that they were arrested and detained at Au Kanseng Security Centre”]; **E3/9327** Sam Soem WRI, EN 00272620 [“When we arrived at the prison, Chhang questioned me, ‘Why did they bring you here?’ I answered that ... I was pregnant and had pregnancy sickness and had ... picked a mango which I had planted at my house. They had accused me of stealing mangoes”].

<sup>3381</sup> **E3/9027** Em Ren DC-Cam Statement, EN 01207929 [“they were angry with me and reported to the regiment that I was in the network of the enemy ... They arrested me to be detained in the division prison”].

<sup>3382</sup> **E3/5173** Um Keo WRI, EN 00272660 [“Q: Why did they arrest and imprison you in the 810 prison? ... A: ... They accused me of being in a CIA network”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“They accused us of being CIA [agents]”].

<sup>3383</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 10.55.13-10.56.18 [“the reason that I was arrested and brought to the re-education school was because I belonged to the upper class”].

<sup>3384</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 11.09.02-11.11.05 [“it was difficult for me to record any responses from Vietnamese prisoners because I do not speak Vietnamese, and since Lai spoke Vietnamese; he was used to interpret the responses”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 [“Jarai were in fact captured and brought to the Au Kansaeng Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well”].

<sup>3385</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 10.55.21-10.55.13 [“When I was arrested, I did not know what – whether I had committed any wrongdoing. Only when I arrive at Pol Pot’s prison, and was interrogated was I told that I had committed a specific wrongdoing”].

<sup>3386</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.10.00-14.13.35 [“Q: ... could you rely on a written document that explained why those persons had been arrested? A. I never had any specific proof when they were brought into the centre”].

<sup>3387</sup> **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 10.48.40 and 10.52.58-10.55.26 [“There were two or three families in the truck. There were three families going with me from the union. ... they required us to disembark the truck and walk to the building with tile roof. ... And then they locked the door and required all three families of us to stay there”]; **E3/7684** Khoem Peou WRI, 26 Aug 2008, EN 00250074 [“in one night they arrested 105 prisoners from the border”].

<sup>3388</sup> **E3/9326** Mao Phat WRI, EN 00272577.

<sup>3389</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.24.15-14.27.03 [“After the interrogation no one at the Au Kanseng re-education school was released”]; **E3/405** Chhaom Se WRI, A10 [“We did not have the right to decide to release any of the prisoners. Only upper-echelon, meaning division commander Saur Saroun, could make those decisions. ... if it was seen that their offenses were not as serious as what had been charged, we made reports to ask for opinion and decision from division level”]; **E1/159.1** Chhaom



connection were prevented from leaving and forced to work within the compound and sleep in cells at night.<sup>3390</sup> However, some prisoners were transferred to Reeducation School 809, which held light offenders.<sup>3391</sup> The principal interrogator at Au Kanseng drafted reports and sent them to the head of the security office. The head of the security office then sought the advice of the Division Commander when a purported internal “enemy” was discovered and he needed his superiors’ permission to release a prisoner.<sup>3392</sup>

837. Prisoners were held arbitrarily for up to two years<sup>3393</sup> without any judicial process or trial. New inmates arrived daily.<sup>3394</sup> People were at times arrested solely on the basis that they had been implicated in “confessions”, often from S-21 in Phnom Penh.<sup>3395</sup> An interrogator named Nau from General Staff office in Phnom Penh personally transferred confessions extracted in Phnom Penh to Au Kanseng.<sup>3396</sup> Nau was authorised

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Se, T. 11 Jan 2013, 16.01.07.

<sup>3390</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 13.46.29-13.48.42 [“Regarding the release, in that period, they were released to work within the compound of Au Kanseng Security Centre”]; **E3/9326** Mao Phat WRI, EN 00272577 [“I was imprisoned for three months in a cell locked from the outside where I was chained day and night. After three months, they released me to do work outside the prison like growing potatoes, but at night they put me back in a cell”].

<sup>3391</sup> **E3/405** Chhaom Se WRI, A8 [“we sent prisoners that had undergone re-education and correction well to the re-educations and corrections office in the vicinity of Au Tang that was known as Re-education and Corrections Office 809 ... Office 809 was also subordinate to Division 801. It was only for holding minor offenders”]; **E3/5173** Um Keo WRI, EN 00272661 [“I was in the Reeducation School until January 1978, when they sent me to Reeducation school 809. ... Reeducation School 809 was for minor offenders who had been reeducated already”].

<sup>3392</sup> **E3/405** Chhaom Se WRI, A14 [“When any prisoner who was an internal enemy was discovered, we prepared a written report to division commander Saur Saroeun to request an opinion from him”]; **E3/5512** Chin Kimthong alias Chhang WRI, A7 [“After the interrogations, we made summary reports to be sent through Ta Mon, the commander of Unit 806, to Ta Saroeun at division level”].

<sup>3393</sup> **E3/9327** Sam Soem WRI, EN 00272621 [“My husband and I were held there all along, for a period of approximately 13 months”]; **E3/5172** Phan Thol WRI, EN 00272588 [“while I was imprisoned there during the two years, I never broke the rules”]; **E3/9326** Mao Phat WRI, EN 00272579 [“I was imprisoned from 1977 until 1979”].

<sup>3394</sup> **E3/7684** Khoem Peou WRI, EN 00250074 [“New prisoners were arriving every day”].

<sup>3395</sup> **E3/405** Chhaom Se WRI, A6 and 8 [“The office was created to hold prisoners who were Division 801 soldiers ... who had been implicated in responses. ... they were, for instance, people who had been involved in responses and had been implicated in Phnom Penh”]; **E3/407** Chhaom Se WRI, A6 [“The confessions-implications were from Phnom Penh, meaning that they were the confessions of the prisoners who had been interrogated in Phnom Penh. ... Those confessions were marked with the red ink pen, saying that [the prisoners] with this name or that name must be examined because they were the agents in the network”].

<sup>3396</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.33.35 [“a person named Nau -- coming from the General Staff, coming down ... to my location for a while, asking about the people who were implicated and those people who were within Division 801”], 15.36.58 [“[Nau] brought along some documents ... as those documents were related to the work at my place ... [the confessions from Phnom penh] all came from Division 801, as some people had been removed”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.25.43 [“Q. Did [nau] present to you any letter certifying that he was actually sent from general Staff? A. Yes, he did give me the letter and I also called to the chief of the division”]; **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.21.44-15.23.22 [“only Nau had in his hand a confession document from Phnom Penh, and Nau himself was the one who interrogated the prisoner”]; **E3/407** Chhaom Se WRI, A9; **E3/406** Chin

to participate in the interrogation and torture of Au Kanseng prisoners.<sup>3397</sup> In addition, confessions from Phnom Penh were sent to Division Commander Saroeun,<sup>3398</sup> who then forwarded them to the units of the implicated individuals.<sup>3399</sup> Those confessions contained annotated instructions in red ink identifying the implicated cadres who were to be arrested “because they were the agents in the network”.<sup>3400</sup> Once arrested, the individuals were brought to Au Kanseng, along with the confessions, by the military brigade that carried out the arrest.<sup>3401</sup>

838. Like all others detained at Au Kanseng, Vietnamese nationals including about 200 ethnic Jarai who had crossed into Cambodia from Vietnam were detained at Au Kanseng without any due process and denied any trial.<sup>3402</sup> As nationals of the opposing state in an armed conflict, these were protected persons under the GC IV, and the

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<sup>3397</sup> Kimthong alias Chhang WRI, EN 00404078 [“I saw No carrying a bunch of the prisoner confession which was about 20 pages”]; **E3/407** Chhaom Se WRI, A9.  
**E1/177.1** Chhaom Se, T. 8 Apr 2013, 11.23.11-11.27.40; **E3/5512** Chin Kimthong alias Chhang WRI, A13 [“Nau arranged the interrogations of company-level cadre Pheng Phay and platoon-level cadres like Pot, Thea, Samrin”]; **E3/407** Chhaom Se WRI, A9 [“No participated in the interrogation of 4 prisoners who were the high rank officers of Brigade 801”].

<sup>3398</sup> **E3/8359** Confession of Sour Tuon Mao of Division 502, Note for Comrade Roeun from Khieu, EN 00224628; **E3/407** Chhaom Se WRI, A6 [“Those confessions ... were first sent to Ta Sau Saroeun”].

<sup>3399</sup> **E3/407** Chhaom Se WRI, A6 [“Those confessions ... were first sent to Ta Sau Saroeun, then forwarded to the units of those prisoners so that they could arrest them”]; **E3/5512** Chin Kimthong alias Chhang WRI, A13 [“In late 1977 there was a meeting with Ta Saur Saroeun, and Smien, the chairman of Battalion 806 ... He told them that Koy Thyon and Teanh had been arrested in Phnom Penh”].

<sup>3400</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.00.13-14.03.47 [“Soldiers ... who were sent were those who were implicated in the responses from Phnom Penh”]; **E3/407** Chhaom Se WRI, A6 [“Those confessions were marked with the red ink pen, saying that [the prisoners] with this name ... must be examined because they were the agents in the network”].

<sup>3401</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.33.35 [“A. I received the [Phnom Penh] confessions, in fact, usually through a message from 05's office. It would be the names of people who had been implicated in a confession of this person or that person”], 15.35.04 Q. Did it happen that the messenger from Ta Saroeun came and gave you the confessions, or the confessions were conveyed to you in a different manner? ... A. Sometimes it was hand delivered, and some other times I was called to receive the confessions from his place”]; **E3/407** Chhaom Se WRI, A6 [“The confessions were also sent along with the prisoners to the Au Kanseng Security Center. I knew that they were the confession from Phnom Penh through the Brigade ... who delivered the confessions to [me]”].

<sup>3402</sup> **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“while on patrol, the production unit of 801 stationed in 107 captured 209 Yvon troops ... All of them are of Jarai nationality and speak Khmer with an accent. They have been transferred to holding”]; **E1/177.1** Chhaom Se, T. 8 Apr 2013, 09.58.45-10.00.44 [“Q: You said that there were more than 100 people who were Jarai who were arrested. So, was it a number between 100 and 200 people, or could this mean more than that even? A: There were more than 100”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 [“Jarai were in fact captured and brought to the Au Kanseng Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“in one night they arrested 105 prisoners from the border ... I knew that they were Jarai because I heard them speaking the language”]; **E3/8024** Site Identification Report for O Kanseng, 21 June 2009, EN 00384806 [“there were about 100 prisoners and about 250 Jarai ethnic minority prisoners”].

failure to provide them with a fair and regular trial constitutes a grave breach of the Geneva Conventions.<sup>3403</sup>

#### OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

839. *Inhumane living conditions*: The living conditions at Au Kanseng were horrific. Prisoners were shackled and detained in overcrowded cells; received inadequate food, hygiene facilities, and medical care; and were subjected to interrogation and torture which led to illness, injury, disease, and death. The detention cells were approximately four by six metres<sup>3404</sup> and were heavily overpopulated.<sup>3405</sup> Guards cuffed prisoners' hands upon arrival,<sup>3406</sup> and many were shackled by their ankles and connected to up to 10 prisoners.<sup>3407</sup> Prisoners were left two or three days in a cell before being interrogated.<sup>3408</sup> During interrogations, they were shackled<sup>3409</sup> and often beaten with clubs and whips or tortured by electrocution<sup>3410</sup> in order to coerce "confessions".<sup>3411</sup>

<sup>3403</sup> See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

<sup>3404</sup> **E3/405** Chhaom Se WRI, A11 ["Inside the office there were four prisoner buildings, each 4 by 6 meters"]; **E3/5512** Chin Kimthong alias Chhang WRI, A6 ["The detention cells were 4 by 6 meters"].

<sup>3405</sup> **E3/5173** Um Keo WRI, EN 002726061 ["They put me in a small cell with 30 prisoners ... That cell was a square about four meters on each side, and was small and confined"].

<sup>3406</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.29.59-14.32.16 ["After they got off the trucks then they would be cuffed"].

<sup>3407</sup> **E1/159.1** Chhaom Se, T. 11 Jan 2013, 15.53.51 ["those people who committed serious offence ... were shackled"]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.02.17-11.04.40 ["And when we arrived in the prison, the security guards took the chain and locked us in rows"]; 13.52.01-13.53.54 ["there were three types of shackles and cuffs. One was that they were chained and locked, and, second, we were shackled with a metal bar and, thirdly, they were shackled with a wood bar"]; 13.52.01-13.53.54 ["Any detainees who arrived, they would be placed in a wooden press shackle"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["they chained my ankles and put me in a long room ... the guarding soldiers chained the prisoners' ankles and put them together in a row of 10 persons"].

<sup>3408</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.59.45-15.02.13 ["Immediately when I arrived they did not interrogate me. They simply shackled me and two or three days later that they interrogated me"]; **E3/405** Chhaom Se WRI, A14 ["When the prisoners they had arrested arrived at the office, they were not immediately interrogated. They were left to rest in their cells for two or three days first so that we could read the documents in which the arresting units reported their activities"]; **E3/5512** Chin Kimthong alias Chhang WRI, A9 ["We did not interrogate the prisoners immediately upon their arrival; we put them in detention cells"]. See **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 11.20.42-11.22.52 ["Sometimes I received information from their respective unit when those people were sent to my – to the security centre"].

<sup>3409</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.42.19-13.43.39 ["my hands were tied and my feet were shackled when I was being interrogated"].

<sup>3410</sup> **E3/405** Chhaom Se WRI, A14 ["There was some torture; hut, not all of them were tortured. Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully ... prisoners were beaten ... with whips and were electrically shocked"]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.42.19- 13.43.39 ["when they were interrogated, they were beaten and electrocuted with the power from a manual phone"]; **E1/396.1** Moeung Chandy, T. 3 Mar 2016, 11.05.20-11.07.15 ["I saw a whip and I saw electricity cable in that room"]; **E3/5512** Chin Kimthong alias Chhang WRI, A8 ["There was equipment to apply electric shock ... There were clubs too"].

<sup>3411</sup> **E1/177.1** Chhaom Se, T. 8 Apr 2013, 14.05.10-14.09.59 ["Q: At that correction centre in Au Kanseng, before questioning the detainees, did they use any torture? Did they beat the detainees in order to get the confessions? A. There were techniques. At first, we could not force - we could not torture and question



840. Some prisoners were chained for as long as three months and were not allowed to stand, walk, or exercise,<sup>3412</sup> especially those who were accused of committing serious offences.<sup>3413</sup> Sleeping conditions were unbearable; prisoners slept on bare bamboo floors,<sup>3414</sup> in their shackles, and with limited space.<sup>3415</sup> The constant shackling caused prisoners serious bodily harm including ailments such as numbness and swollen legs.<sup>3416</sup>
841. Inadequate food rations: The food rations provided at Au Kanseng were inadequate. Prisoners were emaciated and suffered from malnutrition.<sup>3417</sup> In one instance, a starving prisoner driven to cannibalism used a bamboo stick to cut a dead prisoner's flesh for sustenance.<sup>3418</sup> Many prisoners died from starvation and other preventable resulting

the detainee because the answer would not be correct. So, first, we had to ask them repeatedly in order to identify the tactics or the strategies of the detainees. Later on, we invite them - we asked them again and again, and if they do not tell us, we may do it"; **E3/405** Chhaom Se WRI, A14 ["Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully"]; **E3/5512** Chin Kimthong alias Chhang WRI, A8 ["The interrogation of the prisoner ... was to have him reveal CIA networks"]; **E3/5173** Um Keo WRI, EN 00272661 ["The interrogators responded, "If you had not done wrong, they would not have brought you here. You are in a CIA network"]; **E3/7684** Khoem Peou WRI, EN 00250073 ["There were some torturing [during an interrogation] if an interrogator thought the prisoner didn't tell the truth"]. See also **E3/1164** DK Report to Beloved Uncle 89 from Division 801 Reuan, 25 Nov 1976, EN 00516710, FR 00532752 ["These accounts are based on the statements of the combatants arrested from Division 83"]. The French translation mentions "aveux" (confessions) and not "statements".

<sup>3412</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.09.51-11.12.37 ["I was not allowed to walk freely --- to move freely and at that time, my ankle was shackled"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["Some prisoners were chained in the room for 2 to 3 months straight"].

<sup>3413</sup> **E1/406.1** Chin Kimthong, T. 22 Mar 2016, 15.11.05-15.12.20 ["Q. I also understood that the people undergoing harsher treatments were locked up in a room. However, the people who were there for smaller offences could move about freely in the security centre. ... A. Yes, that is correct"].

<sup>3414</sup> **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 10.58.55-11.00.41 ["we slept on the bamboo floor"]; **E3/7684** Khoem Peou WRI, EN 00250074 ["Prisoners slept on bamboo floor"]; **E3/9357** Moeurng Chandy WRI, A3 ["The booth was built on the ground, had bamboo roof and wall made of bamboo, and loose bamboo plank floor which stood at waist height from the ground"].

<sup>3415</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.02.17-11.04.40 ["We were sleeping foot-to-foot and there were two rows of prisoners in that room"]; **E3/2628** Mapping Project 1999: Ratanak Kiri Province DC-Cam Report, EN 00078145 ["Every night, all the prisoners had to sleep with their legs shackled to a long wooden bar ... with an iron chain. Some prisoners had no comfort in their sleeping every night"]; **E3/7684** Khoem Peou WRI, EN 00250072 ["Every night [we] were not able to sleep because if someone needed to relieve himself, every one in the row had to get up also since their ankles were chained together"].

<sup>3416</sup> **E3/7684** Khoem Peou WRI, EN 00250074 ["most of them became weaker and weaker and were affected by diseases like limbs numbness and swollen leg"].

<sup>3417</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 14.02.05-14.06.22 ["We received a bowl of food. The bowl was small and a bowl of soup was for four people at the time. ... it was not the place that we were given supplementary food or enjoyed sufficient food to eat"]; **E1/396.1** Moeurng Chandy, T. 2 Mar 2016, 14.24.50-14.26.15 ["We were given a food ration - that is, a bowl each and whatever soup that was given to us ... although I had just delivered a baby, I ... did not receive any special food rations at all. ... Of course it was not sufficient"]; **E3/8024** Site Identification Report for O Kanseng, EN 00384806 ["Prisoners had inadequate food"]; **E3/5173** Um Keo WRI, EN 00272661 ["we got little to eat and the prisoners were skinny"]; **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 ["As for the chained prisoners, they became emaciated, fell sick and died as a consequence of malnutrition"].

<sup>3418</sup> **E3/7684** Khoem Peou WRI, EN 00250073 ["a prisoner used a bamboo [stick] to cut a piece of flesh from a dead prisoner to grill and eat it"].

diseases<sup>3419</sup> such as glucose insufficiency.<sup>3420</sup> Despite their awareness that prisoners were malnourished, the prison authorities reduced the food rations provided to the prisoners.<sup>3421</sup>

842. *Inadequate medical care*: Due to the lack of medical care at Au Kanseng, prisoners consistently died from preventable and treatable diseases such as dysentery.<sup>3422</sup> Herbal treatments were the only medicine provided to the prisoners.<sup>3423</sup> Prison authorities did not make further treatment available to those in need under any circumstances.<sup>3424</sup>
843. *Psychological harm*: Prisoners were forced to urinate into bamboo tubes, and to defecate in ash-filled pots in their cells.<sup>3425</sup> Light offenders had to endure the humiliation of bathing in a nearby stream with “guards standing and watching”.<sup>3426</sup> Prisoner Mao Phat described suffering “mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells”.<sup>3427</sup>
844. Psychological abuse was prevalent in the prison; prisoners were taken from their cells

<sup>3419</sup> **E3/406** Chin Kimthong alias Chhang WRI, EN 00404077 [“There were also many prisoners dying from illnesses and malnutrition in that Center”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“Some prisoners died from starvation and diseases”].

<sup>3420</sup> **E3/5172** Phan Thol WRI, EN 00272588 [“Prisoners died from diseases, like ... glucose insufficiency”].

<sup>3421</sup> **E3/2628** *Mapping Project 1999: Ratanak Kiri Province* DC-Cam Report, EN 00078145 [“The Khmer Rouge permitted the prisoners to eat very little in 1975. By 1977, prisoners were given even less to eat”].

<sup>3422</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.55.03-13.57.56 [“another case of a detainee who also had dysentery and died while he was still being chained in the room”]; **E3/9326** Mao Phat WRI, EN 00272578 [“many prisoners died from diseases like dysentery”].

<sup>3423</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.02.05-15.04.26 [“As for the medicine, usually it was homemade. It was in the form of a rabbit drop pellets and the ingredients were herbal”]; **E3/9326** Mao Phat WRI, EN 00272578 [“When sick, there was no medicine, and many prisoners died ... because there was no medicine to treat them”]; **E3/7684** Khoem Peou WRI, EN 00250072 [“in the prison, there were not enough ... medicines”]; **E3/9326** Mao Phat WRI, EN 00272578 [“When sick, there was no medicine, and many prisoners died”]. *Contra* **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 14.19.02-14.21.24 [“if my child got sick then I could ask for medicine for her treatment”].

<sup>3424</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 15.04.26 [“where the medicine was not effective ... the illness became more serious until the prisoners died”].

<sup>3425</sup> **E1/405.1** Chin Kimthong, T. 21 Mar 2016, 14.42.00 [“At night time, they were told to urinate into the bamboo tube”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.53.54 [“If we needed to urinate we had to relieve ourselves in a bamboo tube and then we had to empty it by ourselves when we were let out”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“Guards would hand us a bamboo tube for urinating and a pot with ash at the bottom for defecating”].

<sup>3426</sup> **E3/5172** Phan Thol WRI, EN 00272588 [“we bathed together at Au Kanseng, with guards standing and watching”]; **E3/9326** Mao Phat WRI, EN 00272577 [“When it was time to bathe, they let us bathe together under guard in the stream”]; **E3/9327** Sam Soem WRI, EN 00272620 [“They let the prisoners bathe in the nearby stream”]; **E3/5173** Um Keo WRI, EN 00272662 [“The prisoners bathed in the stream”].

<sup>3427</sup> **E3/9326** Mao Phat WRI, EN 00272580 [“there was mental torture, since we ate little but worked a lot and had no freedom to move around and talk, and since they guarded us all the time and shackled us in the cells”].

and systematically interrogated and tortured.<sup>3428</sup> Those locked in their cells were regularly forced to hear the prisoners' screams and in some circumstances witness the interrogation of others.<sup>3429</sup> Prisoners returned to their communal cells with visible blood stains and scars.<sup>3430</sup> Other deliberate tactics were used to frighten the prisoners. Guards cut open the back of one female prisoner, removed her gallbladder and hung it in the kitchen for all to see.<sup>3431</sup> At times, remaining prisoners were ordered to bury the bodies of those executed under the strict supervision of guards.<sup>3432</sup>

#### ENSLAVEMENT

845. Prison officials treated inmates as commodities and exploited their labour to benefit the Party. They exercised complete control over every facet of the prisoners' lives and denied them all fundamental rights. They controlled their confinement and movement, their physical and psychological living and working conditions. Prisoners were unable to move freely,<sup>3433</sup> with many chained and locked in the cells. Further instances of enslavement included backbreaking labour such as carrying heavy wood,<sup>3434</sup> working in a rice paddy, building dams and dykes,<sup>3435</sup> and planting potatoes and other vegetables.<sup>3436</sup> Prisoners worked seven days a week from as early as 5 am and not being

<sup>3428</sup> E3/405 Chhaom Se WRI, A14 ["Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully"].

<sup>3429</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 14.21.25 ["They asked and interrogated detainees very softly, but on some occasions I could hear the screaming from that interrogation place"]; E3/9326 Mao Phat WRI, EN 00272580 ["Those Jarai included men, women, and children. I personally hear their screams"]; E3/5173 Um Keo WRI, EN 00272661 ["One day while I was walking to work, I heard a prisoner screaming, because I saw the interrogators torturing [him]"]. See E1/396.1 Moeurng Chandy, T. 3 Mar 2016, 15.42.01-15.43.39 ["There was only one interrogation room. It had a roof and closed walls ... the distance between my holding cell and the interrogation room were not far from each other"].

<sup>3430</sup> E3/7684 Khoem Peou WRI, EN 00250073 ["I saw blood stains and scars on prisoners after they had been interrogated and were brought back into the room"].

<sup>3431</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 13.37.04 ["He hacked her back opened and removed her gallbladder and hanged it at the kitchen hall"]; E3/9326 Mao Phat WRI, EN 00272578 ["I heard prisoners say that they took that woman, tied her hands and feet, had her sit down, and then took a hatchet and hacked her back [open] to get her bile bladder"].

<sup>3432</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 15.57.00-15.59.34 ["After he was shot dead, Tin called me to go to help bury the body"]; E3/7684 Khoem Peou WRI, EN 00250074 ["When a prisoner died, other prisoners took the body to bury outside the compound while soldiers were guarding constantly"].

<sup>3433</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 11.09.51-11.12.37 ["I was not allowed to walk freely --- to move freely and at the time, my ankle was shackled"]; E3/7684 Khoem Peou WRI, EN 00250074 ["Some prisoners were chained in the room for 2 to 3 months straight"].

<sup>3434</sup> E1/396.1 Moeurng Chandy, T. 3 Mar 2016, 14.21.24-14.23.17 ["I was asked to sort of carry wood planks and the distance was rather far. And at the time I had just delivered my baby and I could not carry it"]; E3/5172 Phan Thol WRI, EN 00272586 ["The hardest work was shoulder-carrying wood from Au Kanseng to the prison"].

<sup>3435</sup> E3/7684 Khoem Peou WRI, EN 00250072 ["they sent me to help other units working on rice paddy and building dams and dikes"].

<sup>3436</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 13.59.05 ["The work in the re-education centre was that, number one to plant potatoes and, number two, to plant vegetables"]; E3/5512 Chin Kimthong alias Chhang



allowed to conclude until the evening.<sup>3437</sup> Prisoner Moeurng Chandy testified to being made to return to work shortly after giving birth.<sup>3438</sup> Armed guards always supervised prisoners whilst they were working.<sup>3439</sup> Prisoners worked hard and did not dare to walk without permission for fear of “being shot dead”.<sup>3440</sup> They were confined by the bamboo spikes that surrounded the prison and prevented escape.<sup>3441</sup>

#### MURDER, EXTERMINATION, AND WILFUL KILLING

846. It is estimated that hundreds of prisoners died at Au Kanseng.<sup>3442</sup> Generally, the security office requested the permission of the Division Commander before executing a prisoner.<sup>3443</sup> After sending requests for decisions on particular prisoners,<sup>3444</sup> the security centre Chairman received authorisation from the Division Commander to execute prisoners.<sup>3445</sup> The prisoners selected for execution were taken away with their hands tied and/or blindfolded,<sup>3446</sup> usually at night time.<sup>3447</sup> Cadres carried out executions at nearby

WRI, A5 [“They had the prisoners grow vegetables”]; E3/9326 Mao Phat WRI, EN 00272577 [“they released me to do work outside the prison like growing potatoes”].

<sup>3437</sup> E1/396.1 Moeurng Chandy, T. 3 Mar 2016, 15.01.14-15.02.50 [“at that time we worked every day, so seven days a week”]; E3/9326 Mao Phat WRI, EN 00272578 [“They had me work from 5 until 11a.m. Then I ate, and continued working from 2 until 5p.m. ... Then they locked me in a cell, and put me in leg shackles. We worked seven days a week, without rest”]; E3/7684 Khoem Peou WRI, EN 00250072 [“In the morning we worked from 7 am to 11am, and in the afternoon from 1pm to 5pm”].

<sup>3438</sup> E1/396.1 Moeurng Chandy, T. 3 Mar 2016, 14.05.04 [“Q. And how long after your daughter’s birth were you required to begin working again? A. After I had some strength then I was sent to cook rice in the kitchen ... And after that, I was sent to sort of carry woods”], 14.21.24 – 14.23.17 [“I was asked to sort of carry wood planks and the distance was rather far. And at that time I had just delivered my baby and I could not carry it”].

<sup>3439</sup> E3/5512 Chin Kimthong alias Chhang WRI, A5 [“They had prisoners grow vegetables ... all this under guard by the security personnel”]; E3/7684 Khoem Peou WRI, EN 00250072 [“While we were working, there were 2 armed soldiers guarding us all the time”].

<sup>3440</sup> E3/7684 Khoem Peou WRI, EN 00250074 [“Prisoners were all frightened. Everyone was working and tempering themselves hard. No one dare walking [without permission] because they were afraid of being caught and shot dead or killed”].

<sup>3441</sup> E3/7684 Khoem Peou WRI, EN 00250073 [“The prison compound was not fenced, but they planted bamboo spikes around it”]; E3/5172 Phan Thol WRI, EN 00272586 [“it was a large prison ... surrounded by a bamboo fence with bamboo stakes emplaced”].

<sup>3442</sup> E1/405.1 Chin Kimthong, T. 21 Mar 2016, 15.19.15-15.21.44 [“there were hundreds of them who died, that included those who were smashed as well as those who died in the detention centre from illnesses”]; E3/406 Chin Kimthong WRI, EN 00404077-78 [“the total number of the prisoners died in the Center was in hundreds, but not in thousand”].

<sup>3443</sup> E3/405 Chhaom Se WRI, A16 [“Generally speaking, the re-education office had no right to decide to kill any prisoner ... As for deciding to arrest them and send them in, that was the right of upper echelon and the chairmen of the prisoner’s units”]. See also E1/159.1 Chhaom Se, T. 11 Jan 2013, 15.28.00-15.29.58 [“It was for him [the division commander] to make the decision whether the case was involved greatly in politics, or whether it became a systematic issue, or whether it was an isolated incident, and whether a person should be arrested or disciplinary actions shall be taken for that particular individual”].

<sup>3444</sup> E3/405 Chhaom Se WRI, A16 [“As for those prisoners ... I requested and opinion and decision from the division commander on what was to be done”].

<sup>3445</sup> E3/405 Chhaom Se WRI, A16 [“Ta Saroeun ordered them killed and gotten rid of”]; E3/5512 Chin Kimthong alias Chhang WRI, A12 [“We reported ... to Ta 05, and then Ta 05 decided to sort them out”].

<sup>3446</sup> E3/9326 Mao Phat WRI, EN 00272578 [“I saw guards take on prisoner to be killed ... his hands were

killing and grave sites such as in the jackfruit plantation<sup>3448</sup> and in existing B-52 bomb craters.<sup>3449</sup> Pits were dug as close as 150 metres from one of the prisoner work sites.<sup>3450</sup> OCIJ identified at least two suspected grave sites in close proximity to Au Kanseng<sup>3451</sup> and prisoners estimated that nearly 10 grave sites existed in the compound.<sup>3452</sup>

847. Once at the execution site, prisoners were killed by either a blow to the back of the head with a hoe, or a gunshot.<sup>3453</sup> The execution of prisoners was constant, with old prisoners disappearing daily at the same time as the arrival of new prisoners arrived.<sup>3454</sup>
848. Killing of prisoners took place for various reasons at Au Kanseng. Other than executions permitted by the Division Commander, guards had the ability to execute any prisoners breaking the rules, such as those attempting to escape or stealing food.<sup>3455</sup> This was perpetrated on at least one occasion when a guard fatally shot a prisoner attempting

tied, and he was blindfolded with a shirt"; E3/5172 Phan Thol WRI, EN 00272586 ["I saw lines of prisoners, men and women, their hands tied"]; E3/7684 Khoem Peou WRI, EN 00250074 ["They were Khmer and Jarai men, women and children, who were tied up together"].

3447 E1/405.1 Chin Kimthong, T. 21 Mar 2016, 15.34.35-15.36.49 ["when prisoners were taken to be killed, mostly they took them out at night time"].

3448 E1/395.1 Phon Thol, T. 2 Mar 2016, 11.29.47-11.32.07 ["While I was sitting on a jackfruit tree, I could see three or four being killed. Some people ... could not even walk; they were carried to that execution site and then they were smashed and killed and buried there. Q. And who were the perpetrators; who was it that was carrying out these killings that you saw? A. Security guards at that security – that re-education school"].

3449 E3/405 Chhaom Se WRI, A16 ["Most of the killings of prisoners that could not be re-educated and corrected were in late 1978; they were buried in bomb craters"]; E3/3984 Chhaom Se WRI, EN 00403575 ["The majority of the bodies of ordinary people were taken to be buried in about 10 existing B[52] craters"]; E3/5512 Chin Kimthong alias Chhang WRI, A11 ["As for the location where those Jarai were killed, they were taken to approximately three B-52 craters and pits under breadfruit trees"].

3450 E3/3984 Chhaom Se WRI, EN 00403575 ["The pit was dug ... about 150 meters from the work site"].

3451 E3/8024 Site Identification Report for O Kanseng, EN 00384799 ["The current Ratanakiri police officer described to OCIJ team the location of two grave sites"], EN 00384814 ["OCIJ findings should manifest of two suspected grave sites in close proximity to the O Kanseng prison"], EN 00384818 ["Suspicious material found at suspected grave site 1 – possible of human origin"], EN 00384812, 17-19.

3452 E3/3984 Chhaom Se WRI, EN 00403575 ["In the centre compound, there were about 10 pits"]; E3/5512 Chin Kimthong alias Chhang WRI, A11 ["Inside the security office compound there were less than ten pits for burying the corpses of prisoners. They were old trench positions and B-52 craters and pits under breadfruit trees"].

3453 E3/5172 Phan Thol WRI, EN 00272587 ["one division prisoner being carried away by two guards and then being struck with a hoe, splitting open his skull ... I also saw a guard shoot and kill one prisoner"]; E3/7684 Khoem Peou WRI, EN 00250074 ["Another incident was about a prisoner who was trying to escape but was shot dead by the guards"].

3454 E3/7684 Khoem Peou WRI, EN 00250074 ["New prisoners were arriving every day and, at the same time, old prisoners were disappearing and the number was decreasing"].

3455 E1/395.1 Phon Thol, T. 2 Mar 2016, 13.53.54-13.55.03 ["The regulations were that, first, do not attempt to flee; second, do not steal. ... There was another detainee ... he stole a durian seed ... At night-time he was taken away and killed"]; E3/7684 Khoem Peou WRI, EN 00250074 ["disciplines were ... Don't steal [vegetables/fruits] ... If a prisoner tries to escape, s/he will be shot dead ... Guards could do whatever they wanted to any prisoner who had not followed the disciplines"]; E3/9326 Mao Phat WRI, EN 00272578 ["If prisoners broke the rules ... they were taken away and killed"].

to escape.<sup>3456</sup> The Division Commander also ordered the killing of those who had been unsuccessfully reeducated.<sup>3457</sup> Prisoners were also targeted and killed if they were believed to be political enemies such as CIA or KGB agents.<sup>3458</sup>

849. The desperate living conditions at Au Kanseng led multiple prisoners to commit suicide by hanging themselves.<sup>3459</sup> The inaction of the security office officials and their superiors to provide medicine, adequate food and humane conditions as outlined above resulted in the death of many prisoners from disease and starvation.
850. Executions occurred in massive numbers<sup>3460</sup> as evidenced by the execution of the group of ethnic Jarai prisoners.<sup>3461</sup> As the Jarai prisoners were Vietnamese nationals and perceived by the CPK to be aligned with the opposing party in the armed conflict,<sup>3462</sup> they are protected people under GC IV.<sup>3463</sup>

#### PERSECUTION

851. Prisoners at Au Kanseng were specifically targeted on political and racial grounds. Those the CPK authorities viewed as political enemies such as those perceived to be CIA or KGB agents, those perceived to be associated in any way with Vietnam, those belonging to the “upper class” and those seen as critical of the CPK were targeted, arrested, and killed at Au Kanseng for discriminatory political reasons.<sup>3464</sup> One prisoner

<sup>3456</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 15.57.00 [“They didn’t see him running away, but after they did their head-counting, one person was missing. So then they deployed their forces to surround the re-education centre and ... when he was walking back into the centre and that’s when he was fatally shot”].

<sup>3457</sup> E3/405 Chhaom Se WRI, A16 [“As for this problem, sometimes Ta Saroeun said to keep them for further re-education and correction, and if after being kept for a period of time they still had not reformed, Ta Saroeun ordered them killed and getting rid of”].

<sup>3458</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 13.48.50-13.52.01 [“Usually people who were ... taken away and killed because they were accused of being agents for either KGB or CIA. ... The guards said most of the people who had been killed were the secret agents of KGB or CIA”].

<sup>3459</sup> E3/5512 Chin Kimthong alias Chhang WRI, A5 [“Later Hoem hung himself to death. In the past, three prisoners had hung themselves”].

<sup>3460</sup> E3/405 Chhaom Se WRI, A16 [“Most of the killings of prisoners that could not be re-educated and corrected were in late 1978”].

<sup>3461</sup> E1/405.1 Chin Kimthong, T. 21 Mar 2016, 15.36.49-15.39.08 [“There was a pit used to put the Jarai people who had been killed. That pit was the result of a B-52 bombing”]; E1/396.1 Moeurng Chandy, T. 3 Mar 2016, 13.40.13-13.41.56 [“I was picking up the vegetables in a nearby place. From that location, I could see Jarai people were smashed and then thrown into the pit”]; E1/395.1 Phon Thol, T. 2 Mar 2016, 11.20.17-11.22.47 [“I could recognize their clothing – the clothing they wore when they were being taken. The clothing [that] remained in the grave was the same clothes they wore when they were being taken away”]; E3/407 Chhaom Se WRI, A21 [“Those prisoners were taken away to be killed and buried in the B [B52] craters”]; E3/5512 Chin Kimthong alias Chhang WRI, A11 [“As for the location where those Jarai were killed, they were taken to approximately three B-52 craters and killed”].

<sup>3462</sup> E3/240 DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“The assessment is that these contemptibles are external enemies who have come to go undercover on our soil”].

<sup>3463</sup> See section Law – Crimes Against Humanity – Directed Against any Civilian Population.

<sup>3464</sup> E1/395.1 Phon Thol, T. 2 Mar 2016, 10.55.13-10.56.18 [“the reason that I was arrested and brought to



testified, “the guards said most of the people who were killed were the secret agents of KGB or CIA”.<sup>3465</sup>

852. Similarly, Vietnamese and Jarai prisoners were arrested, detained, and executed because of their race and perceived links to Vietnam.

## 6. PHNOM KRAOL SECURITY COMPLEX

*When I was arrested, my wife was arrested along as well. And at that time, we had no hope of surviving.*<sup>3466</sup>

– Chan Toi

853. Phnom Kraol, located in Sector 105, was a security complex comprised of multiple interrelated detention sites. The complex was operated by the leadership of Sector 105, which, as an autonomous sector, reported directly to the Party Centre. Established to implement CPK enemy policy, Phnom Kraol formed part of the national security system in the DK. As such, Phnom Kraol’s prison population consisted primarily of perceived political opposition: namely, purged cadres and those in their professional and personal circles. Entire families were detained at Phnom Kraol, with children as young as two incarcerated alongside their parents.
854. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity<sup>3467</sup> in relation to Phnom Kraol: imprisonment, enslavement, torture, murder, extermination,<sup>3468</sup> persecution on political grounds, and other inhumane acts through

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the re-education school was because I belonged to the upper class”]; **E3/5173** Um Keo WRI, EN 00272660 [“Q: Why did they arrest and imprison you in the 810 prison? ... A: ... They accused me of being in a CIA network”]; **E3/7684** Khoem Peou WRI, EN 00250073 [“They accused us of being CIA [agents]”].

<sup>3465</sup> **E1/395.1** Phon Thol, T. 2 Mar 2016, 13.48.50-13.52.01 [“The guards said most of the people who had been killed were the secret agents of KGB or CIA”].

<sup>3466</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.06.20-10.07.22.

<sup>3467</sup> For purposes of crimes against humanity charges, crimes against members or former members of a state’s own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the individual victims need not themselves be civilians. See section **Law – Crimes Against Humanity – Directed Against any Civilian Population**.

<sup>3468</sup> In considering the element of massiveness required to prove extermination, the Co-Prosecutors take the position that the killings at all security centres and execution sites, including Phnom Kraol Security Complex should be aggregated. All of sites formed part of one national security system implementing the policy to persecute and kill enemies promoted by the same words and actions of the Accused.

attacks on human dignity and through enforced disappearances.<sup>3469</sup>

#### LOCATION AND OPERATION

855. The Phnom Kraol security complex was located in Sre Sangkum Commune, Koh Nhek District, Mondulakiri Province, and was part of Sector 105 during the DK period.<sup>3470</sup> Phnom Kraol operated between April 1975 and December 1978.<sup>3471</sup>
856. Phnom Kraol contained several interconnected security centres, including Phnom Kraol prison. The prison was located at the headquarters of Battalion 2 of the sector army, near the Phnom Kraol dam.<sup>3472</sup> A second security centre, K-11, was located less than one kilometre from Phnom Kraol prison,<sup>3473</sup> at the Sector 105 military office.<sup>3474</sup> Office K-11 served as a temporary detention facility, with prisoners cycled in and out every

<sup>3469</sup> **D427** Closing Order, paras 1402 [imprisonment]; 1391 [enslavement]; 1408 [torture]; 1373 [murder]; 1381 [extermination]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; 1470 [other inhumane acts (enforced disappearances)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>3470</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.27.55-09.29.45 [“The Sector 105 office” was located at Phnom Kraol, or Kraol mountain”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 15.55.35-15.58.06 [“K-17 (a detention site) was located in Phnom Kraol ... in [Koh Nhek] district”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.07.20-10.10.25 [noting that security centre K-11 was located in Koh Nhek district at Phnom Kraol]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.02.11-11.04.01 [“So, around Phnom Kraol areas, [K-17 and K-11] were located, and the prison itself was located in the centre near the stream”]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [describing K-11’s location as “close to Phnom Kraol”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22, 28-29 [showing that K-17, K-11, and Phnom Kraol prison were all located approximately one kilometre from each other in Koh Nhek district, “which served as the administrative, political center of the Khmer Rouge [Mondulakiri] called region 105”]; **E3/5178** Chan Bun Leath (Bun Loeng Chauy) WRI, EN 00274101; **E3/7703** Uong Dos WRI, EN 00242170-71; **E3/1650** San Lan WRI, EN 00244336; **E3/7705** Nou Sauy WRI, EN 00239506.

<sup>3471</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.05.15-11.07.53 [“K-17” was relocated to Phnom Kraol, together with [K-11] and the security centre. These buildings were erected after one another after 1975”]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.43.18-11.44.48 [noting that he left with his father, Sector Secretary Laing, for Phnom Kraol and K-17 in 1975, immediately before the “liberat[ion]” of Phnom Penh]; **E3/1650** San Lan WRI, EN 00244336 [“Phnom Kraol prison” was created since 1975-1976 until 1979”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365622.

<sup>3472</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 14.26.24-14.29.31 [“In Phnom Kraol there was only one dam there ... The prison was located nearby that area”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.50.19-10.53.00 [“that prison was located to the dam”]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.34.38-09.39.06 [confirming that Battalion 2 was based at the Phnom Kraol dam], 10.41.41-10.44.00 [confirming that there was a prison based at the Phnom Kraol dam and that Battalion 2 was responsible for the operation of the prison]; **E3/5178** Chan Bun Leath WRI, EN 00274101; **E3/1650** San Lan WRI, EN 00244336 [“the base of Battalion 2 was at the Phnom Kraol dam”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365628-29.

<sup>3473</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.59.00-11.02.11 [stating that Phnom Kraol prison was several hundred metres from K-11]; **E3/5178** Chan Bun Leath WRI, EN 00274099-101 [noting that Phnom Kraol prison was located about 300 metres from K-11]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-24.

<sup>3474</sup> **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [noting that K-11 was the office of Sophea (the Sector 105 Military Chief)]; **E3/1650** San Lan WRI, EN 00244336 [Ta Sophea, who was the chief of military for the entire Sector, was in charge of [K-11]”]; **E3/5222** Sal Ra WRI, EN 00242157 [“Ta Sophea governed the Sector 105 Military which had an office called Office [K-11]. Inside the Office [K-11] compound there was a prison”]; **E3/7700** Aum Mol WRI, EN 00239532.

two to three days.<sup>3475</sup> In late 1977, during the height of the Sector 105 purges, K-17, the office of the Sector Secretary,<sup>3476</sup> was likewise used to detain prisoners.<sup>3477</sup> K-17 was approximately one kilometre from both Phnom Kraol prison and K-11.<sup>3478</sup> In addition to Phnom Kraol prison, K-11, and K-17, other buildings in the surrounding area<sup>3479</sup> periodically functioned as provisional detention sites.<sup>3480</sup>

857. Prisoners to be executed within the Phnom Kraol security complex were generally taken to Trapeang Pring, also referred to as Tuol Khmaoch, Trapeang Toeun, and Au Krieng.<sup>3481</sup> Trapeang Pring was located approximately four kilometres from Phnom Kraol, on the road to Kratie.<sup>3482</sup>

<sup>3475</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.33.15-10.36.22 [confirming that K-11 was a temporary detention center from which prisoners would be sent to Nang Khilik worksite and Phnom Kraol prison]; **E3/5178** Chan Bun Leath WRI, EN 00274099 ["I saw about 30 people transported in and out every two or three days"]; 00274101 ["K-11 was a temporary detention center"]; **E3/5222** Sal Ra WRI, EN 00242157 ["The prison guards (there was a prison inside the Office [K-11] compound) told me that those they arrested were put in that prison for only two or three days"]; **E3/5636** Chan Bun Leath WRI, EN 00711226 [stating that the wives of a group of cadres that had fled to Vietnam were held at K-11 for one night].

<sup>3476</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.41.58-09.44.54 ["K-17 office was the sector's -- was the office of Sector 105"]; **E1/416.1** Phan Van alias Kham Phan, T. 7 Apr 2016, 09.11.56-09.15.29 ["K-17 was called the sector office"].

<sup>3477</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.49.28-09.50.30 ["I was detained [at K-17] for one month"], 09.59.58-10.01.02 ["From my recollection, that happened in 1977 ... It was probably in November"], 13.54.06-13.56.12 ["the detention facility or centre was located in the office -- in the sector's office ... called K-17"]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 ["My relatives, my children, my nieces and my nephews and children and I were all arrested and detained [in K-17] for one month"], 10.37.55-10.39.45 [stating that Bou Lay, chief of the sector hospital, was detained with him in K-17 for half a month]; **E3/7695** Neth Savat WRI, EN 00239486 ["On the 1<sup>st</sup> November 1977, they arrested and detained me at K-17 for one month"].

<sup>3478</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.02.11-11.04.01 [noting that K-17 was approximately 500 metres from K-11 and Phnom Kraol prison]; **E1/84.1** Sao Sarun, T. 11 June 2012, 11.50.36-11.54.12 ["From K-17 to K-11, it was about 100 metres away"]; **E1/85.1** Sao Sarun, T. 12 June 2012, 09.17.13-09.19.56 [stating that the Phnom Kraol prison was approximately 100 metres from K-17]; **E3/7705** Nou Sauy WRI, EN 00239506 [stating that K-17 was located several hundred metres from Phnom Kraol prison]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22.

<sup>3479</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.19.22-15.22.11 [stating that he was detained near Ou Chbar stream, about half a kilometre from the Division 920 headquarters in Koh Nhek], 15.51.41-15.54.09 [stating that the prison was approximately 500 metres from the Division 920 headquarters]; **E1/82.1** Sao Sarun, T. 6 June 2012, 13.55.59-13.58.22 [noting that Division 920's headquarters were close to K-17]; **E3/9100** Map, "Srok Koh Nhek" [the stream referenced by Sun Vuth runs right into the Koh Nhek District HQ].

<sup>3480</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.05.03-14.07.37 [stating that he was detained in a three room building that was approximately 10 metres long and five to six metres wide], 15.44.13-15.47.16 [stating that the prison was manned by three to four guards], 15.49.39-15.54.09 [stating that the prison was not well built and seemed like a place where prisoners were detained temporarily, such as a "provisional centre"].

<sup>3481</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.51.09-10.55.13 [stating that he saw pits at Trapeang Pring and was told by a sector soldier that bodies were buried there]; **E3/2070** DC-Cam, *Mapping Project 1999: Mondulkiri Province*, EN 00078123 [recording the discovery of four burial pits and hundreds of victims in the area of Trapeang Pring]; **E3/5178** Chan Bun Leath WRI, EN 00274096 [stating that at Trapeang Pring, "a tractor was used to dig big pits and they were covered up [with dirt] after the killing"], 00274097 [stating that he saw "about 200 male and female victims buried inside the pit" at



## AUTHORITY STRUCTURE & COMMUNICATION

### Above the Security Office

858. The sector military and sector security offices reported to the Secretary of Sector 105,<sup>3483</sup> who in turn reported to the Party Centre.<sup>3484</sup> Ta Ham alias Laing was Sector Secretary until October 1977, when he was purportedly murdered in Phnom Penh by Sector 105 Deputy Secretary Kham Phoun.<sup>3485</sup> Laing was replaced by Sao Sarun, who was assigned the position following a meeting with Pol Pot, **Nuon Chea**, and Son Sen.<sup>3486</sup>

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Trapeang Pring], 00274103 [“everybody knew it was a killing site ... Most of the victims at the Trapeang Pring were from the different districts of Sector 105”]; **E3/5222** Sal Ra WRI, EN 00242157 [prison guards at K-11 told him that detainees were taken to be killed at Trapeang Pring], 00242158 [stating that his cousin, who had driven detainees to their executions, told him that “the people who were transported [by] trucks from various locations in that Sector were mostly brought to Trapeang Pring”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was known as a place where people were killed]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [exhumations at Trapeang Pring resulted in the discovery of approximately 200 victims]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365630.

<sup>3482</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.45.07-10.48.20 [Trapeang Pring was “on the way to Kratie,” about 3-4 kilometres from Roya worksite in Koh Nhek]; **E3/5178** Chan Bun Leath WRI, EN 00274096 [“The killing site called [Trapeang] Pring was about 4 kilometres from Koh Nhek and it was on the road from Koh Nhek to Kratie province”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was on the road to Kratie]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating that the Trapeang Pring killing site was approximately 3-4 kilometres from Koh Nhek, “along the Trapeang Pring road which leads to Kratie”]; **E3/8057** CIJ Site Identification Report for Phnom Kraol, EN 00365620-22, 30.

<sup>3483</sup> **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.14.52-11.17.05 [stating that the Sector Secretary had “overall supervision of [the] army,” including Sector Military Chief (and head of K-11) Ta Sophea]; **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 09.21.46-09.31.10 [describing the chain of command in Sector 105 and stating that the Sector Secretary had authority over the sector army battalions and Sector Military Chief Ta Sophea]; **E3/367** Sao Sarun WRI, EN 00278697 [“The Sector Com was the one who supervised the Sector military chiefs and the Sector military chiefs supervised the security offices”]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [“The Security Section was under the military. The Sector chief or Sector secretary had the right and power over the military”].

<sup>3484</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.18.48-14.19.49 [confirming that Sector 105, as an independent sector, reported “directly” to the Centre, not through a zone]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.46.51-11.51.51 [stating that Sector 105 was an autonomous sector that reported to Office 870].

<sup>3485</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.29.45-09.33.49 [stating that Ta Ham was the chief of Sector 105 for a period and was later killed in Phnom Penh]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.17.49-11.19.07 [stating that his father (Sector Secretary Laing) died after being called to attend a training session in Phnom Penh]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.01.03-10.02.54 [stating that his Battalion commander told him “that Kham Phoun killed Ham with a metal bar”]; **E1/82.1** Sao Sarun, T. 6 June 2012, 15.45.45-15.48.33 [confirming that in late 1977 or early 1978, Chuon, the Sector 105 Chairman of Commerce, told him that Kham Phoun had killed Secretary Laing]; **E3/44** Sovan Han WRI, EN 00295164 [noting that his father (Sector 105 Secretary Laing) was called to Phnom Penh in October 1977, after which he learned that Laing had been killed there by Kham Phoun]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250090 [stating that he “received an urgent typewritten letter in an ordinary writing from Nuon Chea” ordering his father (Sector Secretary Laing) to “go to study in Phnom Penh,” and that he subsequently found his father dead in Phnom Penh]; **E3/5178** Chan Bun Leath WRI, EN 00274097-98 [noting that Kham Phoun, the Sector 105 Deputy Secretary for economic affairs, killed Sector Secretary Laing in late 1977].

<sup>3486</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.54.45-09.58.19 [stating that in late 1977 or early 1978, one or two months after Secretary Laing’s death, Sao Sarun “was promoted to replace Laing”]; **E1/410.1**

At the Security Office

859. The Sector 105 Military Chief Huot Ke alias Sophea, was responsible for sector security and supervised the sector army.<sup>3487</sup> In this role, he served as Chairman of Office K-11.<sup>3488</sup> In late December 1978, Ta Sophea flew to Phnom Penh for a meeting with Pol Pot, Nuon Chea, and Son Sen.<sup>3489</sup> At the meeting, Sophea was instructed to stay behind to “work on ... military affairs”.<sup>3490</sup> Subsequently, he was arrested, taken to S-21, and executed.<sup>3491</sup>
860. The army of Sector 105 was comprised of two Battalions.<sup>3492</sup> The Commander of Battalion 2, Khven Ngok alias Leng, supervised Phnom Kraol prison.<sup>3493</sup> Ta Leng’s

Sao Sarun, T. 29 Mar 2016, 14.26.55-14.30.32 [confirming that in late 1977, after Laing’s death, he was appointed by Pol Pot as Laing’s replacement and stating that in early 1978, after a meeting with the Party Centre, a “majority approved” his appointment as Sector Secretary]; **E3/367** Sao Sarun WRI, EN 00278695 [stating that in late 1977 or early 1978, after the death of Laing, he was called to Phnom Penh to meet with Pol Pot, Nuon Chea, and Son Sen. At the meeting, Pol Pot asked Sao Sarun to replace Laing as Sector 105 Secretary and several months later, Sarun was formally appointed Sector Secretary]; **E3/1650** San Lan WRI, EN 00244338 [stating that Sao Sarun became Sector Secretary following Laing’s death].

<sup>3487</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.41.09-10.45.07 [stating that Ta Sophea was the “high-ranking commander,” with authority over the leadership at Phnom Kraol prison]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.01.30-11.02.55 [“Sophea was the member of the sector committee and in charge of the security”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 14.24.55-14.26.15 [stating that Ta Sophea was “the superior” of Ta Leng, who was “in charge of the security” (including as head of Phnom Kraol prison)]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.26.20-09.28.44 [identifying Ta Sophea as the Sector Military Chief]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.55.58-11.58.07 [confirming that Sophea led the sector troops], 14.06.02-14.08.24 [“Sophea was the military commander in charge of security”]; **E3/1650** San Lan WRI, EN 00244336-37 [noting that Ta Sophea “was the person who gave the assignment and orders to the all soldiers including those of the Battalion 2, [K-11] soldiers, or the district soldiers; this means that Ta Sophea was really the person to give orders and know about [prison]”].

<sup>3488</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 11.04.01-11.05.15 [confirming that Ta Sophea was the head of K-11]; **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.07.10-11.09.05 [stating that K-11 was “Sophea’s office”]; **E3/7697** Kang Sien WRI, EN 00239500 [stating that K-11 was “supervised by Ta Sophea”]; **E3/7700** Aum Mol WRI, EN 00239532 [noting that K-11 was under the control of Sophea].

<sup>3489</sup> **E3/367** Sao Sarun WRI, EN 00278696 [recalling that shortly before the arrival of the Vietnamese, he accompanied Ta Sophea and other cadres to Phnom Penh for a meeting with Pol Pot, Son Sen, and Nuon Chea]; **E3/1650** San Lan WRI, EN 00244338 [describing accompanying Sophea and Sao Sarun to Phnom Penh in 1978].

<sup>3490</sup> **E3/367** Sao Sarun WRI, EN 00278696 [stating that at the aforesaid meeting, Ta Sophea was asked to “stay and work on the military affairs,” after which he “disappeared forever”]; **E3/1650** San Lan WRI, EN 00244338 [stating that Ta Sophea “disappeared” after the aforesaid meeting].

<sup>3491</sup> **E1/416.1** Phan Van, T. 7 Apr 2016, 14.23.33-14.26.15 [referencing Sophea’s “removal”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.08.13-10.10.03 [referencing Sophea’s arrest]; **E3/342** OCP Revised S-21 Prisoner List, EN 00329715; **E3/2593** S-21 Confession of Huot Ke alias Sophea, 31 Dec 1978.

<sup>3492</sup> **E1/411.1** Sao Sarun, T. 30 Mar 2016, 11.05.29-11.07.10 [“there were only two battalions in Mondolkiri”]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.28.42-09.31.20 [“in Sector 105 in Mondolkiri province, there were two battalions”]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.16.58-09.21.46 [stating that the Sector 105 army contained two regiments (he refers to the battalions as regiments), which were then further subdivided]; **E3/1650** San Lan WRI, EN 00244335-36 [noting that there were two battalions stationed in Sector 105]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490-91 [referencing the two battalions of the Sector 105 army].

<sup>3493</sup> **E1/491.1** Sov Maing, T. 27 Oct 2016, 10.41.41-10.44.00 [confirming that Ta Leng, commander of Battalion 2, was responsible for the operation of Phnom Kraol prison]; **E1/488.1** Kul Nem, T. 24 Oct

deputy was Lep Vieng alias Kham, and the third member of the committee was Sao Champi alias Maing.<sup>3494</sup> When Ta Leng was arrested and disappeared in early 1978,<sup>3495</sup> Maing took over as Commander of Battalion 2 and head of Phnom Kraol prison.<sup>3496</sup>

#### Communication

861. On matters of security, there was a continuous line of communication between Sector 105 and Phnom Penh, with Sector 105 reporting directly to **Nuon Chea** and the Party Centre,<sup>3497</sup> and receiving instructions directly from **Nuon Chea** and the Party Centre.<sup>3498</sup> Phnom Penh determined who was to be arrested and killed.<sup>3499</sup> As Phan Van, son of Sector Secretary Laing, testified, “the decision had to come from the Centre”.<sup>3500</sup>

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2016, 15.14.20-15.17.22 [noting that the security centre at Phnom Kraol was “under the supervision of Leng”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 14.24.55-14.26.15 [Leng was “in charge of the security”]; **E3/1650** San Lan WRI, EN 00244336 [Leng “was the one who [was] permanently stationed at the Office of Battalion 2 which [was] located at the Phnom Kraol dam”]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490 [noting that Leng was the chief of Battalion 2 and in charge of Phnom Kraol prison].

<sup>3494</sup> **E1/491.1** Sov Maing, T. 27 Oct 2016, 09.21.46-09.24.18 [confirming that Vieng was the Battalion 2 deputy and that he was the Battalion 2 member]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490; **E3/1650** San Lan WRI, EN 00244336; **E3/7705** Nou Sauy WRI, EN 00239506.

<sup>3495</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.08.13-10.10.03 [referencing Leng’s arrest]; **E1/84.1** Sao Sarun, T. 11 June 2012, 11.26.42-11.27.56 [confirming Leng’s arrest]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244491 [“Ta Leng was called to study and disappeared for ever about one year before the arrival of the Vietnamese”]; **E3/342** OCP Revised S-21 Prisoner List, EN 00329761; **E3/1653** S-21 Confession of Khven Ngok alias Leng, 27 Feb 1978; **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397723 [Leng was arrested on 13 January 1978, entered S-21 on 15 February 1978, and was executed on 10 June 1978].

<sup>3496</sup> **E3/367** Sao Sarun WRI, EN 00278696 [“I know Maing, my younger brother in Battalion 2 ... and later he came to replace Leng at Phnom Kraol Dam Office”].

<sup>3497</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.18.48-14.19.49 [confirming that Sector 105, as an independent sector, reported “directly” to the Centre, not through a zone]; **E1/151.1** Phan Van, T. 11 Dec 2012, 11.46.51-11.51.51 [stating that Sector 105 was an autonomous sector that reported to Office 870]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250089 [“At that time, Sector 105 was autonomous and had the rights to report directly to the Center. As for military matters, the Sector reported directly to the Center,” with typewritten documents regarding security sent to Nuon Chea]; **E3/365** Sovan Han WRI, EN 00251009 [stating that Ta Sophea reported to the Centre about military and security matters].

<sup>3498</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.51.01-15.52.16 [stating that as Sector Secretary, he received regular telegrams from Office 870]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.00.19-11.04.01 [recalling that the Sector 105 office received instructions on security issues from Nuon Chea], 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams about “security matters” from Office 870 and that “most of the time, I could see the name of Uncle Nuon”]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250089 [stating that Nuon Chea “regularly instructed” Sector Secretary Laing via telegram about “security matters such as to be vigilant of Vietnamese enemy or insider enemy”]; **E3/383** Sao Sarun WRI, EN 00350263-64 [Pol Pot and Nuon Chea responded to telegrams sent by Sector 105 to Office 870]; **E3/365** Sovan Han WRI, EN 00251009 [stating that as telegram decoder for his father, Sector 105 Secretary Laing, he received telegrams from Pol Pot and Nuon Chea].

<sup>3499</sup> **E1/416.1** Phan Van, T. 7 Apr 2016, 10.56.24-10.58.31 [stating that in regard to arrests, “it was the instruction issued from above and [Sector 105 Secretary Laing] simply followed that instruction”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.03.57-14.06.49 [stating that Sector 105 leaders could not “make or create” policies, as they were “set out by the Party Centre”]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.56.11-10.00.26 [stating that in regard to arrests and the targeting of categories of individuals, “the sector did not have any discretion to decide on this -- or such instruction. It had to come from the Centre ... the decision had to come from the Centre”]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.29.20-11.30.46



862. The Centre informed the Sector 105 leadership of general categories of suspect individuals, such as “imbedded enemies (who contacted the Vietnamese)”,<sup>3501</sup> and specific individuals identified as traitors, including those implicated in S-21 confessions.<sup>3502</sup> In April 1978, for example, the Centre notified Sector 105 that “Comrade Sot” had been named in the S-21 confession of Phan Khon alias Chuon,<sup>3503</sup> a purged Sector 105 official.<sup>3504</sup> As confirmed by Sector Secretary Sarun, Sot was subsequently arrested and detained.<sup>3505</sup> In late 1978, even Sarun was implicated in a confession, with Pol Pot calling the Sector Secretary to Phnom Penh to tell him in person.<sup>3506</sup>
863. The Centre relayed its orders either by telegram<sup>3507</sup> or by summoning the sector leadership to Phnom Penh for meetings with Pol Pot, Son Sen, **Khieu Samphan**, and

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[confirming that only the Centre could decide how to proceed with regard to political prisoners and persons accused of betraying the Party]; **E3/384** Sao Sarun WRI, EN 00348373.

<sup>3500</sup> **E1/152.1** Phan Van, T. 12 Dec 2012, 09.58.04.

<sup>3501</sup> **E1/416.1** Phan Van, T. 7 Apr 2016, 10.55.14-11.00.19 [confirming that the Party Centre in Phnom Penh issued instructions for the arrest of certain categories of individuals, such as those who had committed immoral offenses or those who were affiliated with the former regime]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.53.08-09.58.04 [stating that the Centre provided criteria for determining which groups of individuals were traitors or bad elements]; **E3/366** Ham Ansi WRI, EN 00250751 [stating that the Sector 105 committee received “the word from the Center-level” to “track-down the imbedded enemies (who contacted the Vietnamese) and the enemy traitors”].

<sup>3502</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.23.00-14.26.55 [stating in regard to orders for people to attend study sessions, that “the names were provided from Phnom Penh,” including from Nuon Chea, and that “when they went to study, they disappeared and never returned”]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30 [confirming that as Sector 105 Secretary, he received a telegram from Pol Pot informing him that the confession of a Sector 105 official had identified “Comrade Sot” as a traitor]; **E3/366** Ham Ansi WRI, EN 00250750 [stating in reference to the arrests of Division 920 soldiers in Sector 105 that “Ta Sophea let me read confessions from the Center in which [soldiers of] Division 920 had implicated persons they knew and fellow soldiers”].

<sup>3503</sup> **E1/83.1** Sao Sarun, T. 7 June 2012, 11.09.11-11.12.30; **E3/384** Sao Sarun WRI, EN 00348372-73 [stating that he received a telegram from Pol Pot telling him that “Sot had appeared in the responses of Chuon”]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [stating that Sot “was previously implicated in the confession of the traitor A Chuon”]; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809636; **E3/342** OCP Revised S-21 Prisoner List, EN 00329917; **E3/2391** S-21 Confession of Phan Khon alias Chuon, 31 Dec 1977.

<sup>3504</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.41.10-09.44.10 [stating that Chuon worked at a sector economics office]; **E1/83.1** Sao Sarun, T. 7 June 2012, 11.05.42-11.07.30 [confirming that Chuon was head of the Sector commerce office]; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809636 [identifying Phan Khuon alias Chuon, as a “State Commerce member in Sector 105”].

<sup>3505</sup> **E1/83.1** Sao Sarun, T. 7 June 2012, 11.04.09-11.07.30 [stating that Sot was “detained”]; **E3/384** Sao Sarun WRI, EN 00348373 [noting that Sot was arrested approximately 10 days after Secretary Sarun received the telegram from Pol Pot regarding Chuon’s confession]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [stating that the sector “monitored” Sot’s activities following his incrimination and subsequently “arrested and detained” him].

<sup>3506</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.31.23-15.35.50 [confirming that at a September 1978 meeting in Phnom Penh, Pol Pot showed him a confession in which he and other top Sector 105 cadres were implicated]; **E3/367** Sao Sarun WRI, EN 00278697 [stating that during the Party anniversary in Phnom Penh in September 1978, Pol Pot asked him to read a confession that implicated Sarun and Maing, among others].

<sup>3507</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.51.01-15.52.16 [stating that as Sector Secretary, he received

**Nuon Chea**, among others.<sup>3508</sup> Subsequently, Sector 105 would convene meetings with district committees and the sector military to pass on the Centre's orders.<sup>3509</sup>

864. Sector 105 Secretaries Laing and Sarun sent Office 870 regular reports via telegram,<sup>3510</sup> apprising the Centre of both general issues<sup>3511</sup> and security issues.<sup>3512</sup> These telegrams

regular telegrams from Office 870]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.58.31-11.02.15 [stating that messages about security matters "came through telegrams advising on specific -- on certain issues"], 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams about "security matters" from Office 870 and, specifically, Nuon Chea].

- <sup>3508</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.11.34-15.17.56 [stating that a couple months after Laing's death, he attended a meeting in Phnom Penh with Nuon Chea, Khieu Samphan, and Pol Pot, at which he received instructions about Vietnamese "invasions"]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.02.15-11.05.12 [stating that Sector Secretary Laing would go to Phnom Penh "whenever he was called," and confirming that he would receive instructions accordingly]; **E3/367** Sao Sarun WRI, EN 00278695 [stating that in late 1977 or early 1978, soon after the death of Laing, he was called to Phnom Penh to meet with Pol Pot, Nuon Chea, and Son Sen], 00278696 [stating that a couple months after the death of Laing, he, Sophea, and other cadres were called to Phnom Penh for a meeting with Pol Pot, Son Sen, Nuon Chea, and Khieu Samphan (the meeting referenced in **E1/410.1**) and that several months later, he, Sophea, and other cadres were again called to Phnom Penh, this time for a meeting with Pol Pot, Son Sen, and Nuon Chea]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244492 [Sector 105 leaders Laing and Sarun attended meetings in Phnom Penh, from which they returned with updates on "Angkar policies"]; **E3/5178** Chan Bun Leath WRI, EN 00274104 ["I just noticed that the people in the Provincial Committee flew to Phnom Penh for meeting[s] once a week or month"]; **E3/1650** San Lan WRI, EN 00244337 ["Ta Sophea and Ta Laing went to attend meetings in Phnom Penh"].

- <sup>3509</sup> **E1/416.1** Phan Van, T. 7 Apr 2016, 11.04.01-11.05.12 ["After his return from Phnom Penh, [Sector Secretary Laing] called other concerned people from the districts to attend the training session ... held at K-17"]; **E3/366** Ham Ansi WRI, EN 00250751 [stating that Sector leaders "went to meetings at the Center" and that "once every month, in meetings attended by the Sector Com, the Sector Army, and the District Coms, the Sector Com brought the word from the Center-level," including about "imbedded enemies" and "enemy traitors"]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244492 [at monthly sector-level meetings, the Sector 105 leadership discussed the policies of the Party Centre (Pol Pot, Nuon Chea, Khieu Samphan, and others), including "resisting [the] Vietnamese enemy"]; **E3/1650** San Lan WRI, EN 00244336 [Laing and Sophea discussed "the traitorous network hiding in Angkar" at monthly meetings with the sector army].

- <sup>3510</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.48.52-15.51.01 [stating that as Sector 105 Secretary, he had to send reports to Office 870, his "superior," on a regular basis]; **E1/416.1** Phan Van, T. 7 Apr 2016, 11.11.46-11.13.15 [stating that Sector Secretary Laing generally used telegrams to report to the upper level].

- <sup>3511</sup> **E3/1191** DK Telegram from Laing to Doeun, 12 Oct 1976 [advising Office 870 about the use of new alias Chhan]; **E3/1192** DK Telegram from Laing to Nuon Chea, 12 Oct 1976; **E3/1189** DK Telegram from Laing to Brothers No. 1 and 2, 12 October 1976 [inquiring about the opening of Party Political School]; **E3/1193** DK Telegram from Chhan to Doeun, 15 Oct 1976; **E3/1194** DK Telegram from Chhan, 19 Oct 1976 [confirming receipt of instructions regarding the Centre's Four Year Plan]; **E3/1102** DK Telegram from Chhan to Dor, 20 Oct 1976; **E3/1195** DK Telegram from Laing to Pang, 25 Nov 1976 [notifying the Centre about political education courses]; **E3/9404** DK Telegram from Sarun to Respected Brother, 24 Apr 1978.

- <sup>3512</sup> **E1/83.1** Sao Sarun, T. 7 June 2012, 11.19.05-11.24.26 [stating that as Sector 105 Secretary, he sent the Centre a telegram asking what measures he should take in regard to Sot, who had been detained]; **E3/1196** DK Telegram from Chhan to Office 870, 26 Nov 1976 [reporting on the measures taken against Vietnamese "Group 7"]; **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [reporting on the problem of the "contemptible Yuon" and internal enemies in Division 920]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [reporting on the interrogation and execution of 9 Yuon]; **E3/1078** DK Telegram from Sarun to M-870, 9 Apr 1978 [reporting on the interrogation and arrest of implicated persons]; **E3/155** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [reporting on the arrest of Sot and requesting further instruction].

included updates on interrogations and confessions,<sup>3513</sup> as well as requests for instruction on how to handle specific detainees. Writing to Office 870 about the aforesaid “Comrade Sot”, for example, Sector Secretary Sarun asked *Angkar* to “please help with [an] opinion on the level at which this must be kept or be sent”.<sup>3514</sup> Sot has not been seen or heard from since,<sup>3515</sup> making it likely that the answer of Pol Pot, **Nuon Chea**, and Ieng Sary, all copied on the telegram, was not in his favour. Sector 105 notified Office 870 when targeted individuals were eliminated.<sup>3516</sup>

865. District offices reported directly to Sector 105, sending regular updates on dam construction, crop production, healthcare, “good or bad elements”, and “traitorous” elements.<sup>3517</sup> In response, the sector leadership disseminated instructions to the districts<sup>3518</sup> and assembled relevant information into “district performance report[s]”, which were sent to the Party Centre on a daily basis.<sup>3519</sup>

#### IMPRISONMENT

866. Hundreds of individuals, including women and children, were arbitrarily imprisoned within the Phnom Kraol security complex. There was no judicial authorisation for, or review of, arrests and detention. As was the case throughout DK, courts and criminal laws did not exist.
867. Many of the detainees who survived Phnom Kraol prison and K-11 and who were interviewed by the Co-Investigating Judges passed away before being able to testify at trial.<sup>3520</sup> Therefore, information regarding conditions at the two sites is largely based on their WRIs. In contrast, information concerning K-17 and associated detention sites in Phnom Kraol is primarily based on the trial testimony of surviving prisoners.

<sup>3513</sup> **E3/1078** DK Telegram from Sarun to M-870, 9 Apr 1978 [reporting on the arrest of a potential enemy identified by the “Sector’s examination” of two detainees]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [referencing the interrogation of nine Vietnamese, who had confessed that “the Yuon had assigned them to come to spy inside Kampuchea”].

<sup>3514</sup> **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978.

<sup>3515</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 11.25.44-11.28.27 [stating that he has “not heard” about Sot since 1978]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 13.42.19-13.48.20 [noting that he has not seen or heard about Sot since April 1978, the date of Sot’s arrest].

<sup>3516</sup> **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [reporting that “a Yuon was smashed” and that “the problem of these contemptible Yuon has already been decided”]; **E3/248** DK Telegram from Sarun to Office 870, 1 Jan 1978 [reporting that nine Vietnamese had been captured, interrogated, and “swept” away].

<sup>3517</sup> **E1/416.1** Phan Van, T. 7 Apr 2016, 11.13.15-11.15.06 [stating that the Sector 105 office received telegrams from the districts]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

<sup>3518</sup> **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

<sup>3519</sup> **E3/58** Phan Van (Kham Phan) WRI, EN 00250088.

<sup>3520</sup> **E390** Co-Prosecutors’ Request to Call Additional Witnesses During the Phnom Kraol Security Centre Trial Segment, 16 Mar 2016, para. 2.



868. At Phnom Kraol prison, the number of detainees ranged from 80 to several hundred at any given time.<sup>3521</sup> During the purge of Division 920, a division of the Centre's army stationed in Sector 105,<sup>3522</sup> the prison population neared 400.<sup>3523</sup> Detainees were held at the prison for varying lengths of time, some for almost a year,<sup>3524</sup> and others for a week or less.<sup>3525</sup>
869. Office K-11 served as a "temporary detention center",<sup>3526</sup> housing 20 to 30 prisoners<sup>3527</sup> who were transported in and out every two to three days.<sup>3528</sup> Detainees considered "correctible" were typically sent to tempering worksite Nang Khilik, while those considered "heavy prisoners" were sent to Phnom Kraol prison<sup>3529</sup> or for execution.<sup>3530</sup>

<sup>3521</sup> **E3/7702** Sok El WRI, EN 00239510 ["In the Phnom Kraol prison, I saw about 80 male prisoners"]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that approximately 200-300 prisoners could be detained in Phnom Kraol prison]; **E3/7703** Uong Dos WRI, EN 00242171 [stating that the number of prisoners "reached 385"].

<sup>3522</sup> **E1/151.1** Phan Van, T. 11 Dec 2012, 11.55.58-11.58.07 [confirming that Division 920, a division within the RAK, was stationed in Sector 105 from mid-1975 onwards]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.15.35-15.18.15 [confirming that Division 920 was headquartered in Koh Nhek].

<sup>3523</sup> **E3/7703** Uong Dos WRI, EN 00242171 [stating that at one point, the prison held 385 detainees, the majority of whom were soldiers from Division 920].

<sup>3524</sup> **E3/7702** Sok El WRI, EN 00239510 ["I was in the Phnom Kraol prison for seven months before they released me"]; **E3/7703** Uong Dos WRI, EN 00242170-71 [Uong Dos was brought to Phnom Kraol in September 1977 and released in April 1978].

<sup>3525</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.36.22-10.39.39 [stating that his relatives detained at Phnom Kraol prison were "placed in the detention for one week"]; **E3/7703** Uong Dos WRI, EN 00242171 [Division 920 soldiers were "transported in during the morning, and at night they were taken away"].

<sup>3526</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.33.15-10.36.22 [confirming that K-11 was a temporary detention centre]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [describing K-11 as a "temporary detention center"].

<sup>3527</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.56.16-10.58.50 [confirming that he saw trucks transporting approximately 30 people in and out of K-11 on a regular basis]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that he saw groups of "about 30 people" being transported in and out of K-11]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that she was detained at K-11 with approximately 20 other prisoners].

<sup>3528</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.56.16-10.58.50 [confirming that he saw groups of prisoners being transported in and out of K-11 every two to three days]; **E3/5178** Chan Bun Leath WRI, EN 00274099 ["I saw about 30 people being transported in and out [of K-11] every two or three days"]; **E3/5222** Sal Ra WRI, EN 00242157-58 [noting that K-11 prison guards told him that detainees were transported in and out every two to three days]; **E3/5636** Chan Bun Leath WRI, EN 00711226 [stating that the wives of a group of cadres who had fled to Vietnam were held at K-11 briefly, then transported out].

<sup>3529</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.07.20-10.08.56 ["[K-11] was simply a prison where people were detained, and there was a re-education centre located in [Nang Khilik]. Those who committed minor offenses would be sent for re-education at that centre"], 10.33.15-10.36.22 [confirming that prisoners detained at K-11 were soon thereafter transferred to Nang Khilik or Phnom Kraol prison]; **E3/5178** Chan Bun Leath WRI, EN 00274101 [stating that detainees at K-11 would "be sent to [Nang Khilik], if they were considered as correctible prisoners and to Phnom [Kraol], if they were considered as heavy prisoners"]; **E3/7695** Neth Savat WRI, EN 00239487 [noting that the worksite at Nang Khilik was a place for "the prisoners to re-educate themselves"].

<sup>3530</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.20.55-11.32.11 [identifying several women on S-21 list **E3/1645** as the wives of Sector 105 officials who had attempted to flee to Vietnam. Per Chan Bun Leath's WRI **E3/5636** at EN 00711226, "the wives were first detained at K-11"]; **E3/5178** Chan Bun

In late 1977, as the purge of Division 920 intensified, coinciding with the purge of those associated with Kham Phoun, some prisoners were detained at K-17.<sup>3531</sup> K-17 was a two-story building<sup>3532</sup> that could house approximately 80 detainees,<sup>3533</sup> with higher-ranking prisoners kept on the upper floor.<sup>3534</sup> Detainees were typically held at K-17 for a month or less.<sup>3535</sup>

870. The prison population within the Phnom Kraol security complex consisted primarily of purged cadres, including the aforementioned Division 920 soldiers. The Division 920 “wave of a purge” was precipitated by the fall of former Division Secretary Men Meng alias Chhin, who was arrested on 21 February 1977 and sent to S-21 on 16 March 1977.<sup>3536</sup> Sector 105 Secretary Laing (using the alias Chhan) referenced the elimination

Leath WRI, EN 00274099 [noting that detainees at K-11 were regularly “transported out for execution”]; **E3/5222** Sal Ra WRI, EN 00242157-58 [noting that prison guards at K-11 told him that detainees were transported out for execution every couple of days].

- <sup>3531</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.59.58-10.01.02 [“From my recollection, [detention at K-17] happened in 1977 ... It was probably in November”], 13.54.06-13.56.12 [“the detention facility or centre was located in the office -- in the sector’s office ... called K-17”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“My relatives, my children, my nieces and my nephews and children and I were all arrested and detained [in K-17]”], 10.37.55-10.39.45 [stating that Bou Lay, chief of the sector hospital, was detained at K-17 during that same time period]; **E3/7695** Neth Savat WRI, EN 00239486 [“On the 1<sup>st</sup> November 1977, they arrested and detained me at [K-17]”].

- <sup>3532</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 [“it was [a] two-storey building”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.53.40-10.55.56 [stating that K-17 had two floors]; **E1/416.1** Phan Van, T. 7 Apr 2016, 09.14.00-09.15.29 [“The upper floor was wooden. The ground floor was concrete”]; **E3/7695** Neth Savat WRI, EN 00239486 [stating that K-17 “was a two stories building with a concrete ground floor and a wooden first floor”].

- <sup>3533</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 [“To the best of my recollection, more than 80 people were detained within the building”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.05.21-10.06.55 [“all together, there were about 80 people who were arrested and detained at where I was detained”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that he was put in a “large communal room which held up to 88 persons”].

- <sup>3534</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.03.44-11.08.20 [stating that the prisoners held on the upper floor were higher-ranking officials, such as the leadership of the sector economics office and members of the Koh Nhek district committee]; **E3/7695** Neth Savat WRI, EN 00239486 [naming higher-ranking officials held on the upper floor of K-17, such as Ra, Deputy Secretary of Koh Nhek district]; **E3/2070** DC-Cam, *Mapping Project 1999: Monduliri Province*, EN 00078119 [“the prisoners were divided into two groups. High ranking Khmer Rouge prisoners ... were placed on the wooden top floor; while ordinary people were held on the ground floor”].

- <sup>3535</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.49.28-09.50.30 [“I was detained there for a period of one month”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“My relatives, my children, my nieces and my nephews and children and I were all arrested and detained for one month. For one month. And then we all -- we were all released”], 10.37.55-10.39.45 [Bou Lay, chairman of the sector hospital, “was detained there for half a month, and then this individual was transported out while I was still being detained within that centre”]; **E3/7695** Neth Savat WRI, EN 00239486 [“they arrested and detained me at K-17 for one month”].

- <sup>3536</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.32.04-09.33.57 [stating that Division 920 soldiers in Sector 105 were “arrested during a wave of a purge” starting in late 1976 or early 1977]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.57.44-14.01.20 [describing the arrests of Division 920 leadership, including Secretary Chhin, and the subsequent purge of lower-ranking soldiers in the Division], 15.22.11-15.28.41 [recalling the arrests of various Division 920 soldiers following Chhin’s arrest]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.35.22-10.38.29 [recalling that the “upper echelon” in Phnom Penh ordered the arrests of

of Chhin's cadres in a 20 May 1977 telegram to Office 870, reporting that although the sector had been making "arrest after arrest" of "unit 920s", enemy "activities continue one after the other".<sup>3537</sup> Secretary Laing blamed these "activities" on "henchmen" of the "contemptible Chhin".<sup>3538</sup> The Division 920 purge continued through March 1978, with over 400 Division 920 soldiers arrested and then transferred to S-21.<sup>3539</sup> Many Division 920 soldiers passed through Phnom Kraol, including company chief Sun Vuth, who was imprisoned at a provisional detention site within the security complex.<sup>3540</sup>

871. Other prisoners at Phnom Kraol included officials from the former regime, ethnic Vietnamese, persons alleged to have connections to Vietnam, and persons accused of being spies.<sup>3541</sup> People were also arrested and detained for perceived misbehaviour, such

Division 920 leadership, including Secretary Chhin]; **E3/2594** S-21 Confession of Men Meng alias Chhin, 23 Mar 1977, EN 00766872; **E3/342** OCP Revised S-21 Prisoner List, EN 00329818; **E3/7695** Neth Savat WRI, EN 00239484.

<sup>3537</sup> **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977 [S-21 records show that almost 100 Division 920 soldiers were arrested and sent to S-21 in the 30 day period preceding this 20 May 1977 telegram]; **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397715-17; **E3/2590** S-21 Prisoner List, May 1977, EN 01191256; **E3/2592** List of Prisoners from Division 920, EN 00887713-17.

<sup>3538</sup> **E3/877** DK Telegram from Chhan to Mo-870, 20 May 1977.

<sup>3539</sup> **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Monduliri Highlands*, EN 00397712-00397726 [list of over 400 Division 920 soldiers who entered S-21 between 12 January 1977 and 11 March 1978. Many were subsequently executed]; **E3/366** Ham Ansi WRI, EN 00250750 ["I personally saw Ta Sophea arrest many soldiers of [Division] 920 and send them to the Center"].

<sup>3540</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.59.47-11.01.55 [stating that one month before his own detention, in September/October 1977, he accompanied Secretary Laing to K-17 and saw soldiers from Division 920 detained there]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.52.36-13.55.57 [stating that "after the liberation of Phnom Penh," he was appointed to be chief of a company in Division 920 by Ta Chhin], 14.08.59-14.13.30 [stating that he was accused of having betrayed *Angkar* as part of his commanders' "network"], 15.19.22-15.22.11 [stating that he was detained near Ou Chbar stream, about half a kilometre from the Division 920 headquarters in Koh Nhek], 15.23.52-15.28.41 [stating that he was detained several months after the arrest of Ta Chhin, in late 1977], 15.49.39-15.54.01 [stating that the prison was not well built and seemed like a place where prisoners were detained temporarily, such as a "provisional centre"]; **E1/488.1** Kul Nem, T. 24 Oct 2016, 15.14.20-15.17.22 [noting that cadres from Division 920 were detained at Phnom Kraol]; **E3/7703** Uong Dos WRI, EN 00242171 [noting that during his detention at Phnom Kraol prison (September 1977 to April 1978), the number of detainees "reached 385, the majority of whom were soldiers from Division 920"].

<sup>3541</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.51.14-09.55.19 [stating that groups subject to arrest in Sector 105 included "former soldiers in the previous regime" and those accused of being part of "Khmer Sar, KGB, CIA and Vietnamese Network"], 10.33.15-10.36.22 [stating that "heavy prisoners" sent to Phnom Kraol prison were "those who joined with the Vietnamese"], 14.03.45-14.08.20 [noting that people in Sector 105 were arrested because they had relatives living in Vietnam or they "were suspected of having communication with Vietnam," such as the case of two soldiers arrested on Ta Laing's orders for engaging in friendly relations with the Vietnamese army]; **E1/152.1** Phan Van, T. 12 Dec 2012, 09.56.11-09.58.04 [noting that "targets of removal" in Sector 105 included officials of the former regime]; **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.53.46-09.56.36 ["they said we were all traitors"], 11.29.33-11.31.51 [noting that his father-in-law, a Lon Nol soldier who lived in Koh Nhek, was arrested because the DK regime had a policy of arresting "soldier[s] of the former regimes" or anyone "accused of being sp[ies]"]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 14.21.13-14.25.14 [describing the arrests in Sector 105 of various individuals "accused of having a connection with Vietnam"]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that K-11 detainees were accused of things such as "being a



as stealing, evading work, committing “immoral acts”, beating cattle, misspeaking, and practising black magic.<sup>3542</sup> The subordinates of implicated persons were likewise arrested and imprisoned.<sup>3543</sup>

872. Just as individuals associated with implicated persons in a professional capacity were arrested and detained, so too were the family members of accused cadres.<sup>3544</sup> For

Vietnamese, spy, or white Khmer network”]; **E3/7702** Sok El WRI, EN 00239509 [stating that he was told at the time of his arrest that “they were rounding up former soldiers and policemen to assemble them in Koh Nhek district” (Sok El is a former policeman who was arrested and detained at Phnom Kraol prison in 1978)]; **E3/7695** Neth Savat WRI, EN 00239487 [stating that many prisoners detained with him at K-17 were there based on allegations of “connections with Vietnam”]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that she was arrested and detained at K-11 based on “the accusation of being a CIA agent” or in contact with “the Yuon” and noting that detainees at Phnom Kraol prison had also been accused of affiliations with the “CIA’s or traitor’s networks”]; **E3/7703** Uong Dos WRI, EN 00242171 [noting that during his detention at Phnom Kraol prison, “every single afternoon after the meal, they always held a meeting and accused all of us of being CIA”]; **E3/5222** Sal Ra WRI, EN 00242156 [stating that fellow prisoners at K-11 “had been accused of being enemies”]; **E3/1650** San Lan WRI, EN 00244337 [noting that members of the sector military were arrested and disappeared, ostensibly because they had been “accused of having connections with Vietnam”]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244491-92 [stating that at monthly meetings with the sector military, the Sector 105 leadership declared that people who made “any contact with Vietnamese” were enemies]; **E3/5221** B’look Lam WRI, EN 00239491 [stating that in 1977, Nhun, chief of K-16, attended a meeting and was told by Sector Secretary Laing that Kev Sima people “were all Vietnamese heads on Khmer bodies and they all betrayed Angkar”].

<sup>3542</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.33.32-09.40.47 [noting that his uncle Kasy, secretary of Kev Sima district, was removed from office and subsequently arrested and killed for failing to “report a member in the district who committed ... an immoral offense”]; 13.42.19-13.48.20 [confirming that an individual named Sot was arrested for committing immoral acts with a woman]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.40.59-15.44.55 [confirming that Sot was detained for “committing immoral acts with a lady”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.55.14-10.58.31 [confirming that individuals were arrested and detained at Phnom Kraol prison for stealing, work evasion, and immoral offenses]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that people detained at K-11 had been arrested for “beating cattle” and misspeaking]; **E3/57** Phan Van (Kham Phan) WRI, EN 00290508 [stating that many prisoners arrested and brought to Phnom Kraol were “accused of practicing black magic and incantation (witchcraft)”]; **E3/58** Phan Van (Kham Phan) WRI, EN 00250088 [“Those who were brought for re-education in Phnom Kraol Dam Security Office included those who broke disciplines, committed immoral offense, stealing/robbery and work evasion”]; **E3/938** DK Telegram from Sarun to Respected Brother, 23 Apr 1978 [noting the arrest and detention of Comrade Sot for “immoral acts”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274118-19 [stating that Kasy was detained within the Phnom Kraol security complex].

<sup>3543</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.36.45-09.39.14 [stating that he and others were arrested and detained because of their “link” to purged Sector 105 Deputy Secretary Kham Phoun], 09.45.48-09.46.49 [“the leaders in the upper line disappeared and, later on, subordinates or people below them were also arrested”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.06.55-10.09.38 [stating that the majority of people detained with him at K-17 were Kham Phoun’s “workers or his subordinates”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.03.50-10.05.21 [“To my knowledge, when there was a commander and his subordinates, that is, group chief or squad chiefs, those chiefs would be arrested and killed if their commander was arrested and killed ... usually the purge was conducted through the line or chain of command”]; 10.59.57-11.03.50 [stating that 80 of his former co-workers in the Kev Sima district office were arrested and detained as part of “the network of Kasy”]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.13.30 [stating that he was accused of being part of his purged commanders’ traitorous “network”].

<sup>3544</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“during the Pol Pot regime, when the father was arrested, his wife, his children and his parents would also be arrested”]; 11.15.48-11.19.40 [stating that when cadres Phan Khon alias Chuon and Ra were arrested and disappeared, their families also

example, in October 1977, after Sector 105 Deputy Secretary Kham Phoun allegedly killed Sector Secretary Laing and then himself,<sup>3545</sup> the “upper level” denounced him as a traitor<sup>3546</sup> and purged his “network”.<sup>3547</sup> In November 1977, approximately 80 people connected to Kham Phoun were rounded up, arrested, and detained at K-17.<sup>3548</sup> Many of

disappeared]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.17.14-11.19.40 [noting that the day after a group of cadres fled Kev Sima district for Vietnam, their wives and children were arrested], 11.29.19-11.32.11 [identifying several entries on S-21 list **E3/1645** as the wives of the cadres who fled to Vietnam]; **E1/416.1** Phan Van, T. 7 Apr 2016, 10.40.58-10.41.53 [stating that “if it was announced that [cadres] were traitors, their wives and children would be taken away as well,” as was the case with purged Division 920 leaders Ta Chhin and Ta Soy]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.56.35-09.58.06 [“in that regime, if any member of your relatives committed wrongdoings ... there would be something wrong with other members”].

<sup>3545</sup> **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.01.03-10.02.54 [stating that his Battalion commander told him that Kham Phoun killed Laing and then committed suicide]; **E1/82.1** Sao Sarun, T. 6 June 2012, 15.45.45-15.48.33 [confirming that in late 1977 or early 1978, Chuon told him that Kham Phoun had killed Secretary Laing and then himself].

<sup>3546</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 [“they said Kham Phoun ... had betrayed the regime” and had a “link to the Vietnamese”], 10.41.38-10.44.06 [stating that following Kham Phoun’s death, Chuon made public announcements about the “treason committed by Kham Phoun”]; **E1/416.1** Phan Van, T. 7 Apr 2016, 13.56.32-13.59.26 [stating that after Kham Phoun killed Sector Secretary Laing, “they announced that he was a traitor” and a “spy for the Vietnamese”]; **E3/5220** Thit Ya WRI, EN 00242163 [stating that officials from the “upper level,” including Ta Sophea, came to her house and announced that Kham Phoun was a traitor]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that interrogators at K-17 referenced Kham Phoun “betraying the Party”].

<sup>3547</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.33.49-09.39.14 [noting that there was “chaos in the sector” following the deaths of Ta Laing and Kham Phoun, with mass arrests of individuals linked to Kham Phoun], 09.45.48-09.46.49 [in regard to the Kham Phoun purge, stating that “the leaders in the upper line disappeared and, later on, subordinates or people below them were also arrested”]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14 [stating that after the deaths of Laing and Kham Phoun, the “situation was chaotic,” with hundreds of individuals from the “network of Kham Phoun” arrested], 10.06.34-10.08.13 [recalling the arrest of about 30 individuals from Kham Phoun’s “network” at Roya worksite]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [noting that following Kham Phoun’s death, approximately 80 people from his “network” were arrested]; **E3/5220** Thit Ya WRI, EN 00242163 [“the Kham Phoun network was arrested and killed because Kham Phoun was accused of being a traitor”]; **E3/7695** Neth Savat WRI, EN 00239485-86 [referencing various individuals arrested as part of the Kham Phoun purge, including Lap alias Bopha, Kham Phoun’s wife; Sonthan, the chairman of the economics unit under Kham Phoun; Ra, the Deputy Secretary of Koh Nhek district; and Bou Lay, the chairman of the sector hospital and Ra’s wife]. During this period, Ta Laing’s network was also purged. *See e.g.* **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14; **E3/8749** Chan Bun Leath WRI, EN 00715750.

<sup>3548</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.36.45-09.43.16 [stating that after the deaths of Laing and Kham Phoun, he and approximately 80 others with connections to Kham Phoun were arrested], 09.45.48-09.49.28 [stating that after he was arrested, he was brought to the sector’s office and held there with the aforesaid 80 others], 13.44.22-13.46.25 [stating that he was arrested and detained in November 1977], 13.54.06-13.56.12 [“That detention centre was called K-17”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.03.41-10.09.38 [noting that about one week after Kham Phoun’s death, he was arrested and detained at K-17 with approximately 80 individuals, some of whom were related to Kham Phoun but the majority of whom worked in Kham Phoun’s office], 11.03.44-11.08.20 [stating that various leaders within Sector 105, including members of the district committee and economics office, were detained at K-17 with him]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that one month after Ta Laing and Kham Phoun killed each other in Phnom Penh, he and his wife were arrested and detained at K-17 and that a total of 88 people were arrested and brought to K-17 that same day]; **E3/7695** Neth Savat WRI, EN 00239486 [recalling his arrest in November 1977 and subsequent detention at K-17 alongside purged Sector 105 officials (all connected to Kham Phoun)]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [stating that after Kham Phoun’s death, approximately 80 individuals from his “network” were arrested].

these prisoners were women and children.<sup>3549</sup> Former detainee Chan Toi, who served as a messenger for Ra, Kham Phoun's nephew,<sup>3550</sup> was held at K-17 with his wife and mother.<sup>3551</sup> Former detainee Neth Savat, who worked under Kham Phoun,<sup>3552</sup> was imprisoned at K-17 with his wife and five children, the youngest of whom was two years old.<sup>3553</sup> As stated by Chan Bun Leath alias Bun Loeng Chauly, former district official in Sector 105,<sup>3554</sup> "if the husband was accused of betrayal, then the wife and the children would not be spared".<sup>3555</sup>

873. The method of arrest in Sector 105 varied. In some cases, Battalion 2 soldiers, pursuant to Sophea's orders and "report[s] from the base", conducted arrests, including of soldiers from Division 920.<sup>3556</sup> In other cases, security cadres from K-11 carried out arrests.<sup>3557</sup> Meanwhile, Division 920, which "had the right to arrest both the civilians and military at the Sector [level]", handled the arrests of Sector 105 cadres.<sup>3558</sup>

<sup>3549</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.46.49-09.49.28 ["there were both women and children detained with us"], 13.42.16-13.44.22 [stating that he saw children as young as six detained at K-17]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.05.21-10.06.55 [noting that detainees at K-17 included women and children], 13.44.02-13.45.57 [stating that there were between four to 10 children at K-17 between the ages of one and two years old]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that "a total of 88 men, women, and children ... were arrested that same day" and sent to K-17].

<sup>3550</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.40.33-09.43.16 [stating that he was arrested because he worked as the messenger of Ra, who was the nephew of Kham Phoun].

<sup>3551</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.01.02-10.03.22 ["All the members of my family [were] arrested, including my siblings and my mother"], 10.06.20-10.07.22 ["When I was arrested, my wife was arrested along as well"].

<sup>3552</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.42.18-09.46.38 [stating that he worked at K-21, an office under the control of K-16, the sector economics office headed by Kham Phoun].

<sup>3553</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 09.59.28-10.01.50 ["My relatives, my children, my nieces and my nephews and children and I were all arrested and detained"], 11.30.40-11.35.12 [stating that he was imprisoned at K-17 alongside his five children, the eldest of whom was approximately 17 or 18 years old and the youngest of whom was two years old]; **E3/7695** Neth Savat WRI, EN 00239486 ["On the ground floor with me there were my wife, children, brothers/sisters, nephews/nieces"].

<sup>3554</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 09.27.09-09.36.35 [describing his various roles within the Kev Sima district office].

<sup>3555</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.34.57.

<sup>3556</sup> **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.58.06-10.01.03 ["when members of Division 920 committed wrongdoing, the sector force would go and arrest them"]; **E3/506** Sov Maing (Sao Champi) WRI, EN 00244490 [stating that Ta Leng, head of Battalion 2 of the sector army, "had his subordinate soldiers arrest people" on the basis of Ta Sophea's orders and reports from the base]; **E3/10578** Chin Saroeun WRI, EN 01249765 [stating that Battalion 2 of the sector army was used to arrest people and, more specifically, that "if Division 920 had any problems, they would use the 105 soldiers to conduct arrests"].

<sup>3557</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.59.58-10.03.22 [stating that Kam and Sot, members of the sector security force, arrested him]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 13.38.47-13.46.35 [noting that sector cadres, including Sot, carried out an arrest at Roya worksite in Koh Nhek district]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [noting that Kam and Sot, security cadres who worked at K-11, were among the group that arrested him].

<sup>3558</sup> **E1/84.1** Sao Sarun, T. 11 June 2012, 11.26.42-11.27.56 [confirming that Division 920 had the right to arrest sector level civilian officials and soldiers]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.49.08-10.53.40 [stating that soldiers from Division 920 were assigned to guard him and his fellow K-17 detainees. Neth Savat, like many imprisoned at K-17, was a sector-level cadre], 11.10.16-11.12.20



874. People were usually arrested in groups and transported to security offices by truck, with their arms tied behind their backs.<sup>3559</sup> Some cadres employed threats and physical violence while conducting arrests.<sup>3560</sup> Describing the arrest of members of Kham Phoun's "network" at Roya worksite, district official Chan Bun Leath recalls children being "thrown into the truck", with the result that "their legs and arms were broken".<sup>3561</sup>
875. Individuals sent to Phnom Kraol were not given reasons for their arrests or even notified that they were on their way to prison.<sup>3562</sup> Once detained, prisoners were without redress.<sup>3563</sup> As K-17 detainee Chan Toi testified, "there were no courts, no lawyers ... people thought that they would die".<sup>3564</sup>

#### OTHER INHUMANE ACTS – ATTACKS AGAINST HUMAN DIGNITY

876. *Inhumane living conditions*: Prisoners within the Phnom Kraol security complex lived

[noting that he was interrogated by soldiers from Division 920], 15.42.35-15.46.43 [stating that fellow detainees told him that the soldiers guarding K-17 were from Ta San's division, Division 920]; **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 09.58.06-10.01.03 ["whenever members of the sector force committed wrongdoing, it was Division 920 who had the responsibility to make arrests"]; **E3/367** Sao Sarun WRI, EN 00278697 [stating that "Division 920 was one of the Center's Divisions that had the right to arrest both the civilians and military at the Sector [level]" and that Division 920 arrested Battalion 2 commander Ta Leng]; **E3/10578** Chin Saroeun WRI, EN 01249765-66 ["If 105 had any problems, they would use 920" to conduct arrests].

<sup>3559</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.40.33-09.43.16 ["I was arrested together with others. Perhaps more than 80 of us had been arrested"], 14.36.49-14.38.50 [security cadres "drove a vehicle to arrest me together with my family members"]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.16.40-10.39.45 [stating that after his arrest, he was put in a vehicle with others and driven to K-17]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34-10.08.13 [stating that at Roya worksite, he witnessed an incident in which 30 people in Kham Phoun's "network" were arrested and "transferred by truck"]; **E3/7703** Uong Dos WRI, EN 00242170-71 [noting that after his arrest, he was transported to Phnom Kraol prison by truck with a group of about 17-18 people]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that on the same day that he and his wife were arrested, a total of 88 people were arrested and transported to K-17 in "different vehicles" and that their hands were tied behind their backs]; **E3/7702** Sok El WRI, EN 00239509 [stating that he was brought to Phnom Kraol prison in a group of 18 people, with their arms tied behind their backs].

<sup>3560</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.01.20-14.03.13 [stating that the soldiers who arrested him pointed guns at him, ordered him to raise his hands, then blindfolded him]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34-10.08.13.

<sup>3561</sup> **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 10.06.34.

<sup>3562</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.45.44-10.48.10 [stating that he received a "letter of invitation" to attend a meeting at K-17, at which time he was put in a vehicle and brought to Phnom Kraol]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.30.32-14.33.16 ["people were called for study sessions and disappeared without any reasons provided"]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.01.20-14.03.13 ["At the beginning, I, myself, was not aware at all of the reason for the arrest"]; **E3/7702** Sok El WRI, EN 00239509 [stating that at the time of his arrest, he was merely told that authorities were assembling former policemen and soldiers]; **E3/7703** Uong Dos WRI, EN 00242170 [noting that he "did not know the reason" for his arrest].

<sup>3563</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.56.36-09.57.54 ["They did it arbitrarily ... I did not have lawyers, and there was no court"]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 14.29.21-14.33.16 [stating that he never heard of "any judgment that somebody was accused of this or that," as "there was no such system"].

<sup>3564</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 11.31.51.

in appalling conditions, unable to meet their basic needs and stripped of all human comfort. At Phnom Kraol prison, detainees were pinned down by wooden shackles, in rows of four to 20 persons per shackle.<sup>3565</sup> At the K-11 security office, prisoners were restrained by long shackles made of iron and wood, in rows of five prisoners per shackle.<sup>3566</sup> Detainees at both sites were shackled while they slept, released only for daytime work.<sup>3567</sup> At Phnom Kraol prison, those designated “serious offense” prisoners were shackled permanently.<sup>3568</sup> Though crammed together in rows, detainees were prohibited from speaking to one another.<sup>3569</sup>

877. At K-17, detainees on the upper floor were shackled<sup>3570</sup> and those on the ground floor were tied down in rows with string.<sup>3571</sup> Prisoners’ feet and hands were bound while they slept.<sup>3572</sup> During the day, K-17 guards untied detainees’ feet so they could “stomp the

<sup>3565</sup> **E3/7703** Uong Dos WRI, EN 00242171 [“they put us in leg shackles next to one another, with about 20 people in each row”]; **E3/7702** Sok El WRI, EN 00239509-10 [noting that there were rows of “different” shackles and that they put him in “a long wooden leg shackle which held four persons”]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that detainees in Phnom Kraol prison “could not flee” because they were shackled]; **E3/7695** Neth Savat WRI, EN 00239486-87 [stating that detainees in Phnom Kraol prison were “shackled at the ankles”]; **E3/7705** Nou Saury WRI, EN 00239506 [“All the prisoners were placed in wooden leg shackles”].

<sup>3566</sup> **E3/7700** Aum Mol WRI, EN 00239533 [stating that prisoners at K-11 were “shackled by wooden shackles in a row of 5 prisoners per shackle” and that when new guards arrived, “they would tighten up the shackles”]; **E3/7697** Kang Sien WRI, EN 00239500 [stating that after the Vietnamese arrived in 1979, he was detained at K-11 and saw “long wooden shackles left from the Pol Pot era,” which his captors used to “leg-shackle” five people]; **E3/5222** Sal Ra WRI, EN 00242156 [stating that prisoners detained at K-11 were “placed in long leg shackles which held approximately 20 persons” (he was released two to three days before 17 April 1975)], 00242158 [noting that after 1979, he revisited K-11 and saw some shackles made of iron and others of wood].

<sup>3567</sup> **E3/7703** Uong Dos WRI, EN 00242172 [stating of Phnom Kraol prison that “when we slept, they had us sleep with our arms and legs shackled”]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that detainees at Phnom Kraol prison were shackled “24 hours [a day],” except when they needed to use the toilet]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that at K-11, she was unshackled only when she went to work]; **E3/7705** Nou Saury WRI, EN 00239506 [stating of Phnom Kraol prison that “during the daytime they released the light offense prisoners to work under guard”].

<sup>3568</sup> **E3/7705** Nou Saury WRI, EN 00239506 [stating that those “designated as serious offense prisoners” at Phnom Kraol prison “were not let out [to work]”].

<sup>3569</sup> **E3/7703** Uong Dos WRI, EN 00242172.

<sup>3570</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.53.40-10.55.56 [stating that while detained on the ground floor of K-17, he heard the sounds of shackles being released or unlocked on the upper floor], 10.57.22-11.01.55 [stating that one month before he himself was detained at K-17, he accompanied Sector Secretary Laing to the upper floor of the building and saw detainees restrained by the ankle with wooden shackles].

<sup>3571</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“they used a string to tie us up and attach us to a row of chair[s]”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.55.56-10.59.47 [stating that K-17 detainees were tied down in rows with “hammock string”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [“During that period, they tied my legs to a bench and tied my arms behind my back”]; **E3/7695** Neth Savat WRI, EN 00239486 [“Just as I arrived at [K-17], they arrested me and tied me up”].

<sup>3572</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [“during the nighttime, our feet were ... tied”], 13.42.16-13.44.22 [“At night times, our ankles were tied to the string and during the day time, only our hands were tied”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.55.56-10.57.22 [stating that detainees’ hands were tied behind their backs and that their ankles were also tied up “the entire time” he was at K-17].

jute seeds”, but did not remove the hand restraints.<sup>3573</sup> Prisoners at other sites within the complex were similarly fettered.<sup>3574</sup>

878. Inadequate food and medical care: Detainees throughout Phnom Kraol “did not have enough food to eat”.<sup>3575</sup> At Phnom Kraol prison, for example, detainees received meagre servings of gruel twice a day.<sup>3576</sup> Weak and thin from malnutrition, prisoners were not given the necessary medicine.<sup>3577</sup> At K-17, rations were also insufficient, with prisoners eating and drinking water only once a day.<sup>3578</sup> Sun Vuth, held at a makeshift prison in Phnom Kraol, did not receive any food the first day he was detained and thereafter received daily portions of rice “the size of [his] wrist”.<sup>3579</sup>
879. Inadequate sanitation: Hygiene within the Phnom Kraol security complex was poor. As described by Chan Bun Leath, who passed by Phnom Kraol prison on his way to work,<sup>3580</sup> the site was “not better than a place to keep the cattle”.<sup>3581</sup> Detainees were required to urinate and defecate into an ammunition case and “there were no changes of clothing”.<sup>3582</sup> Unsanitary conditions created a rank odour in the prison cells.<sup>3583</sup> Meanwhile, the bamboo floor of the prison was infested with fleas.<sup>3584</sup> At K-17, conditions were likewise foul. The centre contained just one toilet for the 80 plus

<sup>3573</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.07.22-10.09.29 [stating that detainees’ feet were untied during the day so that they “could stomp the jute seeds”], 13.42.16-13.44.22.

<sup>3574</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.05.03-14.07.37 [noting that one hand was cuffed and one ankle restrained by wooden shackles], 14.15.52-14.17.43 [noting that another detainee was also shackled].

<sup>3575</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42.

<sup>3576</sup> **E3/7703** Uong Dos WRI, EN 00242172 [stating that prisoners were fed gruel twice a day, which was “insufficient”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274119 [“The detainees had a bowl of gruel at midday and another one in the evening, and that was all”]; **E3/5181** Chan Bun Leath DC-Cam Statement, EN 00274127 (Summary) [“The prisoners were given watery rice soup in the afternoon and in the evening”].

<sup>3577</sup> **E3/7703** Uong Dos WRI, EN 00242172 [“All the prisoners were in a weakened state and were thin and pale due to lack of food, and they fell ill and there was no medicine to treat them”].

<sup>3578</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42 [stating that detainees at K-17 did not have enough food to eat, as they were given just a bowl of rice with pumpkin every day], 11.39.25-11.40.29 [“Sometimes, we were given only a meal at noon and we were not given in the evening and sometime[s], we were given in the evening, but not at noon time”], 13.39.13-13.41.10 [“I could only have water to drink in the morning or, on other occasion[s], only in the afternoon”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [noting that “the food condition was very bad – was [the] worst,” with detainees generally receiving a “small bowl” of rice and pumpkin every day]; **E3/7694** Chan Toi (Tauch) WRI, ERN 00242143 [“They fed the prisoners one meal per day, but the times varied ... Each person got only one small plate”].

<sup>3579</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.13.30-14.15.52.

<sup>3580</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.41.09-10.43.32 [stating that he could see the Phnom Kraol prison from the road that he walked to work, which was approximately “50 or 100 metres away from that location”].

<sup>3581</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.39.39-10.41.09.

<sup>3582</sup> **E3/7703** Uong Dos WRI, ERN 00242172.

<sup>3583</sup> **E3/7703** Uong Dos WRI, ERN 00242172.

<sup>3584</sup> **E3/7702** Sok El WRI, ERN 00239510.



prisoners.<sup>3585</sup> Detainees were not provided a change of clothing<sup>3586</sup> and, if lucky, were allowed to bathe once a week in dirty water.<sup>3587</sup> Some prisoners developed skin diseases but were denied medication.<sup>3588</sup> As detainee Chan Toi testified, “there was no hygiene at all”.<sup>3589</sup>

#### ENSLAVEMENT

880. Prison officials at Phnom Kraol exercised control over every facet of detainees’ lives. Prisoners were unable to move freely, with heavy prisoners shackled 24 hours a day.<sup>3590</sup> Even prisoners let out to work were denied freedom of movement, supervised by armed guard and/or partially bound while they toiled.<sup>3591</sup> Authorities at Phnom Kraol used prisoners to undertake rigorous tasks, such as beating jute seeds, clearing grass, planting rice, and building dams.<sup>3592</sup> Even pregnant detainees were forced to work.<sup>3593</sup>

#### TORTURE

881. DK cadres routinely interrogated prisoners within Phnom Kraol, inflicting severe physical and psychological suffering to get detainees to “confess” to their crimes and implicate others.<sup>3594</sup> Interrogations centred on prisoners’ alleged “betrayal” of

<sup>3585</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [“there was only one toilet for all of us, no hygiene, no sanitation”].

<sup>3586</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 13.42.16-13.44.22 [“We wore our clothes [from] when we were arrested”].

<sup>3587</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 13.39.13-13.41.10 [“I was not allowed to bathe within that one month”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.35.12-11.37.42 [“At the beginning, we were allowed and walked to take a bath once a week. The water was not clean”].

<sup>3588</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.52.42-09.53.46; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [“all the prisoners both young and old itched all over their bodies. The children in particular itched and their cries filled the cell”].

<sup>3589</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.50.30-09.52.42.

<sup>3590</sup> **E3/5178** Chan Bun Leath WRI, EN 00274099 [stating that some detainees at Phnom Kraol prison were shackled 24 hours a day]; **E3/7705** Nou Saury WRI, EN 00239506 [stating that individuals designated as “serious offense prisoners” remained shackled indoors all day long].

<sup>3591</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.57.54-09.59.58 [stating that at K-17, prisoners’ hands were “tied up” while they worked]; **E3/7700** Aum Mol WRI, EN 00239533 [noting that at K-11, she was unshackled when she went to work but was supervised by armed guard and had her “hands tied with hammock strings”]; **E3/7705** Nou Saury WRI, EN 00239506 [stating of Phnom Kraol prison that “during the daytime they released the light offense prisoners to work under guard”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143 [stating that during work at K-17, prisoners’ hand restraints were loosened but not removed]; **E3/7702** Sok El WRI, EN 00239510 [stating that prisoners “worked in handcuffs” at Phnom Kraol prison].

<sup>3592</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 09.57.54-09.59.58 [stating that prisoners at K-17 were give jute seeds to stomp on]; **E1/491.1** Sov Maing, T. 27 Oct 2016, 11.00.44-11.04.19 [stating that he saw prisoners at Phnom Kraol prison clearing grass]; **E3/7705** Nou Saury WRI, EN 00239506; **E3/7694** Chan Toi (Tauch) WRI, EN 00242143; **E3/7700** Aum Mol WRI, EN 00239533.

<sup>3593</sup> **E3/7700** Aum Mol WRI, EN 00239533

<sup>3594</sup> **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.59.00-16.00.11 [noting that during Sector Secretary Laing’s tenure, prisoners at Phnom Kraol were regularly interrogated].

*Angkar*,<sup>3595</sup> whether as spies for the Vietnamese, spies for the CIA, persons who had made contact with the Vietnamese, persons who wanted to flee the country, or a combination of the above.<sup>3596</sup> Prisoners arrested because of their connections to perceived traitors were asked about these individuals.<sup>3597</sup> Interrogations occasionally took place offsite, with detainees removed from their holding areas for questioning.<sup>3598</sup>

882. The sector level leadership was directly involved in interrogations. Ta Sophea, for example, took part in the questioning of detainees.<sup>3599</sup> Even Sector Secretary Sao Sarun admitted that during his tenure, he interrogated a detainee to determine if the person had “betrayed the Party”.<sup>3600</sup>
883. Torture was a frequent companion to interrogation.<sup>3601</sup> Division 920 soldier Sun Vuth, held at a provisional detention site in Phnom Kraol, was repeatedly interrogated over several months,<sup>3602</sup> sometimes multiple times a day.<sup>3603</sup> Threatened that “[he] would die” if he did not confess,<sup>3604</sup> Vuth was shocked with electric cables and beaten with “big

<sup>3595</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.42-14.13.30 [stating that he was questioned about “whether [he] had betrayed Angkar,” but did not know how to respond because he “did not know anything about betrayal”].

<sup>3596</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.42-14.13.30 [“They put questions to me [about] whether I had betrayed Angkar ... or that I colluded with the Vietnamese side. They accused me of being a Khmer body with a Vietnamese head”]; **E3/7703** Uong Dos WRI, EN 00242171 [stating that at Phnom Kraol prison, “[e]very single afternoon after the meal, they always held a meeting and accused all of us of being CIA,” and that he witnessed one interrogation in which the detainee was accused of wanting to flee to the Vietnamese and/or of being a CIA agent]; **E3/7700** Aum Mol WRI, EN 00239533 [stating that at K-11, she was questioned by Ta Sophea and Ta Kam about whether she had been contacted by the Vietnamese or was part of a Vietnamese or CIA “network”].

<sup>3597</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.08.20-11.12.20 [stating that at K-17, all detainees were questioned and that he was asked about Ta Kham Phoun inducting him into the party]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.11.52-14.13.30 [stating that he was questioned about whether he had “followed” his purged Division 920 commanders in betraying *Angkar*].

<sup>3598</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.10.16 [“I was taken out of the detention room and questioned”]; **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.11.42 [“I was taken out from that prison to a secret hut where I was interrogated”].

<sup>3599</sup> **E3/7700** Aum Mol WRI, EN 00239533.

<sup>3600</sup> **E1/83.1** Sao Sarun, T. 7 June 2012, 11.07.30-11.09.11 [“When Sot was detained, we questioned him”]; **E1/410.1** Sao Sarun, T. 29 Mar 2016, 15.40.59-15.42.34 [“later on, when I met Sot, I checked [the allegations]”]; **E3/384** Sao Sarun WRI, EN 00348373 [stating that he “questioned” Sot, who had been implicated in Chuon’s confession, about whether he betrayed the Party].

<sup>3601</sup> **E3/5222** Sal Ra WRI, EN 00242156 [stating that at K-11, he was hung “upside down” by his feet during an interrogation (this incident took place before 17 April 1975)]; **E3/7703** Uong Dos WRI, EN 00242171-72 [stating that at Phnom Kraol prison, he saw guards interrogating and repeatedly hitting a shackled detainee with a half metre long wooden club].

<sup>3602</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.42.26-15.47.16 [stating that he was detained for several months], 15.54.09-15.59.38 [confirming that he was interrogated on multiple occasions].

<sup>3603</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.54.09-15.59.38 [“sometimes I was interrogated two times a day, sometimes I was interrogated three times a day, and sometimes I was interrogated once a day” and “sometimes there was no interrogation”].

<sup>3604</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 15.58.12-15.59.38 [“If I did not confess, I would die. And they said if I was willing to answer, I would survive”], 16.02.30-16.04.31 [“They said, ‘If I don’t respond to the questions, they will beat me to death’”].

clubs”, causing him to lose consciousness.<sup>3605</sup> In certain cases, prison authorities abused inmates outside of interrogations, hanging detainees upside down and administering severe beatings.<sup>3606</sup> Children within Phnom Kraol were not exempt from torture. A K-11 detainee recalls guards hanging an eight year old boy upside down until his eyes bled, forcing his mother to watch the entire episode.<sup>3607</sup>

#### MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

884. Hundreds of prisoners within Phnom Kraol were killed or taken away and never seen again, with scant information provided about their disappearances. As district official Chan Bun Leath told investigators in a sworn statement, “the chance of survival [was] very rare for those who were sent to Phnom [Kraol]”.<sup>3608</sup>
885. Authorities regularly “transported” groups of detainees out of the security complex.<sup>3609</sup> Such individuals subsequently went missing.<sup>3610</sup> The higher-ranking cadres held on the upper floor of K-17, for example, were “taken out ... by vehicle” and have

<sup>3605</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 14.08.59-14.11.42 [“First they actually shocked me with electricity cables and I lost consciousness. And I thought that I died after I fell unconscious. And when I regained consciousness they shocked me again. After that relapse, they actually beat me up and interrogated me”], 15.54.09-15.55.22 [stating that his interrogators administered multiple rounds of electric shock, after which he fell unconscious and they beat him], 16.02.30-16.04.31 [stating that he was repeatedly beaten with “big clubs,” to the point that he lost consciousness].

<sup>3606</sup> **E3/7702** Sok El WRI, EN 00239509 [“When we initially reached Phnom Kraol, they hung me upside [down] in leg shackles separate from the others for one night and one day”]; **E3/7700** Aum Mol WRI, EN 00239532-533 [stating that at K-11, she saw guards beat the eight year old son of a female prisoner and hang him upside down for so long that his eyes bled and he lost consciousness. The guards forced the boy’s mother to watch].

<sup>3607</sup> **E3/7700** Aum Mol WRI, EN 00239532-533.

<sup>3608</sup> **E3/5178** Chan Bun Leath WRI, EN 00274101.

<sup>3609</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.13.02-10.14.09 [stating that fellow detainees were “taken out at that time”]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.37.55-10.41.38 [stating that Bou Lay, chief of the sector hospital, was “transported out” of K-17 and that he has “never seen her since”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [describing prisoners, including “large” groups, being “transported by a vehicle” out of Phnom Kraol prison], 10.56.16-10.58.50 [confirming that he saw trucks transporting groups of approximately 30 people out of K-11 every two to three days]; **E3/7703** Uong Dos WRI, EN 00242172 [“many prisoners were transported away,” never to be seen again in their villages]; **E3/5178** Chan Bun Leath WRI, EN 00274099 [“K-11 office was at the current military fort. When I was at the worksite, I saw about 30 people transported in and out every two or three days”]; **E3/7705** Nou Saury WRI, EN 00239506 [stating that “serious offense prisoners” were transported out of Phnom Kraol prison on trucks].

<sup>3610</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 10.37.55-10.41.38 [stating that he has never seen Bou Lay, chief of the sector hospital, since their detention together at K-17], 11.03.44-11.08.20 [stating that some of his fellow detainees at K-17 “disappeared since”]; **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39 [stating that “many” of his relatives who were sent to Phnom Kraol prison “never returned” to their home villages]; **E1/410.1** Chan Bun Leath, T. 29 Mar 2016, 09.59.39-10.04.14 [“Perhaps 80 individuals in Kham Phoun’s network disappeared”]; **E3/5222** Sal Ra WRI, EN 00242158 [“Prisoners were taken to [K-11] and after a night or two they disappeared”]; **E3/5181** Chan Bun Leath DC-Cam Statement, EN 00274127 (Summary) [stating that at Phnom Kraol, “some people who became ill because of hard work or malnutrition were accused of pretending to be sick and were labelled as lazy or malingering. They often disappeared without a trace”].



“disappeared since”.<sup>3611</sup> Entire families vanished in this manner, including eight siblings and nephews of Kham Phoun, also detained at K-17,<sup>3612</sup> and Chan Bun Leath’s extended family, detained at Phnom Kraol prison.<sup>3613</sup> More of Chan Bun Leath’s relatives than he can count “never returned” to their home villages.<sup>3614</sup>

886. Authorities took measures to hide the fates and whereabouts of those who disappeared. Prisoners were often transported out at night, under the cover of darkness.<sup>3615</sup> Uong Dos, held at Phnom Kraol prison, recalls the guards announcing, “Comrades, do not be afraid. Those who were taken away were sent back to live in their villages.”<sup>3616</sup> The many who “never returned” and the killing site at Trapeang Pring, however, suggest otherwise.

887. Phnom Kraol prisoners subject to execution were generally brought to Trapeang Pring, located approximately four kilometres from the security complex in the direction of Kratie.<sup>3617</sup> At Trapeang Pring, prison authorities clubbed detainees to death, after which they threw the bodies into pits and used tractors to fill the pits with dirt.<sup>3618</sup> Initial

<sup>3611</sup> **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.03.44-11.08.20 [stating that the higher ranking prisoners held on the upper floor of K-17, including members of the district committee and members of the Sector 105 economic unit, were “taken out and transported by vehicle” and have “disappeared since”].

<sup>3612</sup> **E1/399.1** Chan Toi, T. 10 Mar 2016, 10.13.02-10.14.09 [stating that fellow K-17 detainees were “taken out at that time,” presumably to be killed, and that, specifically, Kham Phoun’s relatives have “disappeared since”]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242144 [“Twice I saw prisoners taken to be killed. The first night there were five of them, and the second night there were three ... Those eight were the direct siblings and nephews of Ta Kham Phoun”].

<sup>3613</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39 [stating that “[o]nly one or two” of his relatives who were sent to Phnom Kraol prison returned].

<sup>3614</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.35.00-10.39.39.

<sup>3615</sup> **E3/7703** Uong Dos WRI, EN 00242172 [“many prisoners were transported away during the night”]; **E3/7705** Nou Saury WRI, EN 00239506 [stating that prisoners at Phnom Kraol prison were sometimes transported out at night]; **E3/7694** Chan Toi (Tauch) WRI, EN 00242144 [stating that at K-17, he saw groups of prisoners being taken away at night].

<sup>3616</sup> **E3/7703** Uong Dos WRI, EN 00242172.

<sup>3617</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [vehicles would transport large groups of detainees from Phnom Kraol prison in the direction of Kratie to be killed], 10.51.09-10.55.13 [confirming that a sector soldier told him that Trapeang Pring was a killing site]; **E1/400.1** Neth Savat, T. 11 Mar 2016, 11.12.20-11.17.03 [confirming that he heard detainees at Phnom Kraol were killed along the way to Kratie]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [stating that “everybody knew [Trapeang Pring] was a killing site”; that Bun, a sector soldier under Sophea and Sarun, told him it was a killing site; and that “most of the victims at [Trapeang Pring] were from the different districts of Sector 105 or from Division 920”]; **E3/5222** Sal Ra WRI, EN 00242157 [stating that prison guards at K-11 told him that detainees were taken to be killed at Trapeang Pring], 00242158 [stating that his cousin, who drove people to Trapeang Pring for execution, told him that “people who were transported [by] trucks from various locations in that Sector were mostly brought to Trapeang Pring”]; **E3/7701** Nheang Sokhan WRI, EN 00242153 [stating that Au Krieng was known as a place where people were killed].

<sup>3618</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.45.07-10.55.13 [stating when he worked at Roya worksite and traveled in the Koh Nhek area, he saw freshly bulldozed earth and pits at Trapeang Pring]; **E3/5178** Chan Bun Leath WRI, EN 00274096-97 [stating that at Trapeang Pring, “a tractor was used to dig big pits and they were covered up [with dirt] after the killing”], 00274103 [“I saw [them] using a tractor to [carry dirt to] bury the victims”]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating

exhumations unearthed 200 corpses in a “hole”,<sup>3619</sup> as well as mounds containing hoes and knives.<sup>3620</sup> In 1999, the Documentation Centre of Cambodia identified four burial pits in the area, with an estimated “hundreds” of victims interred therein.<sup>3621</sup>

888. While prisoners were usually killed at Trapeang Pring, a range of other locations also served as execution sites. Detainees at Phnom Kraol prison, for example, recall guards beating prisoners to death on the spot.<sup>3622</sup> If the group of prisoners to be executed was relatively small, guards killed prisoners in the immediate vicinity of the prison.<sup>3623</sup> Some prisoners were sent from Phnom Kraol directly to S-21.<sup>3624</sup> After a group of Sector 105 cadres fled from Kev Sima District to Vietnam, their wives were arrested, detained at K-11, then transferred to S-21 for execution.<sup>3625</sup>

#### PERSECUTION

889. At Phnom Kraol, authorities imprisoned and killed individuals they perceived to be political enemies: in other words, those perceived to be opposed to CPK rule. As discussed above, the majority of prisoners within the security complex were purged cadres and those in their professional and personal circles. From Sun Vuth, detained

that at Trapeang Pring, he saw the remains of people “clubbed to death”, 00274119-20 [stating that detainees within Phnom Kraol were clubbed to death, thrown into pits, then covered with dirt by a tractor].

<sup>3619</sup> **E3/5178** Chan Bun Leath WRI, 00274097 [stating that he saw “about 200 male and female victims buried” inside a pit at Trapeang Pring and that the victims were Khmer Rouge cadres, civilians, and soldiers from Division 920]; **E3/5180** Chan Bun Leath DC-Cam Statement, EN 00274116 [stating that he saw approximately 200 bodies piled in a “hole” at Trapeang Pring].

<sup>3620</sup> **E3/5222** Sal Ra WRI, EN 00242158 [stating that after 1979, locals dug at Trapeang Pring and found hoes and knives].

<sup>3621</sup> **E3/2070** DC-Cam, *Mapping Project 1999: Mondulakiri Province*, EN 00078123.

<sup>3622</sup> **E3/7702** Sok El WRI, EN 00239510 [stating that at Phnom Kraol prison, he “personally saw Phai beat a prisoner to death ... because fellow prisoners had told Phai that he spoke an ethnic language”]; **E3/7703** Uong Dos WRI, EN 00242171-72 [stating that at Phnom Kraol prison, he saw guards repeatedly beat a shackled detainee with a half metre long wooden club and then stab the detainee to death with a bayonet].

<sup>3623</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 10.43.32-10.48.20 [stating that at Phnom Kraol prison, “sometimes if [prisoners] were in a small group, they were not sent far away for execution”]; **E3/5178** Chan Bun Leath WRI, EN 00274103 [“If they had a few people to be executed, they did not take the victims to [Trapeang Pring] but they killed them in the prison’s vicinity”].

<sup>3624</sup> **E3/1664** Sara Colm and Sorya Sim, *Khmer Rouge Purges in the Mondulakiri Highlands*, EN 00397712-00397726 [documenting the entry and execution dates of hundreds of Division 920 soldiers].

<sup>3625</sup> **E1/409.1** Chan Bun Leath, T. 28 Mar 2016, 11.17.14-11.32.11 [noting that the wives of a group of Sector 105 officials who fled to Vietnam were arrested soon thereafter and “disappeared since,” and identifying several women on S-21 list **E3/1645** as said wives]; **E3/5636** Chan Bun Leath WRI, EN 00711223, 00711226 [stating that the wives of a group of cadres that fled to Vietnam were held at K-11]; **E3/5178** Chan Bun Leath WRI, EN 00274102; **E3/1645** S-21 Prisoner List, 23 Nov 1977, EN 00809634-00809639 [recording the entry into S-21 of Nhoeng Houen, wife of Sector 105 official Lang; Duong Saran, wife of Sector 105 official Pa Hou; Kim Nget, wife of Sector 105 official Bun Noeun; Seng Prin, wife of the chief of K-16 Sroes Nhon; Srev Ble, wife of K-16 combatant Klak; Te Hot, wife of K-16 combatant Vet; Srun Li, wife of K-11 combatant Lam; and Nhang, wife of K-11 combatant Lang. All of these women were wives of the aforementioned Sector 105 officials who fled to Vietnam].

and tortured because of his status as a Division 920 soldier, to Aum Mol, detained at K-11 and interrogated about whether she belonged to a Vietnamese and/or CIA network, to Chan Toi and Neth Savat, imprisoned at K-17 because of their connections to Kham Phoun, individuals were targeted based on the notion that they were politically disloyal.

## 7. CRIMES AGAINST THE VIETNAMESE

*[T]he evil Yvon race will be wiped off the face of the earth. And we, Kampuchians, will be a happy people.*<sup>3626</sup>

– Pol Pot

890. The Khmer Rouge's nationwide genocidal campaign against Vietnamese resulted in killings on a massive scale, with murders committed throughout the country. This policy encompassed the gross deprivation of the fundamental rights of ethnic Vietnamese at various locations.
891. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes in relation to the treatment of the Vietnamese, the evidence for which is detailed below: genocide through killings; the crimes against humanity of murder, extermination, deportation (in Tram Kak, Prey Veng, and Svay Rieng) and persecution on racial grounds (in Tram Kak, S-21, Kraing Ta Chan, Au Kanseng, Prey Veng, and Svay Rieng), and, the grave breaches of wilful killing (S-21 and Au Kanseng), torture (S-21), inhumane treatment (S-21), wilfully causing great suffering or serious injury (S-21), wilful deprivation of a fair trial (S-21 and Au Kanseng), unlawful deportation (S-21), and unlawful confinement (S-21).<sup>3627</sup>

## GENOCIDAL POLICY AGAINST THE VIETNAMESE

892. From the beginning of the DK regime, the party leaders planned to eliminate ethnic Vietnamese from Cambodia. The strategy to eradicate the Vietnamese from Cambodian soil took two forms and evolved over time: deportation<sup>3628</sup> and killing. The Khmer Rouge expelled up to 150,000 ethnic Vietnamese civilians in approximately the first

<sup>3626</sup> **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394.

<sup>3627</sup> **D427** Closing Order, paras 1335, 1343-1349 [genocide through killings]; 1373 [murder]; 1381 [extermination]; 1397 [deportation (in Tram Kak, Prey Veng, and Svay Rieng)]; 1415, 1422 [persecution on racial grounds]; 1491-1495 [wilful killing]; 1498-1500 [torture]; 1501-1503 [inhumane treatment (S-21)]; 1504-1506 [wilfully causing great suffering or serious injury (S-21)]; 1507-1514 [wilful deprivation of a fair trial (S-21 and Au Kanseng)]; 1515-1517 [unlawful deportation of a civilian (S-21)]; 1518-1520 [unlawful confinement of a civilian (S-21)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>3628</sup> While deportation is not charged as a genocidal act, it is relevant to the assessment of *mens rea* for genocide in this case.



year of the DK regime,<sup>3629</sup> some of whom were massacred en route to Vietnam.<sup>3630</sup> An estimated 20,000 persons of Vietnamese or mixed Khmer-Vietnamese ethnicity remained in Cambodia after the expulsions. Almost all of these people were killed by the end of the DK regime.<sup>3631</sup>

893. As noted by Expert Alexander Hinton, “everybody suffered [during the DK regime] but there were certain groups that suffered more and certain groups that were explicitly targeted for destruction.”<sup>3632</sup> Ethnic Vietnamese were constantly portrayed by the Khmer Rouge as enemies who were a threat to Cambodia. However, simply being ethnically Vietnamese was reason enough for CPK cadres to kill a man, woman, or child.<sup>3633</sup>

#### 1. The Vietnamese as a Distinct Ethnic Group

894. The Vietnamese are a separate ethnic group in Cambodia,<sup>3634</sup> distinguished from other groups by traits such as physical features, language, and customs.<sup>3635</sup> Witnesses testified

<sup>3629</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“The demographic data is very revealing in this regard that, after an initial period of expulsions that took part -- that took place immediately after the beginning of DK, people weren’t sure -- maybe there were 200,000 ethnic Vietnamese or so, roughly, left in Cambodia, maybe 150,000 or more left the country, were expelled”].

<sup>3630</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155, citing three members of the DK navy who reported the slaughter in Kampot of Vietnamese who were trying to leave Cambodia in June 1975; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“maybe there were 200,000 ethnic Vietnamese or so, roughly, left in Cambodia, maybe 150,000 or more left the country, were expelled. Some were thought to have been killed”].

<sup>3631</sup> **E3/2413** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, 30 Sept 2009, EN 00385311 [“Kiernan’s figures of 20,000 Vietnamese still living in Cambodia around April 1975 are likely a good estimate; and so is his estimate that all 20,000 of them died from the hands of Khmer Rouge during the years from April 1975 to January 1979”]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42 [“But by and large, with the demographic estimates, you know, it’s thought that perhaps there were then, after this period of expulsions, 20,000 ethnic Vietnamese left in the country. And by the end of DK, virtually all of them are thought to have been killed”].

<sup>3632</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 13.51.38-13.53.24.

<sup>3633</sup> **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548857 [“Although a few Vietnamese did survive the KR period, they represent the exception and not the rule. In fact, the overwhelming majority of informants expressed the personal opinion that, if Khmer Rouge knew someone was Vietnamese, he or she would disappear or be killed without question”], 00548858 [“Informants also asserted that if the Khmer Rouge found out someone was Vietnamese, he or she would surely be killed. These examples illustrate how ‘ethnic Vietnamese who remained in Cambodia suffered more of an immediate threat to their livelihood because the policies enacted towards them did not tolerate even their mere physical existence.’ Duong elaborates on this point by writing that ‘The regime did not give ethnic Vietnamese the option to relinquish their ethnic identity as a mechanism for survival. One Khmer Rouge cadre stated, ‘If a person was ethnic Vietnamese, it was certain that they wouldn’t survive. Once they were discovered, that was it’”].

<sup>3634</sup> The Closing Order refers to the Vietnamese as an ethnic, racial or national group, see **D427** Closing Order paras 791, 1343. The OCP considers that the evidence of the Vietnamese being an ethnic group is equally applicable to a determination that the Vietnamese constituted a “racial group” for the purposes of the crime against humanity of persecution on racial grounds.

<sup>3635</sup> **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489828, 00489845; **E3/2119** Henry Kamm, *Cambodia: Report from a Stricken Land*, EN 00394394.

that individuals of Vietnamese ethnicity were said to have different facial features,<sup>3636</sup> and a lighter complexion.<sup>3637</sup> Similarly, Vietnamese were said to speak with a different accent from Khmer people<sup>3638</sup> or to not speak Khmer clearly.<sup>3639</sup>

895. Their distinct cultural features include the Vietnamese language, different traditional dress and cuisine, and a historical heritage and faith different from the Khmer.<sup>3640</sup> From their original arrival in the country, the Vietnamese community identified itself as a distinct ethnic group in Cambodia, and has been recognised as such by the mainstream Khmer society.<sup>3641</sup>

## 2. Deport and Smash: The CPK Policy to Destroy the Vietnamese

896. The plan to remove all Vietnamese from Cambodia was announced to Khmer Rouge leaders at the 20-25 May 1975 mass meeting in Phnom Penh.<sup>3642</sup> Pol Pot “stressed the

<sup>3636</sup> **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01; **E1/357.1** Sean Song, T. 27 Oct 2015, 15.16.42-15.18.58; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.10.18-09.12.27; **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.45.29-15.48.05.

<sup>3637</sup> **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548858 [“The Vietnamese in Democratic Kampuchea had few personal means to evade execution ... some ethnic Vietnamese possessed obvious physical differences from ethnic Khmer people, such as lighter skin and different accents when speaking Khmer. Such physical conditions were more difficult to hide than something intangible such as the new people's class status or previous employment. Vietnamese people's ethnic difference, thus, made it more likely that they would be identified by the Khmer Rouge and more easily exterminated”]; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.24.41-11.27.26; **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.45.29-15.48.05; **E1/394.1** Sieng Chanthly, T. 1 Mar 2016, 09.34.42-09.36.28. See also **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489833.

<sup>3638</sup> **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01; **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.45.54-13.50.45; **E1/370.1** Thang Phal, T. 5 Jan 2016, 16.02.43-16.06.56; **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.07.25-15.09.05; **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.06.12-16.07.30; **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.02.58-14.05.55; 15.56.14-15.58.00; **E1/394.1** Khoy Muoy, T. 1 Mar 2016, 13.40.22-13.42.20. See also **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548858; **E3/10748** [REDACTED] WRI, 12 Jan 2016, EN 01207442; **E3/9795** [REDACTED] WRI, 9 May 2014, EN 01055577.

<sup>3639</sup> **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 11.17.27-11.19.04. See also **E3/5544** Khoy Muoy WRI, 11 Sept 2009, EN 00377835.

<sup>3640</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 09.36.55-09.39.24; 09.45.15-09.47.21; **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489832-35; **E243.1** Francois Ponchaud, *Cambodia Year Zero*, EN 00862093-94.

<sup>3641</sup> **E3/3555** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489828.

<sup>3642</sup> **E1/82.1** Sao Sarun, T. 6 June 2012, 11.24.43-11.27.21 [“That’s what I heard at the time, that the Vietnamese were sent back to their country”] confirming **E3/384** Sao Sarun WRI, 30 June 2009, EN 00348375 [“Q. Did they talk about driving all of the Yuon from Cambodia? A. That was said, and the speaker was Pol Pot. Later on, I heard my lower-level cadres say that trucks transported the Vietnamese from the provinces of Kampong Cham and Kratie back to their country”]; **E3/5593** Chea Sim Interview, 3 Dec 1991, EN 00651867 [“Pol Pot spoke a lot about the question of Vietnam. He stressed the importance of the issue of evacuating all of the Vietnamese people out of Cambodian territory”], EN 00651868 [“We heard it said that Vietnam was an enemy all over the place bit by bit ... It was only Pol Pot and Nuon Chea who said this, in speeches to political schools ... The conflict became antagonistic in 1975 ... Because at that time the Vietnamese residents were expelled from Cambodian territory. So it became antagonistic”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150024 [list of 8 key points made at 20-25 May 1975 meeting, based on interviews of multiple attendees, includes: “(7) Expel the

importance of evacuating all of the Vietnamese people out of Cambodian territory", with **Nuon Chea** being heard to say "We cannot allow any Vietnamese minority" to live in Cambodia.<sup>3643</sup>

897. Sann Lorn, Ta Mok's brother-in-law,<sup>3644</sup> testified that it was Khmer Rouge policy to round up and deport the Vietnamese in 1975<sup>3645</sup> and that "a huge number of Vietnamese people were gathered and deported back to Vietnam" in Tram Kak District at the beginning of the DK regime.<sup>3646</sup> He was subsequently ordered by the Tram Kak District committee to collect thousands of Vietnamese from communes in the district for transport to Vietnam.<sup>3647</sup> Similarly, Toat Thoeun testified to transporting a group of Khmer Krom people from Battambang to Phnom Penh on to Vietnam at the end of 1975.<sup>3648</sup> "The important thing", according to Meas Voeun, who was Deputy Commander of RAK's Division 1,<sup>3649</sup> "is that 'Yuon' were not allowed to live in

entire Vietnamese minority population"]. See also **E1/52.1** Kaing Guek Eav alias Duch, T. 21 Mar 2012, 11.23.28-11.25.02 ["Pol Pot had ordered the removal -- or had ordered the repatriation of Vietnamese people to Vietnam"].

<sup>3643</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150026 ["The party secretary did make one strong, specific point. According to Chea Sim, 'Pol Pot spoke a lot about the question of Vietnam. He stressed the importance of the issue of evacuating all of the Vietnamese people out of Cambodian territory.' Heng Samrin recalls Nuon Chea's adding, 'We cannot allow any Vietnamese minority' to live in Cambodia"]. See also **E3/25** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422 ["An example: The fighting in Banam in 1973. We took everyone in Banam Town expelling the ethnic Vietnamese the ethnic Chinese the military the police we took everyone taking away the people from the enemy"]. This speech was given by **Nuon Chea**, see **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168465 ["Excerpts of speech by Nuon Chea, chairman of Cambodian People's Representative Assembly Standing Committee and acting prime minister at 16 January 'mass rally' in Phnom Penh marking ninth anniversary of Cambodian Revolutionary Army"]. The meeting was attended by **Khieu Samphan**, see **E3/147** FBIS, *Leaders Attend Meeting Celebrating Army Anniversary*, 17 Jan 1977, EN 00168464 ["Among Democratic Cambodian loaders attending this meeting were Comrade Khieu Samphan"].

<sup>3644</sup> **E1/384.1** Sann Lorn, T. 28 Jan 2016, 09.26.10-09.29.28.

<sup>3645</sup> **E1/384.1** Sann Lorn, T. 28 Jan 2016, 14.24.24-14.25.06 ["Q. So was it the Khmer Rouge policy for the rounding up of the Vietnamese, that is, it happened in 1975? A. Yes, that is correct"].

<sup>3646</sup> **E1/384.1** Sann Lorn, T. 28 Jan 2016, 09.53.41-09.56.38 ["The deportation of the Vietnamese to Vietnam took place after 1975"]; 09.56.38-09.58.14.

<sup>3647</sup> **E1/384.1** Sann Lorn, T. 28 Jan 2016, 10.44.25-10.46.57, 10.48.40-10.52.08.

<sup>3648</sup> **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.13.47-16.18.22 ["I transported Kampuchea Krom people once. Actually, I did not transport them but I escorted Vietnamese people to return to Vietnam. And it was not a land transportation, it was by river from Sala Takon (phonetic) in Battambang through Tonle Sap River. And that would lead to Phnom Penh. Then I went to receive a letter from Pang and we continued our boat journey to K'am Samnar. And then with the note -- handwritten note from Pang, I handed over the Vietnamese people as well as the Vietnamese boat to the Vietnamese authority there. In fact, when we took or escorted those Vietnamese on their boat, we towed our boat and when we returned, we returned with our towed boat"]; **E3/9610** Toat Thoeun WRI, 10 Sept 2013, EN 00974046-47 ["I have no idea I only know that Nhim had told me to take the Khmer Kampuchea Krom to see Pang, and to follow what Pang told me to do ... It was at the end of 1975 As I remember after I had collected guns and completed building the weapon warehouse, I was delegated to send them to Vietnam; after my return from Vietnam, I was assigned a new task as deputy chief of general staff in charge of the economy of the zone military"].

<sup>3649</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 13.54.29-13.57.50.



Kampuchea.”<sup>3650</sup> The April 1976 *Revolutionary Flag* charted the progress of the removal of the Vietnamese from Cambodia, noting that the Khmer Rouge had “swept hundreds of thousands of these foreigners clean and expelled them from our country”.<sup>3651</sup>

898. Killings occurred in tandem with expulsions.<sup>3652</sup> In the period April to May 1975, a commander’s request to the hierarchy in Kompong Som sought “guidance on the disposition of” more than 10 captured Vietnamese refugees.<sup>3653</sup> In response, “[t]he High Command in Kampong Som ordered the commander to kill the refugees. The Commander and his deputy carried out the order.”<sup>3654</sup> In 1976, local authorities began taking away Vietnamese under pretexts such as reeducation, relocation, work, or arrest — with the Vietnamese disappearing thereafter.<sup>3655</sup> Meas Voeun confirmed that between 1975 and 1979 “[the Vietnamese] had to be gathered up and sent to the upper echelon.”<sup>3656</sup> Witnesses testified that those “gathered up” were killed pursuant to the CPK’s policy.<sup>3657</sup>
899. By 1977, killings became the principal means of cleansing Democratic Kampuchea of all ethnic Vietnamese.<sup>3658</sup> Meas Voeun testified: “we were instructed that Vietnamese

<sup>3650</sup> **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.27.18.

<sup>3651</sup> **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853.

<sup>3652</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“During 1977 and ’78, there were no Vietnamese people living inside Kampuchea. Those who had lived in Kampuchea before either had left for Vietnam or they had all been killed since 1975”].

<sup>3653</sup> **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

<sup>3654</sup> **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

<sup>3655</sup> **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548856-57 [“according to informants, starting around 1976 or 1977, the Khmer Rouge began collecting the Vietnamese in their village. Informants said that when KR cadres took the Vietnamese away, they used a variety of different excuses, such as reeducation, relocation, work, and arrest. People were generally transported from the village by horsecart and never returned. Informants who attested to the disappearance of Vietnamese people in their villages said that by the end of 1977 or 1978, most if not all of the Vietnamese had disappeared”].

<sup>3656</sup> **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26, 09.15.00-09.17.06 [“we had to gather all those ‘Yuen’ who had lived in Kampuchea and they should be gathered in one place”].

<sup>3657</sup> See e.g. **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10; **E1/298.1** Ek Hoeun, T. 7 May 2015, 15.08.41-15.10.21, 15.24.11-15.26.03.

<sup>3658</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.38.59-14.41.45 [“Based on what I heard, that the first principle would be that they would be sent back to their country. So at the beginning they were loaded onto trucks and transported to Vietnam. But later on when the Vietnamese intensified their attacks and then the ethnic Vietnamese in Cambodia were smashed”]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155 [“Then, on 1 April 1977, the Center did send out a specific order. Left alone for a few minutes while waiting in the office of the district chief of Oudong (Region 15 in the Western Zone), a mechanic named Ros Saroeun surreptitiously read the order. This ‘Directive from 870’ (the CPK Center) instructed local officials to arrest all ethnic Vietnamese, and all Khmers who spoke Vietnamese or had

had to be smashed because they did not return to their country.”<sup>3659</sup> Pak Sok, a member of the DK navy,<sup>3660</sup> provided further evidence corroborating the instruction to kill all Vietnamese that remained in DK. He stated that there were mandatory trainings<sup>3661</sup> in all battalions in Division 164 in early 1977<sup>3662</sup> at which: “We were instructed to kill [the Vietnamese], even if it was a baby, because they are our hereditary enemy, so we must kill them.”<sup>3663</sup>

900. The Vietnamese policy was disseminated through meetings, speeches, and written material. *Revolutionary Flag*, written in large part by **Nuon Chea**,<sup>3664</sup> was delivered to zones and then onto sectors.<sup>3665</sup> Its contents were brought to the lowest echelons and were instructed to be studied collectively and individually.<sup>3666</sup> The Centre received regular updates of the implementation of the policy.<sup>3667</sup> Telegrams received by **Nuon Chea** and **Khieu Samphan** detailed the capture, interrogation, and killing of Vietnamese.<sup>3668</sup> For example, on 1 April 1978, Commander Meas Muth sent a report

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Vietnamese friends, and hand them over to state security forces. Saroeun’s Wife was Vietnamese, and he rushed home to warn her. But as Nayan Chandra reports, she already knew. ‘Vietnamese woman in the village had been bludgeoned to death by the Khmer Rouge and buried just outside the village after they had sent her Khmer husband to cut wood in the jungle.’ The husband later found his wife’s corpse. Saroeun and his wife managed to disguise her identity.”]. See also **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

<sup>3659</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 15.57.30-15.58.47 (*emphasis added*). See also **E3/5260** Khoem Samon WRI, 11 Dec 2008, EN 00327160.

<sup>3660</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 09.50.18-09.58.05.

<sup>3661</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23 [“Yes, it was the policy of the Communist Party of Kampuchea. They announced that all soldiers in division 164 needed to attend the training”]

<sup>3662</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23; **E1/370.1** Pak Sok, T. 5 Jan 2016, 14.16.24-14.19.00.

<sup>3663</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

<sup>3664</sup> **E1/23.1** Nuon Chea, T. 15 Dec 2011, 14.20.03-14.21.58 [“The ones who made the “*Revolutionary Flag*” were the Standing Committee, especially the Secretary of the Party. And me, myself, were the one who wrote it”].

<sup>3665</sup> **E3/9610** Toat Thoeun WRI, 10 Sept 2013, EN 00974042.

<sup>3666</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478506 [Every base area and every unit must organize the study of this document ... primarily collectively; then there must be additional study by group or individually”].

<sup>3667</sup> **E3/890** Telegram 59 from Chhon to Office 870, 29 Oct 1977, EN 00185187 [“On October 27 [1977] one enemy [Vietnamese soldier] panicked and hid in a villager’s house. Totally three enemies were found and caught by Villagers. Now they are being interrogated”]; **E3/501** Telegram 95 from Yi to Office 870, 11 May 1977, EN 00143562 [“Externally as in our previous reports, Vietnamese people have fled [into our country]. Actually, we have arrested five more—two arrested on Route 14 and other three caught in Sambok Sub-District. We are in pursuit of other four in Sre Chih Sub-District. News on the pursuit of enemies at Prek Bao has not heard as yet”]; **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00324809 [“We would like to report nine Yvon people fleeing from their country. According to their interrogations, they said the Yvon had assigned them to come to spy inside Kampuchea and live with the Kampuchean people in order to grasp the Kampuchean people. Now we have swept them away”]; **E3/915** Telegram 00 from Muth to Committee M-870, 31 Dec 1977, EN 00184995 [“to defend the socialist Kampuchean motherland by sweeping cleanly away and without half-measures the undercover elements of the enemy, whether the Yvon or other enemies”].

<sup>3668</sup> **E3/871** Telegram 21 from Chhon to Brother Pol, 21 Mar 1976, EN 00185241; **E3/892** Telegram 60 from

copied to **Nuon Chea** and others detailing the capture and execution of 120 “Yuon” in a three day period at the end of March 1978.<sup>3669</sup> By contrast, the same report details the release of individuals from Thailand who had been arrested.<sup>3670</sup>

901. The CPK guided the development of the policy’s implementation. In May 1978, Ros Nhim requested advice from Office 870 on what to do with “Yuons with Khmer spouses and the half-breed [Khmer-Yuon]?”<sup>3671</sup> While awaiting *Angkar*’s instructions on how to deal with these people, Rhos Nhim notes that “[i]f any of them make some [suspicious] activities, we will decide to take them out.”<sup>3672</sup> And “take them out” was what the CPK did.<sup>3673</sup> Heng Lai Heang testified that there was a policy disseminated to the district and then commune and village level<sup>3674</sup> that “those who were half-blood Vietnamese had to be smashed.”<sup>3675</sup> Uch Sunlay testified that his children were killed because they were considered Vietnamese descendants and the policy of the Khmer Rouge was “to uproot the grass.”<sup>3676</sup> He understood this to mean that “they had to

Chhon to M-870, 29 Oct 1977, EN 00185189; **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00324809.

<sup>3669</sup> **E3/928** DK Report, 1 Apr 1978, EN 00183357 [“in sum, the number of Yuon who have been captured and shot to death from 27 March 1978 through 30 March 1978 is 120 head”]. See also **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.25.05-11.28.52.

<sup>3670</sup> **E3/928** DK Report, 1 Apr 1978, EN 00183357 [“There has been in delay as regards the Siamese who are to be released, and it has not been achieved according to schedule, the reason for which is the existence of mistakes about names ... contact for providing comment also has not been achieved as wished as we cannot hear each other by field telephone. We’re reliant on telegrams from Comrade Launh”].

<sup>3671</sup> **E3/863** DK Report, 17 May 1978, EN 00321962 [“The meeting raised a question about how to decide on the elements of soldiers [from previous regime] and the Yuons with Khmer spouses and the half-breed [Khmer-Yuon]? Regarding this issue, the meeting would like to ask Angkar 870 what to do with them? Whatever Angkar decides, please give instruction”]. See also **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977, EN 00322141.

<sup>3672</sup> **E3/863** DK Report, 17 May 1978, EN 00321962 [“Generally speaking, these groups are scared of the situation and worried about their fate, but there is not yet any sign of opposing activities. If any of them make some [suspicious] activities, we will decide to take them out. Some people suggested that we should round them up and keep them in one place. I know it is not difficult to do that. The important thing is that we must be able to grasp them continuously. If they show any suspicions, we must be able to master the situation right away”].

<sup>3673</sup> See, e.g. **E3/9468** Thann Thim WRI, 2 July 2014, EN 01035007; **E3/9543** [REDACTED] WRI, 29 Apr 2014, EN 01067930; **E3/9582** Ek (Ul) Hoeun WRI, 19 Mar 2014, EN 00983572; **E3/9783** Pak Sok WRI, 21 Oct 2013, EN 00977835.

<sup>3674</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32 [“Q. And you said this morning that there was a policy that had been put into place regarding the Vietnamese and, if I understood correctly, your family was a victim of this policy because certain people in your family were arrested and disappeared. Can you tell us exactly what this policy consisted of when it was established? And if you know, who initiated this policy? A. The policy was initiated at the sector level and the instruction was disseminated to the district level and further on district levels disseminated them to the commune level and village level”]. See also **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41.

<sup>3675</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32.

<sup>3676</sup> **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00. See also **E3/9801** [REDACTED] WRI, 8 May 2015, EN 01111933.



eradicate everything.”<sup>3677</sup> Expert Alexander Hinton explained that Pol Pot’s use of the word “seed” in his April 1978 speech to describe the expulsion of Vietnamese was “a root metaphor” for “the destruction of what might be called a race”.<sup>3678</sup>

902. The methodical implementation of the CPK’s genocidal policy against the Vietnamese is evident in two 1978 Sector 37 reports to the Centre leaders. In July, Office 401 reported to *Angkar* that it was “conducting searches for Yuon spies”.<sup>3679</sup> The following month, Office 401 reported to *Angkar* that it had applied the Party’s “line to routinely remove, screen, and sweep clean” enemies, by screening for “Yuon aliens”.<sup>3680</sup> The result of this screening: “Smashed 100 ethnic Yuons: included small and big adults and children.”<sup>3681</sup>
903. The CPK continued to pursue its Vietnamese policy to the end of the regime. An Office 870 report of 1 January 1979 instructed that the CPK, the RAK, all cadres, and the Kampuchean people must continue to “track down and search out Yuon enemy agents and not allow them to hide anywhere at all, to eliminate them”.<sup>3682</sup>

### 3. Not a Military Target: The Destruction of the Ethnic Vietnamese

904. The DK regime’s policy to kill Vietnamese was aimed at all ethnic Vietnamese, military or civilian. Pol Pot’s April 1978 speech leaves no doubt that he regarded all people of Vietnamese ethnicity, both in DK and in Vietnam, as life and death enemies. Referring to the total populations of Vietnam and DK he asked, “the Yuon have a population of 50,000,000 and Kampuchea has only 8,000,000 ... can 8,000,000 fight 50,000,000 aggressors?”<sup>3683</sup> Pol Pot described a “people’s war ... to defeat the enemy”,

<sup>3677</sup> E1/395.1 Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00.

<sup>3678</sup> E1/402.1 Alexander Hinton, T. 15 Mar 2016, 11.00.45-11.02.08.

<sup>3679</sup> E3/1093 Report from Office 401 to Angkar, 23 July 1978, EN 00295171 [“In addition, we have also been conducting searches for Yuon spies”].

<sup>3680</sup> E3/1094 Report from Office 401 to Angkar, 4 Aug 1978, EN 00315368 [“2. The activities of the hidden enemy burrowing from within ... Those elements were screened out from various units and military, as well as the elements of the 17 April including former civil servants and some Chinese and Yuon aliens. But the above activities of the enemy do not seriously affect us because their activities of all forms have been grasped subsequently by our people, our male and female combatants, and our cadres. However we have had plans in place to apply the Party’s assignment line to routinely remove, screen, and sweep clean them”].

<sup>3681</sup> E3/1094 Report from Office 401 to Angkar, 4 Aug 1978, EN 00315374.

<sup>3682</sup> E3/722 Office 870 Report, 1 January 1979, EN 00183666.

<sup>3683</sup> E3/4604 *Revolutionary Flag*, Apr 1978, EN 00519833 [“Regardless, I say that there may be some views that the Yuon are very large, the Yuon have a population of 50,000,000 and Kampuchea has only 8,000,000, so how can we win? That would be hard, as they have nearly 1,000,000 troops. I want to tell you about our Army. Our regular forces are less than 100,000 in strength. Ordinarily, they maintain military secrecy, but I want to tell you this because even if I did not, they already know it. Our troops number less than 100,000. So then, can 8,000,000 fight 50,000,000 aggressors? Can less than 100,000

wherein “The Party made the determination to fight and smash large numbers of the enemy’s life forces and to protect our forces to the maximum.”<sup>3684</sup> The forces in question being smashed are civilian and not military forces, as is clear from the repeated reference to the entire Vietnamese population: “Up until today we have implemented 1 against 30, meaning we lose 1, the Yuon lose 30 ... So when we have 2,000,000 we already have more than we need to fight them because they only have 50,000,000.”<sup>3685</sup> The speech emphatically concludes that this is not a war between military adversaries, but a war between peoples: “1 against 30. If we cannot implement this slogan, we cannot seize victory. This issue does not just apply to the Army: the entire Party, the entire Army, the entire people absorb this line and view and stance.”<sup>3686</sup> Expert Alexander Hinton characterised this speech as indicative of “genocidal incitement” and noted that the term “Yuon” was “being used both against people from the country of Vietnam, but as well against people who are identified as ethnic Vietnamese”.<sup>3687</sup>

905. Those listening to Pol Pot’s speech, which was also broadcast on DK radio on 11 May 1978,<sup>3688</sup> understood it as a call to war against ethnic Vietnamese civilians, not just a military war against Vietnam. Meas Voeun testified that all Vietnamese people regardless of their status or age were “considered [as] enemies.”<sup>3689</sup> The notion of one Khmer killing 30 Vietnamese echoes **Khieu Samphan**’s 30 December 1977 statement,

troops fight nearly 1,000,000? If we are talking numbers, we see that we are fewer than they are. So then, we pose the question: How can we win? Fighting and winning, let me tell you, comes from our having to fight and win. That’s the first thing”].

<sup>3684</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519833-34 [“This stance is the winning stance, not the stance of surrender, not the stance of defeat: it is the winning stance. This is the first thing. Taking this stance, we prepared the combat line of implementing people’s war, implementing an effective combat line to defeat the enemy. The Party made the determination to fight and smash large numbers of the enemy’s life forces and to protect our forces to the maximum. We the few who attack the many must protect their own forces to the maximum and smash”].

<sup>3685</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519834; EN 00519837 [“This is what is called contradiction resolution, using the small to fight and win against the big. For small to win against big, the small, the few must know how to use a small force to attack and win against a big force. As I told you a moment ago, 1 against 30. When it is 1 against 30, one can fight for 700 more years and still not win. However, if we don’t fight this way we will not win, and if it is seen as there are 50,000,000 Yuon and we have only 8,000,000 and we give in, we cannot win, as this is already losing to them”].

<sup>3686</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519834 (*emphasis added*). See also **E3/2812** Henri Locard, *Pol Pot’s Little Red Book*, EN 00394807.

<sup>3687</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 10.56.47-10.57.56.

<sup>3688</sup> **E3/1722** FBIS, *Past Year’s National Defence Efforts Reviewed*, 12 May 1978, EN 00294787-88 [“as we mentioned earlier -- that is to say 1 against 30. If we can use one against 30, we will certainly win, even if this fight lasts 700 years or more. But, if we do not adopt this line, we will not win”].

<sup>3689</sup> **E1/387.1** Meas Voeun, T. 3 Feb 2016, 09.56.22-09.58.15. See also, **E319/23.3.44** Pak Sok WRI, 18 Oct 2013, EN 00977535 [“Yes, because the Thais had not have much conflict with Cambodians throughout history, unlike the Vietnamese, who had had much conflict with the Cambodians; that’s why the Vietnamese were considered the Hereditary Enemy and Enemy Number One”].

in which he spoke of various incidents throughout 1975, 1976, and 1977 “when 100 of the enemy were killed or wounded [and] we suffered from 3 to 5 killed or wounded”.<sup>3690</sup>

**Nuon Chea** underlined that the Vietnamese being targeted were not soldiers coming across the border. In July 1978, **Nuon Chea** told a visiting delegation that “Vietnam, in particular is trying to undermine our party by military, political, economic and ideological means. *The Vietnamese also try to infiltrate our party. We are not worried about the external military aggression. We worry most of all about the enemy inside.*”<sup>3691</sup>

#### 4. Evidence of the CPK’s Animus towards the Vietnamese as an Ethnic Group

906. Expert Alexander Hinton testified that a “pre-existing animus” towards ethnic Vietnamese “was mobilized almost from the start”<sup>3692</sup> of the DK regime and “led toward their targeting and elimination”.<sup>3693</sup> Various CPK documents classify the Vietnamese as “enemies”.<sup>3694</sup> Prak Khan testified that, between 1977 and 1978, S-21 staff were told by Duch and Son Sen at a political study session that the Vietnamese were “the hereditary enemy” of the CPK.<sup>3695</sup> The July 1978 *Revolutionary Flag* declared that the “Yuon” “have been our national enemy from the beginning up through the present, and will be

<sup>3690</sup> **E3/8304** FBIS, *Khieu Samphan Statement*, 31 Dec 1977, EN 00166070.

<sup>3691</sup> **E3/196** Nuon Chea *Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark*, 30 Jul 1978, EN 00762398-9. See also **E3/807** *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 1 Mar 1977, EN 00933843 [“Are the Yuon able to attack us? If they have no forces on the inside, they will be unable to attack us. They will be unable to attack us militarily, because we, too, are experienced in fighting, as long as they are unable to bore into us”].

<sup>3692</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42 [“you have this threat of long-standing animosity and vitriol towards ethnic Vietnamese in Cambodia that was mobilized almost from the start”]. See also **E3/20** *Elizabeth Becker*, *When the War Was Over*, EN 00237839-40.

<sup>3693</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.22.47-14.23.42.

<sup>3694</sup> **E3/805** *Minutes of the meeting of Division 920*, 16 Dec 1976, EN 00923160 [“Enemy situations: Internally, there have been no changes since *Angkar* decided there should be a purge. There was no guarantee that a regimental cadre named UI, who had once been in a Vietnamese unit of organization, lacked a spirit of responsibility and is in poor health, could serve the unit of organization. It was decided to gather to gather in one place almost 100 persons who came out of Vietnamese units of organization, at Moeng Mang village near the Ou Te rapids”], EN 00923161 [“Problems inside units of organization: On the matter of those who used to be with the Vietnamese: do not allow them to concentrate. They must be split up and sent to be carpenters and water jar makers and the like, interspersed with forces belonging to us whose stance is solid”].

<sup>3695</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“And now I am referring to the war between Kampuchea and Vietnam between ’77 and ’78. We, staff at S-21, were told that Vietnamese were the hereditary enemy of the Communist Party of Kampuchea, that we intended to retake the part of the Cochinchine, that is, Kampuchea Krom. And these instructions were relayed by Son Sen and Duch to us at S-21 during a political study session”]. See also **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.55.47-10.58.13; **E3/4524** *Elizabeth Do*, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862; **E3/20** *Elizabeth Becker*, *When the War Was Over*, EN 00238040.



our enemy in the protracted future as well.”<sup>3696</sup> In September 1978, **Nuon Chea** referred to “Vietnamese enemy’s acts” against “the Kampuchean people” in a speech.<sup>3697</sup> The propagation of such statements was effective. Meas Vocun testified that people described Vietnam as the number one enemy of Democratic Kampuchea,<sup>3698</sup> “Everyone heard of it, that they were hereditary enemies.”<sup>3699</sup>

907. Characterisation of the Vietnamese as enemies was coupled with the CPK continuously calling for their destruction. Pak Sok testified that soldiers were instructed to kill all Vietnamese, even children, “because they are our hereditary enemy”.<sup>3700</sup> **Khieu Samphan** told attendees at a 1977 meeting that “We must wipe out the enemy”.<sup>3701</sup> At an April 1978 meeting addressed by **Khieu Samphan**,<sup>3702</sup> attendees pledged “to exterminate the enemies of all stripes. Particularly the expansionist, annexationist Vietnamese enemy, in order to preserve the nation and Cambodian race forever”.<sup>3703</sup>
908. Repeated reference to the struggles of the “Kampuchean race”<sup>3704</sup> and “Kampuchean nation” reflects CPK dogma that there could only be a single race in DK,<sup>3705</sup> and its

<sup>3696</sup> **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“The Yuon enemy has committed aggression against us and swallowed our territory and committed genocide against our Kampuchean race from one generation to the next. They have been our national enemy from the beginning up through the present, and will be our enemy in the protracted future as well”].

<sup>3697</sup> **E3/76** FBIS, *Nuon Chea Hosts Banquet*, 18 Sept 1978, EN 00170388 [“We are deeply moved by the vigorous and active support which the CCP, NPC, the PRC Government and the Chinese people are giving our Kampuchean people’s just struggle against the Vietnamese enemy’s acts of territorial expansion annexation and aggression, its Indochina federation strategy and its expansionist plan and that of the expansionist power in Southeast Asia. We are deeply moved by the Chinese support for Kampuchea’s efforts in defending, preserving, strengthening and developing its revolutionary gains and in defending and preserving its independence, sovereignty and territorial integrity and the right of the Kampuchean people to determine their own future”].

<sup>3698</sup> **E1/387.1** Meas Vocun, T. 3 Feb 2016, 09.54.58-09.56.22.

<sup>3699</sup> **E1/387.1** Meas Vocun, T. 3 Feb 2016, 09.54.58-09.56.22. See also **E3/8404** DK Government Statement, 2 January 1979, EN 00419728 [“we carry out a protracted people’s war, because the whole Kampuchea’s people are against Vietnam which is a hereditary enemy”]; **E3/9801** [REDACTED] WRI, 8 May 2015, EN 01111933.

<sup>3700</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23, 13.36.35-13.38.32; **E1/370.1** Pak Sok, T. 5 Jan 2016, 14.16.24-14.19.00.

<sup>3701</sup> **E3/200** Khieu Samphan’s Speech at Anniversary Meeting, 19 Apr 1977.

<sup>3702</sup> **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010558.

<sup>3703</sup> **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010563; EN S 00010563 [“To exterminate resolutely all agent of the expansionist, annexationist Vietnamese aggressors from our units and from Cambodian territory forever”].

<sup>3704</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519837 [“To defend Kampuchean territory means to defend the Kampuchean race. If the Yuon are able to take it, the Kampuchean race will be gone within 30 years”]; EN 00519842 [“We make our Army clean, our Party clean, our people clean, so that they can fight the enemy and defend Kampuchean territory, that is, defend the Kampuchean race. Otherwise our race will disappear. Do we want to lose our race? We will lose our territory and then lose our race too if we do not defend them. The Yuon will keep coming, 1,000,000 a year, 2,000,000, and will be out of territory and will have lost our race”]; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862 [“In these episodes of disparate

strategy to eliminate all ethnic Vietnamese in the country. The CPK frequently attempted to stoke fears and racial hatred by trying to make people believe that the entire Khmer race was threatened with extinction by the Vietnamese.<sup>3706</sup> In April 1976, *Revolutionary Flag* declared that:

Our people are called the 'Kampuchean people.' However, there were many foreigners, hundreds of thousands, and one type of foreigner that was very strongly poisonous and dangerous to our people. These people have what is called a poisonous composition since they came to wolf us down, came to nibble at us, came to swallow us, came to confiscate and take away everything, and came to endanger our nation and our people.<sup>3707</sup>

909. Alexander Hinton testified that this document relates to "ethnic Vietnamese who were living in Cambodia at the time the DK regime took power",<sup>3708</sup> and suggested that the CPK were "talking about a purification"<sup>3709</sup> of the ethnic Vietnamese.
910. Such messages were repeated throughout the DK regime. In September 1978, **Nuon Chea** praised the RAK for crushing the Vietnamese strategy of "exterminating the Kampuchea's race".<sup>3710</sup> **Khieu Samphan** evoked similar images while referring to the need for Cambodians to unite to "smash the acts of aggression, expansion and anti-Kampuchean genocide" by Vietnam.<sup>3711</sup> According to David Chandler, this pitting of Khmer against Vietnamese was part of the CPK's policy of a "race war against the Vietnamese".<sup>3712</sup> The July 1978 *Revolutionary Flag* made it "[t]he national duty of all of

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treatment, both ethnic and political factors were at play. As soon as the Khmer Rouge took power, it publicly announced that there was to be only a Khmer race and began the regime's pursuit for an ethnically pure Democratic Kampuchea".

<sup>3705</sup> **E3/8404** DK Government Statement, 2 Jan 1979, EN 00419726; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150139 ["After Chan's late 1975 promotion, Ouch Bun Chhoeun joined the Region 21 Party Committee. Chhoeun's 1980 account avoided mention of the 1975 violence, but admitted the very inadequate living conditions of the people of Krauchmar 'the toughest area of all.' Asked about the Chams, Chhoeun replied: 'There was no policy of [allowing] minority nationalities Everyone was mixed together There was only one race—the Khmer from liberation in 1975 Pol Pot was very close to the Jarai and other minorities but he scattered the Islamic race'"]; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237947-8.

<sup>3706</sup> See e.g. **E3/2671** Telegram from French Ministry of Foreign Affairs, 19 Jun 1978, EN 00743306.

<sup>3707</sup> **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853;]. See also **E3/726** *Revolutionary Youth*, Jan-Feb 1978 EN 00278717; **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333.

<sup>3708</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.24.58-09.27.32.

<sup>3709</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42.

<sup>3710</sup> **E3/199** Nuon Chea Speech, 3 Sept 1978, EN 00065915 ["Through this, the people and the Revolutionary Army of Kampuchea have also crushed the Vietnamese strategy of 'Indochina Federation' aiming at swallowing the Kampuchea's territory and exterminating the Kampuchea's race, and thus inflicted an ignominious defeat on the Vietnamese strategy 'lightning attack, lightning victory'"].

<sup>3711</sup> **E3/296** FBIS, Khieu Samphan Speech, 2 Jan 1979, EN 00169295.

<sup>3712</sup> **E1/93.1** David Chandler, T. 20 July 2012, 16.02.14-16.03.42 ["By the end of 1978, they had a policy of eliminating the Vietnamese ... their public statements began to refer to the 'puch' – or the race, the

us” to “fight to eliminate our aggressive, expansionist, territory-swallowing and genocidal Yuon enemy”, the “genocidal Yuon enemy of the Kampuchean race.”<sup>3713</sup>

911. The Vietnamese were also portrayed as “traitorous”, with the May-June 1978 *Revolutionary Flag* detailing that “traitorous networks” within Cambodia needed to be attacked and that “Our sharpest attack is on the aggressive, territory-swallowing Yuon”.<sup>3714</sup> The necessary treatment for “traitors” and “enemies” was outlined by Lach Mean.<sup>3715</sup> He testified that S-21 staff were instructed by the upper echelon “that anyone brought into S-21 were considered as traitor of the nation.”<sup>3716</sup> And every traitor and enemy “needed to be smashed.”<sup>3717</sup>
912. Through this constant demonising, the CPK actively sought to incite animosity against ethnic Vietnamese. Norodom Sihanouk recalled **Khieu Samphan** telling him that to unite the people “the best thing we could do was incite them to hate the Yuons more and more every day.”<sup>3718</sup> This is exemplified in **Khieu Samphan** invoking the “national hatred” occasioned by the Vietnamese at a mass meeting in 1978.<sup>3719</sup> On 3 January 1978, Office 870 (at which time **Khieu Samphan** was the only committee member, Docun having been arrested) disseminated instructions emphasising that: “It is

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Cambodian race. It was not a word they’d used much before ... It’s a term that was meant to encourage the Cambodian citizens to pursue, engage and win a race war against the Vietnamese and, by extension, not against the Cham, but against anyone else in the country who was not Khmer”].

<sup>3713</sup> **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“The national duty of all of us its to struggle to fight to eliminate our aggressive, expansionist, territory-swallowing and genocidal Yuon enemy. Just like the Kampuchians of our current generation, absolutely no Kampuchians of any subsequent generation will lay down arms and stop fighting the aggressive and expansionist/territory-swallowing and genocidal Yuon enemy of the Kampuchean race”].

<sup>3714</sup> **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“To sum things up, on the other side in the contradiction with us are the CIA, the Yuon and the KGB, and among these the Yuon are the most noxious and acute. Proceeding from such an analysis of this acute life-and-death contradiction, what are our attack measures? 1. Our sharpest attack is on the aggressive, territory-swallowing Yuon. 2. At the same time, we attack the CIA and KGB. We attack simultaneously, but we pay most attention to attacking the Tuon [sic] because they are the most noxious and acute”].

<sup>3715</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.13.34-15.15.11 [“I worked as an interrogator in around September or October 1978 – that is, for about two or three months during the last part of the regime”].

<sup>3716</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.54.52-15.56.09 [“Q. Mr. Witness, does that refresh your recollection that you were told that once an individual was brought to S-21, they were inherently an enemy? A. Yes, that is correct. We received such instructions that anyone brought into S-21 were considered as traitor of the nation. That was the clear instruction from the upper echelon”], 15.56.09-15.58.17.

<sup>3717</sup> **E1/421.1** Lach Mean, T. 25 Apr 2016, 15.56.09-15.58.17 [“Q. Did you know what the Khmer Rouge policy was regarding enemies? A. It was their policy -- it was their policy that enemy needed to be smashed. Every enemy needed to be smashed”], 15.58.17-16.00.00.

<sup>3718</sup> **E3/1819** Norodom Sihanouk, *War and Hope*, EN 00349591.

<sup>3719</sup> **E3/169** Khieu Samphan Speech, 17 Apr 1978, EN 00280396 [“In particular, the fight against Vietnam the aggressor that wants to grab and annex our territory, further raised the political awareness and patriotism of our people and again stirred up their national hatred and class hatred. Consequently, our people’s political and ideological awareness was further developed”].



imperative ... to constantly stir up national and class anger among the people toward the Yuon enemy invader in order to turn such anger into material anger, to carry out all types of concrete activities".<sup>3720</sup> These instructions were distributed down the echelons of the Party.<sup>3721</sup> If implemented well, the document concluded, then "the Yuon invader will definitely leave piles of their bones on our soil."<sup>3722</sup>

913. The term "Yuon" was ubiquitous in CPK propaganda,<sup>3723</sup> and often used by **Nuon Chea** and **Khieu Samphan**. The *Black Paper*, published in 1978, defined "Yuon" as meaning "savage".<sup>3724</sup> Meas Vocun testified that "Yuon" referred to the Vietnamese regardless of their status as civilians and soldiers.<sup>3725</sup> Expert Alexander Hinton added that the term signals "hatred of the Vietnamese",<sup>3726</sup> is "a word that can incite hatred and violence and in the context of DK it was an incitement to genocide."<sup>3727</sup> **Nuon Chea's** chosen biographer Thet Sambath noted that **Nuon Chea** "always" used the term "Yuon" to refer to the Vietnamese.<sup>3728</sup>

<sup>3720</sup> **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296007.

<sup>3721</sup> **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296008 ["distributed in the Zone, Sector and District Party Committees, in the cooperative committees, in the battlefield committees, divisions, committees, regiments, battalions, companies, platoons, squads, combatants, and the command committees in each target area for them to absorb again and again, to constantly draw experience, and to constantly improve implementation"].

<sup>3722</sup> **E3/741** Instructions of Office 870, 3 Jan 1978, EN 00296009.

<sup>3723</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 15.54.30-15.55.47.

<sup>3724</sup> **E/23** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082517.

<sup>3725</sup> **E1/386.1** Meas Vocun, T. 2 Feb 2016, 15.54.15-15.57.30 ["Cambodians referred to them as 'Yuon'. Everybody knew about it. Usually we did not refer to them as Vietnamese and we refer to them as 'Yuon'"]; **E1/404.1** Alexander Hinton, T. 17 Mar 2016, 09.56.06-09.57.16 ["When you use the word 'Yuon', it has two valences. It can refer to people from Vietnam, Vietnamese troops, but it also stirs up incitement against ethnic Vietnamese who also are referred to as 'Yuon', often in strong racist terms, in Cambodia or DK at that time as well"], 09.57.16-09.58.05 [And to use the word isn't a sort of singular directive. It's something that inspires, incites hate towards ethnic Vietnamese in general, even when it's directed, in some contexts, some parts of this, towards the military troops of Vietnam"]; **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548862 ["Informants also attested to the Khmer Rouge's almost exclusive use of word 'yuon' to refer to Vietnamese people"].

<sup>3726</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.15.50-09.17.13 ["And of course, there's the term that's frequently invoked, which is the term 'Yuon' ... often is used and almost somewhat spat out as the only way to say it, with emotion, of the hatred of 'the Yuon'. And that term itself is one that signals this hatred of the Vietnamese other"]. See also **E1/386.1** Meas Vocun, T. 2 Feb 2016, 16.01.44-16.03.41.

<sup>3727</sup> **E1/404.1** Alexander Hinton, T. 17 Mar 2016, 12.10.24-12.11.14.

<sup>3728</sup> **E3/4202** Gina Chon & Thet Sambath, *Behind the Killing Fields*, EN 00757508 ["Even now, Nuon Chea always refers to the Vietnamese as 'Yuon', a racist term used by Cambodians"]. See e.g. **E3/26** Nuon Chea Interview, Oct 2006, EN 00329513 ["The evil groups ... There were Khmer Serei, the CIA, the KGB, the Yuon"]; **E3/108** Nuon Chea Interview, 10 June 2006, EN 00000934 [claiming that the "Yuon" set up Tuol Sleng to "blame us for killing our own people"]; **E3/3** Nuon Chea Statement, May 1998, EN 00184657 ["the Yuon withdrew a large number of soldiers, taking along with them to Hanoi about 2,000 Cambodians ... for training as Yuon cadres to continue implementing the Indochina Federation strategy ... a number of the Yuon who had led in Kampuchea and who had been secretly imbedded in the Yuon ethnic minority to continue carrying out their political line of the Indochina Federation"], 00184672 ["Right after the coup, the Yuon had no place to stay because America was attacking ... The Yuon had to

914. CPK internal propaganda emphasised highly emotive and negative descriptions of Vietnamese. The April 1977 *Revolutionary Flag* referred to CIA, KGB, and “Y[uon]’ agents” as “the cheap running dogs of the enemy” who have “been fundamentally scattered, like rats being hit and falling from their nests into the water and being chased and struck by the people and annihilated.”<sup>3729</sup> The document instructed cadres that: “[w]e must continue to strike them and trample them ... and must constantly be on the offensive against them during 1977 to smash them even more so they cannot raise their heads.”<sup>3730</sup>
915. Terms such as eradicate,<sup>3731</sup> smash,<sup>3732</sup> sweep away,<sup>3733</sup> wipe out,<sup>3734</sup> exterminate,<sup>3735</sup> liquidate,<sup>3736</sup> chop up,<sup>3737</sup> and annihilate<sup>3738</sup> were frequently used in CPK documents to

depend on us. The bitch Nguyen Thi Binh, the female commander, came to meet Phim”], 00184674 [after completing presentation on pre-75 period: “Attacking the Yuon, attacking whatever, that was later”], 00184676 [“The experience about the Yuon, that many were smashed”].

<sup>3729</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496.

<sup>3730</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496, EN 00478501 [“imperative to indoctrinate and whip-up the masses into a force to seek out the enemy, assess the enemy, analyze the enemy, track the enemy, pressure the enemy, capture the enemy, to smash the enemy, and to make the enemy be like a rat surrounded by a crowd of people beating and smashing it”].

<sup>3731</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478500 [“They, the ‘CIA’ part, the ‘KGB’ part, and the ‘Y[uon]’ part still strive to struggle free to continue their criminal activities. This is a view that we must be constantly clear on in order to have a high-level spirit of revolutionary vigilance to resist and eradicate the enemy in advance with constant mastery”]; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464065 [“Beloved Comrades, Seeing our great victories over the Yuon aggressor, With the entire Party in monolithic unity to lead the fight to eradicate the enemy”].

<sup>3732</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478502 [“One very important issue that has to be concentrated on is clearly unmasking again and again the ‘CIA’ and their agents, the ‘KGB’ and their agents, the territory swallowing ‘Y[uon]’ and their running dogs throughout the whole Party, throughout the whole Army, and throughout the people and attacking and breaking the enemy politically and preventing them forever from sneaking into our Party, our Army, and our people. As for their old roots, some of whom still remain after we have smashed them to bits, it is imperative to whip-up the people to sweep more of them clean and make things permanently clean”].

<sup>3733</sup> **E3/248** Telegram to Office 870, 1 Jan 1978, EN 00975143 [“We would like to report nine Yuon people fleeing from their country. According to their interrogations, they said the Yuon had assigned them to come to spy inside Kampuchea and live with the Kampuchea people in order to grasp the Kampuchean people. Now we have swept them away”]; **E3/1094** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315375 [“Our measures for the above enemy activities: Continuing to search for all kinds of networks of the hidden enemy burrowing from within, and sweep them clean continuously and absolutely from the bases, units, offices and various departments”].

<sup>3734</sup> **E3/1285** FBI, *DK Media Report*, 4 Jan 1978, EN 00169539 [“6. Struggle to eliminate all kinds of private, individualist concepts from ourselves as well as from the ranks of the entire Revolutionary Army and strive to build ourselves and our units into constantly strong bodies in line with the party’s proletarian collectivist stand in order to fight and exterminate the annexationist Vietnamese enemy and other enemies of all stripes so that they will be completely wiped out from our Cambodian territory and country and so that the nation’s honor will be preserved and the country’s building efforts can be carried out well and rapidly at a great-leap-forward speed”].

<sup>3735</sup> **E3/1285** FBIS, *DK Media Report*, 4 Jan 1978, EN 00169538 [“After hearing the statement of the Government of Democratic Cambodia broadcast on 31 December and repeated on 1 and 2 January 1978, appealing to the entire party and army as well as all the people to uphold revolutionary vigilance and raise high the militant banner in order to counter and exterminate the annexationist Vietnamese enemy, our male and female combatants and the cadres of the three Revolutionary Army services—ground, naval

describe what cadres should do to the Vietnamese. CPK documents used derogatory and dehumanising descriptions of the Vietnamese, with terminology such as the “[t]he Yuon stunk to high heaven and are degradingly despised as nothing”,<sup>3739</sup> that they were “evil”,<sup>3740</sup> “criminal”,<sup>3741</sup> “noxious”,<sup>3742</sup> “greedy”,<sup>3743</sup> “savage”,<sup>3744</sup> “oppressors”,<sup>3745</sup> “rats”,<sup>3746</sup> “running-dogs”,<sup>3747</sup> “germs”,<sup>3748</sup> and invoking the image of parasites,

and air forces--both at the front and in the rear area, held a meeting, as did all the Cambodian people throughout the country, to support this statement in a firm, determined, but calm and enthusiastic manner. During this meeting they expressed their seething anger and indignation at the annexationist Vietnamese enemy”].

<sup>3736</sup> **E3/765** *Revolutionary Youth*, Oct 1978, EN 00539998 [“even more importantly, it is to ready food supplies to feed the combat forces of our Revolutionary Army on the forward battlefields so there will always be plenty of food to prepare to break and smash the dry season invasion plan of the expansionist territory swallowing genocidal Yuon enemy and defeat and scatter them even more seriously up to the point that they are completely defeated and liquidated”].

<sup>3737</sup> **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“It is to lure them to our country, give them the impression that they have won military victory. And once they are inside Democratic Kampuchea, we the men and women of Kampuchea will hack them to pieces (sic!) We will chop them up (sic!) Back home in Vietnam when they (the Yuon), realize that their soldiers are not returning, they will send us more divisions. We the people of Kampuchea will continue to chop them up”].

<sup>3738</sup> **E3/8404** *DK Government Statement*, 2 Jan 1979, EN 00419729 [“Surely the Vietnamese will suffer bitter defeats and will be annihilated like all aggressors have been so in the history”].

<sup>3739</sup> **E3/746** *Revolutionary Flag*, July 1978, EN 00428289 [“Our country our people have honour and a well-known name because we have striven to build up the country by self-support and by mastery independence. The Yuon stink to high heaven and are degradingly despised as nothing, because the Yuon think only of carrying around a begging bucket and walking around with a cane to beg for charity in every nook and cranny”].

<sup>3740</sup> **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“POL POT told me We are a long way from being defeated by the Yuons (Vietnamese). However our Kampuchea will not be at peace as long as we Kampuchians have not overcome the evil Yuon race”].

<sup>3741</sup> **E3/169** Khieu Samphan, Speech at 3<sup>rd</sup> Anniversary Meeting, 17 Apr 1978, EN 00280397 [“The fact that we successfully defended our country by smashing the destructive activities of the American imperialists and their lackeys, the fact that we successfully shattered the destructive activities of the expansionists annexationists and reactionary forces of all sorts, especially the criminal acts of the aggressor, Vietnam, which wants to grab and annex our territory”].

<sup>3742</sup> **E3/727** *Revolutionary Flag*, May-June 1978, EN 00185333 [“The forces that have been opposing our revolution were organized as traitorous networks in Kampuchea by CIA organs representing American imperialism and other reactionary forces and the Yuon and Soviets. They had already organized such forces, they are organizing them now, and they will continue to organize them. All such opposition forces are CIA, Yuon and Soviet espionage agents, and it is these forces that we must attack. To sum things up, on the other side in the contradiction with us are the CIA, the Yuon and the KGB, and among these the Yuon are the most noxious and acute”].

<sup>3743</sup> **E3/562** International Media Report, *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010558 [“the greedy Vietnamese [who] have the evil intention of swallowing up our Cambodian territory”].

<sup>3744</sup> **E/23** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082517 [“Yuon is the name given by Kampuchea's people to the Vietnamese since the epoch of Angkor and [which] means ‘savage.’ The word ‘Vietnam’ and ‘Vietnamese’ are very recent and not often used by Kampuchea's people”]. See also **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237827.

<sup>3745</sup> **E3/5720** Pol Pot, Public Statement, 5 Jan 1979, EN S 00017564-65 [“The whole people of Kampuchea are determined not to accept to be lackey of the Vietnamese, not to lose their own nation, not to let the Vietnamese oppress, exploit and plunder them at will. The Vietnamese enemy have increased and are increasing contradictions between them and the whole Kampuchea's nation and people. These contradictions are very deeply rooted and more and more increasing from day to day”].

<sup>3746</sup> **E3/742** *Revolutionary Flag*, Apr 1977, EN 00478496 [“Y[uon] agents ... have been fundamentally



describing the Vietnamese as “enemies boring from within”.<sup>3749</sup> The Vietnamese were also depicted as sexually deviant, being accused of raping Cambodian girls<sup>3750</sup> and selling Vietnamese girls in order to achieve their annexationist ambitions.<sup>3751</sup>

916. The CPK also targeted civilians within Vietnam.<sup>3752</sup> Shortly after **Khieu Samphan’s** April 1977 speech about wiping out the “enemy”,<sup>3753</sup> Khmer Rouge units attacked villages and towns in An Giang and Chau Doc provinces, burning houses and killing hundreds of civilians.<sup>3754</sup> **Khieu Samphan** would later describe these attacks as “medieval-type cruelties”,<sup>3755</sup> stating that “[t]here is no doubt that the Khmer Rouge made forays into Vietnamese villages along the border, committing appalling crimes against Vietnamese civilians.”<sup>3756</sup>
917. Murderous forays in Vietnamese territory continued, with CPK units making no distinction between Vietnamese soldiers and ordinary civilians.<sup>3757</sup> An 8 April 1978 report from Son Sen to Ieng Sary detailed the killing and wounding of “many

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scattered, like rats being hit and falling from their nests into the water and being chased and struck by the people and annihilated”].

<sup>3747</sup> **E3/746** *Revolutionary Flag*, July 1978, EN 00428303-04 [“CIA agents, Yvon running-dog agents and KGB agents have spread the fire of the quick-burning flames of national and class hatred have been broadly transformed into a great mass movement to eliminate the aggressive, expansionists, territory-swallowing Yvon enemy”].

<sup>3748</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519842 [“Enemies from near and far come to make propaganda and deceive and defraud us and frighten us, to make us fear the enemy. They must be eradicated. Do not let those germs bore inside among our people, our Party, our Army. We make our Army clean, our Party clean, our people clean, so that they can fight the enemy and defend Kampuchean territory, that is, defend the Kampuchean race”].

<sup>3749</sup> **E3/746** *Revolutionary Flag*, July 1978, EN 00428303-04 [“national and class hatred have been broadly transformed into a great mass movement to eliminate the aggressive, expansionists, territory-swallowing Yvon enemy and to sweep cleanly away the concealed enemies boring from within”].

<sup>3750</sup> **E3/266** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082543 [“The population of Kampuchea seethed with deep hatred towards the Vietnamese so that it was not necessary to conduct campaigns to arouse it. The Vietnamese who raped girls were punished. They kept on creating incidents. The high levels of the Communist Party of Kampuchea have always strived to smoothe things over as much with the Vietnamese as with the population”].

<sup>3751</sup> **E3/266** DK Ministry of Foreign Affairs, *Black Paper*, Sept 1978, EN 00082516 [“The Vietnamese have often resorted to these sordid methods consisting of selling their girls in order to achieve their annexationist ambitions. Today they still do not hesitate to carry out the same repugnant methods to swallow the other country’s territories”].

<sup>3752</sup> See e.g. **E3/376** Lay Len WRI, 7 Jan 2009, EN 00278691.

<sup>3753</sup> **E3/200** *Khieu Samphan’s Speech at Anniversary Meeting*, 19 Apr 1977, EN S 00004164.

<sup>3754</sup> **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-66.

<sup>3755</sup> **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

<sup>3756</sup> **E3/18** Khieu Samphan, *Cambodia’s Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

<sup>3757</sup> See e.g. **E3/1269** International Media Report, 3 Mar 1978, EN S 00009871 [“Kampuchean troops were ordered to ‘Kill all, burn all, destroy all!’ in their attacks on Vietnamese territory, five captured Kampuchean soldiers told French reporters in Vietnam’s Tay Ninh Province last month”]; **E3/9384** SRV Ministry of Foreign Affairs, Facts and Documents, Jan 1978, 00187275, 00187288.

hundreds” and the burning of “hundreds of houses” in an attack on a “population center” and a “market” across the Vietnamese border.<sup>3758</sup> The notebook of an S-21 interrogator covering January 1978 to July 1978 details how “[w]e attacked inside the Yuon territory” and claimed that Khmer Rouge units “[a]chieved the principle of 1 - 30”,<sup>3759</sup> demonstrating that CPK forces sought to implement Pol Pot’s policy that each Khmer should kill 30 Vietnamese.

918. Norodom Sihanouk recalled that Pol Pot had told him that the CPK army were sent “to Kampuchea Krom ... with the mission to kill as many men women and children as possible of the evil race.”<sup>3760</sup> Pol Pot planned greater attacks, claiming that “in the final phase, we will enter their territory, Annam and Tonkin, after liberating our Kampuchea Krom, and kill their women and children (boys, girls and infants).”<sup>3761</sup>
919. **Nuon Chea** continued to describe the “Yuan” as “evil” long after the fall of the DK regime.<sup>3762</sup> **Khieu Samphan**’s animus also continued after 1979, telling journalists that Vietnam was “the enemy and aggressor, swallower of territory and exterminator of our race.”<sup>3763</sup> Repeating the notion of a race war, **Khieu Samphan** accused the Vietnamese of carrying out “a special war of racial extermination”.<sup>3764</sup>

## IMPLEMENTATION OF THE GENOCIDAL POLICY AGAINST THE VIETNAMESE

### 1. Deportation of the Vietnamese

920. The CPK plan to cleanse DK territory of all Vietnamese inhabitants resulted in some 150,000 being deported in the early part of the DK regime.<sup>3765</sup> After the Khmer Rouge

<sup>3758</sup> **E3/1075** Telegram 18 from Brother Van, 8 Apr 1978 [“The enemy that struck into Sector 24 at Trapeang Pream and Baray has been attacked and totally broken by us, and has withdrawn to the rear. We hit and burned all of their five tanks. Their forces were killed and wounded in large numbers. We attacked and entered the Dong Thap population center and the market south of Trapeang Pream and Tan Chau; we killed and wounded many hundreds of them and burned hundreds of houses”].

<sup>3759</sup> **E3/833** Notebook by Man Nai alias Chan, EN 00184607.

<sup>3760</sup> **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“Regarding the situation which prevailed on the eve of the total defeat by Vo Nguyen Giap’s army and the army of Heng Samrin Hun Sen — POL POT told me We are a long way from being defeated by the Yuons (Vietnamese). However our Kampuchea will not be at peace as long as we Kampucheans have not overcome the evil Yuan race. I started by sending our army to Kampuchea Krom ... with the mission to kill as many men women and children as possible of the evil race. However it was not possible to kill them all in their territory. In Annam and Tonkin tens of millions of them are still alive and kicking”].

<sup>3761</sup> **E3/7478** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394. See also **E3/8170** Letter from Vietnam’s UN ambassador to UN Security Council, 8 Jan 1979, EN 00078306.

<sup>3762</sup> **E3/26** Nuon Chea *Interview between Nuon Chea and Japanese Journalist*, EN 00329513.

<sup>3763</sup> **E3/617** Khieu Samphan Interview, Sept 1979, EN S 00721500-501.

<sup>3764</sup> **E3/601** Kampuchea Newsletter, *Khieu Samphan Meets Journalists*.

<sup>3765</sup> **E3/1690** Ben Kiernan, *The Pol Pot Regime*, EN 00104205, 00104207, 00104231; **E3/384** Sao Sarun WRI, 30 June 2009, EN 00348375.

defeated the Lon Nol regime, Sann Lorn, Tram Kak District committee messenger and brother-in-law of Ta Mok,<sup>3766</sup> “saw a huge number of Vietnamese people were gathered and deported back to Vietnam.”<sup>3767</sup> In 1975, he was ordered by the Tram Kak District committee to transport large numbers of Vietnamese bound for Vietnam.<sup>3768</sup> He testified that it was Khmer Rouge policy to round up and deport the Vietnamese.<sup>3769</sup> The task of collecting the rounded up Vietnamese from communes in Tram Kak took four days.<sup>3770</sup> The district level was responsible for the lists of Vietnamese to be deported.<sup>3771</sup> One large truck was used that carried 50 to 60 people on each trip.<sup>3772</sup> When Sann Lorn delivered his human cargo, the chief of the district militia received these people.<sup>3773</sup>

921. In 1976, the Vietnamese and DK governments implemented an exchange, whereby Vietnamese living in Cambodia would be sent back to Vietnam, and Khmers living in Vietnamese territory would be sent back to DK.<sup>3774</sup> Former Tram Kak District Secretary

<sup>3766</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 09.31.03-09.33.54, 09.26.10-09.29.28.

<sup>3767</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 09.53.41-09.56.38 [“The deportation of the Vietnamese to Vietnam took place after 1975”], 09.56.38-09.58.14 [“I witnessed the deportation of the Vietnamese, but I was not involved”].

<sup>3768</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 09.58.14-10.01.47 [“Q. ... one of his WRIs that you were involved in the transportation of about 9,000 Vietnamese families or Vietnamese people. Is that correct, that the transport of people that you discussed earlier, referred to earlier, was it a transport of about 9,000 Vietnamese? A. Yes, that is correct. But the transportation took place on the order from the district level. The district gave the order to me to transport those people”], 10.44.25-10.46.57, 10.48.40-10.52.08, 14.21.05-14.24.24 [“It happened in 1975. I was instructed to transport those Vietnamese people. That’s the – that was the time that I realized about the Vietnamese”]; E319.1.32 Ek (Ul) Hocun WRI, 19 Mar 2014, EN 00983574 [“Lan alias Muoy, Ta Mok’s younger brother in law currently living in Cheang Tong commune was the one who went around arresting Vietnamese nationals and took them to be killed. Lan arrested Vietnamese nationals from some communes including Angk Ta Saom, Popel, Leay Bour, and Srac Ronoung. I do not know how many Vietnamese nationals were in Tram Kak. District I knew only the number of Vietnamese nationals in these four communes because Lan told me that he had brought along trucks to transport only 9,000 Vietnamese families from these four communes”].

<sup>3769</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 14.24.24-14.25.06.

<sup>3770</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 11.02.40-11.10.48.

<sup>3771</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 14.28.23-14.30.16 [“No, I did not receive any list. There were other individuals who were responsible for that. In fact there were people at the district office who were in charge of that affair and I, myself, was not aware of that”].

<sup>3772</sup> E1/384.1 Sann Lorn, T. 28 Jan 2016, 11.10.48-11.12.30, 11.16.44-11.19.11.

<sup>3773</sup> E1/384.1 Sann Lorn, T. 28 January 2016, 11.08.35-11.10.48.

<sup>3774</sup> E1/286.1 Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33 [“I left Kampuchea Krom when there was the Vietnamese exchange program”]; E1/287.1 Beng Boeun, T. 2 Apr 2015, 14.40.35-14.43.53 [“I was told that Angkar would send the Vietnamese back to their country although I did not know about the exchange programme”]; E1/289.1 Thann Thim, T. 21 Apr 2015, 09.36.50-09.39.15 [“there was a swap between Vietnamese and Cambodians”]; E1/298.1 Ek (Ul) Hocun, T. 7 May 2015, 15.13.39 [“Started from 1976, there was a plan of the exchange program for the Khmers living in Vietnam to the ‘Yuen’s’ who lived in Cambodia”]; E1/262.1 Ry Pov, T. 12 Feb 2015, 09.12.53-09.14.21 [“I went to live in Vietnam and by February 1976, I was exchanged to come and live in Cambodia”]; E3/9604 Ry (Peou) Pov WRI, A82; E3/5832 Cheang Sreimom WRI, A14.



Pech Chim testified that the programme represented a solution to the issue of the Vietnamese.<sup>3775</sup>

922. Ry Pov, Yem Khonny, and other Cambodians who had previously fled to Vietnam returned to Cambodia, unaware of the dire situation under the DK regime.<sup>3776</sup> Ry Pov testified that approximately 1,500 families, comprising thousands of people, were then gathered to be returned to Cambodia.<sup>3777</sup> An equal number of Vietnamese were expelled to Vietnam from Tram Kak and elsewhere under the exchange.<sup>3778</sup>
923. DK officials in Tram Kak dictated who could leave.<sup>3779</sup> Mixed families, including parents and children, were often split apart, with those considered Vietnamese sent away and those considered Khmer staying behind.<sup>3780</sup> Though Pech Chim testified that “they all agreed to return to Vietnam”,<sup>3781</sup> the opposite is true. The Vietnamese living in Tram Kak and elsewhere had no genuine choice when the alternative was death.
924. Deportations occurred throughout the country. Toat Thoeun testified that he was instructed by Pang, of the Centre office, to transport a group of Khmer Krom people to Vietnam towards the end of 1975.<sup>3782</sup> Heng Lai Heang saw Vietnamese being

<sup>3775</sup> **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.08.15-10.10.50.

<sup>3776</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.21.01-09.22.53; **E1/288.1** Yem Khonny, T. 3 Apr 2015, 09.11.53-09.13.40.

<sup>3777</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.27.33-09.29.12 [“To my knowledge, the number of people who fled to live in Vietnam from my village, there were 1,000 families and we were put into one location in Vietnam. ... I still recall that there were about 1000 to 1,500 families. And when we returned to Cambodia, we were divided into three different phases. And for my batch, I travelled first with other families and then there were other batches who would be returned later”].

<sup>3778</sup> **E3/9604** Ry (Peou) Pov WRI, A12, A14. See also surviving DK documents regarding people from Vietnam who had settled into various Tram Kak District communes after the exchange, which sheds further light on the scale since an equal number were displaced from Democratic Kampuchea; **E3/2917** Confirmation Report from Phan in Popel Commune to District Angkar, 8 May 1977 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **E3/4083** Name List of People who Have Just Come from Srok Yuon (Vietnam), EN 00323977-78 [list of 18 Khmer Krom families in Cheang Tong commune].

<sup>3779</sup> **E3/4104** DK Report on Enemy Situations, 3 May 1977, EN 00322088.

<sup>3780</sup> **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.08.15-10.10.50 [“when the husbands were Vietnamese, some of them decided to return to Vietnam and left behind their wives. Or, both husbands and wives could go back to Vietnam together. And in other instances they would share the children, for example one child would return to Vietnam with the husband and another child would remain in Cambodia with the wife”]; See also **E3/2435** Report to District Angkar from Ang Ta Saom, 26 April 1977 [asking district authorities to decide whether Cambodian spouses of Vietnamese people in Angk Ta Saom Commune should be authorised to go to Vietnam].

<sup>3781</sup> **E1/292.1** Pech Chim, T. 24 Apr 2015, 10.10.50-10.12.52.

<sup>3782</sup> **F1/3.1** Toat Thoeun, T. 6 July 2015, 16.13.47-16.18.22 [“I transported Kampuchea Krom people once. Actually, I did not transport them but I escorted Vietnamese people to return to Vietnam. And it was not a land transportation, it was by river from Sala Takon (phonetic) in Battambang through Tonle Sap River. And that would lead to Phnom Penh. Then I went to receive a letter from Pang and we continued our boat journey to K’am Samnar. And then with the note -- handwritten note from Pang, I handed over the Vietnamese people as well as the Vietnamese boat to the Vietnamese authority there. In fact, when

transported by vehicles, during the day and at night, after 1975 at Kantout village in Kratie.<sup>3783</sup> He understood that the CPK policy was first to deport and subsequently to smash the ethnic Vietnamese in DK.<sup>3784</sup> In Prey Veng, many ethnic Vietnamese were forced to move to Vietnam in 1975 and 1976.<sup>3785</sup> Sao Sak testified that the Vietnamese in her area of Prey Veng, including mixed families, were continuously gathered up and sent to Vietnam.<sup>3786</sup> This happened gradually starting even before 1975.<sup>3787</sup> Sao Sak heard that they were evacuated to Vietnam<sup>3788</sup> and were not allowed to live in Cambodia.<sup>3789</sup>

925. The nationwide deportation was effective. The April 1976 *Revolutionary Flag* declared that “our democratic revolution swept hundreds of thousands of these foreigners clean and expelled them from our country, got them permanently out of our territory.”<sup>3790</sup> The same document described these forced removals as having “sorted this issue out cleanly and sorted it out entirely”.<sup>3791</sup>
926. Nevertheless, expulsions continued. Prak Doeun testified that, having been forcibly relocated to Ta Mov island in 1977, the unit chief announced that the Vietnamese were subject to be returned to Vietnam and if anyone wished to go — they should.<sup>3792</sup> This

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we took or escorted those Vietnamese on their boat, we towed our boat and when we returned, we returned with our towed boat”]; **E3/9610** Toat Thoeun WRI, EN 00974046-47 [“I have no idea I only know that Nhim had told me to take the Khmer Kampuchea Krom to see Pang, and to follow what Pang told me to do ... It was at the end of 1975 As I remember after I had collected guns and completed building the weapon warehouse, I was delegated to send them to Vietnam; after my return from Vietnam, I was assigned a new task as deputy chief of general staff in charge of the economy of the zone military”].

<sup>3783</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 15.35.58-15.36.50 [“At that time, I was at Kantuot village of Kantuot commune”]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 15.54.28-15.56.23 [“Relating to the sending of Vietnamese people back to their country, I learnt about this in 1972-’73, in 1973. As for the elimination of the mixed-blood children, it was after the liberation of Phnom Penh. The deportation of Vietnamese to their country took place before the liberation of Phnom Penh. For the elimination of the remaining mixed-blood Vietnamese children took place after the liberation of Phnom Penh. That is what I can recall. I cannot recall the date”].

<sup>3784</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.38.59-14.41.45 [“Based on what I heard, that the first principle would be that they would be sent back to their country. So at the beginning they were loaded onto trucks and transported to Vietnam. But later on when the Vietnamese intensified their attacks and then the ethnic Vietnamese in Cambodia were smashed”].

<sup>3785</sup> **E3/7760** Em Bunnim WRI, 4 Apr 2009, EN 00322930; **E3/7811** Bun Reun WRI, 15 Jan 2009, EN 00282554.

<sup>3786</sup> **E1/362.1** Sao Sak, T. 3 Dec 2015, 15.18.57-15.21.41.

<sup>3787</sup> **E1/362.1** Sao Sak, T. 3 Dec 2015, 15.22.56-15.23.59.

<sup>3788</sup> **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.44.10-09.46.08.

<sup>3789</sup> **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.46.08-09.48.00 [“I heard from my fellow villagers that those people were evacuated to their home country, Vietnam because the Vietnamese were not allowed to live in Cambodia that’s what I heard from fellow villagers”].

<sup>3790</sup> **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517854.

<sup>3791</sup> **E3/759** *Revolutionary Flag*, Apr 1976, EN 00517853.

<sup>3792</sup> **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

was no real choice, however, as the alternative was to stay and be killed. Prak Doeun witnessed 20 to 30 Vietnamese people<sup>3793</sup> being rounded up and put into a covered boat.<sup>3794</sup> He testified that one Vietnamese woman remained in the cooperative but was beaten by cadres for speaking Vietnamese and she too was subsequently sent to Vietnam.<sup>3795</sup>

927. Witness Choeung Yaing Chaet was deported from Kampong Chhnang to Vietnam via Prey Veng in exchange for salt and rice.<sup>3796</sup> Two months earlier his family had been killed.<sup>3797</sup> He travelled on a boat to Phnom Penh, with 60 or 70 other boats carrying Vietnamese.<sup>3798</sup> Then he transferred to a ferry with 50 or 60 other Vietnamese people.<sup>3799</sup> When they arrived at Neak Leung, cadres counted the people on the ferry and in exchange, the Vietnamese provided salt and rice.<sup>3800</sup> In Svay Rieng, Sin Chhem testified to hearing of deportations of mixed-Vietnamese in 1978.<sup>3801</sup> She saw members of mixed-Vietnamese families being arrested and forced to flee.<sup>3802</sup>
928. Some of those rounded up and told they were being sent to Vietnam were, in fact, killed.<sup>3803</sup> Uch Sunlay's Vietnamese mother-in-law boarded a truck with other Vietnamese persons in Kratie having been told they would be sent to Vietnam.<sup>3804</sup> Uch Sunlay testified that the driver of the truck told him that these people were executed.<sup>3805</sup> Similar reports of individuals being killed instead of being transported to Vietnam come from Sector 37.<sup>3806</sup> Author Ben Kiernan conducted interviews during which he

<sup>3793</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.04.02-14.05.45.

<sup>3794</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

<sup>3795</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.05.45-14.07.50.

<sup>3796</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 13.54.00-13.57.57 ["Ta Ly was able to send us to Vietnam when Angkar made an exchange of salt and rice with Vietnam. That's all I know. At that time, I was able to go because he hid me in the boat"]. See also E3/5260 Khoem Samon WRI, 11 Dec 2008, EN 00327160.

<sup>3797</sup> E1/364.1 Choeung Yaing Chaet, T. 8 Dec 2015, 10.41.22-10.43.32.

<sup>3798</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 15.15.45-15.20.00.

<sup>3799</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 13.57.57-14.03.22.

<sup>3800</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 14.11.57-14.15.56.

<sup>3801</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.51.30-10.54.58.

<sup>3802</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 15.17.07-15.21.27.

<sup>3803</sup> See e.g. E3/5506 Sau Khon WRI, 25 Oct 2009, EN 00398865.

<sup>3804</sup> E1/395.1 Uch Sunlay, T. 2 Mar 2016, 09.26.15-09.29.10.

<sup>3805</sup> E1/395.1 Uch Sunlay, T. 2 Mar 2016, 09.23.44-09.26.15.

<sup>3806</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150155 ["On the coast of Region 37, officials again called on 'Vietnamese' to volunteer for repatriation. Two groups of volunteers assembled in 1977, including Chinese 'and even some Khmers who did not want to stay;' hoping to pass themselves off as Vietnamese. Both groups were allegedly massacred in turn"].



recorded reports of massacres of Vietnamese who volunteered for repatriation in 1977.<sup>3807</sup>

## 2. Killings of the Vietnamese

929. Even while deportations were ongoing, from the beginning of the DK regime, the CPK also killed Vietnamese to ensure that the group was eradicated from Cambodian territory. In April-May 1975, Division 164 requested information from higher echelons on how to deal with detained Vietnamese:

[U]nit captured a boat carrying more than 10 Vietnamese refugees, including women and children ... The 408th Commander contacted Kampong Som for guidance on the disposition of the refugees. The High Command in Kampong Som ordered the Commander to kill the refugees. The Commander and his Deputy carried out the order.<sup>3808</sup>

930. Following the mass expulsions, there were many Vietnamese who had not returned to Vietnam and who, in line with CPK policy,<sup>3809</sup> had to be smashed.<sup>3810</sup> Individuals of Vietnamese ethnicity were sought out and executed throughout the country.<sup>3811</sup>

### a) *Searching Out the Vietnamese Population*

931. Ros Saroeun, a mechanic interviewed by Expert Ben Kiernan, was in the district office in Oudung on 1 April 1977 when he read a "Directive from 870" that instructed local

<sup>3807</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

<sup>3808</sup> **E3/7842** US Department of Defence, Organization of Sector 37 and 3RD/164TH Division Forced on Tang Island after the Mayaguez Incident, EN 00387429.

<sup>3809</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274730; **E1/269.1** Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10; **E1/298.1** Ek Hocun, T. 7 May 2015, 15.08.41-15.10.21, 15.24.11-15.26.03; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.08.20-11.10.02 ["Q. ... Who -- in terms of entity or body, who was leading that campaign? Where was that coming from, in general? A. The standing -- the CPK Standing Committee would be the apex of control in terms of disseminating the Party line propaganda, ideology and giving orders that would go down and run throughout the country. And also mobilizing the army, of course"].

<sup>3810</sup> **E1/386.1** Meas Vocun, T. 2 Feb 2016, 15.58.47-16.00.12; **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 14.22.36-14.24.28; **E1/362.1** Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41 ["Anyone who was related to Vietnamese origin would be taken away and killed"]; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.07.20-11.08.20 ["Q. ... in your opinion, based on interviews you have had, the propaganda you have reviewed and the research you have done, were Vietnamese civilians living in Cambodia targeted for killing during the DK regime? A. Yes, the case seems strong and compelling"].

<sup>3811</sup> See e.g. **E3/375** Ban Seak WRI, 6 July 2009, EN 00360759; **E3/5246** Saom Ruos WRI, 25 Sept 2008, EN 00234112; **E3/7793** Chuy Kimva, 15 Sept 2008, EN 00231651; **E3/5512** Chin Kimthong WRI, 3 Nov 2009, EN 00403583; **E3/5511** Riel Son WRI, 29 Oct 2009, EN 00412172; **E3/9780** [REDACTED] WRI, 27 Feb 2014, EN 00986183; **E3/7721** Srei Saphon WRI, 18 June 2009, EN 00347714; **E3/5587** Dou Yang Aun WRI, 15 Dec 2009; **E3/7761** Van Mao WRI, 25 Sept 2008, EN 00234119; **E3/7815** Chan Roeun WRI, 29 Jan 2009, EN 00284772; **E3/9745** Ou Dav WRI, 11 Sept 2014, EN 01074610; **E3/9776** [REDACTED] WRI, 12 Mar 2014, EN 00985204-05; **E3/405** Chhaom Se WRI, 31 Oct 2009, EN 00406215; **E3/10756** [REDACTED] WRI, 4 Feb 2016, EN 01213403; **E3/5248** Tem Kimseng WRI, 7 Oct 2008, EN 00235146; **E3/9547** [REDACTED] WRI, 19 Mar 2013, EN 00935608; **E3/9562** [REDACTED] WRI, 18 Dec 2014, EN 01059955; **E3/9450** Long Sokhai WRI, 15 Mar 2012, EN 00804710; **E3/9606** [REDACTED] WRI, 12 Mar 2014, EN 00983633; **E3/9489** Tak Boy WRI, 3 Apr 2012, EN 00842065.

officials to arrest all ethnic Vietnamese, and all Khmers who spoke Vietnamese or had Vietnamese friends, and hand them over to state security forces.<sup>3812</sup> Witness testimony and documents have demonstrated that this policy was implemented.

932. In July 1977, Meas Voeun attended a congress of the West Zone with senior CPK leaders.<sup>3813</sup> He testified that the purpose of the meeting was to instruct attendees about smashing enemies including the “Yuong” and that the CPK “wanted to search out the infiltrated enemies that were within the army or cooperatives.”<sup>3814</sup> This instruction from senior leaders was carried out at the lower echelons. Lists of Vietnamese families were compiled at the village and district level, as well as reports and “statistics” of arrests of Vietnamese, and forwarded to the upper echelons.<sup>3815</sup> Such lists were prepared “from the group to the village and the village to the commune and commune to the higher up.”<sup>3816</sup> Meas Voeun testified that villagers knew who the “Yuong” were and gave this information to soldiers.<sup>3817</sup>
933. Both military and civilian cadres were tasked with identifying Vietnamese in their midst.<sup>3818</sup> Prum Sarun, chief of a platoon in Banan District after 1975,<sup>3819</sup> testified that his battalion chief told him to report any Vietnamese in his unit, and the battalion chief would then pass the report on to the upper echelon — meaning the chief of the

<sup>3812</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155; **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237947.

<sup>3813</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.27.47-14.31.25.

<sup>3814</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

<sup>3815</sup> **E3/2443** DK Report from Chorm to local Angkar of Tram Kak District, 5 June 1977; **E3/861** DK Report, May 1978, EN 00184010-11; **E3/2435** DK Letter from Ang Ta Saom to District Angkar, 26 Apr 1977; **E3/2438** DK Communication by Yi, *List of Kampuchea Krom people from Kus Commune*, 29 Apr 1977; **E3/2424** DK Report from Chorm to Tram Kak Commune, 22 Sept 1977; **E3/2424** DK Report from Chhocun to District Police, 27 July 1978; **E3/2441** DK Report from Saen to Angkar, 14 May 1977. See also, **E1/363.1** Sao Sak, T. 7 Dec 2015, 09.36.48-09.38.48 [“I thought that the village chief also did some statistics or made some records about the ethnicity of the villagers but for me in my village, I knew those who had Vietnamese wives or Vietnamese husbands but in Angkar in the village chief I think they may have done some statistics about the ethnicity of the villagers, that’s why people in the higher ranking, in the Angkar, they knew something about the ethnicity of the people in the village”], 09.40.10-09.41.28 [“When they did the statistics, they did about the ethnic Khmer, I did not know about the ethnic Vietnamese”]; **E1/394.1** Sieng Chanthy, T. 1 Mar 2016, 09.36.28-09.38.32, 09.51.22-09.53.00; **E1/361.1** Prak Doeun, T. 2 Dec 2015, 14.01.32-14.04.02.

<sup>3816</sup> **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52.

<sup>3817</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 16.06.12-16.07.30 [“The first thing that I differentiated is that they spoke with accent, they spoke Khmer with accent and, secondly, through their neighbours. They knew them and how long they had lived in the area. Because for them, although they speak the Khmer language fluently, the local villagers would know that they were ‘Yuong’. And they told us”].

<sup>3818</sup> **E1/394.1** Uch Sunlay, T. 1 Mar 2016, 15.51.45-15.53.08.

<sup>3819</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.30.52-13.34.00.

district.<sup>3820</sup> Prum Sarun was told that the upper echelon would “handle” the Vietnamese, meaning they would kill them.<sup>3821</sup>

934. Office 401 reported to *Angkar* in August 1978 that it had screened for “Yvon aliens” pursuant to the Party’s policy<sup>3822</sup> and executed them.<sup>3823</sup> Hieng Lai Heang testified that screenings to find people with Vietnamese origin took place in Kratie District, Special Sector 505.<sup>3824</sup> Likewise, Prak Doeun testified that when he and his family were moved to Ta Mov island in 1977,<sup>3825</sup> he was asked by CPK cadres if his wife was Khmer or Vietnamese.<sup>3826</sup> He further testified that the cadres were aware of who was Vietnamese,<sup>3827</sup> and that this information probably came from someone within his unit.<sup>3828</sup> He was also questioned whether there were any Vietnamese in his cooperative.<sup>3829</sup> Nuon Chea, in a speech to Danish communists in 1978, claimed credit for using informants among the population to turn in their Vietnamese neighbours. He said that in the search for “Vietnamese and KGB agents ... [w]e also sought the opinion of the masses. We have thus been able to uncover enemy agents step-by-step.”<sup>3830</sup>
935. People of Vietnamese descent sought to hide their ethnicity in fear for their lives.<sup>3831</sup> Prak Doeun, whose wife was Vietnamese, testified that he did not use the Vietnamese

<sup>3820</sup> E1/364.1 Prum Sarun, T. 8 Dec 2015, 13.45.34-13.48.08.

<sup>3821</sup> E1/364.1 Prum Sarun, T. 8 Dec 2015, 13.48.08-13.50.19 [“‘To handle’ means ‘to have them killed’”].

<sup>3822</sup> E3/1094 Report from Office 401 to Angkar, 4 Aug 1978, EN 00315368 [“2. The activities of the hidden enemy burrowing from within: Based on an overall examination during this 1 month, the hidden enemy burrowing from within carried out all forms of their activities to stir up and cause conflicts, to attack and oppose, and to smash us continuously and more profoundly. These are caused by a small number of the not good elements who are the henchmen of the enemy or who are implicated by the enemy. Those elements were screened out from various units and military, as well as the elements of the 17 April including former civil servants and some Chinese and Yvon aliens. But the above activities of the enemy do not seriously affect us because their activities of all forms have been grasped subsequently by our people, our male and female combatants, and our cadres. However we have had plans in place to apply the Party’s assignment line to routinely remove, screen, and sweep clean them”].

<sup>3823</sup> E3/1094 Report from Office 401 to Angkar, 4 Aug 1978, EN 00315374 [“About the screening of the Yvon elements CIA agents and the not good elements: 1-Smashed 100 ethnic Yvons included small and big adults and children”]. See also E3/9562 [REDACTED] WRI, 18 Dec 2014, EN 01059963.

<sup>3824</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.24.32-14.26.44 [“Q. Do you know if there were orders that residents needed to write their biographies and if there were lists of people who had Vietnamese origins? A. Yes, there was. At that time they called it ‘chumrouen’ (phonetic) or census. Q. And what did this word ‘chumrouen’ (phonetic) mean? A. The word ‘chumrouen’ (phonetic) means to do the screening or gathering”]. See also E3/9779 Hang Song WRI, 7 Dec 2012, EN 00876143.

<sup>3825</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.52.34-13.53.48.

<sup>3826</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

<sup>3827</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.59.48-14.01.32.

<sup>3828</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.59.48-14.01.32.

<sup>3829</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.49.07-15.50.44.

<sup>3830</sup> E3/196 Nuon Chea Statement of the Communist Party of Kampuchea to the Communist Workers’ Party of Denmark, 30 July 1978, EN 00762402.

<sup>3831</sup> See e.g. E3/9666 Leng Ra WRI, 23 Apr 2014, EN 01072507.



name of one of his daughters from mid-1976,<sup>3832</sup> as he was afraid she would be killed if her Vietnamese name was known.<sup>3833</sup> Despite his efforts, Prak Doeun's daughter was subsequently killed.<sup>3834</sup> The campaign against people of Vietnamese ethnicity was so blatant and brutal, Khmer people feared speaking to ethnic Vietnamese, fearing that they too would be taken away and killed.<sup>3835</sup>

936. Cadre in the provinces sought directions from *Angkar* in Phnom Penh as to what to do with Vietnamese once they had been detained. A telegram sent by Division 801 on 15 June 1977 reported the capture of a group of Jarai who had come from Vietnam, whom the telegram described as “209 Yuon troops, among whom there were nine women”. The telegram, copied to **Nuon Chea** and others, requested a decision from “the highest level” on the individuals.<sup>3836</sup>

*b) Digging the Root: The CPK's Matrilineal Targeting of Vietnamese*

937. Lower echelons sought guidance from the CPK centre on the policy towards families where Vietnamese and Khmer had wed or had children together. A request from the Ang Ta Som Commune to the Tram Kak District Office in April 1977 asks what to do with families in which one spouse was Vietnamese.<sup>3837</sup> In May 1978, Ros Nhim made a similar request, asking Office 870 what to do with “Yuons with Khmer spouses and the half-breed [Khmer-Yuon]?”<sup>3838</sup> Pursuant to its policy to “dig up the root” in order to forever destroy its enemies, the CPK targeted the children of such mixed marriages if

<sup>3832</sup> **E1/361.1** Prak Doeun, T. 2 Dec 2015, 11.40.59-11.43.40, 13.36.27-11.38.55.

<sup>3833</sup> **E1/361.1** Prak Doeun, T. 2 Dec 2015, 13.40.59-13.43.40 [“I would like to tell the Chamber that the reason was because I was so afraid that I would lose my daughter if I was using her original name. If I kept using her original name at the time, she would have been killed. For this reason, I asked children in the children unit of the genocidal regime to help me by referring to her as Mi Kabak (phonetic) or Mi Kapuk (phonetic)”; 13.36.27-13.39.55. See also **E1/381.1** Doung Ourn, T. 25 Jan 2016, 09.28.34-09.30.16; 09.56.30-09.59.14 [“I was afraid that they would take my child away to be killed. For that reason, I named my child Kamean and I was told not to name her Kim Va, but to use Kamean. Accordingly, I adopted that name for her according to their suggestion”], 10.45.49-10.48.20 [“The child was not arrested since the child was the offspring of Cambodian mother; only the father was taken. If the mother was a genuine Khmer, the child would be spared”].

<sup>3834</sup> **E1/361.1** Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46; **E1/362.1** Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

<sup>3835</sup> **E1/393.1** Sieng Chanthly, T. 29 Feb 2016, 15.58.37-15.59.45.

<sup>3836</sup> **E3/240** *Telegram 07 to Respected Brother*, 15 June 1977, EN 00182771.

<sup>3837</sup> **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977.

<sup>3838</sup> **E3/863** *DK Report*, 17 May 1978, EN 00321962 [“The meeting raised a question about how to decide on the elements of soldiers [from previous regime] and the Yuons with Khmer spouses and the half-breed [Khmer-Yuon]? Regarding this issue, the meeting would like to ask Angkar 870 what to do with them? Whatever Angkar decides, please give instruction”]. See also **E3/2435** Letter of request for opinion addressed to the respected and beloved District Angkar, 26 Apr 1977.

the mother was Vietnamese, believing that ethnicity was matrilineal.<sup>3839</sup> Thus, where the wife was Vietnamese, she and the children would be taken away and killed.<sup>3840</sup> If the husband in a mixed marriage was Vietnamese, the husband would be taken away but the children were often allowed to live.<sup>3841</sup> Uch Sunlay's wife and three children were killed during the DK regime. He testified that his children were killed because they were considered Vietnamese descendants.<sup>3842</sup> Doung Ourn, whose Vietnamese husband was killed, testified that their daughter was not taken away because she was the offspring of a Cambodian mother.<sup>3843</sup> Witnesses repeatedly attested to this practice,<sup>3844</sup> and signaled that it was widely known amongst the population.<sup>3845</sup> Khmer men whose

<sup>3839</sup> **E3/4524** Elizabeth Do, *Treatment of the Vietnamese Minority in Democratic Kampuchea from a Comparative Perspective*, EN 00548857-58 ["Firstly, informants from Pochen Dam noted a pattern in how their local Khmer Rouge collected Vietnamese families, all of which consisted of Khmer and Vietnamese spouses. Informants said that they observed the Khmer Rouge collecting the mother and children of a family if the mother was Vietnamese but only the father of the family if father was Vietnamese. Informants observed this pattern in the Khmer Rouge's collection of all four Vietnamese families in Pochen Dam, and said that KR cadres did not make such a distinction when they collected other people from the village. Informants from other villages, however, said that the Khmer Rouge in their village collected only the Vietnamese parent (and not his or her children), and still other informants said that KR cadres collected the entire family if they found out that even one member was Vietnamese. All of these patterns were observed by informants and never publicly announced as a policy of the Khmer Rouge. The pattern observed in Pochen Dam village, though it raises a possible distinction between the Khmer and Vietnamese experience, requires more investigation"].

<sup>3840</sup> **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56 ["For those who had Vietnamese wives and children, their wives were taken away to be killed. I felt pity for them; at least they should have kept their children alive. It was extremely callous"]; 10.40.45-10.42.56 ["Their children were also taken away to be killed. It was so brutal"].

<sup>3841</sup> **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00 ["If the husband was Vietnamese, only the husband would be taken away, not the wife. But if the wife was Vietnamese, the wife together with the children would be taken away"].

<sup>3842</sup> **E1/395.1** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00.

<sup>3843</sup> **E1/381.1** Doung Ourn, T. 25 Jan 2016, 10.45.49-10.48.20 ["The child was not arrested since the child was the offspring of Cambodian mother; only the father was taken. If the mother was a genuine Khmer, the child would be spared"].

<sup>3844</sup> **E1/367.1** Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56 ["For those who had Vietnamese wives and children, their wives were taken away to be killed. I felt pity for them; at least they should have kept their children alive. It was extremely callous"]; 10.40.45-10.42.56 ["Their children were also taken away to be killed. It was so brutal"]; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00 ["If the husband was Vietnamese, the husband would be taken away, not the wife. But if the woman was a Vietnamese, the woman together with the children would be taken away"]; **E1/381.1** Doung Ourn, T. 25 Jan 2016, 10.48.20-10.49.42 ["The Vietnamese would be taken away, all of them would not be spared in that regime. Since my child belonged to a Cambodian mother, only the husband was taken away"]; **E1/394.1** Khouy Muoy, T. 1 Mar 2016, 11.23.01-11.24.36 ["the children of a ... a Vietnamese woman, were taken away and killed after the mother was taken away and killed and that I should be careful and that I should stop weeping; otherwise, I would be taken away and killed"]; **E1/476.1** Heng Lai Heang, T. 19 Sept 2016, 14.28.32-14.30.44 ["During that period of time, only half-blood Vietnamese people were smashed. For example, if the mother was Vietnamese the mother would be arrested and smashed and later on the half-blood children were arrested and then half-blood grandchildren were also arrested"]; 14.30.44-14.33.06 ["Q. So if I understand you correctly, in some families, insofar as there would be one grandparent who was of Vietnamese origin, the rest of the lineage would be eliminated. Is that what you are telling the Chamber? A. Yes"].

<sup>3845</sup> **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.31.00-14.32.55 ["It was widely known to villagers, including me. If the husband was Khmer and the wife was Vietnamese, she together with the children were taken away.

Vietnamese wives were killed were also forced to remarry with a Khmer woman.<sup>3846</sup> Targeting very young children who were believed to carry Vietnamese ethnicity and ensuring that Khmer married Khmer was a manifestation of the Party leaders' intent to erase future generations of Vietnamese or part-Vietnamese and to destroy the group as such.

### 3. Killings in the North Zone

938. In late 1978,<sup>3847</sup> individuals of Vietnamese ethnicity were taken to Khsach Pagoda in Chi Kraeng District, Sector 106 and killed. Three witnesses testified to seeing the massacre take place.<sup>3848</sup> Um Suonn, who lived in the village neighbouring Khsach pagoda, clarified that there were a number of Vietnamese families living in the area before 1975, but very few by late 1978.<sup>3849</sup> There had also been a Vietnamese temple close to the Khsach pagoda but it disappeared.<sup>3850</sup>
939. There were two Vietnamese families living in the vicinity of Khsach pagoda. Sean Song testified that Neary Chantha was in his mobile unit<sup>3851</sup> and was told that she was being transferred to study tailoring in Phnom Penh.<sup>3852</sup> She was born in Cambodia<sup>3853</sup> but people in the village knew her family was Vietnamese.<sup>3854</sup> In fact, Neary Chantha<sup>3855</sup> and two of her grandparents<sup>3856</sup> were taken to Khsach pagoda and killed.<sup>3857</sup> The other family included a female spouse named Hong. Y Vun testified that Hong's mother was

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If the husband was Vietnamese and the wife was Khmer, only the husband was taken, not a single child was taken"].

<sup>3846</sup> E1/379.1 Lach Kry, T. 20 January 2016, 14.17.55-14.21.15. See also, E1/361.1 Prak Docun, T. 2 December 2015, 15.38.35-15.41.03.

<sup>3847</sup> E1/357.1 Sean Song, T. 27 Oct 2015, 15.10.05-15.12.10; 15.12.10-15.14.25; E1/368.1 Y Vun, T. 15 Dec 2015, 09.57.12-09.59.50 ["In 1978, there were executions of ethnic Vietnamese, including Ta Khut"]; 10.03.34-10.04.55 ["It happened after the harvest season ended"]; E1/366.1 Um Suonn, T. 11 Dec 2015, 09.13.06-09.15.43; E3/5540 Long Mary WRI, 30 Aug 2009, EN 00384420.

<sup>3848</sup> E1/365.1 Um Suonn, T. 9 Dec 2015, 11.15.53-11.19.31; E1/357.1 Sean Song, T. 27 Oct 2015, 15.05.22-15.07.52; E1/368.1 Y Vun, T. 15 Dec 2015, 09.27.50-09.30.10.

<sup>3849</sup> E1/365.1 Um Suonn, T. 9 Dec 2015, 11.27.18-11.29.22.

<sup>3850</sup> E1/365.1 Um Suonn, T. 9 Dec 2015, 11.27.18-11.29.22.

<sup>3851</sup> E1/357.1 Sean Song, T. 27 Oct 2015, 15.14.25-15.16.42. See also E1/368.1 Y Vun, T. 15 Dec 2015, 09.27.50-09.32.10; E3/9335 Sean Sung WRI, 10 July 2008, EN 00274728.

<sup>3852</sup> E1/357.1 Sean Song, T. 27 Oct 2015, 15.14.25-15.16.42. See also E1/368.1 Y Vun, T. 15 Dec 2015, 14.08.50-14.11.48; E1/365.1 Um Suonn, T. 9 Dec 2015, 13.57.15-13.59.41; E3/9335 Sean Sung WRI, 10 July 2008, EN 00274728.

<sup>3853</sup> E1/357.1 Sean Song, T. 27 Oct 2015, 15.16.42-15.18.58; E1/358.1 Sean Song, T. 28 Oct 2015, 09.10.18-09.12.27; E1/368.1 Y Vun, T. 15 Dec 2015, 09.35.20-09.39.24.

<sup>3854</sup> E1/358.1 Sean Song, T. 28 Oct 2015, 09.08.12-09.12.27; E1/365.1 Um Suonn, T. 9 Dec 2015, 11.23.40-11.25.26; E1/368.1 Y Vun, T. 15 Dec 2015, 09.36.55-09.39.24.

<sup>3855</sup> E1/368.1 Y Vun, T. 15 Dec 2015, 09.59.50-10.01.07. See also E3/7778 Um Sun WRI, 10 Oct 2008, EN 00235152.

<sup>3856</sup> E1/368.1 Y Vun, T. 15 Dec 2015, 09.32.10-09.35.20.

<sup>3857</sup> E1/365.1 Um Suonn, T. 9 Dec 2015, 11.21.05-11.23.40.



Vietnamese and her father ethnic Chinese.<sup>3858</sup> She was executed at Khsach Pagoda along with her three children who ranged in age from one week to three years old.<sup>3859</sup>

940. People were brought to Khsach pagoda from various villages, communes, and districts.<sup>3860</sup> A large library next to the pagoda was full of people detained.<sup>3861</sup> Um Suonn could hear those detained in the library talking and from their accents knew that they were Vietnamese.<sup>3862</sup> Witnesses' estimates of the number of persons detained ranged from dozens to hundreds.<sup>3863</sup>
941. Sean Song testified that he heard guards asking whether individuals were Vietnamese or Chinese. When people said they were Vietnamese, they were killed at the pit.<sup>3864</sup> Those who said they were Chinese were walked out of the killing site and sent back to their villages.<sup>3865</sup> Y Vun told the Court that he knew of a Chinese person who survived the executions at Khsach pagoda.<sup>3866</sup> Um Suonn testified to hearing the executioners accuse people of being "Yvon" before executing them one by one.<sup>3867</sup>
942. The killings took place in the evening<sup>3868</sup> and lasted between two and four hours.<sup>3869</sup> Sean Song watched the executions for about an hour<sup>3870</sup> and saw between 60 and 80

<sup>3858</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 09.39.24-09.43.25 ["The mother was an ethnic Vietnamese, while her husband was an ethnic Chinese, but he was known by the name of Sea and he spoke only Chinese"].

<sup>3859</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 10.49.25-10.51.46 ["All of them were killed at Wat Khsach"], 09.40.58-09.43.25 ["Due to my poor memory, I'm not sure whether she had one child or three children but I remember her name well, Hong"]; **E3/7686** Launh Khun WRI, 26 August 2008, EN 00275406 ["I remember that my husband's younger brother Kea, his younger sister Hong and Hong's husband Chai along with three of Hong's children and my mother in law Nheav were killed. All three of Hong's children: one was three years old; one was just learning to walk; and another had been born the week before"].

<sup>3860</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.23.31-09.25.35, 14.37.15-14.39.01; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.12.05-10.13.00.

<sup>3861</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.12.10-15.14.25; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.27.20-09.28.35.

<sup>3862</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.47.35-13.50.45.

<sup>3863</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.25.35-09.28.35; **E1/365.1** Um Suonn, T. 9 Dec 2015, 15.09.13-15.11.20; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.41.31-10.42.49.

<sup>3864</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.33.22-15.35.48 ["For those who said they were Vietnamese, they were killed at the pit"]; **E1/358.1** Sean Song, T. 28 Oct 2015, 11.06.19-11.10.18. See also **E3/7890** Sean Sung WRI, 26 Nov 2009, EN 004422314.

<sup>3865</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.38.41-15.41.00; 15.53.00-15.55.06.

<sup>3866</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 10.12.05-10.13.00 ["Amongst those who were brought in, only one was alive. However, I cannot recall her name, and she was asked about her origin and she said she was Chinese"], 10.34.53-10.38.48.

<sup>3867</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.23.05-14.25.02 ["They were referring to those people of 'the 'Yvon', the fish head'. They were not being referred to as the 'Vietnamese', but the 'Yvon'. Just after that, I then heard the sound of beating. The victims were walked to be killed one at a time"].

<sup>3868</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.20.21-15.22.35.

<sup>3869</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.45.54-13.47.35; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.46.42-10.49.25.

<sup>3870</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.27.20-15.29.54; **E3/9335** Sean Sung WRI, 10 July 2008, EN

people being killed.<sup>3871</sup> Sean Song testified that Vietnamese mobile unit worker Chantha had her abdomen cut open and her gallbladder removed.<sup>3872</sup> Her gallbladder was put in a container of wine which the killers drank.<sup>3873</sup> Those killed included children and babies.<sup>3874</sup> Some children were killed using bamboo clubs or were thrown into a pit alive.<sup>3875</sup> Babies were executed by being smashed against a tree.<sup>3876</sup>

943. All of those killed, adult and children, were thrown into the pit after being executed.<sup>3877</sup> Dead bodies filled the pit,<sup>3878</sup> which was approximately five metres by five to ten metres, and three metres in depth.<sup>3879</sup> The pit was partially covered in dirt and limbs were sticking out.<sup>3880</sup> Y Vun noticed clothes scattered around the pagoda site<sup>3881</sup> and a bamboo trunk club with blood stains on it.<sup>3882</sup> Um Suonn saw Chantha's dead body<sup>3883</sup> and gallbladders which had been removed from victims.<sup>3884</sup>

00274730.

<sup>3871</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.18.43-09.20.31, 09.21.42-09.23.31 ["I was there for about an hour. And the figure I provided is just my personal estimation. The numbers could range between 60, 70 and 80. Of course, I did not count individual victims; I am only providing you with my estimate; however, the incident happened before my very eyes"]. See also **E1/365.1** Um Suonn, T. 9 Dec 2015, 15.09.13-15.11.20; **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274729.

<sup>3872</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12 ["A. When they walked her out, they mentioned her name -- that is, Chantha. And I followed -- I actually saw them walk into the pit, but she was not killed there. She was dragged away about 10 metres from the pit. And then they actually bent her head down under her legs, and then they removed her gall bladder, placed it in a container of wine and drank it"]. See also **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274729; **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.35.08-14.38.06; **E1/366.1** Um Suonn, T. 11 Dec 2015, 09.25.57-09.28.44.

<sup>3873</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12.

<sup>3874</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.35.48-15.38.41.

<sup>3875</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 16.01.25-16.03.29 ["To my observation, some children were killed to death, and some others were thrown into the pit ... After the children arrived at the killing site, some of them were killed and some other were thrown up into the air. And when they fell down into the pit, they fainted and collapsed, and perhaps they died afterwards"]; **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.30.36-14.33.35 ["As for older children, they were beaten to death with a bamboo club. As for toddlers, they were held by their legs and smashed against coconut trees. Five-year-old or six-year-old children were beaten to death with a bamboo club"].

<sup>3876</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.30.36-14.33.35 ["I want to tell the Court that babies or children were held by their legs, and smashed against coconut trees, and thrown on to the existing pile of bodies. I saw that with my own eyes"], 14.30.36-14.33.35.

<sup>3877</sup> **E1/357.1** Sean Song, T. 27 Oct 2015, 15.07.52-15.10.05; **E1/358.1** Sean Song, T. 28 Oct 2015, 09.05.33-09.08.12.

<sup>3878</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.10.01-14.11.25, 15.11.20-15.20.58; **E1/368.1** Y Vun, T. 15 Dec 2015, 11.03.14-11.05.18.

<sup>3879</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.28.35-09.31.50; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.59.30-11.01.10.

<sup>3880</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 09.28.35-09.31.50; **E1/368.1** Y Vun, T. 15 Dec 2015, 11.03.14-11.05.18.

<sup>3881</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 10.55.36-10.57.30.

<sup>3882</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 10.57.30-10.59.30.

<sup>3883</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 13.59.41-14.01.10.

<sup>3884</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.38.06-14.40.06.

944. Sean Song testified that his village chief told him there was an order from a higher echelon to kill the Vietnamese.<sup>3885</sup> Y Vun was told by other villagers that the village chief received his orders from the upper echelon.<sup>3886</sup> No people of Vietnamese origin in the villages or communes of the area survived these executions.<sup>3887</sup>

#### 4. Killings in the Northeast Zone

945. Amongst the prisoners detained at Au Kanseng Security Centre because they were perceived as having some connection to Vietnam or the Vietnamese,<sup>3888</sup> a large group of ethnic Jarai arrested by Division 801 soldiers after crossing the border from Vietnam were imprisoned and executed.<sup>3889</sup> A 15 June 1977 telegram addressed to Pol Pot, **Nuon Chea**, and Ieng Sary from Zone Secretary Vi detailed how Division 801 had captured and detained 209 “Yuan soldiers”, all of whom were Jarai and at least nine of whom were women, and requested orders on what action to take.<sup>3890</sup> Although the evidence indicates that these were opponents of the Hanoi government seeking refuge in Cambodia, the paranoid DK authorities nevertheless targeted them as an “enemy”.<sup>3891</sup> The American weapons and backpacks they possessed suggested that among their ranks

<sup>3885</sup> **E1/358.1** Sean Song, T. 28 Oct 2015, 10.00.08-10.01.20. See also **E3/9335** Sean Sung WRI, 10 July 2008, EN 00274730.

<sup>3886</sup> **E1/368.1** Y Vun, T. 15 Dec 2015, 14.07.00-14.08.50 [“I heard from others that only after they had received the order from the upper echelon did they dare to do something”].

<sup>3887</sup> **E1/365.1** Um Suonn, T. 9 Dec 2015, 14.28.42-14.30.36 [“They disappeared and never returned. They were all executed. No one was spared. And the names of those whom I knew never returned as well. They were all killed in that pit”]; **E1/368.1** Y Vun, T. 15 Dec 2015, 10.54.12-10.55.36.

<sup>3888</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 11.09.02-11.11.05 [“it was difficult for me to record any responses from Vietnamese prisoners because I do not speak Vietnamese, and since Lai spoke Vietnamese; he was used to interpret the responses”]; **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11-12 [“Jarai were in fact captured and brought to the Au Kansaeng Security Office ... there were some ethnic minority prisoners, and there were some ethnic Vietnamese as well”].

<sup>3889</sup> **E3/405** Chhaom Se WRI, A12 [“In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border because the Vietnamese had driven these Jarai from Vietnamese territory”]; **E3/5512** Chin Kimthong alias Chhang WRI, A11 [“Jarai were in fact captured and brought to the Au Kansaeng Security Office ... There were more than 100 of those Jarai”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“in one night they arrested 105 prisoners from the border ... I knew that they were Jarai because I heard them speaking the language”].

<sup>3890</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.56.00-15.58.50 [“When I received them at the security centre, there were less than 200 people”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 11.19.45-11.22.26; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771-72.

<sup>3891</sup> **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00897667 [“When asked they replied that they were ordinary people who came to defect to Cambodia ... It is not true that they came along with many others from Dak Keu but were ambushed by the Vietnamese”]; Note Apparently the Jarai had said that they had been part of a larger group that was ambushed by Hanoi forces as the telegram claims. See **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.58.50 [“A. They were not accused of being Vietnamese soldiers. From the information I received from the battlefield, they were considered as Thieu-Ky soldiers in the war before 1970”]; **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“The assessment is that these contemptibles are external enemies who have come to go undercover on our soil”].



were former combatants who had fought against the communist forces in Vietnam, as does the fact that they reported having been ambushed by Vietnamese forces.<sup>3892</sup> However, the fact that most were unarmed and there were children in the group establishes that the great majority were simply civilians.<sup>3893</sup>

946. Au Kanseng did not have the capacity to detain the Jarai prisoners so they were placed in a tiny space because the door could be locked.<sup>3894</sup> Torture methods such as electrocution were specifically used on the Jarai prisoners.<sup>3895</sup> The order to execute the group came from the Zone office.<sup>3896</sup> After the mass execution of the Jarai prisoners, including women and children,<sup>3897</sup> their bodies were thrown into pits formed by B-52 bomb craters.<sup>3898</sup>

### 5. Killings in the Northwest Zone

947. Killings of those with Vietnamese ancestry in the Northwest Zone were widespread, with reports that individuals with “any Vietnamese blood” were killed from mid-1977.<sup>3899</sup>

<sup>3892</sup> **E3/240** Ry’s telegram no. 07 reported to Brother about arrested of 207 Vietnamese enemies, 15 June 2977, EN 00897667.

<sup>3893</sup> **E3/240** DK Telegram from Vi to Respected Brother, 15 June 1977, EN 00182771 [“while on patrol, the production unit of 801 stationed in 107 captured 209 Yuon troops ... All of them are of Jarai nationality and speak Khmer with an accent. They have been transferred to holding”]; **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.44.40-15.47.57 [“When I received those ethnic Jarai at my centre, I did not receive any information that they were armed. They just delivered ethnic Jarai to us. And some of them were in their thirties, some others below 25 and there were elderly people in their forties, in late forties; one or two of them”]; **E3/7684** Khoem Peou WRI, EN 00250074 [“They were Khmer and Jarai, men, women and children, who were tied up together and brought from the border”]; **E3/9326** Mao Phat WRI, EN 00272580 [“Those Jarai included men, women, and children. I personally heard their screams”].

<sup>3894</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.39.08.

<sup>3895</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.31.44 [“From my recollection, those electrical shocks were used when Jarai were sent into the security centre”].

<sup>3896</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 16.04.18-16.07.20 [“I can recall the instruction of Ta Saroeun ... about ethnic Jarai after the report of Se ... he summed it up by saying that, “Please solve it.” “Solve it” is the term they used. And from what we understood, the word “solve it” meant to kill”]; **E3/405** Chhaom Se WRI, A12.

<sup>3897</sup> **E3/406** Chin Kimthong alias Chhang WRI, EN 00404078.

<sup>3898</sup> **E1/405.1** 2-TCW-900, T. 21 Mar 2016, 15.36.49-15.39.08 [“There was a pit used to put the Jarai people who had been killed. That pit was the result of a B-52 bombing”]; **E1/396.1** Moeurng Chandy, T. 3 Mar 2016, 13.40.13-13.41.56 [“I was picking up the vegetables in a nearby place. From that location, I could see Jarai people were smashed and then thrown into the pit”]; **E1/395.1** Phon Thol, T. 2 Mar 2016, 11.20.17-11.22.47; **E3/407** Chhaom Se WRI, A21; **E3/5512** Chin Kimthong alias Chhang WRI, A11; **E3/9326** Mao Phat WRI, EN 00272580.

<sup>3899</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150155 [“In the Northwest Zone, a Khmer woman recalled that in mid-1977, after the arrival of the Southwest Zone cadres, the authorities ‘started killing people with any Vietnamese blood.’ A man from the Northwest adds that after Southwest cadres came in May 1977, six ethnic Vietnamese were murdered in his village in August”]. See also **E3/5187** Prum Sarun WRI, 18 June 2008, EN 00274177-78; **E3/7737** Im An WRI, 17 June 2008, EN 00274160; **E3/9508** [REDACTED] WRI, 20 Jan 2014, EN 00980543; **E3/7869** Hak Nheum, SOAS/HRW Interview, 12 Oct 2005, EN 00352000; **E3/9051** Khor Mot DC-Cam Interview, 17 June 2011, EN 00987554-56;

Banan District

948. Prum Sarun, a member of Battalion 1 in Phnom Sampov Commune,<sup>3900</sup> testified that there were three or four Vietnamese families in Battalion 2.<sup>3901</sup> He witnessed four Vietnamese family members being arrested and walked to a termite mound at Tuol Ta Trang.<sup>3902</sup> The cadres who made the arrests returned without those people who had been arrested.<sup>3903</sup> Approximately two days later, the witness saw four dead bodies at Tuol Ta Trang.<sup>3904</sup> After these killings, no Vietnamese remained in Prum Sarun's village.<sup>3905</sup> The Vietnamese within other battalions were also killed at Tuol Ta Trang.<sup>3906</sup>

**6. Killings in the Southwest Zone**Kampong Som Province

949. Meas Voeun was the Deputy Commander of West Zone Division 1.<sup>3907</sup> Both Division 164 (which reported to the Centre) and Division 1 received the same orders.<sup>3908</sup> Meas Voeun explained that the three branches of the military (navy, air force, and infantry) would hold a meeting, after which the divisional commander would relay instructions to the witness, who would relay them to the regimental level.<sup>3909</sup> The navy and Division 1 cooperated and shared information on operations to capture Thai and Vietnamese boats<sup>3910</sup> and they would collaborate to seize boats that encroached on Cambodian waters.<sup>3911</sup>

950. Meas Voeun testified unequivocally that there was a policy to eliminate the Vietnamese living in Cambodia between 1975 and 1979, stating:

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**E3/9068** Lat Bandet DC-Cam Interview, 15 June 2011, EN 00969798-99; **E3/9101** Pheach Ruos DC-Cam Interview, 17 June 2011, EN 00969843-44.

<sup>3900</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.36.02-13.40.05.

<sup>3901</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.05.55-14.09.30. The witness initially testified to seeing two Vietnamese being arrested and taken away, *see* 13.52.33-13.55.00.

<sup>3902</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.55.00-13.58.47, 14.05.55-14.09.30, 15.55.30-15.56.14 ["I said between three and four Vietnamese individuals. They were taken away to be killed at Tuol Ta Trang"].

<sup>3903</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.05.55-14.09.30.

<sup>3904</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.01.04-14.02.58, 14.05.55-14.10.56, 14.19.03-14.21.46.

<sup>3905</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 14.19.03-14.21.46. *See also*, **E3/5187** Prum Sarun WRI, 18 June 2008, EN 00274178.

<sup>3906</sup> **E1/364.1** Prum Sarun, T. 8 Dec 2015, 13.41.09-13.43.46 ["there were Vietnamese within other battalions, particularly Battalion Number 2 where Vietnamese were taken away, and killed at Tuol Ta Trang"].

<sup>3907</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 13.54.29-13.59.18.

<sup>3908</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.02.24-14.03.43.

<sup>3909</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.03.43-14.06.06.

<sup>3910</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.03.43-14.08.07.

<sup>3911</sup> **E1/386.1** Meas Voeun, T. 2 Feb 2016, 14.06.06-14.08.07.

Yes, I heard about that. I heard about the Vietnamese living in Kampuchea. Vietnamese who lived in Cambodia did intend to cause troubles to the Kampuchean people and did not do an honest living. Initially, from -- stating from 1970, they were peacefully sent to -- sent back to their country by the Cambodian government, and that continued until 1975. So then for us, later on we were instructed that Vietnamese had to be smashed because they did not return to their country. There were then clashes along the border due to this issue.<sup>3912</sup>

951. Asked whether there were many Vietnamese who had not returned to Vietnam and who had to be smashed, Meas Voeun responded:

Yes, there were. When there were allowed to return to their country not every one of them returned. Some of them remained living in Kampuchea or married with Kampuchean people. The majority of them who decided to remain living in Cambodia were living in Kampong Chhnang, that is along the riverbanks. And then that's why there were later on clashes between the Vietnamese and the Kampuchean people. And it also happened in the West Zone.<sup>3913</sup>

952. According to Meas Voeun,

Kampuchean people at the time were angry with the 'Yuon' and later on, we were attacked by the 'Yuon' troops. So the revenge -- the spirit of revenge still lives on. If they were to live in Kampuchea in harmony then nothing would happen, but they did not. So we hate the 'Yuon' people.<sup>3914</sup>

953. The following morning, Meas Voeun attempted to revise his testimony regarding a plan to smash the "Yuon." Contrary to what he had testified to just the previous day, he declared that there was no plan to smash Vietnamese people and instead claimed that "we had to gather all those 'Yuon' who had lived in Kampuchea and they should be gathered in one place."<sup>3915</sup> Meas Voeun failed to explain why, if there was no plan, he would have testified to receiving such instructions just the previous day. It appears that recognising overnight the significance of his testimony, Meas Voeun tried to disassemble his admission without any credible explanation for the sudden change in his account.
954. The plan to smash the Vietnamese was verified by witness Pak Sok, who was a member of Division 164.<sup>3916</sup> Meas Voeun acknowledged that Division 164 and his Division 1

<sup>3912</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 15.57.30-15.58.47.

<sup>3913</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 15.58.47-16.00.12.

<sup>3914</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 16.01.44-16.03.41.

<sup>3915</sup> E1/387.1 Meas Voeun, T. 3 Feb 2016, 09.15.00-09.17.06.

<sup>3916</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 09.50.18-09.58.05.



received the same orders.<sup>3917</sup> Pak Sok testified that after 1976, there were trainings in all battalions in Division 164.<sup>3918</sup> At those trainings: “We were instructed to kill [Vietnamese], even if it was a baby, because they are our hereditary enemy, so we must kill them.”<sup>3919</sup> These orders filtered down hierarchically from the division to the regiment to the battalion and then unit. The battalion and regiment attended study sessions at the division level and went back and provided instructions to all battalions of the division.<sup>3920</sup> Trainings were conducted by the commander of each battalion.<sup>3921</sup> The battalion only acted upon and followed orders from above.<sup>3922</sup> All soldiers had to attend trainings<sup>3923</sup> and they had to follow what they were taught.<sup>3924</sup> Pak Sok testified that “it was the responsibility of each battalion to enforce this instruction”<sup>3925</sup> to kill Vietnamese.

955. Further supporting Meas Voeun’s admission of a CPK policy to smash all Vietnamese, he admitted to having attended a congress of the West Zone with senior CPK leaders in July 1977 in Chbar Mon District, Kampong Speu Province.<sup>3926</sup> The purpose of the meeting was to discuss smashing enemies<sup>3927</sup> which included highlighting the “‘Yuon’s’ tricks”.<sup>3928</sup> Meas Voeun testified that “Yuon” referred to Vietnamese people regardless of their status as civilian or soldier.<sup>3929</sup> The point of the meeting was clear according to

<sup>3917</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.02.24-14.03.43.

<sup>3918</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23.

<sup>3919</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

<sup>3920</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.45.11-13.47.44.

<sup>3921</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23.

<sup>3922</sup> E1/370.1 Pak Sok, T. 5 Jan 2016, 10.54.50-10.56.57 [“The order came down – came down, and soldiers must implement the orders. And the order came through hierarchical order. We did not perform the tasks on our own initiative at the battalion level. Unless there was an order or instruction from the upper echelon, we would not performed the task. And if we did not receive the order, we sent those people on land”]; 14.04.42-14.06.30 [“At that time the orders were very strict. We could only implement the orders when the orders were relayed during meetings and if we failed to implement an order, for example, an execution order, then we ourselves would be executed. If we were to receive orders through meetings, those orders had to be implement and usually those orders were conveyed through meetings at the battalion level”]; 10.56.57-10.58.50 [“The battalion had received an order or instruction from the regiment, and after receiving the order, the battalion would relay that order to the special unit”].

<sup>3923</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23 [“Yes, it was the policy of the Communist Party of Kampuchea. They announced that all soldiers in division 164 needed to attend the training”].

<sup>3924</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.35.23-13.36.35 [“At that time, when we studied about the hereditary enemy, so no one dared to debate about what we were taught about the hereditary enemy, and we needed to follow what we were taught”].

<sup>3925</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32.

<sup>3926</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.27.47-14.31.25.

<sup>3927</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36; E3/193 *Revolutionary Flag*, Aug 1977, EN 00399223 [“Continuing to attack, sweep clean, and get rid of all enemies within the ranks”].

<sup>3928</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

<sup>3929</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 15.54.15-15.57.30.

the witness, “they wanted to search out the infiltrated enemies that were within the army or cooperatives.”<sup>3930</sup>

956. The August 1977 *Revolutionary Flag* provides further details of this West Zone meeting, corroborating Meas Voeun’s testimony. The instructors told the cadres attending that the CPK had passed through a “poisonous situation” created by the Vietnamese enemy, whereby:

The enemy attacked us in 1977 (actually they had attacked us long before that). They did not attack with B-52s, with armored vehicles, aircraft, or artillery. They attacked in a war of espionage; they attacked by boring holes from within.<sup>3931</sup>

957. Such attacks were purportedly designed to ensure that “the territory-swallowing enemy will c[o]me back”.<sup>3932</sup> The meeting emphasised that “[i]t is imperative to prepare forces to attack, attack and smash the enemy”<sup>3933</sup> and that “[i]f we whip [the people] up like this the enemy [outside] will not be able to enter. The enemies embedded inside will be unable to do anything.”<sup>3934</sup>
958. Meas Voeun testified more than once: “The important thing is that ‘Yuon’ were not allowed to live in Kampuchea.”<sup>3935</sup> The significance of this statement is clear in the context of the killings that occurred. During his three years at Kampong Som, Meas Voeun testified that he only encountered boats with Vietnamese refugees.<sup>3936</sup> He testified that when boats of refugees were captured by his division, “I would send them to my upper leadership level and whatever decision they made that was theirs.”<sup>3937</sup> Ta Socung, Meas Voeun’s direct superior and the commander of West Zone Division 1, issued the instructions to send the refugees to the upper echelon.<sup>3938</sup> Meas Voeun claimed not to know what happened to Vietnamese refugees in his unit sent to Division 164, however, Pak Sok — a member of that Division at the time — testified that

<sup>3930</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36.

<sup>3931</sup> E3/193 *Revolutionary Flag*, Aug 1977, EN 00399224.

<sup>3932</sup> E3/193 *Revolutionary Flag*, Aug 1977, EN 00399240.

<sup>3933</sup> E3/193 *Revolutionary Flag*, Aug 1977, EN 00399236 (*emphasis added*).

<sup>3934</sup> E3/193 *Revolutionary Flag*, Aug 1977, EN 00399246.

<sup>3935</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 16.04.41-16.06.12 [“I only knew that they were not allowed to live in Kampuchea”]; E1/387.1 Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26, 09.31.35-09.32.12.

<sup>3936</sup> E1/387.1 Meas Voeun, T. 3 Feb 2016, 11.07.13-11.08.54.

<sup>3937</sup> E1/386.1 Meas Voeun, T. 2 Feb 2016, 14.10.55-14.14.10 [“we would capture that boat and send it through a chain of command to the upper level”], 14.16.59-14.19.02; E1/387.1 Meas Voeun, T. 3 Feb 2016, 09.24.04-09.25.26 [“They had to be gathered up and sent to the upper echelon. That’s what happened between 1975 to ’79 when I was at the border. I did not know what happened at the rear”], 09.27.18-09.29.08, 11.07.13-11.08.54.

<sup>3938</sup> E1/387.1 Meas Voeun, T. 3 Feb 2016, 11.12.35-11.14.00.

between 1975 and 1979, thousands were arrested and killed on the sea, on the islands, or on the mainland.<sup>3939</sup>

959. Pak Sok testified that arrests of Vietnamese on boats were reported “from one level to the upper level”.<sup>3940</sup> Then orders came down hierarchically from the top to the bottom and the soldiers implemented them.<sup>3941</sup> There were two approaches to dealing with Vietnamese refugees, each of which ended with their murder.<sup>3942</sup>
960. First, if there were many Vietnamese captured, they would be sent ashore.<sup>3943</sup> A 20 March 1978 report from Meas Muth, head of Division 164, informs senior CPK member Son Sen of the capture of 76 Vietnamese people — “both young and old, male and female” at Koh Tang island.<sup>3944</sup> The report goes on to say that these Vietnamese were “brought to the mainland”.<sup>3945</sup> Pak Sok testified that Vietnamese refugees arrested and sent to Ou Chheu Teal were then sent to the division headquarter and killed.<sup>3946</sup> Others were killed at places such as an orange plantation near Ream. Pak Sok lived close to the area in 1976-77 and testified that the “dead bodies were used as fertilizer”.<sup>3947</sup> He was told by the soldiers involved that these were executions.<sup>3948</sup> Pak Sok personally transported captured Vietnamese and brought them to Ou Chheu Teal port. On one occasion, there were 12 to 13 ethnic Vietnamese people, one of whom was

<sup>3939</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.39.57-10.45.27 [“Yes, that’s correct. I would like to apologise that I could not recall everything from 1977 to 1978 because there were many things happened. People were subsequently arrested and sent through the port. Among them were Thai fishermen and several ethnic Vietnamese who were travelling to Thailand. So at that time they were arrested and killed and they were not sent out to anywhere”].

<sup>3940</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.03.10-10.05.46 [“Yes, there were reports from one level to another level; if there were arrests of the Vietnamese, and then we reported about the arrest of Vietnamese. If there were arrests of the Thai, we reported the arrest of the Thais, so it was a clear report that went from one level to the upper level”], 11.07.31-11.10.36.

<sup>3941</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59.

<sup>3942</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.00.37-11.03.07.

<sup>3943</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59. *See also* **E3/9674** Pak Sok WRI, 18 Oct 2013, EN 00977534.

<sup>3944</sup> **E3/997** Report from Division 164, 20 Mar 1978, EN 00233649 [“At Koh Tang island, on March 20, 1978 at 2.30 hours, our 800-cc motor-driven boat managed to catch two Vietnamese motor-driven boats with 76 Vietnamese people-both young and old, male and female. When we tied them up, the smaller motor-driven boat was shaky and plunged. As a result, two people fell into the water and been found. The rest have been brought to the main land”].

<sup>3945</sup> **E3/997** Report from Division 164, 20 Mar 1978, EN 00233649.

<sup>3946</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.41.42-10.45.27, 10.58.13-11.00.37.

<sup>3947</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.41.42-10.45.27 [“In 1976-1977, I used to live somewhere near the orange plantation because I was linked to an unclear tendency. So they sent me to do rice farming near Ream. At that time, majority of people who committed the killings came from the regiment where I worked previously, that was Regiment 62. Those who were arrested, were taken by this Regiment 62 to an orange plantation and a coconut plantation where the execution took place. Their dead bodies were used as fertiliser right there”]. *See also* **E3/10633** [REDACTED] WRI, 3 Apr 2014, EN 01001474-6.

<sup>3948</sup> **E1/369.1** Pak Sok, T. 16 Dec 2015, 10.45.27-10.46.19.



a soldier and had an amputated hand.<sup>3949</sup> The others were ordinary people and they had no guns.<sup>3950</sup> There was a baby in the group who was crying loudly because its mother was tied up and “the soldiers threw the baby into the sea”.<sup>3951</sup>

961. Second, Pak Sok testified that if there were only a few Vietnamese, “they would be killed right on the island.”<sup>3952</sup> He gave the example of witnessing three Vietnamese civilians arrested at sea being sent to Poulo Wai island — a husband, wife, and small child.<sup>3953</sup> Pak Sok saw soldiers from a unit of Regiment 622 tie the Vietnamese hands behind their backs and tell them to kneel down under the coconut tree. They were killed with hoes and bamboo clubs. The baby crawled to its mother when she was bleeding and a soldier picked up the baby and smashed it against the trunk of the coconut tree.<sup>3954</sup>
962. Pak Sok testified that Thai people who were arrested by the navy were sent back to Thailand and were not killed.<sup>3955</sup> The Vietnamese, on the other hand, “were considered as the hereditary enemy of Pol Pot”.<sup>3956</sup> If Vietnamese soldiers were captured, they would send them to the shore — their confessions would be broadcast on the national radio and they would be killed.<sup>3957</sup>

<sup>3949</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.33.00-10.36.43.

<sup>3950</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.36.43-10.39.57.

<sup>3951</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.37.31-10.39.57 [“At that time, when they were brought in to Ou Chheu Teal port, the baby cried loudly because the mother was tied up and then the baby was fed with breastfeeding and then the soldiers threw the baby into the sea”].

<sup>3952</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59. See also E3/9674 Pak Sok WRI, 18 Oct 2013, EN 00977534.

<sup>3953</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 11.07.31-11.10.36.

<sup>3954</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59 [“After they were sent to Poulo Wai island, I saw the soldiers from a special unit of Regiment 622 tied the Vietnamese and put them under a coconut tree. Later on they were told to kneel down under the coconut tree at that time and their hands were tied to their backs. they were killed with the hoes and the bamboo clubs. The husband and wife died. Later, I witnessed myself that the one-year-old child, when it saw the mother was bleeding, the baby crawled to the mother and at that time the soldier picked up the baby and smashed against the trunk of the coconut tree”]. See also E3/9674 Pak Sok WRI, 18 Oct 2013, EN 00977534; E3/9675 Pak Sok WRI, 11 Sept 2014, EN 00977716.

<sup>3955</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.51.34-10.54.54 [“I asked the guard who guarded those Thai people whether those Thai people would be sent to be killed or sent to somewhere else. The guard told me that they would not kill those Thai people, they would send these Thai people back to Thailand and that was what I was told”].

<sup>3956</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.55.47-10.58.13. See also E3/9674 Pak Sok WRI, 18 Oct 2013, EN 00977535.

<sup>3957</sup> E1/369.1 Pak Sok, T. 16 Dec 2015, 10.05.46-10.09.29 [“Q. Sir, next answer in the interview I was just talking about, answer 29, you said, ‘The orders were clear on whether they were to be killed on the spot or sent ashore. If those persons captured were Vietnamese soldiers, we had to send them to the shore, then they would broadcast their confessions via the national radio before they killed them.’ Is that correct, do you know that? A. That is true”].

Tram Kak District

963. Villagers in Tram Kak were told at the outset of the DK regime that the Vietnamese “had to be gathered and sent back to their country.”<sup>3958</sup> Deportations of large numbers of Vietnamese occurred in 1975.<sup>3959</sup> Others who were told they were being sent back to Vietnam were instead killed.<sup>3960</sup> Chou Koemlan testified that her unit chief said that two families from her unit, including young children, were sent back to Vietnam,<sup>3961</sup> but they were actually taken away and killed.<sup>3962</sup>
964. In 1976, people from Kampuchea Krom, including Cambodian nationals who had fled to Vietnam after 17 April 1975, were forcibly relocated to Tram Kak.<sup>3963</sup> Families were separated and mistreated.<sup>3964</sup> Ry Pov testified that these people were accused of having a “Khmer body and a Vietnamese head” and were referred to as “enemies” or “Yuong” by cadres.<sup>3965</sup> Ek Hoeun testified that 90 Vietnamese transferees were sent to labour at Khpob Trabek dam.<sup>3966</sup> All 90 were subsequently executed.<sup>3967</sup>

<sup>3958</sup> **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.06.45-10.08.41.

<sup>3959</sup> See section **Crimes against the Vietnamese – Implementation of the Genocidal Policy against the Vietnamese – Deportation of the Vietnamese**.

<sup>3960</sup> **E1/254.1** Cheang Sreimom, T. 29 Jan 2015, 11.03.08-11.07.09, 15.33.36-15.37.25; **E1/299.1** Ek (Ul) Hoeun, T. 8 May 2015, **11.04.36-11.06.10** [“So they were taken out and they disappeared”]; **E1/298.1** Ek (Ul) Hoeun, T. 7 May 2015, 15.29.23-15.32.04. See also **E1/262.1** Ry Pov, T. 12 Feb 2015, 13.43.02-13.45.23.

<sup>3961</sup> **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.44.29-14.46.23 [“There were one Vietnamese family and Kampuchea Krom people who spoke with an accent. There were some couples of them and in fact some of them did not know how to transplant seedlings and when the group chief or unit chief saw that then their names were picked and we were told that they were sent back to Vietnam. That happened in 1976”].

<sup>3962</sup> **E1/252.1** Chou Koemlan, T. 26 Jan 2015, 14.44.29-14.46.23 [“But in fact, that was a vicious trick. They were in fact sent to be tortured and killed as a whole family but I did not know where they were executed. There were two families. In fact before they left, they came to say good bye to us including the parents and the younger children, they told me that they were happy that the Unit Chief would send them back to Vietnam”]; **E1/253.1** Chou Koemlan, T. 27 Jan 2015, 10.08.41-10.09.59.

<sup>3963</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.31.04-09.33.50 [“we were transported to Tnaot Chum, after the confiscation of our property”], 09.25.00-09.27.33 [“Before I went to Vietnam, I was living in Ampeay Svay (phonetic), Le Tri (phonetic) commune, Svay Tong district and when I returned I lived in Tnaot Chum, Khpob Trabak (phonetic), Tram Kak district, Takeo province”]; **E1/286.1** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33, 13.19.21-13.22.13 [“I was not allowed to live in my home village and I was taken and brought to Tnaot Chum”]; **E3/9604** Ry Pov WRI, A81 [“There were two phases of exchanges between the Vietnamese and Khmer Krom people. In the first phase, they sent Khmer Krom people to Samraong Commune and Khpob Trabak Commune. In the second phase, they sent Khmer Krom people to Popel Commune and Ta Phem Commune”].

<sup>3964</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37 [“female siblings would be sent to a different [unit] ... and the children were also separated to work in their respective unit, and the parents were also separated to work in their separate unit for the regime”], 09.43.04-09.45.19 [Those who had returned from Vietnam and 17 April People “were exposed to very miserable treatment. They treated us like worthless slaves. The Base People could curse us, could hit us, we could not move anywhere”].

<sup>3965</sup> **E1/262.1** Ry Pov, T. 12 Feb 2015, 09.39.25-09.42.27 [“the young boys from the Base People used a very bad word to us -- to call us a ‘Yuong’ or, contemptible ‘Yuong’, or contemptible enemy”], 11.32.56 [“the unit chief, group chief, and commune chief, in particular, would accuse us of being ‘Yuong’ or the puppet of the ‘Yuong’ or the ‘Yuong’ CIA and so on”], 13.38.52-13.41.13 [“We were also called the ‘Yuong’ CIA

965. Cadres in Tram Kak disseminated the CPK policy to kill those they considered Vietnamese.<sup>3968</sup> Phan Chann testified that he heard the policy from a Tram Kak District Committee member.<sup>3969</sup> The policy was announced in “meetings at the units or at the commune” levels.<sup>3970</sup>
966. Commune chiefs created lists of Khmer Krom and Vietnamese families in their areas and reported to the district level.<sup>3971</sup> Vietnamese throughout the communes of Tram Kak District were arrested regularly.<sup>3972</sup> Killings occurred throughout the district.<sup>3973</sup> Many

agents or Vietnamese spies”, 13.34.19-13.36.16, 13.36.16-13.41.13 [“Personally, I don’t consider myself as Kampuchea Krom, but during the Khmer Rouge when they returned me to Cambodia, I was considered as one of the Kampuchea Krom people. They called me ‘Yvon’”]. See also E1/278.1 Riel Son, T. 17 Mar 2015, 13.51.15-13.52.50 [“The targeted people were the Kampuchea Krom people who newly arrived at the place That could be only both the husband and wife or adult people with no children, they were identified as ‘Yvon’ spies -- agents or they were identified as KGB agents”]; E1/257.1 Sory Sen, T. 5 Feb 2015, 09.55.43-09.56.52 [“if people did not speak very well, they were referred to as ‘Yvon’”].

<sup>3966</sup> E1/299.1 Ek (Ul) Hoeun, T. 8 May 2015, 13.52.12-13.54.01.

<sup>3967</sup> E1/299.1 Ek (Ul) Hoeun, T. 8 May 2015, 09.16.29-09.20.09 [“Ta Chim was annoyed, as at night time, those people engaged in various activities including stealing plates and pots by throwing them into the water. So then he ordered the execution of those 90 of them at bomb craters located the west of the dam worksite or to the north of Damrei Romeal mountain”]; E3/9582 Ek (Ul) Hoeun WRI, A64 [indicates the killing was in 1976].

<sup>3968</sup> E1/269.1 Phan Chhen, T. 25 Feb 2015, 11.23.10-11.25.10, 15.28.21-15.30.10, 15.30.10-15.35.15 [“I heard only the policies towards the Vietnamese people ... I heard this announcement during 1975 ... It was not only in Tram Kak but it was also announced in other districts of the province so this is what I heard during the meeting”]; E1/278.1 Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12 confirming E3/9602 Riel Son WRI, 18 Feb 2014, A43 [“I did hear that people from Kampuchea Krom had been accused of being KGB agents Yvon spies. At those meetings, it was brought up that all the Khmer Krom had to be killed”]; E1/298.1 Ek (Ul) Hoeun, T. 7 May 2015, 15.08.41-15.10.21 [“in March of that year of ‘76, there was a plan to purge all the ‘Yvon’ throughout the country and District 105”], 15.24.11-15.26.03 [“I only know that the district received the plan or the instructions [to kill all Vietnamese] from the province. And I did not know whether the province received it from the centre. Because we were at the lower level, so we knew only up to the province”]; E3/9582 Ek (Ul) Hoeun WRI, A33, 37-38, 62; E3/9472 [REDACTED] WRI, A131-134.

<sup>3969</sup> E1/269.1 Phan Chhen, T. 25 Feb 2015, 15.30.10-15.31.42.

<sup>3970</sup> E1/269.1 Phan Chhen, T. 25 Feb 2015, 15.28.21-15.30.10, 15.31.42-15.33.18.

<sup>3971</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12, 13.35.50-13.38.52; E3/2917 Confirmation Report from Phan to District Angkor on 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; E3/2049 List of Kampuchea Krom in Ang Ta Saom Commune, 30 April 1977, EN 00290262-63; E3/4082 Ang Ta Saom Commune Exchanged Prisoners List, EN 00290199-201; E3/2262 List of Kampuchea Krom in Popel Commune, EN 00742626-28; E3/2438 List of Kampuchea Krom People in Kus Commune, 29 Apr 1977, EN 00366665-75; E3/4083 Name List of People who Have Just Come from Srok Yvon [Vietnam], EN 00323977-78 [identifying Khmer Krom families in Srae Ronoung commune]; E3/2443 Report on Vietnamese in Tram Kak District, 5 June 1977; E3/9582 Ek (Ul) Hoeun WRI, A47 [“I learned all about these things because I worked at the district. For example, the number of Vietnamese nationals in each commune: the communes reported the number of Vietnamese nationals to district level”].

<sup>3972</sup> E1/278.1 Riel Son, T. 17 Mar 2015, 13.54.27-13.57.14 [“Those Vietnamese disappeared at night time or during the time that they were working in the field or in the canal work sites. These people were called out and then they were taken away”]; E1/286.1 Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 [“My husband was asked to go and collect the rice to make pounded rice. And I did not know where my husband was taken to. That’s why I pitied him. I do not know where he was taken to be killed. ... He went together with other people on the ox cart, and I did not see those people back. He disappeared ever



were sent to be killed at Kraing Ta Chan prison.<sup>3974</sup> Arrest reports accompanying those sent to Kraing Ta Chan show that prisoners, including those from Kampuchea Krom, were recorded as “Yuong”,<sup>3975</sup> some of whom were children.<sup>3976</sup>

### Sector 35

967. Khouy Muoy testified that her father was Chinese and her mother Vietnamese.<sup>3977</sup> In 1975, her family was deported to Srae Cham, Ou Chrov Commune, Prey Nob District and she was sent alone to work in a mobile unit.<sup>3978</sup> Khouy Muoy was told that her mother, siblings, and relatives were taken away and killed in 1976.<sup>3979</sup> She subsequently found out that another brother — who was working at a different location — had also been taken away and killed.<sup>3980</sup> Khouy Muoy lost 13 family members and relatives (parents, siblings, nieces, nephew, aunts and uncles) in all.<sup>3981</sup> Her elder brother and his wife had six children and there were five or six family members in her cousin’s family — all of whom were killed.<sup>3982</sup>

968. Khouy Muoy was told that her family had been taken to a prison at Koh Khyang at

since”; E3/2050 Report to Angkar, 17 Sept 1977, EN 00276577 [“We arrested all three of these new women and sent them to the district special branch during the night” including one who was identified as “Yuong”]; E1/298.1 Ek (Ul) Hoeun, T. 7 May 2015, 11.06.24-11.10.37, 15.28.17-15.29.23 [“We knew that they were Vietnamese because they spoke Vietnamese. And they would be the subject of arrest when they spoke Vietnamese. And if they spoke Khmer, then they would not be arrested”]; E3/9604 Ry Pov WRI, A56; E3/9582 Ek (Ul) Hoeun WRI, A45-46, 53; E3/9584 [REDACTED] WRI, A54-55.

<sup>3973</sup> E1/298.1 Ek (Ul) Hoeun, T. 7 May 2015, 15.08.41-15.10.21 [“the Vietnamese were taken away and killed in the forest”], 15.13.39-15.16.05 [“The Pol Pot regime killed the ‘Yuong’s’”]; E3/9582 Ek (Ul) Hoeun WRI, A34; E3/9468 Thann Thim WRI, A20-21 [“For those who had fair complexion and could not speak Khmer language well like the Khmer Krom people, they regarded them all as the Vietnamese and eventually they would take them to be killed”]; E3/9582 Ek (Ul) Hoeun WRI, A36 [“In 1976, every single Vietnamese national living in the district was swept clean”].

<sup>3974</sup> E1/257.1 Sory Sen, T. 5 Feb 2015, 09.56.52 [“when these people came and arrived at the security office, some were put there for a short while and some were taken to the killing place subsequently”]; E1/262.1 Ry Pov, T. 12 Feb 2015, 11.32.02-11.36.00; E3/5826 Hun Kimseng WRI, EN 00223488-89; E3/9589 Sory Sen WRI, A83-84, 86-91; E3/9472 [REDACTED] WRI, A129-131, 141-143, 147-154, 156. See also E3/9596 [REDACTED] WRI, A32-33.

<sup>3975</sup> Surviving prisoner lists document Vietnamese prisoners including: E3/2427 Kraing Ta Chan Interrogator’s Notebook, EN 00366681 [Yin Ting alias Long]; E3/5860 Kraing Ta Chan Interrogator’s Notebook, EN 01064165 [Thach Soeung]; E3/4122 Kraing Ta Chan Interrogator’s Notebook, EN 00779249 [Peou Kan]. See e.g. E3/4127 Report to An from Chhoem, 16 Jan 1978, EN 00362232; E3/2050 Report to Angkar, 17 Sept 1977, EN 00276577; E3/2447 Report to Party from Dao, 4 Sept 1977 EN 00355474; E3/2057 Report to Re-Education Committee from Nun, 10 Feb 1978, EN 00276581.

<sup>3976</sup> E3/2449 Report from Mien, 15 Sept 1977, EN 00366708.

<sup>3977</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.17.00.

<sup>3978</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.07.20-11.09.48.

<sup>3979</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.07.20-11.09.48. See also E3/5544 Khouy Muoy WRI, 11 Sept 2009, EN 00377836.

<sup>3980</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.09.48-11.11.20.

<sup>3981</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.19.01.

<sup>3982</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.15.30-11.19.01.

Chung Sroy.<sup>3983</sup> When Khouy Muoy tried to visit her family she was told that they “had been sent away and killed.”<sup>3984</sup> Khouy Muoy testified that the older women in her unit warned her that because of her mother’s Vietnamese ethnicity, “I should be careful and that I should stop weeping; otherwise, I would be taken away and killed.”<sup>3985</sup> There was another Vietnamese family, whose children were in Khouy Muoy’s mobile unit, in which the mother and her children were taken away and killed.<sup>3986</sup> Khouy Muoy heard that Vietnamese who did not leave DK would be smashed.<sup>3987</sup>

969. Killings occurred throughout Sector 35. Ben Kiernan, in his research of the DK regime, documented the killing of 65 Vietnamese trying to leave DK from Kampot in June 1975, relying on the account of three members of the DK navy.<sup>3988</sup>

### 7. Killings in the East Zone

970. Ethnic Vietnamese were rounded up and killed in the East Zone in 1977.<sup>3989</sup> Witnesses testified that ethnic Vietnamese in the East Zone were considered as having a “Khmer body and Vietnamese mind.”<sup>3990</sup> This allegation meant “they had the ideas or the views of the Vietnamese, although they had the Khmer bodies.”<sup>3991</sup>

#### Prey Veng (Sector 24)

971. From around late 1977, people of Vietnamese descent including women and children were arrested, collected, and taken away to be killed in Prey Veng.<sup>3992</sup>

<sup>3983</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.19.01-11.20.59.

<sup>3984</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 13.50.04-13.54.30. *See also*, for killings of Vietnamese at Koh Kyang: E3/7750 Hem Samath WRI, 17 July 2008, EN 00275057-58; E3/5501 Tuon Lorn WRI, 29 Aug 2009, EN 00373306-07; E3/5506 Sau Khon WRI, 25 Oct 2009, EN 00398865; E3/5501 Tuon Lorn WRI, 29 Aug 2009, EN 00373310.

<sup>3985</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.23.01-11.24.36.

<sup>3986</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 11.09.48-11.11.20.

<sup>3987</sup> E1/394.1 Khouy Muoy, T. 1 Mar 2016, 14.22.36-14.24.28.

<sup>3988</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

<sup>3989</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150156 [“Mau Met was an Eastern Zone cadre whose wife was part Vietnamese. In 1975 she had been allowed to remain because her husband was Khmer. Met was in charge of the agriculture department in Memut district on Region 21’s border with Vietnam. In 1977, all ethnic Vietnamese were rounded up and killed. More than two hundred women were executed, and in some cases their Khmer husbands as well. In all other cases, the husbands were jailed. Met was the only exception, he says, because of his needed agricultural skills. In one Region 24 village, in 1977 the CPK killed ten Vietnamese women married to Khmers”].

<sup>3990</sup> E1/394.1 Sieng Chanthly, T. 1 Mar 2016, 09.42.40-09.44.25.

<sup>3991</sup> E1/424.1 Prak Khan, T. 28 Apr 2016, 10.04.40-10.06.49.

<sup>3992</sup> E3/7891 Chhuon Ri WRI, 3 Dec 2009, EN 00422334; E3/9352 Ieng On WRI, 16 Sept 2008, EN 00231660; E3/9339 Sin Sun WRI, 23 Sept 2008, EN 00234116; E3/7594 Leng Samet DC-Cam Statement, 24 Feb 2000, EN 00324475; E3/7598 Kim Va DC-Cam Statement, 8 Mar 2000, EN 00233342.

Prey Veang District

972. After 1975, three mixed families with ethnic Vietnamese members remained in Pou Chentam village, Svay Antor commune, Prey Veang District.<sup>3993</sup> These families were mixed marriages with ethnic Vietnamese spouses.<sup>3994</sup> Wan Ngang (the Vietnamese husband of a Khmer wife), Sun San (the Vietnamese wife of a Khmer husband), and Chuy (the Vietnamese husband of a Khmer wife). Each of these mixed families was targeted for killing. There was no military activity in the area when the Vietnamese in the village disappeared.<sup>3995</sup>
973. Thang Phal worked in a unit with Wan Ngang cutting rumpeak vine.<sup>3996</sup> Ngang's parents were Vietnamese.<sup>3997</sup> In late 1977, the unit was called back to the village by the deputy village chief,<sup>3998</sup> but Ngang was ordered to stay behind to repair a bicycle.<sup>3999</sup> Thang Phal testified that upon returning to the village he was told that Lach Ny's Vietnamese wife "had been transferred by a horse cart toward the east direction to be killed".<sup>4000</sup> Thang Phal heard villagers saying "that Vietnamese were gathered up, taken away and executed".<sup>4001</sup> Ngang was never seen again.<sup>4002</sup> Ngang's wife was Khmer<sup>4003</sup> and they had

<sup>3993</sup> **E1/370.1** Thang Phal, T. 5 Jan 2016, 15.45.20-15.47.36, 15.59.57-16.02.43 ["Tech was a citizen in the old regime and she married the Vietnamese man and Ny was also a Cambodian citizen and married to a Vietnamese wife in Phnom Penh in the previous regime, and Oeung married the Vietnamese husband after 1975, she was also a citizen in the old regime, and the three people were living in Pou Chentam village"].

<sup>3994</sup> **E1/370.1** Thang Phal, T. 5 Jan 2016, 11.04.04-11.05.26, 16.02.43-16.05.00 ["I can recognize and tell that Tech was Vietnamese since she spoke Khmer with accent. The same applies to Chuy and Ngoy (phonetic). I cannot tell you for sure how I can -- could recognize Lach Ny's wife who was Vietnamese, but I knew that she was a Vietnamese"]; 16.05.00-16.06.56 ["I could recognize that they were Vietnamese since they did not speak Khmer very well and, clearly, they spoke with accent. I knew for sure that they were Vietnamese since they came to do business in the country"]; **E1/379.1** Lach Kry, T. 20 Jan 2016, 13.52.31-13.54.18.

<sup>3995</sup> **E1/379.1** Lach Kry, T. 20 Jan 2016, 15.23.42-15.25.05.

<sup>3996</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.52.46-10.55.22; **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 09.39.14-09.41.13.

<sup>3997</sup> **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 09.41.13-09.42.32.

<sup>3998</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.56.44-11.00.33.

<sup>3999</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 10.55.22-11.04.04. *See also*, **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

<sup>4000</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.00.33-11.04.04. *See also*, **E3/5244** Theng Huy WRI, 17 Sept 2008, EN 00233300.

<sup>4001</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.05.26-11.07.10.

<sup>4002</sup> **E1/371.1** Thang Phal, T. 6 Jan 2016, 11.04.04-11.05.26; **E1/379.1** Lach Kry, T. 20 Jan 2016, 14.23.18-14.25.05, 14.27.10-14.29.05. *See also* **E3/9339** Sin Sun WRI, 23 Sept 2008, EN 00234115; **E3/9352** Ieng On WRI, 16 Sept 2008, EN 00231660.

<sup>4003</sup> **E1/381.1** Doung Oeurn, T. 25 Jan 2016, 11.00.49-11.03.29 ["Q. And what about his wife; was his wife of Vietnamese ethnicity or of Khmer ethnicity? A. Khmer, pure Khmer, and as for the wife, she is now living in another location different from my village. During the time, she was living in the same village as me"].



two children,<sup>4004</sup> all of whom remained living in the village.<sup>4005</sup>

974. Witness Lach Kry lived next to his younger brother Lach Ny in Pou Chentam village.<sup>4006</sup> Lach Ny's wife, called Sun San, was from a mixed marriage — her father was Khmer and mother Vietnamese.<sup>4007</sup> In November 1977, Lach Kry was harvesting rice near his brother's house when Sun San and her children were arrested.<sup>4008</sup> Three militiamen came, one of whom was chief of security in Svay Antor.<sup>4009</sup> The militiamen called Sun San to go for a study session and put her and four of her children on a horse cart.<sup>4010</sup> Her eldest daughter, who was working away from home, was collected by a militiaman and followed the cart on a bicycle.<sup>4011</sup> Lach Ny was with his brother when they saw Sun San and the children arrested and he fainted.<sup>4012</sup> Later, Lach Kry spoke to the driver of the horse cart who told the witness that he had delivered Sun San and her children to Trapeang Pring forest where two security guards received them.<sup>4013</sup> Neither Lach Kry nor his brother ever saw Sun San or her five children again.<sup>4014</sup>
975. Witness Doung Ourn, a Khmer woman, testified that she was married to Chuy (Tep Yun), an ethnic Vietnamese man.<sup>4015</sup> In 1977,<sup>4016</sup> Chuy was assigned to cut rumpeak vine<sup>4017</sup> and disappeared.<sup>4018</sup> Doung Ourn's mother told her that Chuy had been walked

<sup>4004</sup> E1/371.1 Thang Phal, T. 6 Jan 2016, 11.10.53-11.13.00.

<sup>4005</sup> E1/371.1 Thang Phal, T. 6 Jan 2016, 11.08.53-11.13.00. See also E1/379.1 Lach Kry, T. 20 Jan 2016, 15.09.05-15.10.22; E1/381.1 Doung Ourn, T. 25 Jan 2016, 09.43.50-09.45.35, 11.00.49-11.03.29.

<sup>4006</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 13.40.12-13.48.03.

<sup>4007</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 13.52.31-13.54.18; E1/381.1 Doung Ourn, T. 25 Jan 2016, 09.39.14-09.41.13.

<sup>4008</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 13.59.05-14.02.00.

<sup>4009</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.04.04 -14.05.25.

<sup>4010</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.02.00-14.04.04 ["Actually, they called -- they made a call for her to go for a study session. So they put San on a horse cart. And we were standing and watching the event unfolded and we were wondering why she was called for a study session. I saw the event with my own eyes"]. See also E1/371.1 Thang Phal, T. 6 Jan 2016, 11.13.00-11.14.31.

<sup>4011</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.02.00-14.04.04 ["When San was arrested and put onto a horse cart, her four children were also invited onto the horse cart. The eldest daughter was working in the far distance and the militiaman went to fetch her. So San, together with the four children, were arrested and put on a horse cart. And for the last daughter who was working about 2 kilometres away, the militiamen went to fetch her after them"]. See also E1/381.1 Doung Ourn, T. 25 Jan 2016, 11.03.29-11.05.12.

<sup>4012</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.05.25-14.06.55.

<sup>4013</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.12.35-14.16.00.

<sup>4014</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.14.16-14.16.00, 15.20.41-15.22.32. See also E1/371.1 Thang Phal, T. 6 Jan 2016, 11.29.43-11.31.10; E1/381.1 Doung Ourn, T. 25 Jan 2016, 11.05.12-11.06.59 ["No, I haven't met them, nor did I see them. I never saw them since"]. See also E3/9339 Sin Sun WRI, 23 Sept 2008, EN 00234115.

<sup>4015</sup> E1/381.1 Doung Ourn, T. 25 Jan 2016, 09.21.21-09.23.36.

<sup>4016</sup> E1/381.1 Doung Ourn, T. 25 Jan 2016, 10.40.56-10.41.58 ["It was in 1977 and I do not recall the exact date and month of that year"]; E1/379.1 Lach Kry, T. 20 Jan 2016, 15.32.34-15.34.30.

<sup>4017</sup> E1/381.1 Doung Ourn, T. 25 Jan 2016, 09.33.45-09.35.37; E1/371.1 Thang Phal, T. 6 Jan 2016, 13.36.08-13.40.46.

<sup>4018</sup> E1/381.1 Doung Ourn, T. 25 Jan 2016, 09.32.18-09.33.45; E1/379.1 Lach Kry, T. 20 Jan 2016,

away from the house by one person who said that he would be back very soon.<sup>4019</sup> Thang Phal testified that he heard that Vietnamese were taken away for a study session and Chuy was among them.<sup>4020</sup> Doung Oeurn never saw her husband again.<sup>4021</sup>

976. Doung Oeurn and Chuy had one daughter.<sup>4022</sup> It was widely known to villagers<sup>4023</sup> that if the mother was Vietnamese then the children were also considered Vietnamese and would be taken away.<sup>4024</sup> However, if the father was Vietnamese and the mother Khmer then her children would not be taken away.<sup>4025</sup> Nevertheless, the fear was such that Doung Oeurn called her daughter Kamean instead of her name Kim Va during the DK regime because “I was afraid that they would take my child away to be killed.”<sup>4026</sup> Their daughter was not taken away like her father.<sup>4027</sup>

#### Peam Ro District

977. Sao Sak lived in Anlong Trea Village, Preaek Chrey Commune, Peam Ro District.<sup>4028</sup> Despite her mother being ethnic Vietnamese,<sup>4029</sup> Sao Sak managed to survive the DK regime. After 1975, Sao Sak was told by a militiaman that her mother had been detained.<sup>4030</sup> Sao Sak went to see her mother at Krasar **Pha'eul**. Her mother told Sao Sak that she knew she would be taken away to be killed.<sup>4031</sup> Sao Sak testified that her mother disappeared and never returned,<sup>4032</sup> like many Vietnamese families in Sao Sak's

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14.27.10-14.29.05.

<sup>4019</sup> E1/381.1 Doung Oeurn, T. 25 Jan 2016, 09.33.45-09.37.12.

<sup>4020</sup> E1/371.1 Thang Phal, T. 6 Jan 2016, 13.40.46-13.42.12 [“I heard people whisper around that the Vietnamese including Chuy and Lach Ny's wife had been taken away for a study session”].

<sup>4021</sup> E1/381.1 Doung Oeurn, T. 25 Jan 2016, 09.33.45-09.37.12. See also E1/371.1 Thang Phal, T. 6 Jan 2016, 13.40.46-13.42.12; E3/9339 Sin Sun WRI, 23 Sept 2008, EN 00234115; E3/9352 Ieng On WRI, 16 Sept 2008, EN 00231660.

<sup>4022</sup> E1/381.1 Doung Oeurn, T. 25 Jan 2016, 09.27.24-09.28.34.

<sup>4023</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 14.31.00-14.32.55.

<sup>4024</sup> E1/371.1 Thang Phal, T. 6 Jan 2016, 11.29.43-11.31.10 [“It was the work of Angkar. And it was believed that if the mother was Vietnamese then the -- the children would also be Vietnamese”].

<sup>4025</sup> E1/371.1 Thang Phal, T. 6 Jan 2016, 11.23.27-11.25.37; E1/379.1 Lach Kry, T. 20 Jan 2016, 14.29.05-14.31.00; E1/381.1 Doung Oeurn, T. 25 Jan 2016, 11.05.12-11.06.59.

<sup>4026</sup> E1/381.1 Doung Oeurn, T. 25 Jan 2016, 09.28.34-09.30.16, 09.56.30-09.59.14 [“I was afraid that my child was taken away and smashed, that's why I renamed her Kamean. Villagers suggest -- made a suggestion to me that the name Kamean should be used instead of Kim Va. Otherwise, she would be taken away as her father”].

<sup>4027</sup> E1/379.1 Lach Kry, T. 20 Jan 2016, 15.07.25-15.09.05.

<sup>4028</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.30.07-14.33.01.

<sup>4029</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.34.19-14.36.49.

<sup>4030</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.40.57-14.45.41.

<sup>4031</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41 [“A. I was told that my mother had been taken away and then I went to see my mother for the last time, she consoled me by telling me not to think of her since she was getting old and at the time I realised that she would be taken away and killed and a few minutes later I took my daughter back home”].

<sup>4032</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.40.57-14.45.41.

village.<sup>4033</sup> Sao Sak believed that the village chief made reports about the ethnicity of the villagers to the higher ranks.<sup>4034</sup> She heard that Vietnamese were not allowed to live in Cambodia<sup>4035</sup> and that “[a]nyone who was related to Vietnamese origin would be taken away and killed”.<sup>4036</sup> There was no rebellion or movement related to Vietnam in her village.<sup>4037</sup>

#### Svay Rieng (Sector 23)

978. At about the same time as arrests and killings of Vietnamese were taking place in Prey Veng, similar events were occurring in Svay Rieng.<sup>4038</sup>

#### Svary Chrum District

979. Witness Sin Chhem lived in Svay Yea Village, Svary Chrum District.<sup>4039</sup> Four Vietnamese families in the witness’ commune were taken away in 1978.<sup>4040</sup> She testified that it was announced at meetings that if the father in a family was Vietnamese but mother Khmer, only the father would be killed. However, if the mother was Vietnamese all the children would be killed “because the children suck the milk of the mother.”<sup>4041</sup> In Sin Chhem’s village, the commune chief collected the Vietnamese families<sup>4042</sup> and commune security guards participated in the killing.<sup>4043</sup> Sin Chhem testified to hearing that Vietnamese people were taken away and killed from other villages in the area, such as Tuol Vihear, Sikar, and Kien Ta Siv.<sup>4044</sup>

#### Romeas Haek District

<sup>4033</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 15.16.18-15.18.57; E1/363.1 Sao Sak, T. 7 Dec 2015, 09.16.24-09.20.37, 09.27.17-09.28.43

<sup>4034</sup> E1/363.1 Sao Sak, T. 7 Dec 2015, 09.36.48-09.38.48 [“I thought that the village chief also did some statistics or made some reports about the ethnicity of the villagers but for me in my village, I knew those who had Vietnamese wives or Vietnamese husbands but in Angkar in the village chief I think they may have done some statistics about the ethnicity of the villagers, that’s why people in the higher ranking, in the Angkar, they knew something about the ethnicity of the people in the village”], 09.40.10-09.41.28 [“When they did the statistics, they did about the ethnic Khmer, I did not know about the ethnic Vietnamese”].

<sup>4035</sup> E1/363.1 Sao Sak, T. 7 Dec 2015, 09.46.08-09.48.00 [“I heard from my fellow villagers that those people were evacuated to their home country, Vietnam, because the Vietnamese were not allowed to live in Cambodia that’s what I heard from fellow villagers”].

<sup>4036</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 14.43.03-14.45.41.

<sup>4037</sup> E1/362.1 Sao Sak, T. 3 Dec 2015, 16.00.57-16.01.52.

<sup>4038</sup> E3/5260 Khoem Samon WRI, 11 Dec 2008, EN 00327160; E3/9119 Say At DC-Cam Interview, 16 Aug 2005, EN 01332694.

<sup>4039</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 09.18.57-09.20.25

<sup>4040</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.40.45-10.42.56.

<sup>4041</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.47.50-10.49.38.

<sup>4042</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.42.56-10.45.15.

<sup>4043</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.49.38-10.51.30.

<sup>4044</sup> E1/367.1 Sin Chhem, T. 14 Dec 2015, 10.51.30-10.54.58.



980. Ung Sam Ean testified that there were three or four Vietnamese families in Trapeang Run Village who had been born in that village.<sup>4045</sup> The Vietnamese disappeared from the village but Ung Sam Ean did not know where they went or whether they returned to their country.<sup>4046</sup> Subsequently, in 1977, four or five ethnic Vietnamese children, with Cambodian fathers and Vietnamese mothers, were arrested and disappeared.<sup>4047</sup> The children, between 10 and 15 years old, were told they were being taken to a mobile unit.<sup>4048</sup> The children came from two or three families.<sup>4049</sup>

Svay Chrum District

981. After April 1975, Sieng Chanthy and her family were evacuated to Chhuk Sa Village, where they were accused of being feudalism-capitalist and half-blooded Vietnamese.<sup>4050</sup> Her father was ethnically Vietnamese and her mother Khmer.<sup>4051</sup> In 1977, the family was moved to a cooperative in Svay K'aer Village, Ta Suos Commune, Svay Chrum District.<sup>4052</sup> Two other mixed families, in which the wife was ethnically Vietnamese, lived in the village.<sup>4053</sup> They were taken away.<sup>4054</sup> One family consisted of six people and the other, four.<sup>4055</sup> Sieng Chanthy's father told her that he witnessed the rape of two girls from one of these families.<sup>4056</sup> Sieng Chanthy learned from others that the girls had been taken away and killed.<sup>4057</sup> Eventually Sieng Chanthy's father hung himself,<sup>4058</sup> hoping that his suicide would help his children survive.<sup>4059</sup>

<sup>4045</sup> E1/366.1 Ung Sam Ean, T. 11 Dec 2015, 11.04.08-11.07.23.

<sup>4046</sup> E1/366.1 Ung Sam Ean, T. 11 Dec 2015, 11.07.49-11.12.22.

<sup>4047</sup> E1/366.1 Ung Sam Ean, T. 11 Dec 2015, 11.07.49-11.12.22; 11.17.41-11.21.04.

<sup>4048</sup> E1/366.1 Ung Sam Ean, T. 11 Dec 2015, 11.12.58-11.17.01.

<sup>4049</sup> E1/366.1 Ung Sam Ean, T. 11 Dec 2015, 11.17.01-11.17.41.

<sup>4050</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.35.16-15.38.03.

<sup>4051</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.35.16-15.38.03; E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.30.45-09.32.33.

<sup>4052</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.42.09-15.43.15; E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.30.45-09.32.33.

<sup>4053</sup> E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.34.42-09.36.28.

<sup>4054</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.43.15-15.45.29.

<sup>4055</sup> E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.46.34-09.48.14.

<sup>4056</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.43.15-15.45.29; E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.13.45-09.15.12, 10.39.35-10.41.38.

<sup>4057</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.43.15-15.45.29; E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.13.45-09.15.12, 10.39.35-10.41.38.

<sup>4058</sup> E1/393.1 Sieng Chanthy, T. 29 Feb 2016, 15.45.29-15.48.05.

<sup>4059</sup> E1/394.1 Sieng Chanthy, T. 1 Mar 2016, 09.44.25-09.46.34.

### 8. Killings in Kratie (Special Sector 505)

982. Ben Kiernan conducted interviews revealing how cadres carried out a hunt for people of part-Vietnamese origin in Kratie in 1977. Such individuals were described as the “historic enemy” and were executed.<sup>4060</sup>
983. Uch Sunlay was married to an ethnically Vietnamese woman. In September 1978,<sup>4061</sup> 14 of his relatives were killed including: Uch Sunlay’s wife, his three children, his father-in-law, his mother-in-law, and his sister-in-law.<sup>4062</sup> His children were approximately one, three, and eight years old.<sup>4063</sup> At the time, Uch Sunlay was in Tuol Monourom, Krakor Commune, Kratie District.<sup>4064</sup> There, men with Vietnamese wives were instructed by the cooperative chief to cut bamboo trees at Au Thyong — a journey of about two days.<sup>4065</sup> When Uch Sunlay returned, the cooperative chief told them “all of your wives were collected and taken away. I want all of you, comrades, to get rid of this wounded flesh.”<sup>4066</sup>
984. Uch Sunlay’s wife and children had been sent to the island of Kbal Kaoh Trong and were killed.<sup>4067</sup> He was told what had happened to his family by Thol, who drove the ox cart carrying the women and children to be executed.<sup>4068</sup> The perpetrators were the cooperative militia.<sup>4069</sup> Uch Sunlay’s children “ran around when they were about to be killed and they were swung against the tree and died instantly.”<sup>4070</sup>
985. The clothes of Uch Sunlay’s family were distributed to people in the cooperatives. He “saw the clothes of my children and [wife] and people in the cooperative could identify through the clothes that my [wife] and my children were really killed.”<sup>4071</sup> When Uch Sunlay’s wife and children were taken away, other Vietnamese women, and their children in the area shared the same fate.<sup>4072</sup>

<sup>4060</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150156 [“In Kratie province in the northeast, officials in 1977 described Vietnamese as the *setrew prowatisas* (historic enemy) and began a hunt for people of part-Vietnamese origin. These were executed, along with ethnic Chinese and former Lon Nol soldiers”].

<sup>4061</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.56.44-15.58.06.

<sup>4062</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.30.12-15.32.11.

<sup>4063</sup> E1/395.1 Uch Sunlay, T. 2 Mar 2016, 09.09.23-09.12.02.

<sup>4064</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.48.38-15.49.58.

<sup>4065</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

<sup>4066</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

<sup>4067</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.32.11-15.33.57, 15.48.38-15.49.58.

<sup>4068</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.58.06-16.02.50.

<sup>4069</sup> E1/395.1 Uch Sunlay, T. 2 Mar 2016, 09.18.00-09.19.28.

<sup>4070</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.33.57-15.36.03.

<sup>4071</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.37.50-15.39.10.

<sup>4072</sup> E1/394.1 Uch Sunlay, T. 1 Mar 2016, 15.53.08-15.55.05.

986. Heng Lai Heang joined the Khmer Rouge in 1971<sup>4073</sup> and testified that the Party's policy was first to deport the Vietnamese from Cambodia and subsequently smash those remaining.<sup>4074</sup> After the main wave of expulsions,<sup>4075</sup> the policy was that "those who were half-blood Vietnamese had to be smashed. Otherwise, when Vietnamese made an entry then they would collude with the Vietnamese side."<sup>4076</sup> If the mother was Vietnamese, she would be arrested and smashed and so would the half-blood children and grandchildren.<sup>4077</sup>
987. Heng Lai Heang testified that screenings took place to find people with Vietnamese origin.<sup>4078</sup> Lists were prepared "from the group to the village and the village to the commune and commune to the higher up."<sup>4079</sup> Cadres from the district came to educate people at the commune level about the policy.<sup>4080</sup> Heng Lai Heang heard that implementation of the policy involved smashing people at villages and at security centres.<sup>4081</sup>
988. Heng Lai Heang's uncle was married to a Cambodian citizen who was ethnically Vietnamese.<sup>4082</sup> She was taken away to Kaoh Sroka security centre, Kantuot Commune

<sup>4073</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 09.18.20-09.20.20.

<sup>4074</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.38.59-14.41.45 ["Based on what I heard, that the first principle would be that they would be sent back to their country. So at the beginning they were loaded onto trucks and transported to Vietnam. But later on when the Vietnamese intensified their attacks and then the ethnic Vietnamese in Cambodia were smashed"].

<sup>4075</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32 ["It happened after the event in 1975. Before that there was no such policy because those people could live as simply as other Cambodian people, that is, living and earning and working in fields but that measure or principle was set up later on"].

<sup>4076</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.22.02-14.24.32.

<sup>4077</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.28.32-14.30.44 ["During that period of time, only half-blood Vietnamese people were smashed. For example, if the mother was Vietnamese the mother would be arrested and smashed and later on the half-blood children were arrested and then half-blood grandchildren were also arrested"], 14.30.44-14.33.06 ["Q. So if I understand you correctly, in some families, insofar as there would be one grandparent who was of Vietnamese origin, the rest of the lineage would be eliminated. Is that what you are telling the Chamber? A. Yes"].

<sup>4078</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.24.32-14.26.44 ["Q. Do you know if there were orders that residents needed to write their biographies and if there were lists of people who had Vietnamese origins? A. Yes, there was. At that time they called it 'chumrouen' (phonetic) or census. Q. And what did this word 'chumrouen' (phonetic) mean? A. The word 'chumrouen' (phonetic) means to do the screening or gathering"].

<sup>4079</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52.

<sup>4080</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.34.12-14.36.52 ["It was the education from the upper echelon down to the lower level ... They came -- they came to show us the directions or the policy. So they came from the district level"], 14.36.52-14.38.59 ["I referred to the people in high authority, those from the district. They came to the commune and those in the commune came to the village, and the village were the ones who compiled the statistics ... They educated us at the commune"].

<sup>4081</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["Based on the information I received from my relatives, it took place at villages. Some were smashed at the villages; some were smashed at the security centre"].

<sup>4082</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["My aunt in-law who was an ethnic



in Kratie District.<sup>4083</sup> Only one of Heng Lai Heang's relatives who were half-blood Vietnamese, including grandchildren, was still alive by 1977.<sup>4084</sup> Heng Lai Heang testified that those "who were connected to the Vietnamese network or relationship, whether they had Khmer spouse, they were all collected and taken away."<sup>4085</sup> It was said that "because they were in some way related to the Vietnamese ... they would collude with the Vietnamese, so they would not be spared."<sup>4086</sup>

## 9. Killings in the West Zone

### Kampong Chhnang (Sector 31)

989. Attacks against ethnic Vietnamese were widespread in Sector 31. In September 1977, media outlets reported "savage reprisals within Cambodia against some of the few ethnic Vietnamese left in that country after the massive deportations to Vietnam in 1975".<sup>4087</sup> This included attacks in May 1977 when "about 420 Vietnamese adults and children were executed in Kompong Chhnang".<sup>4088</sup>

### *Ta Mov Island*

990. In 1977, Prak Doeun's family was moved to Ta Mov island.<sup>4089</sup> His wife, Bou Samban, was ethnic Vietnamese.<sup>4090</sup> She was born in Kampong Chhnang to an ethnically Vietnamese mother and half-blood Chinese father.<sup>4091</sup> She could speak Vietnamese but did not use it and had Khmer facial features but a lighter complexion.<sup>4092</sup> Prak Doeun and his wife had six children.<sup>4093</sup>

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Vietnamese who already changed her citizenship to Cambodian, she did not hold Vietnamese I.D. card. At that time, ethnic Vietnamese held Vietnamese ID and they paid the ID fee every year. Because she believed that she had already changed her citizenship, she did not want to go the district because she did not want to be separated from her husband and children. Then she was taken away to the security centre".

<sup>4083</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 14.41.45-14.43.46 ["It was a security centre at Kaoh Sroka (phonetic). I cannot recall what it was actually called. It was at Kaoh Sroka (phonetic), Kantuot commune, in Kracheh district"]. See also E3/436 Heng Lai Heang WRI, 23 Nov 2009, EN 00414570.

<sup>4084</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 11.00.52-11.02.30 ["all of my relatives disappeared by 1977 since these relatives, who were half-blood with the Vietnamese even grandchildren, had been arrested or they had gone and from that family side, only one survived"].

<sup>4085</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 10.59.08-11.00.52.

<sup>4086</sup> E1/476.1 Heng Lai Heang, T. 19 Sept 2016, 10.59.08-11.00.52.

<sup>4087</sup> E3/143 FBIS, *collection of reports for September 1977*, EN 00168725.

<sup>4088</sup> E3/143 FBIS, *collection of reports for September 1977*, EN 00168725; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150155.

<sup>4089</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.52.34-13.53.48.

<sup>4090</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 11.21.43-11.23.09.

<sup>4091</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 11.21.43-11.23.09, 11.24.41-11.27.26.

<sup>4092</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 11.23.09-11.27.26.

<sup>4093</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 11.29.10-11.31.34.

991. At Ta Mov island, Prak Doeun was asked whether his wife was Khmer or Vietnamese. He testified that if he had said that she was Khmer, he would have been taken away and killed — so he told the truth that his wife was ethnically Vietnamese.<sup>4094</sup> A radio announcement at the time called for Vietnamese who had “infiltrated” to be found.<sup>4095</sup> There were seven mixed families on the island, involving Khmer men married to Vietnamese women and Khmer women married to Vietnamese men.<sup>4096</sup> Khmer Rouge cadres gathered all of the seven mixed Vietnamese families to move from the area.<sup>4097</sup> The families were made to walk at night to Tuol Ka Munlong, then split into two groups.<sup>4098</sup> Khmer men and women were in one group and ethnic Vietnamese men and women were in the other. Prak Doeun was thus placed in a separate group from his wife, children, and mother-in-law.<sup>4099</sup>
992. The unit chief later told Prak Doeun that his family had been smashed, and blamed Prak Doeun for having married a Vietnamese woman.<sup>4100</sup> The unit chief said that the Vietnamese people had been tied up and beaten into a grave,<sup>4101</sup> and that the young children had been thrown into the air and pierced with a bayonet.<sup>4102</sup> Prak Doeun testified to being “hopeless at the time, after I heard that my family members had been killed.”<sup>4103</sup> All those suspected of being Vietnamese were sent away and smashed leaving no more Vietnamese on Ta Mov island.<sup>4104</sup>

*Kampong Leaeng District*

993. Choeng Yaing Chaet’s parents were both ethnically Vietnamese.<sup>4105</sup> He was the youngest of the family and had two brothers and two sisters.<sup>4106</sup> In 1975, the family was warned that they had to leave Srae Ta Kouy Village in Kampong Leaeng District or

<sup>4094</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

<sup>4095</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.11.05-14.12.59.

<sup>4096</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 13.55.16-13.57.43.

<sup>4097</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.26.45-14.28.51.

<sup>4098</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.26.45-14.31.20.

<sup>4099</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.36.49-14.39.10.

<sup>4100</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46; E1/362.1 Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

<sup>4101</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 15.23.10-15.25.46.

<sup>4102</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.28.51-14.31.20; E1/361.1 Prak Doeun, T. 2 Dec 2015, 14.40.47-14.42.33 [“the child or children were thrown up into the air and they were killed with a bayonet. As I said, they were killed with a bayonet. I did not witness the incident, so I was told about this incident. This happened to the children who were brought away with the mothers, the mother had been killed before the children were killed”], 15.21.36-15.23.10.

<sup>4103</sup> E1/362.1 Prak Doeun, T. 3 Dec 2015, 10.49.49-10.52.25.

<sup>4104</sup> E1/361.1 Prak Doeun, T. 2 Dec 2015, 15.28.02-15.29.36, 15.31.43-15.34.12.

<sup>4105</sup> E1/363.1 Choeng Yaing Chaet, T. 7 Dec 2015, 10.52.07-10.53.58.

<sup>4106</sup> E1/363.1 Choeng Yaing Chaet, T. 7 Dec 2015, 10.57.35-11.02.09.

else they would be killed, so they fled to Kandal Village in Kampong Chhnang District.<sup>4107</sup> Subsequently, they were among approximately 1,000 families, the majority of which were Vietnamese, who were relocated from Kandal Village to Phum Dar Village.<sup>4108</sup>

994. In Phnum Dar Village, Choeung Yaing Chaet was 13 or 14 years old<sup>4109</sup> when armed men came and arrested him and his family.<sup>4110</sup> They were taken to a pit and one by one Choeung Yaing Chaet's parents and siblings were killed.<sup>4111</sup> When it was his turn, Choeung Yaing Chaet was ordered to kneel and was hit with an axe three times on the neck.<sup>4112</sup> The cadres left as they presumed he was dead.<sup>4113</sup> That same day, Choeung Yaing Chaet witnessed the Vietnamese family living next door tied up as well; a father, mother, and two children.<sup>4114</sup>

#### 10. Killings at S-21

995. Duch testified at his trial that Vietnamese people were sent to S-21 from early in the DK regime.<sup>4115</sup> He stated that "the Vietnamese ethnics living in Cambodia" were arrested after 17 April.<sup>4116</sup>

First, the immigrants, the Vietnamese immigrants who lived in Cambodia for a long time ago because they were violating the administrative matters at that area; and, number two, the Vietnamese civilians ... who were arrested by the Democratic Kampuchea's troops and sent to S-21.<sup>4117</sup>

996. Duch confirmed that Vietnamese in S-21 were smashed regardless of their status as civilians or soldiers.<sup>4118</sup> Prak Khan testified that while standing guard at an office used

<sup>4107</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.03.40-11.07.21.

<sup>4108</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.07.21-11.09.56.

<sup>4109</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.29.56-11.31.52.

<sup>4110</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.15.58-11.18.22.

<sup>4111</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.23.39-11.26.04.

<sup>4112</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.23.39-11.26.04.

<sup>4113</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.26.04-11.27.31 ["I only saw four of my family members and not the rest because they stacked on top of another, I saw the dead bodies of my father, my mother and my siblings and I was the last person to be killed and to be dropped into the pit"].

<sup>4114</sup> E1/363.1 Choeung Yaing Chaet, T. 7 Dec 2015, 11.22.22-11.23.39.

<sup>4115</sup> E3/525 Kaing Guek Eav alias Duch, T. 10 June 2009, 09.10.24-09.14.54 ["From the 17th of April 1975 until the 6th of January 1976, I remember that there were Vietnamese people who entered S-21"].

<sup>4116</sup> E3/5798 Kaing Guek Eav alias Duch, T. 9 June 2009, 14.32.33-14.35.04.

<sup>4117</sup> E3/525 Kaing Guek Eav alias Duch, T. 10 June 2009, 09.10.24-09.14.54.

<sup>4118</sup> E3/525 Kaing Guek Eav alias Duch, T. 10 June 2009, 13.49.50-13.52.28 ["In general, I state to the hearing from the beginning that those who were sent to S 21 were considered as enemies to be smashed and, therefore, among those victims there must be Vietnamese civilians, soldiers and spies. So there is no other choice but to smash. If I fail to do that, it will be my mistake"]. See also E3/10571 Suos Thy WRI, 6 Feb 2015, EN 01079272.



to receive prisoners, he saw a Vietnamese family arrive; a husband, wife, and a daughter about a year old. The child was taken from the parents to a verandah on the second floor and dropped to her death.<sup>4119</sup>

997. In 1977, many Vietnamese were brought to S-21.<sup>4120</sup> These included both soldiers and civilians, some of whom were brought with their spouse and children.<sup>4121</sup> Prak Khan testified that between 1977 and 1978, staff at S-21 were told by Duch and Son Sen at a political study session that the Vietnamese were “the hereditary enemy” of the CPK.<sup>4122</sup> Lach Mean testified that “Angkar instructed us about their plan and about the purpose of the enemy”.<sup>4123</sup> He was familiar with statements such as Son Sen’s March 1977 declaration that the “CIA, Yuon and revisionist enemies are powerfully continuing their activities to wreck our revolution, with the intention of overthrowing our revolution, our Party and our army, and they are impeding us in our revolutionary tasks.”<sup>4124</sup>
998. Notes prepared by S-21 interrogator Mam Nai alias Chan detail approaches to finding and interrogating Vietnamese detainees. These demonstrate how the Vietnamese were considered enemies before being detained, with the interrogator recording that “if there is a movement to oppose our revolution, that movement cannot be separated from the Yuon”.<sup>4125</sup> Interrogations of Vietnamese prisoners differed from those of Khmer prisoners. While there were plans to use torture selectively with Khmer prisoners, this was not applied to Vietnamese prisoners and other foreigners.<sup>4126</sup> This was torture for

<sup>4119</sup> E1/424.1 Prak Khan, T. 28 Apr 2016, 09.09.11-09.11.13.

<sup>4120</sup> E1/423.1 Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05.

<sup>4121</sup> E1/423.1 Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05 [“It happened in 1977-78 when there were many Vietnamese brought in and those people included civilians and soldiers and some of them were brought in along with their spouse and children”]. See also E3/10572 Prak Khan WRI, 2 Feb 2016, EN 01219848.

<sup>4122</sup> E1/424.1 Prak Khan, T. 28 Apr 2016, 09.12.52-09.14.47 [“And now I am referring to the war between Kampuchea and Vietnam between ’77 and ’78. We, staff at S-21, were told that Vietnamese were the hereditary enemy of the Communist Party of Kampuchea, that we intended to retake the part of the Cochinchine, that is, Kampuchea Krom. And these instructions were relayed by Son Sen and Duch to us at S-21 during a political study session”].

<sup>4123</sup> E1/422.1 Lach Mean, T. 26 Apr 2016, 15.37.36-15.38.29.

<sup>4124</sup> E3/807 Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 Mar 1977, EN 00933839; E1/422.1 Lach Mean, T. 26 Apr 2016, 15.37.36-15.38.29 [“I did listen to such statements”].

<sup>4125</sup> E3/833 Notebook by Mam Nai alias Chan, EN 00184615 [“(4) Where to look for Yuon? In Phnom Penh, in every ministry 5) Now if there is a movement to oppose our revolution, that movement cannot be separated from the Yuon”].

<sup>4126</sup> E3/834 Pon-Tuy S-21 Interrogators Notebook, EN 00184522, [“In the near term, we have plans to interrogate all of the Khmer without beatings and getting 80% confessions. No beatings and getting very detailed confessions, 70%. As for the foreigners, the Yuon, the imperialist CIA, we apply absolute Special Branch methods, completely and totally, permanently. Also in this temporary period, the task of defense will temporarily apply the old principles, absolutely and totally”]; E1/437.1 Kaing Guek Eav alias Duch, T. 14 June 2016, 11.10.07-11.18.34 [“The content related to the instructions given by Pol Pot

torture's sake and not necessarily to extract information. Interrogations of Vietnamese were less lengthy as the emphasis was not on learning names of connections but on gathering confessions for propaganda use.<sup>4127</sup>

999. After they were cuffed, Vietnamese who arrived at S-21 were ordered to sit in front of either Building A or B and there was an interpreter for Duch to speak to them.<sup>4128</sup> Prak Khan testified that Vietnamese civilians and soldiers<sup>4129</sup> were instructed to read a statement prepared by Man Nai alias Chan which was a confession that they "entered the Kampuchean territory in order to spy on us".<sup>4130</sup>

1000. **Nuon Chea** was informed of the arrest and transfer of Vietnamese to S-21.<sup>4131</sup> He instructed Duch to interrogate Vietnamese soldiers and record their confessions.<sup>4132</sup> He

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during the time I attended the training session where he taught ... we called the interrogators for the presentation of those documents that night ... As for the 'Yvon,' the practice remained the same and of course, the same applied to CIA agents; the 'Yvon,' the CIA agents had to be beaten").

<sup>4127</sup> **E3/79** Prak Khan WRI, 25 Sept 2007, EN 00161556 [describing differences in interrogations of foreign prisoners: "they were not interrogated for a long time, not many times, so it was unlike the Cambodians. For them, they were interrogated one or two days and then they disappeared, that was the end of it ... They were interrogated differently than Cambodians, because with the Cambodians they were interrogated to find their roots. For foreigners they asked what was their intention in coming to Cambodia, and had them speak in their language for broadcast back to their country, just to let them know they had entered Cambodia and confessed. There was no interrogating to find their roots"]; **E3/351** Mam Nai WRI, 7 Nov 2007, EN 00162918 ["Duch just told me to interrogate the Yvon soldiers ... they were military situation interrogations. Q: So the Vietnamese prisoners were interrogated to learn battlefield information. There were no accusations about traitor networks? A: No"]; EN 00162919 ["I asked about their histories, asked their units, ranks, and which battlefields they had been on, the locations of their guns, and their personnel strength"].

<sup>4128</sup> **E1/423.1** Prak Khan, T. 27 Apr 2016, 15.57.03-15.59.05.

<sup>4129</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56 ["The names are the correct names of the prisoners who confessed. Some of them were soldiers, and some were civilians"].

<sup>4130</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.04.07-09.05.56.

<sup>4131</sup> **E3/9375** Military Telegram copied to brother Nuon, 14 Feb 1978, EN 01185439-40 ["5. Comrade Tal arrested two Vietnamese people who were 17 and 27 years old. They were taken to S-21"]; **E1/439.1** Kaing Guek Eav alias Duch, T. 16 June 2016, 09.43.05-09.44.35 ["Uncle Nuon said that in general, and he told to me in general that 'Yvons' would be sent into S-21, and I had to interrogate them. Their confessions would be broadcast on the radio, and it was about the intention of the 'Yvon' to invade Cambodia and to integrate Cambodia into the Indochinese Federation and that 'Yvon' was the aggressor. He did not mention that particular prisoner, but he said that 'Yvon' soldiers would be sent to me"].

<sup>4132</sup> **E1/58.1** Kaing Guek Eav alias Duch, T. 3 Apr 2012, 09.57.07-09.59.14 ["Thank you. Mr. President, the truth is, on the 8th of January 1978, Brother Nuon called upon me to work -- it means, that was after the meeting of the victory of the Revolutionary Army over the Vietnamese Army. Brother Nuon asked me to interrogate the Vietnamese war prisoners and recorded the prisoners' confessions"]; **E1/436.1**, Kaing Guek Eav alias Duch, 13 June 2016, 15.02.30-15.04.30 ["Q. Who was the superior? Who was it that instructed you to make audio recordings of confessions of the Vietnamese soldiers that could be broadcast on the radio? Who gave you that instruction? A. I have just made that point. It was Brother Nuon. In fact, Son Sen had not met me face to face starting from the 15th of August 1978. I apologize. It was in 1977. That is the time the Kampuchea declared that 'Yvon' was our enemy, and that announcement was made on the 31st of December '78. When Vu Dinh Ngo arrived, I received an order from Brother Nuon regarding the audio recording of the confessions. So it was not Son Sen that I received orders from. It was Brother Nuon"]. See also **E3/351** Mam Nai WRI, 7 Nov 2007, EN 00162909.

then received confessions from Duch.<sup>4133</sup> **Nuon Chea** would make changes to the confessions to add greater propaganda value.<sup>4134</sup> Duch testified that the order was to “extract confessions from ... the Vietnamese prisoners of war, so that their confessions could be broadcast on radio”.<sup>4135</sup> These confessions were broadcast every morning, with the speech made in Vietnamese and interpreted into Khmer.<sup>4136</sup> For example, on 29 January 1978, the Phnom Penh Home Service broadcast the confession of purported midshipman Vu Dinh Ngo, who was reportedly captured at sea on 3 January 1978.<sup>4137</sup> The confession was described in the radio broadcast as constituting “further proof” of the sending of spies and agents with the aim of overthrowing the CPK.<sup>4138</sup> Duch testified, matter-of-factly, that “‘Yuon’ soldiers were ‘Yuon’ soldiers. As for ‘Yuon’ civilians, they were forced to confess that they were ‘Yuon’ spies.”<sup>4139</sup>

1001.S-21 guard Him Huy<sup>4140</sup> collected Vietnamese from Sector 23 of the East Zone on two occasions to bring to S-21.<sup>4141</sup> They were tied and handcuffed and detained in a school

<sup>4133</sup> **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.33.27-09.35.57 [“The essence of the confessions of those Vietnamese was sent to Uncle Nuon”].

<sup>4134</sup> **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.33.27-09.38.48 [“A. The essence of the confessions of those Vietnamese was sent to Uncle Nuon. Therefore, whatever it is he would adjust it and then he would send it to me and I would make some changes. So the purpose of the propaganda was determined from the upper echelon and I just tried to fulfil those objectives. Q. So sometimes the confessions were adjusted so that they made better propaganda. Is that right? A. Your Honour, yes, there were some amendments to the confessions”].

<sup>4135</sup> **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.14.54-09.18.05.

<sup>4136</sup> **E1/424.1** Prak Khan, T. 28 Apr 2016, 09.05.56-09.07.06 [“Usually, every morning at 7 o’clock, the confessions were broadcast on radio. The speech was made originally in Vietnamese and interpreted into Khmer”].

<sup>4137</sup> **E3/1249** BBC Media Report, *Confession of a Captured SRV Sailor*, 29 Jan 1978 EN S 00008894-95. See also **E3/1259** DK Government Statement, 17 Jan 1978, EN 00280615-6; **E3/1258** DK Government Statement, Feb 1978, EN S 00004902-45; **E3/1409** DK Media Report, 18 Feb 1978, EN 00594103; **E3/1298** DK Media Report, 27 Mar 1978, EN 00169954; **E3/1273** DK Media Report, 7 Apr 1978, EN S 00010472; **E3/1274** DK Media Report, 6 May 1978, EN S 00010108-9; **E3/1309** DK Media Report, 5 June 1978, EN 00169780; **E3/1316** DK Media Report, 11 July 1978, EN 00169719; **E3/1321** DK Media Report, 11 Aug 1978, EN 00168957; **E3/1325** DK Media Report, 15 Sept 1978, EN 00170381; **E3/1330** DK Media Report, 31 Oct 1978, EN 00170332; **E3/1331** DK Media Report, 15 Nov 1978, EN 00170119; **E3/1335** DK Media Report, 7 Dec 1978, EN 00169057.

<sup>4138</sup> **E3/1249** BBC Media Report, *Confession of a Captured SRV Sailor*, 29 Jan 1978 EN S 00008895. See **E3/8436** S-21 List, EN 00250012, Number 2.

<sup>4139</sup> **E1/439.1** Kaing Guek Eav alias Duch, T. 16 June 2016, 11.05.26-11.07.07.

<sup>4140</sup> **E1/426.1** Him Huy, T. 3 May 2016, 14.54.41-14.56.52.

<sup>4141</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.56.50-09.58.46 [“A. They were sent in at different times. I went to bring them from Svay Rieng, the East Zone, on two occasions. Five of them were brought in on one occasion. And later on, some Vietnamese soldiers were further brought in, but I cannot recall how many of them. And other than that, there were staff from 703 and from other directions who were brought in as well. But I do not know the -- know them all”]. See also **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 11.43.39-11.47.21 [“Q. My question is whom did you order to go and transport those people? A. Once I received such order I would order Comrade Huy to implement it, and I never ordered directly to them. I only ordered Comrade Huy to order his subordinates, so I only made indirect order”].



to the south of the provincial town of Svay Rieng.<sup>4142</sup> They were wearing military uniforms and caps.<sup>4143</sup> Him Huy testified that Vietnamese soldiers were all killed “after their interrogations had been concluded.”<sup>4144</sup> As Duch confirmed, “All of them were ordered to be smashed.”<sup>4145</sup>

1002. In order to steel cadres for the torture and execution work, a propaganda film was made at S-21 showing the interrogation, confession, execution, and disemboweling of Vietnamese soldiers.<sup>4146</sup> Him Huy witnessed the Vietnamese soldiers with wounds on their backs<sup>4147</sup> and bloodstains on their bodies after being tortured.<sup>4148</sup> The film was shown to interrogators and staff from S-21 and Prey Sar to “celebrate” 17 April.<sup>4149</sup>

1003. The Vietnamese were the largest group of foreigners detained at S-21.<sup>4150</sup> According to surviving documents, there were a minimum of 728 people at S-21 recorded as Vietnamese,<sup>4151</sup> including 117 purported Vietnamese soldiers<sup>4152</sup> and 254 alleged “spies”.<sup>4153</sup> The remaining 357 uncategorised Vietnamese in S-21 logs were likely to be civilians,<sup>4154</sup> 29 of whom were recorded as children.<sup>4155</sup> When the DK regime was in its

<sup>4142</sup> **E1/427.1** Him Huy, T. 4 May 2016, 14.27.20-14.28.46 [“We went to pick them up at a school to the south of the provincial town office. They were being detained there. They were tied and cuffed there”].

<sup>4143</sup> **E1/427.1** Him Huy, T. 4 May 2016, 14.27.20-14.28.46.

<sup>4144</sup> **E1/427.1** Him Huy, T. 4 May 2016, 09.55.12-09.56.50 [“The Vietnamese soldiers who had been arrested were killed after their interrogations had been concluded. They were killed behind the Tuol Sleng prison, to the south”]. See also **E3/406** Him Huy WRI, 19 Sept 2007, EN 00161591.

<sup>4145</sup> **E3/525** Kaing Guek Eav alias Duch, T. 10 June 2009, 09.38.48-09.40.49 [“23 Q. Because of the policy applying to S-21, were all of those Vietnamese soldiers ultimately killed? A. Your Honour, no one could escape. All of them were ordered to be smashed”].

<sup>4146</sup> **E1/422.1** Lach Mean, T. 26 Apr 2016, 10.51.06-10.55.14; **E1/427.1** Him Huy, T. 4 May 2016, 14.30.53-14.32.38, 15.05.20-15.07.20 [“I saw in the film was that they were ordered to walk single file and later on they were executed and they were disemboweled”]. See also, **E3/5798** Kaing Guek Eav alias Duch, T. 9 June 2009, 14.39.35-14.42.57 [“As for the Vietnamese civilians or Vietnamese citizens who were sent to S-21, they would be beaten, interrogated and smashed. Only after the 6th, on top of that, their voice was taped and they were photographed to show at a meeting in Jakarta. Also a movie was taken. So that was my recollection on this event”].

<sup>4147</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20 [“When I went to Thy's place, I saw them being walked to be interrogated and I saw wounds on their backs”].

<sup>4148</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.03.56-15.05.20 [“Yes, that is correct. Those Vietnamese soldiers who were arrested, were tortured and I saw bloodstains on their bodies. Actually, the film was taken by En's team”].

<sup>4149</sup> **E1/427.1** Him Huy, T. 4 May 2016, 15.11.10-15.13.40 [“Q. So this is a film that was screened to celebrate the 17th of April 1975? Is that what I must understand? A. Yes, that is correct”], 15.13.40-15.15.53 [“It was in front of the prison along the road. That's where the film was screened and those who watched the film, including those from Prey Sar, the interrogators, and the staff of S-21”], 15.13.40-15.15.53 [“There were Ta Duch, Ta Hor, staff at S-21, and those from Prey Sar”].

<sup>4150</sup> **E3/5798** Kaing Guek Eav alias Duch, T. 9 June 2009, 16.07.07-16.09.10.

<sup>4151</sup> See **Annex F.33** List of Vietnamese S-21 Prisoners.

<sup>4152</sup> See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

<sup>4153</sup> See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

<sup>4154</sup> See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

<sup>4155</sup> See **Annex F.2** Figure 5.1 Vietnamese described as Spies, Soldiers and Civilians at S-21, p 47.

last days, Duch asked **Nuon Chea** what to do with the remaining “Yuon” detainees at S-21. **Nuon Chea** ordered: “Smash them all”.<sup>4156</sup>

#### THE SUCCESSFUL GENOCIDE OF THE VIETNAMESE

1004. Pol Pot’s April 1978 speech answered his own question of “how about the Yuon?” as follows: “There are no Yuon in Kampuchean territory. Formerly there were nearly 1,000,000 of them. Now there is not one seed of them to be found.”<sup>4157</sup> Pol Pot’s words are backed up by the demographics, which suggest that “virtually every ethnic Vietnamese disappeared from Cambodia” by the end of the DK regime.<sup>4158</sup> Expert Alexander Hinton opined that Pol Pot’s remark signalled “the successful completion of a genocide.”<sup>4159</sup>

#### 8. CRIMES AGAINST THE CHAM

*During the purge I only knew that Cham people had been taken away and killed. I was told by [the Sector Secretary], based on the instructions from the upper echelon.*<sup>4160</sup>

– Prak Yut, former Kampong Siem District Secretary

1005. From the beginning of the DK regime, CPK policy was to eliminate the Cham as a distinct ethnic and religious group in the country. Pol Pot and the leadership saw the Cham, the largest minority in the country, as an obstacle towards the realisation of their vision of Cambodia being a country with a single ethnicity. The CPK initially attempted to destroy the Cham as a distinct group by forced assimilation — prohibiting the Cham the right to practice their religion, speak their language, and express their unique cultural identity. The CPK killed religious leaders and any who refused to comply with *Angkar*’s edicts prohibiting expressions of Cham identity. But when the Cham resisted efforts to destroy their religion and identity, even to the point of taking up swords and knives to defend their religion, the CPK leaders’ paranoia grew and they adopted a much more radical policy. The Party dispersed communities where Cham were concentrated, scattering the survivors throughout DK. The CPK labelled the Cham as enemies of the revolution who could not be reformed and for whom there was no

<sup>4156</sup> **E1/62.1** Kaing Guek Eav alias Duch, 10 Apr 2012, 15.37.52-15.41.11. See also **E3/452** Kaing Guek Eav alias Duch WRI, 30 May 2008, EN 00147567.

<sup>4157</sup> **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519836. See also **E1/443.1** Kaing Guek Eav alias Duch, T. 23 June 2016, 15.32.46-15.35.50.

<sup>4158</sup> **E3/2413** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, 30 Sept 2009, EN 00385311; **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

<sup>4159</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 11.00.45-11.02.08.

<sup>4160</sup> **E1/377.1** Prak Yut, T. 18 Jan 2016, 14.47.13-14.49.32.

solution short of widespread slaughter. At that point, CPK cadres rounded up and massacred Cham men, women, and children. The evidence shows the CPK implemented this genocide — and the crimes against humanity carried out in its pursuit — most severely in the portions of the Central and Eastern Zones of DK that were the traditional heartland of the Cham community in Cambodia. This was no coincidence, but rather a recognition by CPK leaders that these communities were essential for the long-term survival of a unique Cham ethnicity in Cambodia. It is these areas that are the focus of Case 002/02.

1006. In relation to the charge of genocide,<sup>4161</sup> the treatment of the Cham nationwide is relevant to the specific intent of **Nuon Chea** and **Khieu Samphan**. The *actus reus* for genocide is demonstrated by the evidence of killings during the jurisdictional period. In addition to genocide, **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity regarding the Cham: murder (in relation to Trea Village and Wat Au Trakuon Security Centres), extermination (in relation to Trea Village and Wat Au Trakuon Security Centres), religious persecution, other inhumane acts, torture, and unlawful imprisonment.<sup>4162</sup> The Co-Prosecutors do not seek convictions regarding torture in relation to the Cham, as they understand this crime to relate to the Kroch Chhmar District Security Centre,<sup>4163</sup> which is outside the scope of Case 002/02. For the remainder of the crimes against humanity charged, the evidence for these crimes is discussed below and in relation to the S-21 Security Centre. Where the evidence addresses events that occurred outside of the jurisdictional period of the Court, it is submitted only for context and/or to show the requisite *mens rea*.

## GENOCIDAL POLICY AGAINST THE CHAM

### 1. The Cham as a Distinct Religious and Ethnic Group

1007. The Cham, who share a common language, culture, and religion,<sup>4164</sup> qualify as both a religious and ethnic group for the purposes of the Genocide Convention.<sup>4165</sup> Most are

<sup>4161</sup> **D427** Closing Order, paras 1336-1342 [genocide through killing], **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689.

<sup>4162</sup> **D427** Closing Order, paras 1373, 1378 [murder (Trea Village and Wat Au Trakuon Security Centres)]; 1381, 1386 [extermination (Trea Village and Wat Au Trakuon Security Centres)]; 1415, 1420 [persecution on religious grounds (nationwide)]; 1434, 1436 [other inhumane acts (attacks against human dignity)]; 1448, 1468 [other inhumane acts (forced transfer)], 1470 [other inhumane acts (enforced disappearances)]; 1408 [torture]; 1402 [imprisonment]. **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>4163</sup> **D427** Closing Order, para. 774.

<sup>4164</sup> See **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.16.50-11.19.17.



descendants of the Kingdom of Champa, which was located in present-day Vietnam. Following the Vietnamese conquest of Champa in the 15<sup>th</sup> century,<sup>4166</sup> Cham fled in many directions, including to nearby Cambodia.<sup>4167</sup> By the 17<sup>th</sup> century, the Cham in Cambodia had become “numerous and populous enough to have their own name for a riverside port village”, and shortly thereafter an entire province: Kampong Cham.<sup>4168</sup> They have been part of the Cambodian societal fabric ever since.

1008. In 1975 the Cham were Cambodia’s largest indigenous minority,<sup>4169</sup> and while the majority of Cham lived in the eponymous Kampong Cham (which prior to 2013 included present-day Tboung Khmum Province),<sup>4170</sup> Cham could also be found in other parts of Cambodia.<sup>4171</sup> Kroch Chhmar District<sup>4172</sup> was considered the centre of the Cham community in Cambodia, as it was where many Cham most knowledgeable about Cham history and religion resided.<sup>4173</sup>

1009. Almost all Cham are Muslim,<sup>4174</sup> and their lifestyle is dictated by religious beliefs and cultural traditions that are distinct from the Khmer majority. Expert Francois Ponchaud described Islam as “the cement that held this marginal community together,”<sup>4175</sup> and

<sup>4165</sup> See **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.28.59-14.30.35.

<sup>4166</sup> **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489300, 00489309, 00489313.

<sup>4167</sup> **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956; **E3/9681** Ben Kiernan, *Orphans of Genocide: The Cham Muslims of Kampuchea Under Pol Pot*, EN 01199563; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489300, 00489314; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.44.36-09.46.25, 10.54.07-10.55.57, 10.59.45-11.01.18; see generally **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150133-01150138.

<sup>4168</sup> **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489316.

<sup>4169</sup> **E3/9681** Ben Kiernan, *Orphans of Genocide: The Cham Muslims of Kampuchea Under Pol Pot*, EN 01199563; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00396927.

<sup>4170</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.44.36-09.46.25; **E1/415.1** Sos Kamri, T. 6 April 2016, 15.57.41-16.01.35; **E3/9750** Sos Kamri DC-Cam, EN 01222009; **E1/342.1** It Sen, T. 7 Sept 2015, 11.31.10. See also **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489353; **E3/2652** Map of Indochina Ethnolinguistic Groups, EN 00327660. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149999-01150000, 01150134.

<sup>4171</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150134; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554489; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489353; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.10.02-11.11.58.

<sup>4172</sup> Also Romanized as “Krauch Chhmar” and “Krouch Chhmar”.

<sup>4173</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.11.58-11.15.13.

<sup>4174</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.32.22-09.33.56; **E3/9681** Ben Kiernan, *Orphans of Genocide*, EN 01199568; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554489.

<sup>4175</sup> **E3/1820** Francois Ponchaud, *Cambodia: Year Zero*, EN 00105817. Khieu Samphan has noted the centrality of the Muslim faith to the Cham identity: “Champa was a Kingdom who occupied the present day Central Vietnam. Her population, the Chams, are Muslim people.” **E3/636** Khieu Samphan, *Proposal of Democratic Kampuchea for a Comprehensive Political Settlement of the Problem of Kampuchea*, EN S 00038510.

Cham communities tended to be centered around a mosque for prayer.<sup>4176</sup> The Koran is their central religious text and they abide by various religiously-imposed obligations (*vachip*) and customs, such as: prayer five times daily;<sup>4177</sup> the requirement of a minimum number of Muslims for certain prayers;<sup>4178</sup> a one-month fasting period every year (Ramadan);<sup>4179</sup> the conduct of religious ceremonies and funerals in accordance with Islamic traditions;<sup>4180</sup> the religious education of their children;<sup>4181</sup> and the naming of children using names that appear in the Koran and other prayer books.<sup>4182</sup> Muslims are also required to refrain from performing religiously forbidden (*haram*) acts, such as eating or handling pork or swine,<sup>4183</sup> or eating any meat that has not been prepared according to religious custom.<sup>4184</sup> They believe that following these imperatives anoints them “blessed by God,” while transgressing them results in being “marked with sin.”<sup>4185</sup>

1010. The Cham have their own language that is related to Indonesian and Malay.<sup>4186</sup> Prior to the advent of Democratic Kampuchea, many Cham spoke Khmer only occasionally, if at all,<sup>4187</sup> and often with difficulty.<sup>4188</sup> Cham also wear distinctive clothing,<sup>4189</sup> and have distinct grooming habits, dictated by their faith and culture. They wear particular robes and sarongs, and women grow their hair long and almost always wear a head scarf.<sup>4190</sup>

<sup>4176</sup> **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956.

<sup>4177</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078545; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667274; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.55.57-10.57.47.

<sup>4178</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078545.

<sup>4179</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219115.

<sup>4180</sup> **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554491; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078546.

<sup>4181</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.00.25; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544.

<sup>4182</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078578. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.57.47-10.59.45, 13.35.30-13.36.54.

<sup>4183</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.36.54-13.38.55; **E1/342.1** It Sen, T. 7 Sept 2015, 15.57.45-15.59.52; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.04.15-14.06.05.

<sup>4184</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.28.40-11.30.40.

<sup>4185</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078544.

<sup>4186</sup> **E1/93.1** David Chandler, T. 20 July 2012, 15.46.39-15.48.38; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/4519** Farina So, *Oral History of Cham Muslim women in Cambodia under the KR Regime*, EN 00554491; **E1/349.1** Him Man, T. 17 Sept 2015, 14.23.18-14.25.00; **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.57.47-11.01.18.

<sup>4187</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 14.23.18-14.25.00.

<sup>4188</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.59.45-11.01.18.

<sup>4189</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 14.25.00-14.26.48; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15.

<sup>4190</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451, 00078544; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554577; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.33.00-13.35.30; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.01.32-14.04.15.

Cham men grow beards, and wear a white skullcap, while religious leaders wear turbans.<sup>4191</sup>

1011. Most Cham lived together in villages comprised mostly or exclusively of Cham in tightly knit communities.<sup>4192</sup> Cham villages were usually next to rivers, especially the Mekong and Tonle Sap, and many Cham were fishermen.<sup>4193</sup> “[T]here was structure — clear structure of religious leadership in ... each and every village.”<sup>4194</sup> The Islamic community within Cambodia was led by the *Mufti* who was assisted by two adjutants.<sup>4195</sup> The *Mufti* would appoint a *Hakim* in each village, who was responsible for maintaining religious observance in the community and also served as an arbiter of religious law.<sup>4196</sup> Islamic teaching in each village was the responsibility of the *Tuon*.<sup>4197</sup> *Imams*, who led daily prayers,<sup>4198</sup> *Haji*, who had performed the Hajj to Mecca,<sup>4199</sup> and students, who had studied Islam abroad,<sup>4200</sup> were also especially respected members of the community.

1012. Although vastly outnumbered by Khmer in Cambodia, by living together in predominantly Cham communities, the group was able to preserve its identity through the centuries.<sup>4201</sup> Cham religious, cultural, and historical knowledge was primarily conveyed orally, and the presence of learned persons who could convey that oral

<sup>4191</sup> **E3/20** Elizabeth Becker, *When the War Was Over*, EN 00237956; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219189; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.33.00-13.35.30; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489372.

<sup>4192</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150134; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554491; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.31.40-15.33.50; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.57.47-10.59.45, 11.06.14-11.07.56.

<sup>4193</sup> **E3/9681** Ben Kiernan, *Orphans of Genocide*, EN 01199567-68; **E3/4519** Farina So, *An Oral History of Cham Muslim Women in Cambodia under the Khmer Rouge Regime*, EN 00554492; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.27.52-09.30.05; **E1/446.1** Meas Socurn, T. 29 June 2016, 15.10.38-15.12.33; **E3/5531** Meas Souern WRI, A53; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.22.42-11.25.39; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489320, 00489353; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.

<sup>4194</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 10.59.42-11.01.05. See also **E1/415.1** Sos Kamri, T. 6 April 2016, 10.42.10-10.43.40.

<sup>4195</sup> **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489336, 00489448; **E3/9750** Sos Kamri DC-Cam, EN 01222010; **E1/415.1** Sos Kamri, T. 6 April 2016, 11.01.05-11.03.01; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.01.32-10.01.42.

<sup>4196</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 11.01.05-11.03.01; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.15.13-11.19.32; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.01.32; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219074; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489448.

<sup>4197</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.57.46-10.00.25; **E3/3555** Hean Sokhom, *Ethnic Groups in Cambodia*, EN 00489448. See also **E1/398.1** Van Mat alias Sales Ahmat, T. 9 March 2016, 09.36.18-09.38.15.

<sup>4198</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219074.

<sup>4199</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32.

<sup>4200</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.01.42-10.06.00.

<sup>4201</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31.



history was critical.<sup>4202</sup> Certain religious rites required a quorum of Muslims in order to be performed.<sup>4203</sup> Concentrated communities maintained the daily use of the Cham language, which tended to be much more difficult in communities where the majority were not Cham.<sup>4204</sup> Cham communities pooled resources to materially support common goods essential to the function of faith in their communities, such as the services of the *Tuon*, and the needs of the poor.<sup>4205</sup> One Cham recalled that his community “strictly observed the traditions and culture of the Cham since we felt that if we lost those two things we would lose our entire race.”<sup>4206</sup>

## 2. Evolution of the CPK Policy in Regards to the Cham

1013. The CPK policy towards the Cham grew increasingly severe over time,<sup>4207</sup> as they attempted to “eradicate Cham race from Cambodia”<sup>4208</sup> and establish what they viewed as the ideal, mono-ethnic, Khmer, a-religious society: a single “Kampuchean race.”<sup>4209</sup> While the CPK began systematically targeting the unique aspects of Cham identity during the civil war, the initial restrictions on their religion and culture were relatively mild.<sup>4210</sup> However, by the later years of the DK regime, the “top leadership [had] concluded that Cham were beyond reeducation, and therefore must be totally exterminated, as such,”<sup>4211</sup> resulting in the killing of Cham men, women, and children on a massive scale. Witnesses told this Court that from their experiences they concluded that the CPK “wanted to make all of us into one flesh and one spirit. They wanted to convert the Cham into the Khmer. And because of such intent, they had to make sure there were no more Cham left, but only the Khmer.”<sup>4212</sup> Expert Elizabeth Becker observed:

The Khmer Rouge confused the idea of race with that of culture, creed, language, and nation, as had the Nazis. They arbitrarily

<sup>4202</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 11.16.50-11.19.17.

<sup>4203</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.09.42-10.34.32.

<sup>4204</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31.

<sup>4205</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.09.42-10.11.31, 10.36.20-10.38.08, 11.08.09-11.10.45;

E1/388.1 Ysa Osman, T. 9 Feb 2016, 11.17.25-11.19.32.

<sup>4206</sup> E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219185. See also E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.38.08-10.39.20.

<sup>4207</sup> E1/223.1 Stephen Heder, T. 15 July 2013, 15.12.17-15.14.57.

<sup>4208</sup> E1/393.1 Man Sles, T. 29 Feb 2016, 15.18.16-15.20.55.

<sup>4209</sup> See e.g. E3/4604 *Revolutionary Flag*, Apr 1978, EN 00519842.

<sup>4210</sup> E1/402.1 Alexander Hinton, T. 15 Mar 2016, 14.27.53-14.28.59.

<sup>4211</sup> E3/4527 Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661484.

<sup>4212</sup> E1/349.1 Him Man, T. 17 Sept 2015, 14.36.54-14.39.40. See also E1/344.1 Seng Kuy, T. 9 Sept 2015, 15.09.49-15.11.10.

decided that Cambodia's minorities — the Chinese, the Chams, the ethnic Thais, and, on occasion, even the hill tribespeople — were a threat to the health and vitality of the Kampuchean nation. Their solution was to decree the assimilation of all people into a super-race of Kampuchean worker-peasants.<sup>4213</sup>

1014. The Khmer Rouge had control over some areas of Kampong Cham as early as 1970 or 1971.<sup>4214</sup> At first, they imposed relatively few restrictions on Cham religion and culture.<sup>4215</sup> Indeed, in the early 1970s, many Cham supported the Khmer Rouge.<sup>4216</sup> The CPK named some Cham as leaders at the village and commune levels, and one Cham rose to be part of the district leadership.<sup>4217</sup> However, these individuals were themselves purged or fled prior to the conclusion of the DK regime,<sup>4218</sup> and Cham leaders who refused to carry out the CPK policies regarding the Cham were arrested.<sup>4219</sup> Beginning in 1973, after the Khmer Rouge had established control over a greater part of Kampong Cham<sup>4220</sup> and had organised Cham communities into cooperatives,<sup>4221</sup> they began to tighten restrictions on the practice of Islam and expression of Cham identity.<sup>4222</sup> Arrests

<sup>4213</sup> **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237948.

<sup>4214</sup> **E1/372.1** Sos Romly, T. 8 Jan 2016, 11.17.28-11.20.10; **E3/5216** Sos Kamri WRI, EN 00225495; **E3/9750** Sos Kamri DC-Cam, EN 01222003; **E3/5196** Sos Romly, EN 00223086. See also **E1/415.1** Sos Kamri, T. 6 April 2016, 09.20.52-09.22.32.

<sup>4215</sup> **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502. See also **E1/342.1** It Sen, T. 7 Sept 2015, 13.47.56-13.50.48; but see **E1/342.1** It Sen, T. 7 Sept 2015, 11.25.48-11.28.37.

<sup>4216</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.33.40-15.37.07.

<sup>4217</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 15.20.17-15.24.00; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.47.38-10.52.24, 15.12.56-15.14.19. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.27.29-11.29.05; **E1/344.1** Sos Min, T. 9 Sept 2015, 09.40.50-09.43.33.

<sup>4218</sup> See e.g. **E1/343.1** Sos Min, T. 8 Sept 2015, 15.06.50-15.11.42; **E3/5210** Sos Min WRI, EN 00242072-73; **E1/349.1** Him Man, T. 17 Sept 2015, 10.59.13-11.02.49; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150141/ See also **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12. Math Ly, who rose to join the Tboung Khmum District leadership before fleeing, described the effects the CPK policies had even on his family: "Pol Pot killed my family, killed my wife, three of my children, three children in law, one other wife, nine grandchildren three of who were infants"; **E3/390** Math Ly Interview with Steve Heder, EN 00436868.

<sup>4219</sup> **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Rest Tort WRI, EN 00340201-02.

<sup>4220</sup> **E1/343.1** It Sen, T. 8 Sept 2015, 09.07.55-09.10.24; **E3/5195** It Sen WRI, EN 00242094; see generally **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137-01150138.

<sup>4221</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219069.

<sup>4222</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.22.51-11.24.38, 11.30.32-11.32.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.39.20-10.41.35; **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12; **E1/301.1** Or Ho, T. 19 May 2015, 15.50.20-15.53.57; **E3/5207** Mat Ysa WRI, EN 00242077; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219075. See also **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.33.50-15.36.44.

and executions of Cham leaders began and were soon followed by an increase in arrests of ordinary Cham.<sup>4223</sup>

1015. The treatment of the Cham, and restrictions on their practice of religion and culture, became noticeably more severe following the victory of the CPK on 17 April 1975.<sup>4224</sup> Cham were prohibited from practicing their religion, speaking their language, and wearing traditional dress.<sup>4225</sup> The CPK forced Cham to engage in religiously or culturally prohibited acts such as eating pork and cutting their hair. Infractions were punished with death. As one Civil Party told the Court, “that was the most difficult thing for the Cham people, as we lost our own identities, lost our religion”.<sup>4226</sup> The oppression became much more severe following Cham rebellions at Koh Phal and Svay Khleang in September-October 1975.<sup>4227</sup> The regime responded with extrajudicial arrests and killings, and by forcibly dispersing Cham from these areas.<sup>4228</sup>

1016. Although Article 20 of the DK constitution, released in January 1976, nominally allowed for the practice of religion, it prohibited “[r]eactionary religions,” an exception that in application wholly swallowed the rule.<sup>4229</sup> Kaing Guek Eav alias Duch explained that the phrase allowing for freedom of religion “was a lie. It was written to conceal the essence of” the phrases prohibiting religion.<sup>4230</sup> As Math Ly explained:

In 1976, the constitution of the assembly was released and stated that we could practice belief in any religion, except the reactionary ones. But after the libera[tion] in 1975, all religions were considered reactionary.<sup>4231</sup>

1017. When Cham in the Northwest Zone attempted to rely on the Constitution’s promise of freedom of religion to protest being served food prohibited by Islam, the reaction was

<sup>4223</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.22.51-11.24.38; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.15.18.

<sup>4224</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.20.34-14.21.44; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50; **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496.

<sup>4225</sup> **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.20.34-14.21.44; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.15.18; **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496.

<sup>4226</sup> **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.22.25-09.24.50.

<sup>4227</sup> See e.g. **E3/5207** Mat Ysa WRI, EN 00242077.

<sup>4228</sup> See generally **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174.

<sup>4229</sup> **E3/259** DK Constitution, EN 00184838.

<sup>4230</sup> **E3/15** Kaing Guek Eav Responses, EN 00251374, fn. 1.

<sup>4231</sup> **E3/7821** Math Ly DC Cam, EN 00441581. See also **E3/1822** Ysa Osman, *Oukoubah*, EN 00078543; **E1/93.1** David Chandler, T. 20 July 2012, 15.48.38-15.49.26; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.



severe. The local authorities reported:

for this situation, we have taken special measures, that is, look for their string, look for the head of their movement in order to sweep clean.<sup>4232</sup>

1018. The rebellions in late 1975 marked a turning point in the CPK's perception of the Cham. This was reflected in the harsher treatment and purposeful atomisation of Cham communities, particularly in the seat of Cham identity, Kampong Cham. Almost immediately following the rebellions, the CPK ordered mass forced transfers "designed to disperse the Cham" in order to "ease tensions."<sup>4233</sup> As Stephen Heder stated, the decision to split up the Cham community "was justified [by the CPK] as a reasonable reaction to the unrest, which was characterized as resistance to the revolution" by Cham leaders.<sup>4234</sup> This resistance to CPK authority stigmatised all Cham "as at least as politically dangerous as new people, if not more so."<sup>4235</sup> Expert Alexander Hinton testified that the targeting of the Cham as a group crystallised at this time,<sup>4236</sup> not because of the rebellions themselves, but because the rebellions accentuated the idea of Cham as a separate, suspect, and potentially threatening group.<sup>4237</sup> Hinton explained to the Court:

[T]he likelihood of them being able to fashion their consciousness over time was viewed to have diminished especially after the rebellions that took place. And at that point they seem to have been targeted because they were Chams and Chams as a group seemed unlikely to be able to reform their consciousness.<sup>4238</sup>

1019. Many witnesses provided evidence that the treatment of Cham became much harsher following the rebellions.<sup>4239</sup> Cham in communities across DK recall being summonsed to meetings in the weeks after the rebellions where they were threatened and insulted

<sup>4232</sup> E3/178 Weekly Report of Sector 5 Committee, 21 May 1977, EN 00342709.

<sup>4233</sup> E3/1680 Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762-63.

<sup>4234</sup> E3/4527 Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

<sup>4235</sup> E3/4527 Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

<sup>4236</sup> E1/402.1 Alexander Hinton, T. 15 Mar 2016, 09.27.32-09.28.42; see also E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.41.35-10.43.20.

<sup>4237</sup> E1/402.1 Alexander Hinton, T. 15 Mar 2016, 14.26.26-14.28.59; E1/401.1 Alexander Hinton, T. 14 Mar 2016, 14.01.56-14.05.00, 15.05.53-15.06.54, 15.23.16-15.25.15; E1/403.1 Alexander Hinton T. 16 Mar 2016, 16.02.08-16.05.18.

<sup>4238</sup> E1/402.1 Alexander Hinton, T. 15 Mar 2016, 14.22.47-14.23.42.

<sup>4239</sup> E1/349.1 Him Man, T. 17 Sept 2015, 14.35.04-14.36.54; E1/350.1 Him Man, T. 28 Sept 2015, 11.12.39-11.15.00; E3/5194 Math Sor (Ahmad Sofiyah) WRI, EN 00274707; E1/403.1 Alexander Hinton T. 16 Mar 2016, 16.02.08-16.05.18; E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.41.35-10.43.20; E3/5531 Meas Soeum WRI, EN 00425891.

by CPK cadres and warned against similar uprisings.<sup>4240</sup> Civil Party Him Man told the Court that in late 1975 or early 1976, the Cham in his village were called to a meeting where the village chief told them:

that we, Cham ethnicity, were required to have our hair cut, not to cover our heads with krama and say daily prayers, but to eat pork at that time. Everything in relation to Islamic religion, we were prohibited from practicing the religion and at the time we were told that the wheel of history was moving and if we happened to put our hands in or put our legs ... in to stop the wheel, we — our limbs would be cut by the speed of the wheel.<sup>4241</sup>

1020. Similar accounts were given by Cham who managed to escape DK during those years.

An October/November 1977 article in a Malaysian publication presented interviews with three refugees who described Cham being “systematically dispersed, prevented from practising religion and speaking Cham language” and also gave the names of religious leaders who were executed in Kroch Chhmar District “for performing prayers instead of attending a meeting called by a local Khmer Rouge leader”.<sup>4242</sup> One Civil Party told the Court: “The Cham people living in the union in 1975 were no longer considered Chams. They were like ordinary people. They were not allowed to practice their Cham religion.”<sup>4243</sup>

1021. CPK propaganda began to portray the Cham as “an enemy nationality.”<sup>4244</sup> In meetings, local officials announced that the “Cham was the first enemy,”<sup>4245</sup> that the “Cham people were their enemy — number one enemy,”<sup>4246</sup> and warned “[d]on’t trust Chams. They are like enemies whom we have defeated. It is normal that defeated enemies will not lie still. In their hearts they are still traitors to us.”<sup>4247</sup> The demonisation of Cham as an existential threat to the Khmer is a typical example of the kind of propaganda used

<sup>4240</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 14.24.30-14.28.59; **E1/350.1** Him Man, T. 28 Sept 2015, 09.30.38-09.33.09; **E1/388.1** Ysa Osman T. 9 Feb 2016, 14.07.33-14.08.56; **E3/9750** Sos Kamri DC-Cam, EN 01222008. See also **E1/372.1** Sos Romly, T. 8 Sept 2016, 09.12.43-09.16.14.

<sup>4241</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 10.56.51-10.59.13.

<sup>4242</sup> **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement submitted by Amnesty International*, August 1978, EN 00271509.

<sup>4243</sup> **E1/488.1** Preap Sokhoeurn, T. 24 Oct 2016, 09.10.44-09.13.01.

<sup>4244</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44. See also **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048884.

<sup>4245</sup> **E1/350.1** Him Man, T. 28 Sept 2015, 09.30.38-9.33.09.

<sup>4246</sup> **E1/350.1** Him Man, T. 28 Sept 2015, 10.09.24-10.12.01.

<sup>4247</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142 (internal ellipses omitted). See also **E1/415.1** Sos Kamri, T. 6 Apr 2016, 10.06.30-10.07.54, 10.12.50-10.14.15, 14.03.05-14.06.03, 15.40.15-15.42.17; **E3/9750** Sos Kamri DC-Cam, EN 01222005.

as a prelude to genocide.<sup>4248</sup> This can be seen in a set of DK military meeting minutes of 16 September 1976, where Cham who merely stopped working in the Southwest Zone were characterised as “sharpening their knives ... in an attempt to rebel against Khmers.”<sup>4249</sup> Muslims of other ethnicities, such as Indians or Pakistanis formerly living near Phnom Penh, were also arrested and “smashed” at this time.<sup>4250</sup>

1022. Forced to live and work amongst the Khmer, the Cham “were — like other groups — supposed by 1977 to have lost their national minority identity,”<sup>4251</sup> and witnesses recounted announcements by village leaders stating that they should not consider themselves Cham but instead part of “the Khmer nation.”<sup>4252</sup> “[T]he policy was clearly one of assimilation of the Chams, who were no longer to be recognised or tolerated as a distinct national minority.”<sup>4253</sup> Witness Or Ho, a village chief, heard a “mid-level Angkar representative, who said that in Kampuchea there would be only one single population — that is, Khmer. And there would be no New People, no Base People, no Javanese or no Cham, but one Khmer population.”<sup>4254</sup> Party officials announced: “Now we are in 1976, we have to go by a different plan. There are to be no Chams or Chinese or Vietnamese. Everyone is to join the same, single, Khmer nationality.”<sup>4255</sup>

1023. While the CPK had consistently killed Cham who were perceived to be resisting the abandonment of Cham identity by such transgressions as praying or speaking Cham, in 1977 and 1978 the CPK began targeting Cham for wholesale execution solely because of their ethnicity. The Party Centre entrusted the enactment of this most extreme version of their Cham policy to their most trusted enforcers, the Southwest Zone cadres,

<sup>4248</sup> See generally, E3/3346 Alexander Hinton, *Why Did they Kill?*, EN 00431653-65; E1/401.1 Alexander Hinton, T. 14 Mar 2016, 11.27.56-11.31.55.

<sup>4249</sup> E3/800 Minute of Divisional and Independent Regiment Secretary-under secretary’s Meeting, 16 Sept 1976, EN 00184338. See also E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219176.

<sup>4250</sup> E1/434.1 Kaing Guek Eav, T. 8 June 2016, 14.13.01-14.20.37; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01149998; E3/8493 S-21 Prisoner List, 11 Apr 1976, 00181624-25; E3/5799 Kaing Guek Eav, T. 15 June 2009, 9.37.10-9.39.35, 13.45.43-13.48.47, 13.51.45-13.55.17.

<sup>4251</sup> E3/4527 Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479.

<sup>4252</sup> E3/4706 Him Man CPA, EN 00417861; E1/349.1 Him Man, T. 17 Sept 2015, 14.36.54-14.41.45; E3/9336 Ysa Osman, *The Cham Rebellion*, EN 00218503; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150142, 01150148.

<sup>4253</sup> E3/2312 Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830.

<sup>4254</sup> E1/302.1 Or Ho, T. 20 May 2015, 14.02.21-14.04.14.

<sup>4255</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150141 [internal ellipses omitted]. See also E3/2312 Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830; E3/7588 Kob Math Interview by Nate Thayer, EN 00667272; E3/7555 Zakreyah Interview by Nate Thayer, EN 00855135.



as they took control of various areas including the Central and Eastern Zones covering Kampong Cham.<sup>4256</sup> Expert Ysa Osman testified:

The killing between 1977 to '78 was more serious and intensified. It means the killing was done discriminately, that meant whoever was considered Cham or Cham related was subject to be killed.<sup>4257</sup>

1024. Although essentially all resistance within the Cham community to the elimination of their faith and culture had ceased at this point,<sup>4258</sup> Cham men, women, and children were nevertheless targeted for mass executions.<sup>4259</sup> Expert Francois Ponchaud told the Court: “[T]he Khmer Rouge, starting in 1978, sought out the Cham as Cham, not because the Cham were disobeying Angkar law, but because they were Cham. They went into villages, sought out the Cham. The Cham were taken away and undoubtedly killed.”<sup>4260</sup> As one witness in the Central Zone testified: “after the arrival of the Southwest group in 1977, all of [the Cham] were rounded up and smashed.”<sup>4261</sup>

1025. The evidence in this trial has shown that in areas where the Cham community was numerous, the CPK’s policy was devastatingly simple: kill them all. For instance, Prak Yut, a Southwest Zone cadre who was appointed district secretary of Kampong Siem District, provided testimony before this Court that reaffirmed her adamant assertion: “I would like to clarify once again that the orders I received were very clear: they stated that we must kill all the Cham. I had no choice other than to carry out orders.”<sup>4262</sup> Muok Sengly, a Khmer villager in Kampong Siem District, was called to a meeting in that District after all of the Cham had been removed from his village. At that meeting he heard Prak Yut say: “The Cham are the enemy of *Angkar* because they plan to rebel, so *Angkar* has to smash them. ... If any Cham remain, this must be reported so they can be swept clean, because this is the plan of the upper-echelon.”<sup>4263</sup> Say Docun, the head of a unit in Kang Meas District charged with arresting Cham, told this Court: “I heard of the

<sup>4256</sup> E1/344.1 Sos Min, T. 9 Sept 2015, 09.21.12-09.23.13; E3/5210 Sos Min WRI, EN 00242073; see also E1/398.1 Van Mat alias Sales Ahmat, T. 9 March 2016, 11.28.52-11.30.00; E1/350.1 No Sates, T. 28 Sept 2015, 13.56.53-13.58.18; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219177; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150218. See also E3/9496 Prak Yut WRI, A38; E3/9522 Prak Yut WRI, A34; E1/375.1 Math Sor alias Ahmad Sofiyah, T. 13 Jan 2016, 09.54.30-09.58.12

<sup>4257</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50; 14.43.28-15.03.33.

<sup>4258</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 09.17.38-09.20.57, 10.51.54-10.54.00; E1/408.1 Ysa Osman, T. 24 March 2016, 13.42.10-13.43.13.

<sup>4259</sup> E1/388.1 Ysa Osman, T. 9 Feb 2016, 09.46.25-09.48.20; E1/389.1 Ysa Osman, T. 10 Feb 2016, 09.51.08-09.53.38, 10.50.05-10.51.54.

<sup>4260</sup> E1/180.1 Francois Ponchaud, T. 11 April 2013, 10.22.53-10.25.46.

<sup>4261</sup> E1/347.1 Samrit Muy, T. 15 Sept 2015, 14.18.40-14.20.12. See also E1/350.1 No Sates, T. 28 Sept 2015, 15.54.44-15.55.43.

<sup>4262</sup> E3/9677 Prak Yut WRI, A9.

<sup>4263</sup> E3/9744 Muok Sengly WRI, A30.

plan that no Cham, no single Cham were to be spared.”<sup>4264</sup> Seng Kuy, a Khmer villager ordered to help transport arrested Cham women and children to their deaths at Wat Au Trakuon security centre, told the Court that while the arrests were taking place he heard the chief of the commune security carrying out the arrests say: “We will kill all the Cham people and will not spare anyone.”<sup>4265</sup> Sos Romly worked as a clerk to a commune chief in Kroch Chhmar District, the traditional Cham heartland. He testified that in 1977 the Sector 21 security chief, on learning that 15% of the original Cham in that commune still remained, informed him: “in the future those Cham people would be smashed until no one was left.”<sup>4266</sup> Muy Vanny, an assistant to the Kang Meas District security chief, heard<sup>4267</sup> that “there was a plan to exterminate all the Cham people.”<sup>4268</sup> Van Mat testified that he heard Central Zone Secretary Ke Pauk state at a meeting of commune, sector, and district chiefs in August 1978 that the Cham — as an explicit group, or as one group amongst a larger contingent of “enemies” — needed to be “smashed,”<sup>4269</sup> and exhorted them to return to their bases and “implement and achieve a hundred per cent of the Angkar’s policy.”<sup>4270</sup> Sos Kamri, a worker in a mobile unit in Kampong Cham, confirmed before the court that he saw a publication during the DK regime stating that “Cham is the biggest enemy who must be totally smashed before 1980.”<sup>4271</sup> And a document seen by two witnesses in 1978 who were interviewed by Ben Kiernan stated that:

we will not spare the Chams, because if spared they will resist ...  
[T]he Cham race is not to be spared ... . So we undertake a policy of  
discarding them (*leah bong*) now. ... [T]hey must all be killed off. ...  
[N]ow, they must be smashed to pieces (*komtech kaol*). Whatever  
department they are in, they must be smashed to pieces.<sup>4272</sup>

1026. As Expert David Chandler testified: “By the end of 1978, the Khmer Rouge certainly

<sup>4264</sup> E1/374.1 Say Doeun, T. 12 Jan 2016, 14.07.50-14.09.24.

<sup>4265</sup> E1/345.1 Seng Kuy, T. 10 Sept 2015, 10.15.33-10.19.46.

<sup>4266</sup> E1/372.1 Sos Romly, T. 8 Jan 2016, 14.40.06-14.42.35. See also E3/5196 Sos Romly WRI, EN 00223089.

<sup>4267</sup> E1/373.1 Muy Vanny, T. 11 Jan 2016, 14.32.30-14.35.38.

<sup>4268</sup> E1/373.1 Muy Vanny, T. 11 Jan 2016, 14.26.04-14.28.50; see also E1/373.1 Muy Vanny, T. 11 Jan 2016, 13.51.32-13.53.30; E3/9659 Muy Vanny WRI, A43, A66.

<sup>4269</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.33.38-10.40.53, 10.45.40-10.47.40, 13.31.57-13.36.35, 13.41.00-13.42.45; E3/5209 Van Mat WRI, EN 00242068; E3/8735 Van Mat WRI, EN 00722240-41.

<sup>4270</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.45.40-10.47.40.

<sup>4271</sup> E3/5216 Sos Kamri WRI, EN 00225497. See also E1/415.1 Sos Kamri, T. 6 April 2016, 10.34.32-10.36.11, 14.07.12-14.13.52; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219177; E3/9750 Sos Kamri DC-Cam, EN 01222005.

<sup>4272</sup> E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150147 [internal quotations omitted].

had a policy of exterminating the Cham,<sup>4273</sup> a policy that had a “very strong racist component.”<sup>4274</sup> Expert Alexander Hinton concurred that the Cham were

targeted in part because of their religious beliefs which didn’t accord with DK ideology, the notion of the uniform citizen, the pure revolutionary that needed to be forged, and were targeted because of that, because of their customs, because they rebelled, because they had a different language, because they dressed differently, a number of those other categories that anthropologists call ethnic markers as well.<sup>4275</sup>

1027. In order to thoroughly carry out their extermination policy, the CPK “searched for the Cham.”<sup>4276</sup> These efforts were hindered by two factors of the CPK’s prior policy. First, the previous years of forced homogenisation and movement had made Cham survivors more difficult to recognize.<sup>4277</sup> Cham no longer wore traditional dress and hairstyles, avoided speaking their language, and often sought to hide their identity. Second, many local cadres who would have known families’ backgrounds had been killed in CPK purges and replaced by cadres from outside the area. Hence, as the CPK implemented the final solution, identifying who was Cham became a challenge. People were ordered to return to their home villages so that the CPK could see who resided in traditionally Cham villages,<sup>4278</sup> and lists of Cham were created.<sup>4279</sup> Witness You Vann testified that at one point the sector secretary ordered district and commune secretaries to go directly to the villages themselves to compile further lists because the leadership did not believe that the prior lists created by village chiefs had fully identified all the Cham.<sup>4280</sup> Some Cham were able to survive the purges because they hid their ethnicity when interrogated by CPK officials as to whether they were Khmer or Cham.<sup>4281</sup>

<sup>4273</sup> **E1/93.1** David Chandler, T. 20 July 2012, 16.02.14-16.03.42.

<sup>4274</sup> **E1/93.1** David Chandler, T. 20 July 2012, 16.03.42-16.04.58. See also **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048830.

<sup>4275</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 14.28.59-14.30.35.

<sup>4276</sup> **E1/179.1** Francois Ponchaud, T. 10 April 2013, 13.44.06-13.46.40.

<sup>4277</sup> **E1/398.1** Van Mat, T. 9 March 2016, 11.28.52-11.30.00.

<sup>4278</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219177; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.02.20-16.05.51; **E1/342.1** It Sen, T. 7 Sept 2015, 14.15.01-14.16.48, 15.59.42-16.02.01; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219205, confirmed by **E3/5195** It Sen WRI, EN 00242095; **E3/7519** Sann Yu Sofby Interview by Nate Thayer, EN 00667237. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150146 [CPK officials spread rumour Cham could go to Malaysia].

<sup>4279</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 14.59.16-15.00.23; **E3/9654** Sok Meng Ly WRI, A12; **E1/350.1** No Sates, 15.55.43-15.56.59; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.00.44-10.02.51.

<sup>4280</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23.

<sup>4281</sup> **E1/350.1** No Sates, T. 28 Sept 2015, 14.14.56-14.18.51; **E1/351.1** No Sates, T. 29 Sept 2015, 11.19.49-11.24.44; **E3/4705** No Sates CPA, EN 00417852; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22; **E3/7745** Ysa Osman, *The Cham Rebellion*, EN 00204414; **E3/5529** Man Heang WRI, A5.



1028. These methods had their intended result of identifying Cham for mass executions. In “1977, the killing became intensified in Kampong Siem, Kang Meas, Stueng Trang and certain other locations as they conducted the purge. They actually rounded up the Cham people and they were taken away and killed *en masse*. No Cham people could survive the ordeal.”<sup>4282</sup> This was, as Hinton testified, a “systematic attempt to take them away and kill them because of who they are.”<sup>4283</sup>

## IMPLEMENTATION OF THE GENOCIDAL POLICY AGAINST THE CHAM

### 1. Elimination of Cham Religious and Cultural Practices

1029. Across DK, the CPK prohibited Cham from practicing their religion, or expressing their culture, on pain of death,<sup>4284</sup> thereby “forcing them to choose their faith and identity or the revolution and their lives.”<sup>4285</sup> “Those who did not follow instructions would be considered enemies. We were prohibited from practising our religion or doing the worship and if we still did it, we would be considered enemies and taken away.”<sup>4286</sup>

1030. The instructions not to practice their religion, or to express their identity as Cham in other ways, had been passed down through the CPK hierarchy<sup>4287</sup> and were repeatedly announced in meetings. Witnesses in both the East Zone<sup>4288</sup> and Central Zone<sup>4289</sup> stated that policies regarding the Cham came from the “upper echelon” or “upper level,” and any who opposed the policy were considered “betraying *Angkar*.”<sup>4290</sup> Meetings were held “quite often”<sup>4291</sup> where the policies were announced:<sup>4292</sup> “There were meetings held to explain us about the abandonment of religion. We were told not to practice our

<sup>4282</sup> E1/388.1 Ysa Osman, T. 9 Feb 2016, 15.59.23-16.00.20.

<sup>4283</sup> E1/403.1 Alexander Hinton, T. 16 March 2016, 16.03.51-16.05.18.

<sup>4284</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 09.13.50-09.15.18; E3/5195 It Sen WRI, EN 00242095.

<sup>4285</sup> E3/20 Elizabeth Becker, *When the War was Over*, EN 00237957. See generally E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150142-01150151.

<sup>4286</sup> E1/350.1 No Sates, T. 28 Sept 2015, 13.58.18-14.00.42.

<sup>4287</sup> See E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.46.55-10.48.57; E1/343.1 It Sen, T. 8 Sept 2015, 09.15.34-09.16.38; E1/350.1 No Sates, T. 28 Sept 2015, 15.35.47-15.38.56. See also E3/7534 Sufeyyan Idres Interview by Nate Thayer, EN 00667254.

<sup>4288</sup> E1/342.1 It Sen, T. 7 Sept 2015, 13.40.13-13.43.13. See also E1/343.1 It Sen, T. 8 Sept 2015, 09.15.34-09.16.38, 09.24.29-09.27.14, 10.55.42-10.57.32, 11.09.02-11.10.43; E1/343.1 Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30; E1/350.1 No Sates, T. 28 Sept 2015, 15.38.56-15.40.20.

<sup>4289</sup> E1/350.1 Him Man, T. 28 Sept 2015, 11.20.00-11.24.30.

<sup>4290</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.38.56-15.40.20 [italics added].

<sup>4291</sup> E1/415.1 Sos Kamri, T. 6 April 2016, 10.58.33-10.59.42.

<sup>4292</sup> E1/350.1 No Sates, T. 28 Sept 2015, 13.58.18-14.00.42; E1/343.1 Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30; E1/398.1 Van Mat, T. 9 March 2016, 11.30.00-11.31.53, 15.12.06-15.14.54; E1/393.1 Meu Peou, T. 29 Feb 2016, 09.21.17-09.24.50; E3/44 Phan Sovannhan WRI, EN 00295163; E1/372.1 Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.

religions and try to work for the regime's interests."<sup>4293</sup> No Sates testified that "[t]he meeting would take place once every month or even earlier than that and we were told not to speak Cham language. Our religion was abolished, we were prohibited from practising our religion and we were not allowed to do any prayers."<sup>4294</sup> As another witness testified, "after Khmer Rouge had taken control of the area, Cham people were merged with Khmer people. Traditional clothes, religions, were abolished at the time and they were turned into Khmer people."<sup>4295</sup>

1031. Extensive evidence shows that "no Islam was allowed to be practised;"<sup>4296</sup> "anything which was a religious discipline was prohibited."<sup>4297</sup> Commune and village leaders informed Cham that "religion was considered reactionary."<sup>4298</sup> Cham were monitored,<sup>4299</sup> and those who persisted in practicing Islam were arrested and

<sup>4293</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 10.57.02-10.58.33.

<sup>4294</sup> **E1/350.1** No Sates, T. 28 Sept 2015, 13.58.18-14.00.42.

<sup>4295</sup> **E1/344.1** Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32.

<sup>4296</sup> **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.39.25-15.41.04. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.49.13-13.50.50; **E3/390** Math Ly Interview, EN 00436857. **Central Zone:** **E1/353.1** Ban Seak, T. 5 Oct 2015, 10.54.10-10.55.21; **E3/7513** Ruin Him Interview, EN 00667231; **E3/5203** Him Man WRI, EN 00242090; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.28.18-10.30.22; **E3/5301** Seng Kuy Complaint, EN 00210482; **E1/346.1** Seng Srun, T. 14. Sept 2015, 09.32.11-09.33.55; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26; **E3/5216** Sos Kamri WRI, EN 00225496; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56; **E3/5255** Or Ho WRI, EN 00250047; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.52.48-15.54.05; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.10.03-14.11.33; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5204** Sman At WRI, EN 00242082; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.15.14-14.16.56. **East Zone:** **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement submitted by Amnesty International*, August 1978, EN 00271509-10; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667269-70, 00667272; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55, 14.20.34-14.21.44; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053301; **E1/354.1** Ban Seak, T. 6 Oct 2015, 10.59.38-11.01.45; **E3/375** Ban Seak WRI, EN 00360759; **E1/342.1** It Sen, T. 7 Sept 2015, 11.22.32-11.25.48, 13.38.09-13.40.13; **E3/5195** It Sen WRI, EN 00242095; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.43.08-09.45.03; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39, 15.30.30-15.33.05; **E3/5210** Sos Min WRI, EN 00242073; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.28.52-11.30.00; **E3/5209** Van Mat WRI, EN 00242067; **E3/5205** Man Sen WRI, EN 00275164; **E3/7679** Sa Nau WRI, EN 00242061; **E3/5289** Kac Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340173; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.40.09-13.41.52; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.39.20-15.41.15. **Northwest Zone:** **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667254; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.18.47; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7551** Yatogope Bin Ali Interview by Nate Thayer, EN 00053192; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7578** Hul Man Interview by Nate Thayer, EN 00053146; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246-47; **E3/7502** Peang Romly Interview by Savy, EN 00667218. **Southwest Zone:** **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667211; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202. **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266-67.

<sup>4297</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 09.26.26-09.28.28. See also **E3/390** Math Ly Interview by Steve Heder, EN 00436857.

<sup>4298</sup> **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.39.20-15.41.15. See also **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.09.55-09.11.48.

<sup>4299</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 10.57.02-10.58.33.

disappeared or were killed.<sup>4300</sup> In addition to prohibiting prayer,<sup>4301</sup> religious practice was suppressed in multiple ways. Cham religious and community leaders were targeted for arrest and killing.<sup>4302</sup> The loss of religious leaders deprived Cham of crucial knowledge that was fundamental to their community.<sup>4303</sup>

1032. Korans and other Islamic religious texts were confiscated and burned.<sup>4304</sup> Res Tort, a *Hakim* of Koh Phal, recalled being called to a meeting at some point after 1974 where he was ordered to collect all the Korans in Koh Phal. He refused, and was arrested after cadres had destroyed two places of worship in his village.<sup>4305</sup> Mosques were closed, destroyed, or desecrated by being converted to secular uses, including as pigsties.<sup>4306</sup>

<sup>4300</sup> **E3/390** Math Ly Interview, EN 00436866. **East Zone: E3/7588** Kob Math Interview, EN 00667271; **E1/342.1** It Sen, T. 7 Sept 2015, 13.38.09-13.40.13, 13.43.13-13.45.00; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667249; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143. **Northwest Zone: E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667253-54. **Central Zone: E1/350.1** Him Man, T. 28 Sept 2015, 11.15.00-11.17.15; **E3/5204** Sman At WRI, EN 00242082. **Southwest Zone: E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218, 00053221.

<sup>4301</sup> See e.g. **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110.

<sup>4302</sup> **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.11.36-09.13.50, 10.50.05-10.51.54, 13.48.30-13.52.22; **E3/9750** Sos Kamri DC-Cam, EN 01222010; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078570-72; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142. **Phnom Penh: E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212. **Central Zone: E3/7257** Michael Vickery, *Democratic Kampuchea — CIA to the Rescue*, EN 00993728; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231, 00667232; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218502; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235-36; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831. **East Zone: E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/7679** Sa Nau WRI, EN 00242061; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.49.50-09.56.13, 09.14.30-09.16.14, 09.48.28-09.49.50, 09.55.08-09.56.13, 09.56.13-09.59.02; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219075; **E3/5680** Strong Muhamed Interview by Nate Thayer, EN 00053298-99; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.34.37-09.36.18; 09.42.08-09.44.08; 09.45.52-09.47.23, 14.24.37-14.26.42; **E3/5207** Mat Ysa WRI, EN 00242078; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.33.50-15.36.44; **E1/375.1** Math Sor, T. 13 Jan 2016, 11.06.24-11.08.38; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667249; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228. **Northwest Zone: E1/393.1** Meu Peou, T. 29 Feb 2016, 10.43.51-10.49.28. **Southwest Zone: E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053137; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278. **West Zone: E3/7539** Abraham Interview by Nate Thayer, EN 00667266.

<sup>4303</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.06.00-10.08.40.

<sup>4304</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078451; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 13.35.56-13.39.18; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957. **Central Zone: E1/415.1** Sos Kamri, T. 6 April 2016, 10.40.13-10.42.10. **East Zone: E1/398.1** Van Mat, T. 9 March 2016, 09.40.52-09.42.08, 11.30.00-11.31.53; **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.36.44-15.41.15; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55. **Northwest Zone: E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667253.

<sup>4305</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340201-02.

<sup>4306</sup> **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957. **Central Zone: E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E1/415.1** Sos Kamri, T. 6 April 2016, 10.40.13-10.42.10; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E3/5256** Hok Hoeun WRI, EN 00251307; **E1/346.1** Seng Srun, T. 14



and religious instruction was prohibited.<sup>4307</sup> The Director of the Supreme Islamic Centre in Cambodia estimated that 80 to 90% of the mosques in Cambodia were destroyed during the DK period.<sup>4308</sup> Cham were prohibited from fasting during Ramadan.<sup>4309</sup> When Cham died, they were prevented from conducting religiously appropriate burials.<sup>4310</sup> The Cham language was “now banned as ‘a foreign language,’”<sup>4311</sup> and Cham were forced to speak Khmer.<sup>4312</sup> “It was imperative for them to speak the Khmer

Sept 2015, 09.33.55-09.36.33; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667270-71; **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; **E1/398.1** Van Mat, T. 9 March 2016, 09.40.52-09.42.08; **E1/371.1** Sos Romly, 15.39.20-15.43.41; **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.07.25-09.09.55; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234, 00667236; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228. **Southwest Zone:** **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667203; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053137; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218-19. **Northwest Zone:** **E3/6166** Meu Peou CPA, EN 01205013; **E3/7578** Hul Man Interview by Nate Thayer, EN 00053144; **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667253; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7502** Peang Romly Interview by Savy, EN 00667218; **West Zone:** **E3/7539** Abraham Interview by Nate Thayer, EN 00667266. See also **E3/1815** Ben Kiernan, *How Pol Pot Came to Power*, EN 00487502.

<sup>4307</sup> **Central Zone:** **E1/415.1** Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26. **East Zone:** **E1/398.1** Van Mat, T. 9 March 2016, 09.36.18-09.38.15.

<sup>4308</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 11.04.15-11.08.05. See also **E3/1822** Ysa Osman, *Oukoubah*, EN 00078567.

<sup>4309</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667248.

<sup>4310</sup> **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.31.13-09.33.44; **E3/7320** Karl Jackson, *Cambodia 1975-1978*, EN 00394155-56.

<sup>4311</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149998; **E3/3346** Alexander Hinton, *Why Did They Kill?*, EN 00431648.

<sup>4312</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.44.12-13.47.1913.49.13-13.50.50. **Central Zone:** **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.13.14-14.15.14; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/4706** Him Man CPA, EN 00417861; **E3/5301** Seng Kuy Complaint, EN 00210482; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.26.26-09.28.28; **E3/5216** Sos Kamri WRI, EN 00225496; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.52.48-15.54.05; **E3/9349** Chuop Non WRI, EN 00244158; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110. **East Zone:** **E3/7588** Kob Math Interview by Nate Thayer, EN 00667270, 00667272; **E3/5680** Srong Muhamed Interview by Nate Thayer, EN 00053301; **E3/5195** It Sen WRI, EN 00242095; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39, 15.30.30-15.33.05; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.33.27-11.35.46; **E3/5289** Kae Noh WRI, EN 00340182; **E1/375.1** Math Sor, T. 13 Jan 2016, 09.45.03-09.47.02; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143. **Southwest Zone:** **E3/7481** Loah Treh Interview by Nate Thayer, EN 00667202, 00667204; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667212; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136, 00053139; **E3/7517** Saleh Interview by Nate Thayer, EN 00053277. **Northwest Zone:** **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260-61; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150150; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667228-29. **North Zone:** **E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246-47; **E3/7502** Peang Romly Interview by Savy, EN 00667218. **Sector 505:** **E3/1678** Toulas Sma WRI, EN 00353498; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150144.

language.”<sup>4313</sup> If they were caught speaking Cham they were punished or killed.<sup>4314</sup> “The rule also applied to young children.”<sup>4315</sup> The prohibition on the Cham language has had effects even until this day in reducing the number of Cham who know the language.<sup>4316</sup>

1033. The CPK forced Cham to eat pork and other prohibited foods<sup>4317</sup> knowing that the foods were religiously prohibited,<sup>4318</sup> and even though pork was in short supply.<sup>4319</sup> Cham were told that if they “refused to eat pork, that person would be considered opposing *Angkar*,”<sup>4320</sup> and those who did refuse were threatened, punished, or killed.<sup>4321</sup> One

<sup>4313</sup> **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.16.56-14.19.32.

<sup>4314</sup> **East Zone: E1/398.1** Van Mat, T. 9 March 2016, 11.33.27-11.34.35; **E1/342.1** It Sen, T. 7 Sept 2015, 13.43.13-13.45.00; **E3/390** Math Ly Interview with Steve Heder, EN 00436857. **Northwest Zone: E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17. **Central Zone: E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.19.32-14.21.29; **E3/5301** Seng Kuy OCP Statement, EN 00210482.

<sup>4315</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 13.43.13-13.45.00.

<sup>4316</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.49.13-13.50.50.

<sup>4317</sup> **E3/1822** Ysa Osman, *Onkoubah*, EN 00078451; **Central Zone: E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/5289** Kae Noh WRI, EN 00340183; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110; **E1/349.1** Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; **E1/350.1** Him Man, T. 28 Sept 2015, 09.35.05-09.37.16; **E1/415.1** Sos Kamri, T. 6 April 2016, 11.08.05-11.09.53; **E3/9750** Sos Kamri DC-Cam, EN 01222006; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56; **E3/5255** Or Ho WRI, EN 00250047; **E3/5204** Sman At WRI, EN 00242082; **E1/88.1** Yun Kim, T. 19 June 2012, 11.53.18-11.57.20; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235. **East Zone: E3/7588** Kob Math Interview by Nate Thayer, EN 00667269; **E3/5680** Strong Muhamed Interview by Nate Thayer, EN 00053298-99; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; **E1/398.1** Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 11.31.53-11.33.27; **E3/5209** Van Mat WRI, EN 00242067; **E3/5289** Kae Noh WRI, EN 00340182; **E3/7680** Sok Preun WRI, EN 00275391; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150144. **Northwest Zone: E1/485.1** Huon Choeun, T. 18 Oct 2016, 10.48.54-10.52.12; **E3/9580** Huon Choeun WRI, A59; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.22.25-09.24.50, 09.26.22-09.29.41; **E3/6166** Meu Peou CPA, EN 01205013; **E1/149.1** Hun Chun Ly, T. 6 December 2012, 15.43.12-15.46.08; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667245; **E3/7551** Yatogope Bin Ali Interview by Nate Thayer, EN 00053192; **E3/7490** Muhamed Ali Interview by Nate Thayer, EN 00667215; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **Southwest Zone: E1/288.1** Loep Neang, T. 3 April 2015, 15.41.38-15.43.20; 15.46.46-15.48.31; 15.56.16-15.58.03; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053136; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278. **North Zone: E3/7574** Iep Toh Interview by Nate Thayer, EN 00053246; **E1/144.1** Pe Chuy Chip Se, T. 14 November 2012, 09.25.24-09.27.54; **West Zone: E3/7539** Abraham Interview by Nate Thayer, EN 00667266; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150150.

<sup>4318</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.36.54-13.38.55; **E1/288.1** Loep Neang, T. 3 April 2015, 15.41.38-15.43.20.

<sup>4319</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.30.40-13.34.04; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

<sup>4320</sup> **E1/350.1** Him Man, T. 28 Sept 2015, 09.39.07-09.41.11 (*emphasis added*).

<sup>4321</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.40.38-13.42.14; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.30.40-13.34.04; **E1/485.1** Huon Choeun, T. 18 Oct 2016, 10.48.54-10.52.12; **E3/9580** Huon Choeun WRI, A59; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219176; **E1/349.1** Him Man, T. 17 Sept 2015, 11.09.06-11.12.23; **E1/350.1** Him Man, T. 28 Sept 2015, 09.37.16-09.39.07; **E3/5204** Sman At WRI, EN 00242082; **E3/5289** Kae Noh WRI, EN 00340183; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.29.41-09.31.13; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053217; **E3/7517** Saleh Interview by Nate Thayer, EN 00053278; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048852-53; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44, 01150150.

witness stated that she “was asked to choose between a bullet and pork.”<sup>4322</sup> Indeed, none of the meat that Cham were provided by the CPK in cooperatives was prepared in a *halal* way.<sup>4323</sup> “Some people were weeping while they were eating pork,”<sup>4324</sup> while others “could not take it so they vomited after they ate it.”<sup>4325</sup> Cham were also forced to raise pigs.<sup>4326</sup> Cham were prohibited from wearing their traditional clothes,<sup>4327</sup> including religiously-mandated headwear,<sup>4328</sup> and Cham women were forced to cut their hair.<sup>4329</sup>

*a) Ramadan 1975 — Cham Rebel to Preserve Religion*

1034. In September and October 1975,<sup>4330</sup> two uprisings occurred approximately two weeks apart<sup>4331</sup> in separate Cham communities in the heartland of Cham cultural and

<sup>4322</sup> E3/9672 ██████████ WRI, A47.

<sup>4323</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 11.28.40-11.30.40.

<sup>4324</sup> E1/349.1 Him Man, T. 17 Sept 2015, 11.09.06-11.12.23.

<sup>4325</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.10.23-14.12.54.

<sup>4326</sup> E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219075; E1/350.1 No Sates, T. 28 Sept 2015, 14.02.25-14.04.40; E1/398.1 Van Mat, T. 9 March 2016, 11.31.53-11.33.27; E3/4705 No Sates CPA, EN 00417851; E3/7531 Sop Kahtidja Interview by Nate Thayer, EN 00667248. See also E3/2312 Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 0048852-53.

<sup>4327</sup> E3/20 Elizabeth Becker, *When the War was Over*, EN 00237858. **Central Zone:** E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.13.14-14.15.14; E1/350.1 Him Man, T. 28 Sept 2015, 11.15.00-11.17.15; E3/4706 Him Man CPA, EN 00417861; E3/5301 Seng Kuy OCP Statement, EN 00210482; E1/346.1 Seng Srun, T. 14 Sept 2015, 09.32.11-09.33.55; E1/415.1 Sos Kamri, T. 6 April 2016, 09.24.30-09.26.26, 10.40.13-10.42.10; E3/9750 Sos Kamri DC-Cam, EN 01222006; E3/7513 Ruin Him Interview by Nate Thayer, EN 00667231; E3/7519 Sann Yu Sof Interview by Nate Thayer, EN 00667234. **East Zone:** E3/7588 Kob Math Interview by Nate Thayer, EN 00667272; E3/5680 Srong Muhamed Interview by Nate Thayer, EN 00053301; E3/390 Math Ly Interview by Steve Heder, EN 00436856-57. **Southwest Zone:** E3/7482 Mak Katheet Interview by Nate Thayer, EN 00667212; E3/7578 Savee Bin Kasim Interview by Nate Thayer, EN 00053136, 00053139; E3/7481 Loah Treh Interview by Nate Thayer, EN 00667202, 00667204. **Northwest Zone:** E3/7521 Chan Lee Interview by Nate Thayer, EN 00667246; E3/7490 Muhamed Ali Interview by Nate Thayer, EN 00667215; E3/7578 Savee Bin Kasim Interview by Nate Thayer, EN 00053136. **North Zone:** E3/7574 Iep Toh Interview by Nate Thayer, EN 00053248. **West Zone:** E3/7539 Abraham Interview by Nate Thayer, EN 00667267. **Zone 505:** E1/88.1 Yun Kim, T. 19 June 2012, 11.54.58-11.57.20.

<sup>4328</sup> E3/1822 Ysa Osman, *Oukoubah*, EN 00078451. **Central Zone:** E1/349.1 Him Man, T. 17 Sept 2015, 14.29.11-14.31.21; E3/9349 Chuop Non WRI, EN 00244158. **East Zone:** E1/372.1 Sos Romly, T. 8 Jan 2016, 09.12.43-09.14.30; E1/398.1 Van Mat, T. 15.12.06-15.14.54. **Northwest Zone:** E1/393.1 Meu Peou, T. 29 Feb 2016, 09.21.17-09.22.25; E3/7555 Zakheyah Interview by Nate Thayer, EN 00855135; E3/5676 Rim Sarah Interview by Nate Thayer, EN 00667229.

<sup>4329</sup> E3/1822 Ysa Osman, *Oukoubah*, EN 00078451. **East Zone:** E1/393.1 Man Sles, T. 29 Feb 2016, 13.40.09-13.41.52; E1/342.1 It Sen, T. 7 Sept 2015, 11.22.32-11.25.48; 13.38.09-13.40.13; E3/5195 It Sen WRI, EN 00242095; E1/375.1 Math Sor, T. 13 Jan 2016, 09.43.08-09.45.03; E1/372.1 Sos Romly, 8 Jan 2016, 09.07.25-09.09.55; E1/398.1 Van Mat, T. 9 March 2016, 09.38.15-09.40.52, 15.12.06-15.14.54; E3/390 Math Ly Interview by Steve Heder, EN 00436856. **Southwest Zone:** E3/7481 Loah Treh Interview by Nate Thayer, EN 00667202; E3/7482 (misnumbered on document as E3/4782) Mak Katheet Interview by Nate Thayer, EN 00667211. **Northwest Zone:** E3/7555 Zakreyah Interview by Nate Thayer, EN 00855135; E1/393.1 Meu Peou, T. 29 Feb 2016, 09.53.41-09.57.33. **Central Zone:** E1/350.1 Him Man, T. 28 Sept 2015, 11.15.00-11.20.00; E3/4706 Him Man CP App, EN 00417861; E1/415.1 Sos Kamri, T. 6 April 2016, 10.39.10-10.40.13; E3/5216 Sos Kamri WRI, EN 00225496; E3/9750 Sos Kamri DC-Cam, EN 01222006; E3/7519 Sann Yu Sof Interview by Nate Thayer, EN 00667234.

<sup>4330</sup> E1/350.1 No Sates, T. 28 Sept 2015, 13.37.26-13.39.06; E1/388.1 Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37.



intellectual life in Cambodia, Kroch Chhmar District,<sup>4332</sup> in Sector 21 of the East Zone. These two 1975 rebellions had been preceded by a small 1973 protest in Trea 5 village where Cham burned a Khmer Rouge office.<sup>4333</sup> The restrictions on the communities' religious practices were particularly resented at this time in 1975 as it was the Muslim fasting period of Ramadan.<sup>4334</sup> Expert Ysa Osman, who studied the rebellions, testified:

The purpose of the rebellion was to seek freedom, the freedom to practice their religious belief and to preserve their traditions. That was the demand and it was the demand for freedom and not with the intention to overthrow the Democratic Kampuchea regime.<sup>4335</sup>

1035. These uprisings, in Koh Phal<sup>4336</sup> and Svay Khleang,<sup>4337</sup> were “repressed by massive retaliation that soon affected the Cham population of the whole country.”<sup>4338</sup> But the willingness of the Cham to stand up and defend their religion against superior CPK forces was certainly noticed by the CPK leaders, and the rebellions clearly accelerated the evolution of the CPK toward viewing all Cham as enemies to be eliminated. “[W]hat angered the Khmer Rouge about the Cham ... was their stubbornness at holding on to their religion ... they saw people who were refusing to abandon their religion, refusing to accept the ‘new religion’ of the Khmer Rouge.”<sup>4339</sup>

#### 1) Koh Phal Rebellion

1036. Koh Phal was a Cham village of approximately 1,900 residents<sup>4340</sup> located on an island in the Mekong River.<sup>4341</sup> The CPK had imposed gradually increasing restrictions on

<sup>4331</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 16.02.53-16.05.50; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37.

<sup>4332</sup> **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.59.38-14.01.24; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219062; **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.10.38-15.12.33. See generally **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138-01150142.

<sup>4333</sup> **E3/5261** Sau Seimech WRI, EN 00274335-36; **E1/372.1** Sos Romly, T. 8 Jan 2016, 13.39.22-13.41.40; **E3/5196** Sos Romly WRI, EN 00223086-87; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37, 13.50.50-13.52.55. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137; **E3/9** Philip Short, *Pol Pot*, EN 00396454.

<sup>4334</sup> **E3/9750** Sos Kamri DC-Cam, EN 01222009; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

<sup>4335</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.52.55-13.54.08. See also **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.14.39-15.17.19; **E3/390** Mat Ly Interview by Steve Heder, EN 00436856.

<sup>4336</sup> Also Romanized as “Kaoh Phal”. See generally **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114-37.

<sup>4337</sup> See generally **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219138-72.

<sup>4338</sup> **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

<sup>4339</sup> **E1/93.1** David Chandler, T. 20 July 2012, 15.46.39-15.48.38.

<sup>4340</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114

Cham religious and cultural practices, as well as conducted a series of arrests, since they took control of Koh Phal in 1973.<sup>4342</sup> The rebellion was a reaction to this repression.<sup>4343</sup>

1037. Cham on Koh Phal had resisted CPK attempts to stop them from practicing their religion,<sup>4344</sup> from praying,<sup>4345</sup> from fasting during Ramadan,<sup>4346</sup> and from wearing traditional attire.<sup>4347</sup> Khmer Rouge authorities had confiscated and burned Korans,<sup>4348</sup> forced women to cut their hair,<sup>4349</sup> closed mosques,<sup>4350</sup> and arrested many Cham leaders and villagers.<sup>4351</sup>

1038. In September 1975, the sub-district chief called the villagers to a meeting at the mosque.<sup>4352</sup> He announced that 40 religious leaders were going to be taken away for “training”, and he announced a five-point plan that was to be implemented strictly: 1) Cham women had to cut their hair short and stop wearing the head scarf; 2) Korans must be gathered and burned; 3) all Cham in Koh Phal must raise pigs and eat pork; 4) they must stop praying and close the mosques; and, 5) Cham men and women must marry other ethnic groups and not other Cham.<sup>4353</sup> The meeting lasted past the sunset prayer time, at which point one of the villagers stood up and made the call for prayer,

<sup>4341</sup> **E1/389.1** Ysa Osman T. 10 Feb 2016, 14.20.57-14.23.11; **E1/342.1** It Sen, T. 7 Sept 2015, 13.50.48-13.53.29.

<sup>4342</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00; **E3/5204** Sman At WRI, EN 00242081.

<sup>4343</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 13.40.13-13.43.13; 13.55.51-13.58.28; **E1/343.1** It Sen, T. 8 Sept 2015, 09.34.50-09.37.12; **E3/9750** Sos Kamri DC-Cam, EN 01222008-09; **E3/7588** Kob Math Interview, EN 00667271; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219122, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110.

<sup>4344</sup> **E3/5204** Sman At WRI, EN 00242081.

<sup>4345</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

<sup>4346</sup> **E3/9750** Sos Kamri DC-Cam, EN 01222009.

<sup>4347</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

<sup>4348</sup> **E3/5204** Sman At WRI, EN 00242081; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125, confirmed by **E3/5289** Kae Noh WRI, EN 00340180-81; **E3/5290** Chhi Ly WRI, 00340171; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119.

<sup>4349</sup> **E3/5204** Sman At WRI, EN 00242081.

<sup>4350</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.36.52-10.39.00.

<sup>4351</sup> **E3/5204** Sman At WRI, EN 00242081; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219124, confirmed by **E3/5290** Chhi Ly WRI, 00340170.

<sup>4352</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.03.15-10.05.37, 10.39.00-10.41.21; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340202; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219115-16, 00219120, 00219126, 00219130; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594. See also **E3/5289** Kae Noh WRI, EN 00340181.

<sup>4353</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.44.10-10.47.12; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 13.44.03-13.47.14; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340202; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219126, 00219127, 00219130-31.

and the villagers rose and refused to allow the cadres to arrest the leaders.<sup>4354</sup> The CPK forces that were present realised they were outnumbered and withdrew.<sup>4355</sup> A few days later, sector<sup>4356</sup> and district forces<sup>4357</sup> began shelling and firing on the island from boats.<sup>4358</sup> Attacks occurred over a series of days, and near the end of the month the CPK forces entered the village and gunned down hundreds of people,<sup>4359</sup> shooting “men, women, children and the elderly and infirm”<sup>4360</sup> until “[b]lood flowed like water.”<sup>4361</sup> The villagers were armed only with swords and knives,<sup>4362</sup> while the cadres had machine guns and artillery.<sup>4363</sup> Some Cham tried to escape but were captured and executed.<sup>4364</sup>

1039. “[T]here were countless death of the villagers there.”<sup>4365</sup> Based on witness estimates, approximately 1,000 Cham died during the fighting.<sup>4366</sup> Multiple pits containing 30 to 40 people each were dug to bury the bodies.<sup>4367</sup> After the rebellion, the women who had

<sup>4354</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.39.00-10.41.21, 10.47.12-10.51.15; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219121, 00219127, 00219130; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119-20, confirmed by **E3/7766** Res Tort WRI, EN 00340202.

<sup>4355</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.47.12-10.49.50; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219132-33.

<sup>4356</sup> **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.02.32-14.04.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.08.24-09.09.54; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52.

<sup>4357</sup> **E1/343.1** It Sen, T. 8 Sept 2015, 09.41.50-09.44.15; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52.

<sup>4358</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15; **E1/343.1** It Sen, T. 8 Sept 2015, 09.45.23-09.47.48; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219119, confirmed by **E3/7766** Res Tort WRI, EN 00340202, 00340203; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, 00219123-24; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; see also **E1/342.1** It Sen, T. 7 Sept 2015, 13.50.48-13.55.51; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125.

<sup>4359</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219120, confirmed by **E3/7766** Res Tort WRI, EN 00340202. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.53.23; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219121.

<sup>4360</sup> **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219118, 00219122-27, 00219130, 00219133. See also **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15; **E1/342.1** It Sen, T. 7 Sept 2015, 13.53.29-13.55.51; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594-95; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219125-26; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20.

<sup>4361</sup> **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594-95.

<sup>4362</sup> **E3/5289** Kae Noh WRI, EN 00340181; **E3/7786** Pen Sot WRI, 00251068; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15; **E3/7766** Res Tort WRI, EN 00340203; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219123, 00219127-28.

<sup>4363</sup> **E3/5289** Kae Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340172; **E3/7786** Pen Sot WRI, 00251068; **E3/7821** Math Ly DC-Cam, EN 00441577.

<sup>4364</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23.

<sup>4365</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.49.50-10.51.15. See also **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/7766** Res Tort WRI, EN 003402013.

<sup>4366</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219118.

<sup>4367</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23; **E3/5289** Kae Noh WRI, EN 00340182; **E3/5204** Sman At WRI, EN 00242082; **E3/2631** Report on CGP Mapping Team Visit to Kampong Cham Province, EN 00208308; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219120; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219137; **E3/9750** Sos Kamri DC-Cam, EN 01222008.



refused to cut their hair were forced to do so,<sup>4368</sup> and all Cham were forced to leave the island.<sup>4369</sup> Some Cham were arrested on accusation of participating in the rebellion, and sent away in horse carts never to be seen again.<sup>4370</sup> As discussed further below, survivors were dispersed to other regions.

1040. So complete was the destruction of Koh Phal that the CPK themselves renamed it Koh Phes (Island of Ashes),<sup>4371</sup> and CPK officials used the crackdown as a cautionary tale to other Cham not to resist. "After the revolt, the Khmer Rouge used the name of Koh Phal for reeducation purposes or as a warning or threat against other villages across the country. People were warned not to revolt like those in Koh Phal or their village would be turned into Koh Phes too."<sup>4372</sup>

## 2) Svay Khleang Rebellion

1041. Approximately two weeks later, in October, similar events played out in Svay Khleang.<sup>4373</sup> The Khmer Rouge had arrived in Svay Khleang by 1973.<sup>4374</sup> "There were thousands of Cham families living there."<sup>4375</sup>

1042. The Khmer Rouge began gradually restricting Cham religious and cultural practices.<sup>4376</sup> "We had to live our lives following the Khmer ways; not the Cham ways. ... [E]veryday life had become stricter day by day."<sup>4377</sup> Prior to the uprising, Cham in Svay Khleang had been prevented from practicing their religion,<sup>4378</sup> prohibited from fasting

<sup>4368</sup> **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180.

<sup>4369</sup> **E1/447.1** Meas Socurn, T. 30 June 2016, 10.14.15-10.16.25; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.50.20-09.52.25, 14.27.52-14.30.16; **E3/5289** Kae Noh WRI, EN 00340182; **E3/9337** Ysa Osman, *The Cham Rebellion*, EN 00218594; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219130; **E3/3921R** Express TV, *The Land of Silence*, 00:00-00:50.

<sup>4370</sup> **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126.

<sup>4371</sup> **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E1/350.1** Him Man T. 28 Sept 2015, 11.09.43-11.12.39; **E3/9750** Sos Kamri DC-Cam, EN 01222008; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/9750** Sos Kamri DC-Cam, EN 01222008; **E3/5289** Kae Noh WRI, EN 00340182; **E3/7767** Ysa Osman, *The Cham Rebellion*, EN 00219119-20.

<sup>4372</sup> **E3/9750** Sos Kamri DC-Cam, EN 01222008. See also **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174; **E1/349.1** Him Man, T. 17 Sept 2015, 14.35.04-14.36.54; **E3/5531** Meas Socun WRI, A50; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855135.

<sup>4373</sup> **E1/388.1** Ysa Osman T. 9 Feb 2016, 10.03.15-10.05.37.

<sup>4374</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 15.05.03-15.06.50; **E3/4780** Sos Min SIF, EN 00893529; **E3/5205** Man Sen WRI, EN 00275162; **E3/5206** Teh Sren WRI, EN 00275379; **E3/5210** Sos Min WRI, EN 00242072; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.

<sup>4375</sup> **E1/350.1** No Sates, T. 28 Sept 2015, 15.29.20-15.31.08.

<sup>4376</sup> **E3/5210** Sos Min WRI, EN 00242072; **E3/9136** Sos Min DC-Cam, EN 01133234.

<sup>4377</sup> **E3/5193** No Sates WRI, EN 00274703-04.

<sup>4378</sup> **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E1/350.1** No Sates, T. 28 Sept 2015, 13.42.41-13.44.26, 15.33.24-15.35.47; **E3/9136** Sos Min DC-Cam, EN 01133235.

during Ramadan,<sup>4379</sup> forced to eat pork,<sup>4380</sup> prohibited from speaking Cham,<sup>4381</sup> and prohibited from wearing traditional clothing.<sup>4382</sup> Cham women had been forced to cut their hair,<sup>4383</sup> the villagers had been prevented from utilizing the mosque,<sup>4384</sup> which had been converted to secular uses,<sup>4385</sup> and Korans had been collected and burned.<sup>4386</sup> Civil Party Sos Min told the Court:

We were forced to eat the food that we could not eat. And if we did not eat, we would be accused of not giving up to our religious practice. And that would be subject to be monitored. If we opposed any of the principles they imposed, then we would be accused of being an enemy of Angkar.<sup>4387</sup>

1043. In addition, Cham religious leaders<sup>4388</sup> and villagers had been increasingly arrested.<sup>4389</sup>

Many were taken to Kroch Chhmar District security centre.<sup>4390</sup> There were arrests almost every night on accusation that the individuals had violated the restrictions.<sup>4391</sup> No Sates testified:

<sup>4379</sup> E1/343.1 Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; E3/9750 Sos Kamri DC-Cam, EN 01222009; E3/4780 Sos Min SIF, EN 00893529.

<sup>4380</sup> E1/393.1 Man Sles, T. 29. Feb 2016, 14.12.37-14.15.13; E1/343.1 Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; E3/4780 Sos Min SIF, EN 00893529; E3/5205 Man Sen WRI, EN 00275163; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219157.

<sup>4381</sup> E1/393.1 Man Sles, T. 29 Feb 2016, 14.12.37-14.15.13; E1/343.1 Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; E3/4780 Sos Min SIF, EN 00893529; E3/390 Math Ly Interview, EN 00436857.

<sup>4382</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.33.24-15.38.56; E3/4780 Sos Min SIF, EN 00893529.

<sup>4383</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.35.47-15.38.56; E1/343.1 Sos Min, T. 8 Sept 2015, 14.17.17-14.19.39; E3/9136 Sos Min DC-Cam, EN 01133234; E3/7676 Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by E3/5206 Teh Sren WRI, EN 00275379; E3/5205 Man Sen WRI, EN 00275163; E3/7675 Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by E3/5205 Man Sen WRI, EN 00275163; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219164.

<sup>4384</sup> E3/7675 Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by E3/5205 Man Sen WRI, EN 00275163.

<sup>4385</sup> E1/393.1 Man Sles, T. 29 Feb 2016, 14.24.05-14.26.00.

<sup>4386</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.33.24-15.35.47; E3/7676 Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by E3/5206 Teh Sren WRI, EN 00275379; E3/7675 Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by E3/5205 Man Sen WRI, EN 00275163; E1/343.1 Sos Min, T. 8 Sept 2015, 15.57.47-16.01.15; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219157, 00219164.

<sup>4387</sup> E1/343.1 Sos Min, T. 8 Sept 2015, 14.19.39-14.22.30.

<sup>4388</sup> E1/343.1 Sos Min, T. 8 Sept 2015, 15.55.25-16.01.15; E1/393.1 Man Sles, T. 29 Feb 2016, 13.40.09-13.44.40, 14.24.05-14.39.45; E3/5205 Man Sen WRI, EN 00275162; E3/7675 Ysa Osman, *The Cham Rebellion*, EN 00221858-59, confirmed by E3/5205 Man Sen WRI, EN 00275163; E3/6714 Man Sles CPA, EN 01089919; E1/350.1 No Sates, T. 28 Sept 2015, 15.40.20-15.42.37.

<sup>4389</sup> E1/393.1 Man Sles, T. 29 Feb 2016, 14.26.00-14.39.45; E3/6714 Man Sles CPA, EN 01089919; E3/7675 Ysa Osman, *The Cham Rebellion*, EN 00221858-59, confirmed by E3/5205 Man Sen WRI, EN 00275163; E3/9136 Sos Min DC-Cam, EN 01133235; E3/7676 Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by E3/5206 Teh Sren WRI, EN 00275379; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219147, 00219148, 00219158, 00219164.

<sup>4390</sup> E1/393.1 Man Sles, T. 29. Feb 2016, 13.41.52-13.44.40; 14.24.05-14.37.10; E3/6714 Man Sles CPA, EN 01089919.

<sup>4391</sup> E1/343.1 Sos Min, T. 8 Sept 2015, 14.19.39-14.25.21; E3/9136 Sos Min DC-Cam, EN 01133234.

those who were arrested never returned. And that was the root cause of rebellion that took place in Svay Khleang. They were afraid that the arrest would continue. For that reason, they had no choice but to rebel. ... They said they would rather die than get arrested, detained and mistreated. ... Because by that time, every single night, about 20 or 30 of them would be arrested and taken away by the Khmer Rouge. Who on earth could put up with that kind of torture?<sup>4392</sup>

1044. These restrictions and arrests prompted the uprising,<sup>4393</sup> and the rebellion began at the end of Ramadan.<sup>4394</sup> As one witness testified “we had to resist for the survival of our religion.”<sup>4395</sup> There was no organised plan or clear leadership in regards to the rebellion.<sup>4396</sup> A number of Cham had gone to pray in the mosque that day and the villagers learned that the CPK cadres intended to arrest those who had.<sup>4397</sup>

1045. Svay Khleang consisted of a number of villages, however villages 5 and 6, which were entirely Cham, were the primary participants in the uprising.<sup>4398</sup> The Cham knew they were no match for the better-armed, more numerous CPK forces, but proceeded anyway: “We thought that we would be killed if we stayed still, and we would be killed just the same if we fought against them. After discussing these two options, we agreed that we would fight against them and would rather die by being shot than waiting for the Khmer Rouge to arrest us and take us to be killed.”<sup>4399</sup> The villagers had only two firearms (one of which was captured from the CPK cadres),<sup>4400</sup> with only ten bullets,<sup>4401</sup> and otherwise were armed only with swords and knives. The CPK cadres, on the other

<sup>4392</sup> **E1/351.1** No Sates, T. 29 Sept 2015, 09.13.15-09.17.54. *See also* **E1/351.1** No Sates, T. 29 Sept 2015, 10.44.25-10.46.47; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.29.32-14.32.02.

<sup>4393</sup> **E3/9750** Sos Kamri DC-Cam, EN 01222008-09; **E1/350.1** No Sates, T. 28 Sept 2015, 15.40.20-15.42.37; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.44.40-13.48.34, 14.10.45-14.12.37, 15.00.50-15.01.53, 15.09.50-15.12.05, 15.13.20-15.16.22; **E3/6714** Man Sles CPA, EN 01089920.

<sup>4394</sup> **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219112. *See also* **E1/343.1** Sos Min, T. 8 Sept 2015, 14.34.25-14.37.09.

<sup>4395</sup> **E1/393.1** Man Sles, T. 29 Feb 2016, 13.44.40-13.45.37.

<sup>4396</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.08.35-10.10.39.

<sup>4397</sup> **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.29.32-14.34.25; 14.34.25-14.37.09; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.07.04-10.08.35; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218582; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219148, 00219154, 00219162, 00219165.

<sup>4398</sup> **E1/344.1** Sos Min, T. 9 Sept 2015, 09.36.53-09.39.30; 10.50.30-10.56.01; 11.34.34-11.36.10; **E3/9136** Sos Min DC-Cam, EN 01133242.

<sup>4399</sup> **E3/9136** Sos Min DC-Cam, EN 01133236.

<sup>4400</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 16.02.53-16.05.50; **E1/344.1** Sos Min, T. 9 Sept 2015, 11.06.41-11.08.20; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; 15.13.20-15.16.22; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.08.35-10.10.39; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

<sup>4401</sup> **E1/344.1** Sos Min, T. 9 Sept 2015, 11.50.55-11.53.46.



hand, had both light and heavy weapons, including AK-47s and artillery.<sup>4402</sup> “[T]here was no way that the rebellion would defeat the Khmer Rouge because, you can imagine, on one side, there were only knives and swords while on the Khmer Rouge side, there were guns. So it was defeated. We surrendered and submitted to them.”<sup>4403</sup>

1046. The rebellion was put down after approximately one day<sup>4404</sup> by hundreds of heavily-armed forces from the district, sector, and zone levels.<sup>4405</sup> Hundreds of Cham died in the suppression of the rebellion,<sup>4406</sup> and few, if any, CPK cadres did.<sup>4407</sup> Those Cham who survived were rounded up, sent out of Svay Khleang,<sup>4408</sup> and detained at several locations<sup>4409</sup> in Kroch Chhmar District, including the district security office.<sup>4410</sup> Many of those arrested were tortured, disappeared or were killed.<sup>4411</sup> Some of the men accused of

<sup>4402</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 16.05.50-16.08.14; **E3/9136** Sos Min DC-Cam, EN 01133243; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.54.08-13.55.22.

<sup>4403</sup> **E1/351.1** No Sates, T. 29 Sept 2015, 09.17.54-09.19.29.

<sup>4404</sup> **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; **E3/6714** Man Sles CPA, EN 01089920; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.03.00-10.05.32; **E3/4780** Sos Min SIF, EN 00893530; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.08.35-10.10.39; **E1/350.1** No Sates, T. 28 Sept 2015, 13.53.56-13.56.53.

<sup>4405</sup> **E1/372.1** Sos Romly, T. 8 Jan 2016, 14.02.32-14.04.30; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.08.24-09.09.54; **E1/407.1** Ysa Osman, T. 23 Mar 2016, 11.20.52-11.22.52; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219149, 00219154, 00219159-60, 00219162-63; **E3/7998** Din Paet DC-Cam, EN 00726177; **E3/4780** Sos Min SIF, EN 00893530; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163.

<sup>4406</sup> **E1/351.1** No Sates, T. 29 Sept 2015, 09.31.06-09.33.21; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.42.20-14.44.50; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.00.48-10.03.00; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 14.02.08-14.04.42; 14.08.32-14.10.55; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218582; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219149-50, 00219157-58, 00219160, 00219162-63, 00219165, 00219186; **E3/7998** Din Paet DC-Cam, EN 00726177.

<sup>4407</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 13.58.14-13.59.38; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219154, 00219158, 00219162; **E3/7998** Din Paet DC-Cam, EN 00726177.

<sup>4408</sup> **E1/350.1** No Sates, T. 28 Sept 2015, 15.44.27-15.47.06; **E1/351.1** No Sates, T. 29 Sept 2015, 09.24.33-09.26.33; **E1/393.1** Man Sles, T. 29 Feb 2016, 15.01.53-15.04.45; **E3/4705** No Sates CPA, EN 00417850; **E3/6714** Man Sles CPA, EN 01089920.

<sup>4409</sup> **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.48.34, 15.01.53-15.04.45; **E3/6714** Man Sles CPA, EN 01089920; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898, confirmed by **E3/5206** Teh Sren WRI, EN 00275379; **E1/343.1** Sos Min, T. 8 Sept 2015, 14.42.20-14.47.20; **E3/4780** Sos Min SIF, EN 00893530; **E1/350.1** No Sates T. 28 Sept 2015, 13.47.28-13.49.43; **E1/351.1** No Sates T. 29 Sept 2015, 09.35.13-09.39.59; **E3/9136** Sos Min DC-Cam, EN 01133245; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219143-44, 00219150, 00219154, 00219157, 00219158, 00219160, 00219162, 00219163, 00219165, 00219166, 00219168, 00219169, 00219186, 00219190; **E3/4705** No Sates CPA, EN 00417850; **E3/5206** Teh Sren WRI, EN 00275380; **E3/4780** Sos Min CPA, EN 00893530.

<sup>4410</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 14.25.21-14.29.32; **E1/351.1** No Sates, T. 29 Sept 2015, 09.35.13-09.43.09.

<sup>4411</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 14.25.21-14.27.05, 14.44.50-14.47.20; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.45.37-13.50.36; **E1/350.1** No Sates, T. 28 Sept 2015, 13.49.43-13.52.08; **E3/5193** No Sates WRI, EN 00274705; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.10.39-10.12.56; **E3/2653** Ysa Osman, *The*

being leaders of the rebellion or who seemed particularly strong were killed immediately.<sup>4412</sup> As discussed below, villagers were then dispersed to various areas across Cambodia.

## 2. Forced Transfer and Dispersal of Cham

1047. Forced transfers of Cham had already begun but accelerated following the Koh Phal and Svay Khleang rebellions.<sup>4413</sup> “[B]ringing in ethnic Khmer and placing the Cham in Khmer villages”<sup>4414</sup> served to disperse and dilute Cham communities by fracturing the structures through which they maintained Cham customs, language, and religion.<sup>4415</sup> The CPK Centre held meetings directly following the rebellions in which they agreed to transfer 150,000 Cham from the East Zone to the (old) North Zone and Northwest Zone in order “to disperse the Cham.”<sup>4416</sup>

1048. It Sen testified that in Kroch Chhmar District following the rebellions “[t]he district committee, the commune committee, village chief and the village security guards ... ordered all of us to leave our village by boats in order to be transferred to Battambang at that time.”<sup>4417</sup> Sos Romly testified that by 1977, 80 to 85% of the Cham in Trea Commune had been transferred to the Central Zone.<sup>4418</sup>

1049. Expert David Chandler explained to the Court:

The motive for breaking the Cham up ... is simply ... to break them up. These are autonomous systematic communities with patterns of authority, consistency of religion, a local — shared local history — exactly the sorts of nodules, if you like, that the regime wanted to break up, along with families, city dwellers, army people, Buddhist

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*Cham Rebellion*, EN 00219150, 00219158-59, 00219160, 00219162, 00219163-65; **E3/5206** Teh Sren WRI, EN 00275380; **E3/5205** Man Sen WRI, EN 00275163; **E3/7678** Ysa Osman, *The Cham Rebellion*, EN 00218583; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219157; **E3/9136** Sos Min DC-Cam, EN 01133245; **E3/4780** Sos Min CPA, EN 00893530.

<sup>4412</sup> **E1/388.1** Ysa Osman T. 9 Feb 2016, 10.10.39-10.12.56; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219163.

<sup>4413</sup> See e.g. **E1/415.1** Sos Kamri, T. 6 Apr 2016, 09.41.12-09.43.25, 09.46.10-09.49.40, 10.42.10-10.43.40, 14.41.19-15.02.25; **E3/5216** Sos Kamri WRI, EN 00225496. **E1/388.1** Ysa Osman, T. 9 Feb 2016, 11.24.38-11.25.39; **E3/4706** Him Man CPA, EN 00417861; **E1/342.1** It Sen, T. 7 Sept 2015, 13.55.51-13.58.28; **E1/343.1** It Sen, T. 8 Sept 2015, 09.39.42-09.41.50; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204441; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219174; **E1/223.1** Stephen Heder, T. 15 July 2013, 15.14.57-15.17.12.

<sup>4414</sup> **E3/390** Math Ly Interview with Steve Heder, EN 00436856.

<sup>4415</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.06.38-10.08.26; **E1/58.1** Kaing Guek Eav, T. 3 Apr 2012, 10.07.45-10.09.42; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237957.

<sup>4416</sup> **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 Nov 1975, EN 00766762-63.

<sup>4417</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 13.58.28-14.00.44.

<sup>4418</sup> **E1/372.1** Sos Romly, T. 8 Jan 2016, 09.42.50-09.46.08, 14.40.06-14.42.35.

monks. They represented an implicit threat by just maintaining their collective identity, which of course they were very eager to maintain and continue to maintain until it was — until they were broken up.<sup>4419</sup>

1050. Villagers from Koh Phal<sup>4420</sup> and Svay Khleang<sup>4421</sup> were all transferred to multiple parts of the Central and Eastern Zones, and some disappeared. Tens if not hundreds of thousands<sup>4422</sup> of villagers from multiple other Cham communities<sup>4423</sup> in the East<sup>4424</sup> and Central Zones<sup>4425</sup> and other zones<sup>4426</sup> were also ordered<sup>4427</sup> to relocate beginning in late

<sup>4419</sup> **E1/93.1** David Chandler, T. 20 Jul 2012, 15.56.13-15.57.27.

<sup>4420</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23, 14.07.33-14.08.56, 14.12.35-14.14.54; **E3/5204** Sman At WRI, EN 00242082-83; **E1/398.1** Van Mat, T. 9 Mar 2016, 09.48.55-09.52.25, 14.27.52-14.30.16; **E3/5290** Chhi Ly WRI, EN 00340172-73; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219123-25, 00219127, 00219130-31; **E3/5204** Sman At WRI, EN 00242082; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219125, confirmed by **E3/5290** Chhi Ly WRI, EN 00340170; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Isamael Maisam WRI, EN 00242110; **E3/5289** Kae Noh WRI, EN 00340182; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180.

<sup>4421</sup> **E1/343.1** Sos Min, T. 8 Sept 2015, 14.12.02-14.14.10, 15.30.30-15.33.05; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.10.39-10.12.56, 14.07.33-14.08.56, 14.12.35-14.14.54; **E1/350.1** No Sates, T. 28 Sept 2015, 13.37.26-13.39.06, 13.44.26-13.47.28; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/5207** Mat Ysa WRI, EN 00242077; **E1/389.1** Ysa Osman, T. 14.02.08-14.04.42; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E1/393.1** Man Sles, T. 29. Feb 2016, 13.50.36-13.55.58, 15.06.20-15.08.28; **E3/6714** Man Sles CPA, EN 01089920; **E1/350.1** No Sates, T. 28 Sept 2015, 15.48.48-15.50.44; **E3/7675** Ysa Osman, *The Cham Rebellion*, EN 00221859, confirmed by **E3/5205** Man Sen WRI, EN 00275163; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.18.30-15.26.00; **E3/5210** Sos Min WRI, EN 00242073; **E3/5206** Teh Sren WRI, EN 00275380; **E3/7676** Ysa Osman, *The Cham Rebellion*, EN 00221898; **E3/9333** Ysa Osman, *The Cham Rebellion*, EN 00204453; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219144, 00219150, 00219157, 00219159, 00219161-65, 00219167, 00219168, 00219181, 00219186, 00219190, 00219201; **E3/4780** Sos Min CPA, EN 00893530.

<sup>4422</sup> See e.g. **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 Nov 1975, EN 00766762-63; **E3/9334** Ysa Osman, *The Cham Rebellion*, EN 00204442; **E1/371.1** Sos Romly, T. 6 Jan 2016, 15.29.15-15.31.40, 09.46.08-09.48.28; **E3/5196** Sos Romly WRI, EN 00223087; **E1/342.1** It Sen, T. 7 Sept 2015, 14.00.44-14.05.29.

<sup>4423</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.19.06-14.20.54.

<sup>4424</sup> **E3/5265** Um Chi WRI, EN 00282345; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18-14.31.43; **E3/7679** Sa Nau WRI, EN 00242061; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/5207** Mat Ysa WRI, EN 00242077; **E1/88.1** Yun Kim, T. 19 June 2012, 11.08.26-11.10.15, 11.11.22-11.13.53; **E3/368** Yun Kim WRI, EN 00345195; **E1/446.1** Meas Soeurn, T. 29 June 2016, 15.12.33-15.14.39; **E3/5531** Meas Souern WRI, A53; **E3/5205** Man Sen WRI, EN 00275163; **E3/5680** Strong Muhamed Interview, EN 00053301; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150141, 01150144; **E3/5265** Um Chi WRI, EN 00282345; **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048831; see also **E1/398.1** Van Mat, T. 9 Mar 2016, 13.36.35-13.39.36.

<sup>4425</sup> **E1/301.1** Or Ho, T. 19 May 2015, 14.07.11-14.09.03; **E1/349.1** Him Man, T. 17 Sept 2015, 10.47.32-10.56.51; **E3/5257** Tay Koemhun WRI, EN 00251014; **E1/322.1** Kong Uth, T. 25 June 2015, 09.34.05-09.37.09; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 14.04.15-14.08.54, 15.11.10-15.12.07; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 10.33.20-10.36.12, 10.40.20-10.43.05; **E3/9652** Riel Neang WRI, A4; **E3/5256** Hok Hocun WRI, EN 00251306; **E3/9744** Muok Sengly WRI, A26; **E3/7513** Ruin Him Interview, EN 00667231; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667234.

<sup>4426</sup> **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.53.41-09.59.04; **E3/6166** Meu Peou CPA, EN 01205012; **E3/7521** Chan Lee Interview by Nate Thayer, EN 00667246; **E3/7482** Mak Katheet Interview by Nate Thayer, EN 00667211; **E3/7555** Zakreyah Interview by Nate Thayer, EN 00855136; **E3/7578** Savee Bin Kasim Interview by Nate Thayer, EN 00053139; **E3/7534** Sufeyan Idres Interview by Nate Thayer, EN 00667254; **E3/7502** Peang Romly Interview by Savy, EN 00667220; **E3/7480** Abdullah Interview by Nate Thayer, EN 00667260; **E3/7517** Saleh Interview by Nate Thayer, EN



1975 within or between those zones, or to other zones.<sup>4428</sup> Van Mat testified that approximately 5,000 Cham<sup>4429</sup> were transferred from Chumnik Village in Kroch Chhmar.<sup>4430</sup> As Sen Srun testified: "In 1976, the Cham people were separated and mixed with ... the Khmer people in various villages. They were segregated to live among the Khmer people."<sup>4431</sup> It Sen testified that in Kroch Chhmar District, only Cham were forced to relocate, while the Khmer were allowed to remain.<sup>4432</sup>

1051. In some instances, some small number of Cham would be allowed to stay in their home village, and Khmer would be brought to live in the village,<sup>4433</sup> diluting Cham communities. Cham that were moved, however, were "deported into predominantly Khmer villages"<sup>4434</sup> in intentionally limited numbers per village.<sup>4435</sup> "[A]ll Cham communities, urban or rural, 'new' or 'base,' were dispersed. And Cham villages were not scattered willy-nilly, but deliberately broken up into small groups".<sup>4436</sup> On arrival, they were told they could not congregate in groups greater than two or three.<sup>4437</sup> Families were frequently broken up<sup>4438</sup> and children, who were particularly dependent

00053279; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150148-50.

<sup>4427</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 13.58.28-14.00.44. *See also* **E3/5206** Teh Sren WRI, EN 00275380; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.49.53-09.52.23.

<sup>4428</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.07.33-14.08.56, 14.12.35-14.14.54; **E3/4198** UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Statement Submitted by Amnesty International*, August 1978, EN 00271509-10; **E1/342.1** It Sen, T. 7 Sept 2015, 13.55.51-13.58.28; **E3/1678** Toulas Sma WRI, EN 00353493; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.53.41-09.59.04; **E3/7578** Hul Man Interview, EN 00053146; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2012, 09.25.24-09.27.54; **E1/149.1** Hun Chun Ly, T. 6 Dec 2012, 15.43.12-15.46.08; **E3/3351** Hun Chhunly, *The Life of a Physician Under the Khmer Rouge Regime*, EN 00369716; **E3/5676** Rim Sarah Interview by Nate Thayer, EN 00667229; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147.

<sup>4429</sup> **E1/398.1** Van Mat, T. 9 March 2016, 09.31.55-09.34.37, 09.55.42-09.56.55.

<sup>4430</sup> **E1/398.1** Van Mat, T. 9 March 2016, 11.04.22-11.05.40.

<sup>4431</sup> **E1/346.1** Seng Srun, T. 14. Sept 2015, 09.27.52-09.30.05; *see also* 09.30.05-09.32.11.

<sup>4432</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 14.03.18-14.05.29.

<sup>4433</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.12.35-14.14.54; **E3/390** Math Ly Interview, EN 00436856; **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661479; **E1/349.1** Him Man, T. 17 Sept 2015, 10.53.49-10.59.13, 11.15.26-11.18.11; **E3/4706** Him Man CPA, EN 00417861; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/5253** Cheu Than WRI, EN 00235483.

<sup>4434</sup> **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

<sup>4435</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24, 14.19.06-14.20.54; **E1/408.1** Ysa Osman, T. 24 March 2016, 10.06.38-10.08.26; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.43.47-15.45.55; **E3/7482** Mak Katheet Interview, EN 00667212-13; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/5205** Man Sen WRI, EN 00275164; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219175-76; **E3/4780** Sos Min SIF, EN 00893530; **E3/7481** Loah Treh Interview, EN 00667202, 00667204; **E3/7539** Abraham Interview by Nate Thayer, EN 00667267.

<sup>4436</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150238 (*emphasis omitted*).

<sup>4437</sup> **E3/4705** No Sates CPA, EN 00417850; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.28.28-09.30.30; **E3/9750** Sos Kamri DC-Cam, EN 01222006.

<sup>4438</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.19.06-14.20.54; **E1/398.1** Van Mat, T. 9 Mar 2016, 11.35.46-13.31.57; **E1/393.1** Meu Peou T. 29 Feb 2016, 09.16.51-09.21.17.

on their parents to learn Cham language, religion and culture, were sometimes sent to live separately.<sup>4439</sup> Prak Yut testified that by the time she had arrived in Kampong Siem District in the Central Zone in early 1977, Cham “had no respective villages to live in. They were spread out throughout the district.”<sup>4440</sup>

1052. Transferred Cham were often placed to live in, or more frequently under, the houses of Khmer families or in rice storage huts.<sup>4441</sup> Many Cham were sent to live in areas endemic with malaria, without any defences such as mosquito nets or anti-malarial medicine. As a result of the conditions of life imposed on these Cham deportees, many died from disease, starvation,<sup>4442</sup> or mistreatment.<sup>4443</sup> Stephen Heder wrote that “[m]any died before they got where they were going, were not welcome where they were sent, were further dispersed upon arrival, and shortly succumbed either to disease or starvation.”<sup>4444</sup> Sos Min testified that of the 20 Cham families that he travelled with to Dambae in the East Zone, all but seven died from starvation and malaria.<sup>4445</sup>

1053. Most Cham had been living in Khmer Rouge occupied areas since the early 1970s, and therefore should have been considered “Base People.”<sup>4446</sup> However, when transferred

<sup>4439</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.03.20-16.04.57; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 11.20.58-11.22.42; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.18.47-09.21.17, 10.54.34-11.00.45; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667231; **E3/7517** Saleh Interview by Nate Thayer, EN 00053279.

<sup>4440</sup> **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.32.33-15.37.47.

<sup>4441</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.08.56-14.11.24; **E1/342.1** It Sen, T. 7 Sept 2015, 14.05.29-14.08.22; **E3/1678** Toulas Sma WRI, EN 00353493; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219212, confirmed by **E3/5192** Ismael Maisam WRI, EN 00242110; **E1/343.1** Sos Min, T. 8 Sept 2015, 16.10.37-16.12.28; **E3/5205** Man Sen WRI, EN 00275164; **E1/144.1** Pe Chuy Chip Se, T. 14 Nov 2012, 09.25.24-09.27.54; **E3/4705** No Sates CPA, EN 00417850; **E3/5290** Chhi Ly WRI, EN 00340173.

<sup>4442</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.51.15-10.53.23, 14.12.35-14.14.54, 14.19.06-14.20.54; **E1/344.1** Sos Min, T. 9 Sept 2015, 09.04.33-09.07.31; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.22.25-09.29.41, 09.44.50-09.48.04, 11.21.08-11.22.34; **E1/149.1** Hun Chun Ly, T. 6 December 2012, 15.43.12-15.46.08; **E3/5206** Teh Sren WRI, EN 00275380; **E1/393.1** Man Sles, T. 29 Feb 2016, 13.58.04-14.01.01, 14.07.03-14.09.03, 14.17.00-14.20.11; **E3/4706** Him Man CPA, EN 00417861; **E3/6166** Meu Peou CPA, EN 01205015; **E3/5204** Sman At WRI, EN 00242082; **E3/5289** Kae Noh WRI, EN 00340182; **E3/5290** Chhi Ly WRI, EN 00340173; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219125, confirmed by **E3/5290** Chhi Ly WRI, EN 00340170; **E3/390** Math Ly Interview by Steve Heder, EN 00436857; **E3/7821** Math Ly DC-Cam, EN 00441577-78; **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480.

<sup>4443</sup> **E1/393.1** Man Sles, T. 29 Feb 2016, 13.58.04-14.01.01, 14.07.03-14.09.03, 14.17.00-14.20.11; **E3/4706** Him Man CPA, 00417863; **E1/398.1** Van Mat, T. 9 March 2016, 11.27.45-11.28.52; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.16.51-09.21.17, 09.22.25-09.29.41, 09.42.50-09.48.04, 11.21.08-11.22.34.

<sup>4444</sup> **E3/4527** Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661481.

<sup>4445</sup> **E1/344.1** Sos Min, T. 9 Sept 2015, 09.08.40-09.10.26; see also **E3/4780** Sos Min SIF, EN 00893530; **E3/5210** Sos Min WRI, EN 00242073.

<sup>4446</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150138.

the Cham were “stripped of their status as veteran people”<sup>4447</sup> and considered “17 April” or “New People”<sup>4448</sup> — or worse. Or Ho, a village chief in the (old) North/Central Zone from 1975-78,<sup>4449</sup> stated that “[t]he ethnic Cham were considered to be even lower than the 17 April People.”<sup>4450</sup>

### 3. Arrests, Murders, and Disappearances of Cham

1054. While leaders were particular targets, all Cham were at risk in the CPK’s campaign to exterminate the Cham group. Witnesses reported arrests, disappearances, and killings in the East Zone.<sup>4451</sup> One witness stated that arrests occurred “day and night” after the Koh Phal rebellion.<sup>4452</sup> Likewise, in the Central Zone, there are multiple reports of arrests, disappearances, and killings of Cham.<sup>4453</sup> The evidence shows that Cham were arrested and killed in other Zones as well.<sup>4454</sup>

1055. Following the arrival of Southwest Zone forces in the Central and East Zones in 1977 and 1978, Cham men, women, and children were systematically targeted for mass execution.<sup>4455</sup> “They said the Cham nationality was ‘rebellious’ and had to be ‘abolished’.”<sup>4456</sup> By this later period, it no longer mattered “whether they were women,

<sup>4447</sup> **E3/4527** Steve Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes*, EN 00661480; see also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150146.

<sup>4448</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 14.17.30-14.20.54; **E1/301.1** Or Ho, T. 19 May 2015, 14.10.37-14.12.52; **E3/7812** Khiev Sokh WRI, EN 00282328; **E1/344.1** Sos Min, T. 9 Sept 2015, 10.15.34-10.34.39; **E3/7519** Sann Yu Sof Interview by Nate Thayer, EN 00667235; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053218.

<sup>4449</sup> **E1/301.1** Or Ho, T. 19 May 2015, 09.21.05-09.26.48.

<sup>4450</sup> **E3/5255** Or Ho WRI, EN 00250047; **E1/301.1** Or Ho, T. 19 May 2015, 10.04.42-10.09.56. See also **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.53.41-09.57.33.

<sup>4451</sup> See e.g. **E1/342.1** It Sen, T. 7 Sept 2015, 14.18.50-14.21.11; **E1/375.1** Math Sor, T. 13 Jan 2016, 10.09.37-10.11.16, 11.02.35-11.04.51; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150221; **E3/7786** Pen Sot WRI, 00251070; **E3/5680** Strong Muhamed Interview by Nate Thayer, EN 00053302; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192435.

<sup>4452</sup> **E3/5207** Mat Ysa WRI, EN 00242077.

<sup>4453</sup> See e.g. **E1/401.1** Alexander Hinton, T. 14 Mar 2016, 13.51.54-13.52.56; **E1/393.1** Man Sles, T. 29 Feb 2016, 14.02.35-14.09.03, 15.06.20-15.08.28; **E1/349.1** Him Man, T. 17 Sept 2015, 10.59.13-11.07.35; **E1/350.1** Him Man, T. 28 Sept 2015, 10.55.50-10.58.44; **E3/4706** Him Man CPA, EN 00417861; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.45.41-15.49.03; **E3/9351** Meas Layhuor WRI, EN 00244165; **E1/309.1** Uth Seng, T. 3 June 2015, 09.48.40-09.53.10; **E3/5267** Uth Seng WRI, EN 00282357; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.49.40-09.52.05, 10.43.40-10.44.26, 11.27.21-11.28.42; 15.08.43-15.09.56; **E3/5216** Sos Kamri WRI, EN 00225497; **E3/7775** Kang Ut WRI, EN 00233533; **E3/9360** Mat Toulouh WRI, A33; **E3/9669** Va Penh WRI, A11-A14; **E3/9662** Keo Theary WRI, A6-7; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150147; **E3/3921R** Express TV, *The Land of Silence*, 00:00-00:50. See also **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26-10.37.02.

<sup>4454</sup> See e.g. **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150222, 01150149-51; **E1/393.1** Meu Peou, T. 29 Feb 2016, 09.33.44-09.35.50, 10.06.24-10.43.51, 11.06.45-11.17.32, 11.21.08-11.22.34; **E3/9672** [REDACTED] WRI, A67.

<sup>4455</sup> See e.g. **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150143-44; **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397049.

<sup>4456</sup> **E3/2312** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048852.



whether they were children or whether they agreed to eat pork or whether they could no longer speak Cham;<sup>4457</sup> the Cham were inherently enemies, and the CPK “killed without discrimination. They killed those who were Cham.”<sup>4458</sup> One witness gave evidence that he was accosted by cadres on suspicion of being Cham, but that then “they realized I was Khmer and they left”.<sup>4459</sup> He continued: “If they mistook me for a Cham person and arrested me I would have been killed. I would be killed if they thought I was Cham.”<sup>4460</sup> In Kampong Siem District, villagers frequently recounted that CPK forces killed “all the Cham”.<sup>4461</sup> The evidence shows that the killing of Cham increased in other Zones as well in 1978.<sup>4462</sup> The Cham generally were not detained for long, if at all, following their arrest, but were simply killed.<sup>4463</sup> The CPK saw no need to obtain a “confession” or to interrogate Cham to discover their “networks” as all Cham and all their families were deemed enemies simply because they were Cham.

*a) Implementation in the Central Zone by Southwest Cadres*

1056. Southwest Zone cadres were gradually sent to take control of the Central Zone in late 1976 or early 1977.<sup>4464</sup> At this point arrests, disappearances, and killings<sup>4465</sup> of Cham men, women, and children intensified dramatically.<sup>4466</sup> Expert Alexander Hinton testified that many of his interviewees in the Central Zone provided evidence regarding “Chams being killed en masse.”<sup>4467</sup> The orders for the arrests came down through the hierarchy. A commune militiaman in the Central Zone described how “[t]he Cham people were arrested with the order coming down from the sector and the provincial

<sup>4457</sup> E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.45.07-10.45.59.

<sup>4458</sup> E1/388.1 Ysa Osman, T. 9 Feb 2016, 16.02.20-16.03.20. *See also* E3/1281 EN 000131118.

<sup>4459</sup> E1/348.1 Tay Koemhun, T. 16 Sept 2015, 10.51.02-10.53.58.

<sup>4460</sup> E1/348.1 Tay Koemhun, T. 16 Sept 2015, 13.50.02-13.51.42.

<sup>4461</sup> E1/401.1 Alexander Hinton, T. 14 Mar 2016, 14.03.34-14.04.25.

<sup>4462</sup> E3/7482 Mak Katheet Interview by Nate Thayer, EN 00667213; E3/7555 Zakreyah Interview by Nate Thayer, EN 00855136.

<sup>4463</sup> E1/450.1 Henri Locard, T. 28 July 2016, 15.22.40-15.25.03; *see also* E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.50.05-10.51.54.

<sup>4464</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 11.19.38-11.21.45; 11.21.45-11.23.38; E3/9652 Riel Neang WRI, A13; E3/9500 You Vann WRI, A5; E3/9548 Nhem Kol WRI, EN A2; E3/9667 Nhem Kol, A2.

<sup>4465</sup> E3/9651 Mom Sroeurng WRI, A5, A7, A8; E3/7519 Sann Yu Sofby Interview by Nate Thayer, EN 00667237; E1/415.1 Sos Kamri, T. 6 April 2016, 10.44.26-10.46.15; E3/9342 Leav Loas WRI, EN 00339936-37; E3/9666 Leng Ra WRI EN 01072507; E3/9656 Sbrong Yann WRI, EN 01034899; E3/1593 Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

<sup>4466</sup> E1/415.1 Sos Kamri, T. 6 April 2016, 10.43.40-10.46.15; E3/9750 Sos Kamri DC-Cam, EN 01222006; E1/347.1 Samrit Muy, T. 15 Sept. 2015, 10.06.02-10.10.12; E3/9652 Riel Neang WRI, A19; E3/9651 Mom Sroeurng WRI, A8; E3/9342 Leav Loas WRI, EN 00339936.

<sup>4467</sup> E1/401.1 Alexander Hinton, T. 14 Mar 2016, 13.51.54-13.52.56 (*emphasis added*).

level. The commune chief went to receive those instructions, and when he returned to the commune, he implemented the instructions.”<sup>4468</sup>

1057. The process of identifying and eliminating Cham was facilitated by the creation of lists of Cham persons. Expert Alexander Hinton testified that the names of Cham were marked down in ledgers in Kampong Siem District,<sup>4469</sup> and pursuant to orders of the “upper echelon” lists had also been compiled of Cham at worksites in Kang Meas District.<sup>4470</sup>

1058. Witnesses Prak Yut and You Vann were Southwest Zone cadres who travelled to, and worked in, the Central Zone together.<sup>4471</sup> They travelled there along with Ta Mok and approximately 200 other Southwest Zone cadres who were dispersed throughout the Zone.<sup>4472</sup> Prak Yut was made district secretary of Kampong Siem District under Sector 41 Secretary Ao An and zone secretary Ke Pauk.<sup>4473</sup> As district secretary she was “in charge of the affairs at the district,” and had four to five communes under her control.<sup>4474</sup> She was also “in charge of security in that area”<sup>4475</sup> and of re-educating persons held at the district security office.<sup>4476</sup> Witness You Vann served as Prak Yut’s messenger, the head of a district mobile unit, and, eventually, also as a commune secretary in Kampong Siem District.<sup>4477</sup> Although reluctant to fully acknowledge their own roles in the crimes, particularly during their in-court testimony,<sup>4478</sup> both Prak Yut and You Vann provided detailed evidence of the macabre bureaucratic mechanics by which the CPK carried out their genocide of the Cham.

<sup>4468</sup> E1/317.1 Yean Lon, T. 16 June 2015, 14.09.00-14.10.29; E3/7322 Yean Lon WRI, EN 00330719.

<sup>4469</sup> E1/403.1 Alexander Hinton, T. 16 March 2016, 16.05.18-16.06.12.

<sup>4470</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 10.38.40-10.41.47, 11.45.32-11.47.05, 11.49.12-11.51.40; E3/5527 Seng Srun WRI, A8, A12.

<sup>4471</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 14.05.29-14.06.37; E1/376.1 You Vann, T. 14 Jan 2016, 13.57.20-14.01.33. See also E1/34.1 Prak Yut, T. 26 Jan 2012, 11.19.38-11.25.55; E3/163 Prak Yut WRI, EN 00364081; E3/9496 Prak Yut WRI, A12.

<sup>4472</sup> E1/376.1 You Vann, T. 14 Jan 2016, 13.59.01-14.01.33, 14.06.37-14.08.41; E3/9500 You Vann WRI, A6.

<sup>4473</sup> E1/33.1 Prak Yut, T. 25 Jan 2012, 14.30.06-14.30.45, 14.35.18-14.36.46; E1/34.1 Prak Yut, T. 26 Jan 2012, 15.40.34-15.42.13 16.02.13-16.04.28; E3/163 Prak Yut WRI, EN 00364081; E3/9496 Prak Yut WRI, A19; E1/376.1 You Vann, T. 14 Jan 2016, 14.09.56-14.12.13; E3/9500 You Vann WRI, A12; E1/376.1 You Vann, T. 14 Jan 2016, 14.12.13-14.13.30.

<sup>4474</sup> E1/33.1 Prak Yut, T. 25 Jan 2012, 14.38.14-14.39.45.

<sup>4475</sup> E1/35.1 Prak Yut, T. 30 Jan 2012, 13.45.52-13.47.37.

<sup>4476</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 14.00.32-14.02.41; E1/35.1 Prak Yut, T. 30 Jan 2012, 13.47.37-13.48.58, 13.48.58-13.50.20, 14.06.02-14.08.04.

<sup>4477</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.18.14-09.20.45, 09.20.45-09.22.59; E1/376.1 You Vann, T. 14 Jan 2016, 13.57.20-13.59.01, 14.05.15-14.06.37, 14.55.52-14.57.17, 15.55.30-15.59.38; E3/9507 You Vann WRI, A43.

<sup>4478</sup> See E3/9522 Prak Yut WRI, A47; E1/377.1 Prak Yut, T. 18 Jan 2016, 14.36.54-14.43.10.

1059. Prak Yut attended meetings at the zone office in Kampong Cham town<sup>4479</sup> with the zone secretary, Ke Pauk, and the committee members of the Central Zone sectors every one to three months.<sup>4480</sup> At the meetings, the participants reported to the zone secretary<sup>4481</sup> and discussed, *inter alia*, “security issues in the zone and in the sectors.”<sup>4482</sup> The zone committee would “devise solutions for the problems, for all types of problems.”<sup>4483</sup> Prak Yut was then “asked to execute [the zone secretary’s] plans and instructions.”<sup>4484</sup> Prak Yut explained: “I was under the leadership of my superiors so, as I said, I had to adhere to the instructions or orders from my superiors.”<sup>4485</sup> Prak Yut occasionally met with Ta Mok, and You Vann “regularly saw Ta Mok visit Sector 41.”<sup>4486</sup> In addition, Prak Yut had meetings once a month at the sector level<sup>4487</sup> and would provide the sector with written reports on “the plan implementation within the district” and “on the situations.”<sup>4488</sup> Commune leaders in Kampong Siem District reported to Prak Yut every week, and held monthly meetings at her office.<sup>4489</sup> Nhem Kol, a cadre who attended these latter meetings, told the OCIJ: “In district meetings, they said that the Cham were from different religion and were not considered Khmer, so the Khmer Rouge feared that they would rebel later.”<sup>4490</sup>

1060. Prak Yut testified that when she arrived in Kampong Siem District “there were many Cham people”.<sup>4491</sup> The sector ordered her and the other district secretaries to purge the Cham at a meeting in mid-to late 1977.<sup>4492</sup> She told the court: “There was an order from the sector level to us to purge the Cham,”<sup>4493</sup> later specifying: “I received an order either

<sup>4479</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 14.04.14-14.08.04, 15.44.07-15.45.15.

<sup>4480</sup> E1/33.1 Prak Yut, T. 25 Jan 2012, 14.41.25-14.43.21; E1/34.1 Prak Yut, T. 26 Jan 2012, 14.04.14-14.06.08; E1/35.1 Prak Yut, T. 30 Jan 2012, 13.44.00-13.45.52; E1/378.1 Prak Yut, T. 19 Jan 2016, 09.55.40-09.57.24; E3/163 Prak Yut WRI, EN 00364081; E3/9496 Prak Yut WRI, A56, A58.

<sup>4481</sup> E3/9496 Prak Yut WRI, A60.

<sup>4482</sup> E3/9496 Prak Yut WRI, A57.

<sup>4483</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 14.06.08-14.08.04.

<sup>4484</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 15.44.07-15.45.15.

<sup>4485</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 15.41.04-15.43.34.

<sup>4486</sup> E3/9507 You Vann WRI, A60, 61.

<sup>4487</sup> E3/9496 Prak Yut WRI, A25; E3/9522 Prak Yut WRI, A29.

<sup>4488</sup> E1/34.1 Prak Yut, T. 26 Jan 2012, 14.02.41-14.04.14.

<sup>4489</sup> E3/9507 You Vann WRI, A1, A9; E3/9548 Nhem Kol WRI, EN A6.

<sup>4490</sup> E3/9667 Nhem Kol WRI, A23.

<sup>4491</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.47.13-14.49.42; E3/9677 Prak Yut WRI, A2. See also E1/376.1 You Vann, T. 14 Jan 2016, 14.57.17-14.59.16.

<sup>4492</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.14.17-09.17.03, 09.39.03-09.41.05; E3/9499 Prak Yut WRI, A22; E3/9522 Prak Yut WRI, A45; E3/9496 Prak Yut WRI, A48; E1/377.1 Prak Yut, T. 18 Jan 2016, 15.50.42-15.55.03; E3/9507 You Vann WRI, A100. See also E1/376.1 You Vann, T. 14 Jan 2016, 14.26.31-14.30.23; E3/9500 You Vann WRI, A28.

<sup>4493</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.40.10-14.45.30. See also E3/9677 Prak Yut WRI, A1; E3/9499 Prak Yut WRI, A13; A21; E3/9539 Prak Yut WRI, A6.



to smash or to kill the [Cham] people.”<sup>4494</sup> You Vann opined that: “Ta An was under Ta Mok in rank. Thus, the orders were definitely from Ta Mok.”<sup>4495</sup> Prak Yut stated that the district secretaries from all five districts in Sector 41 were at that meeting,<sup>4496</sup> including Kan, district secretary of Kang Meas District.<sup>4497</sup>

1061. In order to carry this purge out, Prak Yut was instructed by the “upper echelon” to identify and make a list of all Cham in her district.<sup>4498</sup> Included on the lists were “soldiers of Sihanouk regimes, the ethnic Cham people and the Vietnamese people.”<sup>4499</sup> The lists were compiled based on names passed up by village chiefs from the whole district,<sup>4500</sup> and You Vann then typed them up.<sup>4501</sup> You Vann explained that the Cham “lived mingled with the Khmer people and that was the reason Prak Yut wanted to have a list of who the Cham were and who the Khmer were.”<sup>4502</sup>

1062. Prak Yut testified that decisions on killing in Kampong Siem District were made by the “upper echelon.”<sup>4503</sup> She would relay orders from the upper level to her subordinates “[a]nd after people at the lower levels would carry out the order they reported to me that now those people have already been purged and then I reported back to Ta An.”<sup>4504</sup> Prak Yut delegated the purge to her deputy, Si,<sup>4505</sup> who then reported the results to her, which she passed on to the sector secretary, Ao An.<sup>4506</sup> “After the killings of the Cham people were completed, I received a report from ... the militia chief about the number of

<sup>4494</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.22.59-09.25.42;

<sup>4495</sup> E3/9507 You Vann WRI, A60.

<sup>4496</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 15.52.45-15.56.42; E1/378.1 Prak Yut, T. 19 Jan 2016, 09.29.22-09.31.43.

<sup>4497</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 15.56.42-15.58.45.

<sup>4498</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.49.42-14.50.24; E3/9525 Prak Yut WRI, A4. See also E3/5256 Hok Hocun WRI, EN 00251306; E1/377.1 You Vann, T. 18 Jan 2016, 10.37.22-10.42.48.

<sup>4499</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.00.23-15.03.27. See also E3/9500 You Vann WRI, A29-A30; E3/9667 Nhem Kol WRI, A20.

<sup>4500</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.04.43-15.07.35; E3/9548 Nhem Kol WRI, A19. See also E3/5529 Man Heang WRI, A5; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219209-11.

<sup>4501</sup> E1/376.1 You Vann, T. 14 Jan 2016, 14.59.16-15.00.23; 15.00.23-15.03.27; E3/9507 You Vann WRI, A 49, 51.

<sup>4502</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.49.39-15.51.19.

<sup>4503</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.40.10-14.43.10; E1/35.1 Prak Yut, T. 30 Jan 2012, 15.23.10-15.24.28.

<sup>4504</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.40.10-14.43.10; E1/376.1 You Vann, T. 14 Jan 2016, 14.23.05-14.24.23; E3/9500 You Vann WRI, A24, A26; E3/9507 You Vann WRI, A55.

<sup>4505</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.14.17-09.17.03; 09.18.14-09.20.45; E3/9496 Prak Yut WRI, A52; E3/9499 Prak Yut WRI, A14; E3/9525 Prak Yut WRI, A10, A12. See also E3/9548 Nhem Kol WRI, A8.

<sup>4506</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.49.16-09.51.39; E3/9499 Prak Yut WRI, A14, A26; E1/379.1 Prak Yut, T. 20 Jan 2016, 09.37.34-09.39.58; E1/376.1 You Vann, T. 14 Jan 2016, 14.24.23-14.26.31. See also E1/377.1 You Vann, T. 18 Jan 2016, 09.17.45-09.20.05.

Cham they had killed. Then I sent that report to Ta An, who was at the sector level.”<sup>4507</sup> You Vann confirmed that the reports on the killings that were sent to the sector included the names and quantity of those killed, and “also detailed ethnicity or composition.”<sup>4508</sup> You Vann noticed there was “gradual disappearances of people” on the list after it was transmitted to Ao An<sup>4509</sup> until they had all been arrested.<sup>4510</sup> “I noticed many disappearances, especially the Cham.”<sup>4511</sup> While the lists only included the names of adults, their children would also be arrested.<sup>4512</sup> Nhem Kol, a cadre working in Kampong Siem District, explained to the OCIJ that “when they arrested entire families such as the Cham ... they killed them at the base.”<sup>4513</sup>

1063. OCIJ calculated that about 1800 Cham had been killed in just one of the communes in Kampong Siem District.<sup>4514</sup> Prak Yut testified that it was “true that Cham people had been purged. The upper echelon instructed me to identify all Cham people within that commune,”<sup>4515</sup> and that “I only knew that Cham people had been taken away and killed. I was told by [the Sector Secretary], based on the instructions from the upper echelon.”<sup>4516</sup>

1064. The order to purge was carried out throughout Sector 41.<sup>4517</sup> Prak Yut told OCIJ investigators: “I would like to clarify once again that the orders I received were very clear: they stated that we must kill all the Cham. I had no choice other than to carry out orders.”<sup>4518</sup> Prak Yut told You Vann on multiple occasions that the district military had conducted arrests of Cham.<sup>4519</sup> Nhem Kol, who worked in the office of the Krala Commune chief Rom, recalled: “During the dry season in late 1977, I heard Prak Yuth tell Rom to check to see if any Cham remained or not, and if any Cham remained Rom had to report that to Prak Yuth.”<sup>4520</sup> Two witnesses recalled that in 1978, all the Cham in Trapeang Ruessei Village, Krala Commune — consisting of about 100 families — were

<sup>4507</sup> E3/9677 Prak Yut WRI, A8, confirmed by E1/378.1 Prak Yut, T. 19 Jan 2016, 09.51.39-09.55.40.

<sup>4508</sup> E3/9507 You Vann WRI, A106.

<sup>4509</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.07.35-15.09.00; 15.10.50-15.12.25.

<sup>4510</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.16.38-15.18.42.

<sup>4511</sup> E3/9507 You Vann WRI, A18.

<sup>4512</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.14.55-15.16.38.

<sup>4513</sup> E3/9667 Nhem Kol WRI, A33.

<sup>4514</sup> See E3/9735 WRIA, 7 Sept 2015, EN 01138987 [Trean Commune].

<sup>4515</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.49.32-14.52.08. See also E3/9735 WRIA, 7 Sept 2015, EN 01138982-87.

<sup>4516</sup> E1/377.1 Prak Yut, T. 18 Jan 2016, 14.47.13-14.50.24.

<sup>4517</sup> E3/9499 Prak Yut WRI, A20; E3/9677 Prak Yut WRI, A8, A13.

<sup>4518</sup> E3/9677 Prak Yut WRI, A9.

<sup>4519</sup> E1/376.1 You Vann, T. 14 Jan 2016, 14.13.30-14.16.44.

<sup>4520</sup> E3/9667 Nhem Kol WRI, A22.

transported away in ox carts over a series of days and were not allowed to bring any possessions.<sup>4521</sup> After they were taken away

there was a big meeting attended by the children's unit, mobile unit, and the "base" people. Yeay Yuth, who was District Committee, said, "The Cham are the enemy of *Angkar* because they plan to rebel, so *Angkar* has to smash them." She said, "If any Cham remain, this must be reported so they can be swept clean, because this is the plan of upper-echelon." Yeay Yuth said, "Any base person hiding a Cham will also be considered an enemy."<sup>4522</sup>

1065. Khom, another of Prak Yut's messengers who was based at the district level, told You Vann that the arrests of the people on the list were carried out by sector and district military working together.<sup>4523</sup> The district security forces had an office at Tuol Beng Village and there was an associated detention centre and execution site.<sup>4524</sup> Said one villager: "I used to see the arrests of about 30 ethnic Cham each time until no ethnic Cham remained around the end of 1977. They were walked from Kampong Siem District Office towards Tuol Beng."<sup>4525</sup> Cham were detained at that detention centre and after a while "disappeared."<sup>4526</sup> Multiple mass graves were found in Tuol Beng after the DK regime fell.<sup>4527</sup> You Vann also heard from Phon, the military commander of the district forces who was responsible for arresting the Cham and others on the lists,<sup>4528</sup> that the Cham had been purged.<sup>4529</sup>

1066. Expert Alexander Hinton interviewed a former cadre who worked in Krala Commune who recalled receiving a written order to arrest ethnic Cham from Prak Yut.<sup>4530</sup> The letter ordered the cadres to "smash internal enemies — Chams, Vietnamese, capitalists, former Lon Nol workers, intellectuals, and CIA agents."<sup>4531</sup> This same individual stated

<sup>4521</sup> E3/9744 Muok Sengly WRI, A26, A30, A31; E3/9657 Iem Channy WRI, A22-A23. See also E3/9663 [REDACTED] WRI, EN 00797011.

<sup>4522</sup> E3/9744 Muok Sengly WRI, A30.

<sup>4523</sup> E1/376.1 You Vann, T. 14 Jan 2016, 15.12.25-15.14.55; E1/377.1 You Vann, T. 18 Jan 2016, 11.06.14-11.07.34; E3/9548 Nhem Kol WRI, A20.

<sup>4524</sup> E1/376.1 You Vann, T. 14 Jan 2016, 14.16.44-14.20.45; E3/9500 You Vann WRI, A20; E3/9499 Prak Yut WRI, A1-A14; E3/9548 Nhem Kol, A9; E3/9507 You Vann WRI, A16, A98, A105; E3/9667 Nhim Kol WRI, A18, A20; E3/9656 Sbhong Yang WRI, A9; E3/9664 Aok Chanty WRI, A8; see also E3/9655 Khoem Neary WRI, A14.

<sup>4525</sup> E3/9656 Sbhong Yann WRI, A8.

<sup>4526</sup> E1/376.1 You Vann, T. 14 Jan 2016, 14.19.31-14.20.45. See also E1/401.1 Alexander Hinton, T. 14 March 2016, 13.51.54-13.52.56.

<sup>4527</sup> E3/9656 Sbhong Yann WRI, A14-15.

<sup>4528</sup> E3/9500 You Vann WRI, A32.

<sup>4529</sup> E1/376.1 You Vann, T. 14 Jan 2016, 14.57.17-14.59.16.

<sup>4530</sup> E1/401.1 Alexander Hinton, T. 14 Mar 2016, 14.02.58-14.03.34; E1/402.1 Alexander Hinton, T. 15 Mar 2016, 09.39.38-09.44.08; E3/3346 Alexander Hinton, *Why Did they Kill?*, EN 00431596.

<sup>4531</sup> E3/3346 Alexander Hinton, *Why Did they Kill?*, EN 00431596.



that in fact that order was then carried out in regards to the Cham, who were arrested in large numbers and executed, and Alexander Hinton testified that this information was confirmed by numerous other villagers.<sup>4532</sup> A Khmer worker in Kampong Siem District told the OCIJ that she “saw many ethnic Cham being arrested and walked in queues”<sup>4533</sup> towards Tuol Beng. “Their whole families were arrested.”<sup>4534</sup> Nhem Kol, a cadre in Kampong Siem District, recalled that “[a]ll the Cham Muslims in Kampong Siem District were also arrested and executed right in the district.”<sup>4535</sup>

1067. You Vann recalled an additional, subsequent meeting with Ao An once she became commune secretary that concerned preparing lists of persons in other districts. Also in attendance at that meeting were “persons responsible for lists and documentation in each district” throughout Sector 41, including Kang Meas District, and all the commune chiefs.<sup>4536</sup> At the meeting, Ao An explained the types of people that should be listed including Cham.<sup>4537</sup> This time, however, Ao An instructed the attendees to go directly to the villages to compile the lists rather than relying on the village chiefs to create them because they did not trust the village chiefs.<sup>4538</sup> Ao An instructed them to then send the lists to the sector level.<sup>4539</sup> Using a microphone, Ao An and Ta Mok, who was also in attendance, “instructed us to purge the people. ... Those people who were linked to different ethnicities and affiliations.”<sup>4540</sup> You Vann claims that those additional lists were not able to be compiled before the arrival of the Vietnamese.<sup>4541</sup>

1068. Prak Yut’s claim during her trial testimony that she ordered that only Cham who were “bad elements that caused problem” should be killed<sup>4542</sup> was clearly a fabrication in an attempt to diminish her own involvement in a genocidal plan. She never explained what “problems” had been caused by the thousands of villagers killed. Her belated attempt to minimise the killing policy is directly contradicted by her prior statements to OCIJ investigators and her testimony that she had absolutely no discretion to disobey the

<sup>4532</sup> **E1/402.1** Alexander Hinton, T. 15 Mar 2016, 09.43.15-09.44.08, 10.00.08-10.05.06, 15.48.51-15.52.28.

<sup>4533</sup> **E3/9655** Khoem Neary WRI, A13.

<sup>4534</sup> **E3/9655** Khoem Neary WRI, A13.

<sup>4535</sup> **E3/9548** Nhem Kol WRI, A11.

<sup>4536</sup> **E3/9507** You Vann WRI, A58, *confirmed by* **E1/376.1** You Vann, T. 14 Jan 2016, 15.19.48-15.21.40, 15.22.45-15.24.56, 15.32.34-15.34.53.

<sup>4537</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.19.48-15.21.40; **E3/9507** You Vann WRI, A102.

<sup>4538</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23; **E3/9507** You Vann WRI, A102.

<sup>4539</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.24.56-15.25.57.

<sup>4540</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.25.57-15.28.23.

<sup>4541</sup> **E1/376.1** You Vann, T. 14 Jan 2016, 15.21.40-15.22.45.

<sup>4542</sup> **E1/378.1** Prak Yut, T. 19 Jan 2016, 09.33.53-09.34.53. *See also* **E1/379.1** Prak Yut, 20 January 2016, 09.13.48-09.15.44.

order from her superiors to purge all the Cham.<sup>4543</sup> Indeed, directly following this equivocation she reiterates that:

In the entire district, we purged based on the order from the upper echelon. I, myself, was also doubtful why the upper echelon instruct us to purge specifically the Cham people. ... When I received and saw the letter from the upper echelon, I was doubtful, but I still needed to follow the order. I had a feeling that the implementation of such an order was difficult, but when there is such an order and if I did not implement it, I would be in trouble.<sup>4544</sup>

1069. Prak Yut also recounted that when “there was an order from the upper echelon to purge Cham people,”<sup>4545</sup> the only way she was able to save her adopted daughter, Pheap, who was Cham and who she had raised since childhood, was by everyone in the district office “keep[ing] quiet on this matter.”<sup>4546</sup> Indeed, in order to save Pheap — clearly not someone who she considered a “bad element” who was “causing problems” — Prak Yut stated she had to personally intervene with Ao An on Pheap’s behalf, and “Uncle An agreed not to have Pheap listed because she was the only Cham who worked and lived with me, *but he ordered me to list other Cham people. I agreed*.”<sup>4547</sup> Furthermore, Prak Yut admitted multiple times that Pheap was the only Cham person she “decided to keep ... alive till today.”<sup>4548</sup> As Prak Yut explained, she “had a pity for Pheap, and her life was spared. However, *no other Cham people were spared*, nor did I ask to spare any other Cham to Ta An.”<sup>4549</sup> She stated that she “could not save all the Cham people within the district”<sup>4550</sup> and that “[o]nly Pheap was spared”.<sup>4551</sup> Another cadre in the district also confirmed: “No Cham Muslim was spared except for Phea[p], who was defended by Prak Yut.”<sup>4552</sup>

#### 1) Wat Au Trakuon Security Centre

1070. Southwest Zone cadres carried out mass killings of Cham in Sector 41 of the Central Zone at Wat Au Trakuon, the security centre for Kang Meas District.<sup>4553</sup> Following

<sup>4543</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.22.59-09.25.42.

<sup>4544</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.36.30-09.39.03. *See also* E1/377.1 Prak Yut, T. 18 Jan 2016, 14.45.30-14.47.13, 15.50.42-15.52.45.

<sup>4545</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.39.03-09.41.05.

<sup>4546</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.41.05-09.43.09; *see also* E3/9655 Khoem Neary WRI, A6.

<sup>4547</sup> E3/9525 Prak Yut WRI, A5 (*emphasis added*); E1/378.1 Prak Yut, T. 19 Jan 2016, 09.43.09-09.47.48.

<sup>4548</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.41.05-09.43.09.

<sup>4549</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.47.48-09.49.16 (*emphasis added*).

<sup>4550</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 09.44.57-09.47.48.

<sup>4551</sup> E1/378.1 Prak Yut, T. 19 Jan 2016, 10.38.49-10.41.22.

<sup>4552</sup> E3/9548 Nhem Kol WRI, EN 00966999.

<sup>4553</sup> E3/9342 Leav Loas WRI, EN 00339934; E3/9654 Sok Meng Ly WRI, A14; E3/2654 OCP Mission

arrival of the Southwest Zone cadres in 1977,<sup>4554</sup> Horn<sup>4555</sup> was in charge of the security centre and was also chief of security in Kang Meas District and commander of the district military.<sup>4556</sup> The secretary of Kang Meas District was Kan,<sup>4557</sup> who was also from the Southwest Zone, as were commune chiefs in Kang Meas District.<sup>4558</sup> Kan's wife, Pheap, was head of Peam Chi Kang Commune.<sup>4559</sup> Prak Yut testified that Kan was present at the meeting she attended when Ao An ordered the purge of all Cham in the district.<sup>4560</sup> Wat Au Trakuon was located approximately two kilometres from the Kang Meas District office,<sup>4561</sup> and Kan and Horn would often meet with each other either at Wat Au Trakuon or at Kan's office.<sup>4562</sup>

1071. Large scale arrests of Cham began after the arrival of the Southwest Zone cadres.<sup>4563</sup>

Horn ordered arrests of Cham based on orders from Kan.<sup>4564</sup> Security forces, including the Long Sword Group,<sup>4565</sup> which was created after the arrival of the Southwest Zone

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<sup>4554</sup> Report, EN 00211164; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.11.07-11.12.34; **E3/9659** Muy Vanny WRI, A57; **E3/2766** Maps (old) North Zone 303, East Zone 203, 28 Dec 2009, EN 00429142, 00429144. **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.54.40-09.56.26. *See also* **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.37.54-10.39.38; **E3/9661** Thong Kim WRI, A2; **E3/9660** Say Doeun WRI, A3, A30; **E3/7826** Bao Troab OCP Statement, EN 00210430.

<sup>4555</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.21.38-11.25.36; **E3/9659** Muy Vanny WRI, A37; **E1/347.1** Samrit Muy, 15 Sept 2015, 10.53.46-10.54.42; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.18.30-15.20.25; **E3/5301** Seng Kuy Complaint, EN 00210483; **E3/5256** Hok Hoeun WRI, EN 00251307; **E3/9654** Sok Meng Ly WRI, A17.

<sup>4556</sup> **E1/374.1** Muy Vanny, T. 12 Jan 2016, 09.27.34-09.30.12, 10.48.20-10.49.40; **E3/9659** Muy Vanny WRI, A6; **E3/9661** Thong Kim WRI, A2; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.18.05-10.20.43; **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.16.33-15.18.30, 15.20.25-15.22.06; **E1/346.1** Seng Srun, 14 Sept 2015, 09.22.25-09.24.25; **E1/347.1** Samrit Muy, 15 Sept 2015, 10.53.46-10.54.42; **E3/9346** Muy Samrit WRI, EN 00235509; **E3/1692** Seng Srun WRI, EN 00242086; **E3/8736** Seng Srun WRI, A32; **E3/9342** Leav Loas WRI, EN 00339935; **E3/5529** Man Heang WRI, A9; **E3/5256** Hok Hoeun WRI, EN 00251305; **E3/9654** Sok Meng Ly WRI, A17. *See also* **E3/8751** Seng Kuy WRI, EN 00722237.

<sup>4557</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.31.02-11.33.40, 13.38.09-13.39.35; **E3/9653** Muy Vanny WRI, EN 00738990; **E3/9659** Muy Vanny WRI, A10; **E3/5301** Seng Kuy OCP Statement, EN 00210483; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.51.35-09.54.40; **E1/347.1** Samrit Muy, 15 Sept 2015, 11.19.11-11.21.38; **E3/1692** Seng Srun WRI, EN 00242088; **E3/5257** Tay Koemhun WRI, EN 00251022; **E3/9661** Thong Kim WRI, A2; **E3/9652** Riel Neang WRI, A13; **E3/9654** Sok Meng Ly WRI, A9; **E3/9660** Say Doeun WRI, A3.

<sup>4558</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.33.40-11.33.41; **E3/9659** Muy Vanny WRI, A11; **E3/5302** Seng Srun OCP Statement, EN 00210486; **E3/8736** Seng Srun WRI, A4, A16.

<sup>4559</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.37.54-10.39.38; **E3/9660** Say Doeun WRI, A3. *See also* **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.51.35-09.54.40; **E3/1692** Seng Srun WRI, EN 00242088; **E3/5527** Seng Srun WRI, EN 00423722.

<sup>4560</sup> **E1/377.1** Prak Yut, T. 18 Jan 2016, 15.56.42-15.58.45.

<sup>4561</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 11.11.07-11.12.34; **E3/7826** Bao Troab OCP Statement, EN 00210430.

<sup>4562</sup> **E3/9659** Muy Vanny WRI, A30; **E3/9671** Sor Chheang WRI, A32.

<sup>4563</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.39.38-10.41.30. *See also* **E3/7827** Chea Maly OCP Statement, EN 00210435.

<sup>4564</sup> **E3/5256** Hok Hoeun WRI, EN 00251306-07; **E3/5252** Seng Srun WRI, EN 00235517.

<sup>4565</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 11.22.37-11.25.17. *See also* **E3/5257** Tay Koemhun WRI, EN 00251015.



cadres by Kan in order to effect arrests,<sup>4566</sup> would conduct the arrests, and bring the Cham to the security centre where they would hand them over to the district security based there.<sup>4567</sup> “All the people who worked in the prison were from the Southwest.”<sup>4568</sup> The Long Sword Group would receive orders and lists of Cham to arrest from Kan through Pheap.<sup>4569</sup>

1072. Although prisoners included former Lon Nol officials and New People, the largest group of arrestees was Cham,<sup>4570</sup> and the arrestees included “all the Chams” in Kang Meas District on orders from the “upper echelon.”<sup>4571</sup> In contrast to Khmer prisoners, whose wives and children were only occasionally arrested, “[t]he arrests of ethnic Cham people were a little bit different — all the people in each family were arrested at the same time and immediately they were sent to Wat Ou Trakuon Pagoda.”<sup>4572</sup> After the Cham were arrested, they were brought to the security centre to be detained<sup>4573</sup> before being executed<sup>4574</sup> and buried in mass graves.<sup>4575</sup> The size of the groups of

<sup>4566</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.14.12-10.16.20; **E3/9654** Sok Meng Ly WRI, A1; **E3/5252** Seng Srun WRI, EN 00235515-6; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.32.50-10.36.38, 15.59.48-16.01.50.

<sup>4567</sup> **E3/373.1** Muy Vanny, T. 11 Jan 2016, 13.43.48-13.47.03; **E3/9654** Sok Meng Ly WRI, A14; **E1/346.1** Seng Srun, T. 14 Sept 2015, 14.12.58-14.14.10; **E1/374.1** Say Doeun, T. 12 Jan 2016, 11.15.20-11.19.18; **E3/9660** Say Doeun WRI, A21-22. *See also* **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 15.04.14-15.06.33; **E3/9342** Leav Loas WRI, EN 00339935.

<sup>4568</sup> **E3/7828** Moeng Peng OCP Statement, EN 00210471.

<sup>4569</sup> **E3/9654** Sok Meng Ly WRI, A5; **E3/9654** Sok Meng Ly WRI, A6; **E3/9654** Sok Meng Ly WRI, A12; **E1/374.1** Say Doeun, T. 12 Jan 2016, 10.58.44-11.00.28, 11.03.02-11.04.48, 11.25.42-11.28.11, 14.12.13-14.14.04, 14.30.42-14.33.24; **E3/5257** Tay Koemhun WRI, EN 00251018; **E3/9660** Say Doeun WRI, A17, A24.

<sup>4570</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 11.13.09-11.15.20; **E3/9660** Say Doeun WRI, A18; **E3/7828** Moeng Peng OCP Statement, EN 00210472.

<sup>4571</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 13.57.15-13.59.02, 14.09.24-14.12.13, 15.24.09-15.25.23; **E3/9660** Say Doeun WRI, A34; **E3/5302** Seng Srun OCP Statement, EN 00210487; **E3/5527** Seng Srun WRI, EN 00423723; **E3/7827** Chea Maly OCP Statement, EN 00210435.

<sup>4572</sup> **E3/9654** Sok Meng Ly WRI, A13. *See also* **E3/7828** Moeng Peng OCP Statement, EN 00210472.

<sup>4573</sup> **E3/9671** Sor Chheang WRI, A14; **E3/5529** Man Heang, A9; **E3/9661** Thong Kim WRI, A9; **E3/5256** Hok Hocun WRI, EN 00251304-05, 00251308; **E3/5257** Tay Koemhun WRI, EN 00251019-20; **E3/9659** Muy Vanny WRI, A20-21, 49; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 15.08.24-15.10.24; **E3/5203** Him Man WRI, EN 00242091; **E1/349.1** Him Man, T. 17 Sept 2015, 11.02.49-11.04.48; 11.20.24-11.25.17, 14.19.21-14.21.38, 14.39.40-14.41.45; **E3/9653** Muy Vanny WRI, EN 00738990; **E1/346.1** Seng Srun, T. 14 Sept 2015, 09.36.33-09.38.40; **E3/1692** Seng Srun WRI, EN 00242087. *See also* **E3/9661** Thong Kim WRI, A9; **E3/9654** Sok Meng Ly WRI, A12.

<sup>4574</sup> **E3/9671** Sor Chheang WRI, A13; **E3/5257** Tay Koemhun WRI, EN 00251021; **E3/2654** OCP Mission Report, EN 00211169; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.05.51-16.07.20; **E3/7513** Ruin Him Interview by Nate Thayer, EN 00667232; **E3/9659** Muy Vanny WRI, A48.

<sup>4575</sup> **E3/8038** Wat Au Trakuon Site ID Report, EN 00364806; **E3/2654** OCP Mission Report, EN 00211164; **E3/9671** Sor Chheang WRI, A28, A32; **E3/9661** Thong Kim WRI, A9; **E3/5256** Hok Hocun WRI, EN 00251304; **E1/373.1** Muy Vanny, T. 11 Jan 2016, 14.00.58-14.03.36; **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.18.24-11.25.00; **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 09.54.41-09.58.48; **E3/1692** Seng Srun WRI, EN 00242087; **E3/5302** Seng Srun OCP Statement, EN 00210488; **E/9342** Leav Loas WRI, EN 00339935; **E3/7827** Chea Maly OCP Interview, EN 00210433. *See also* **E3/9654** Sok Meng Ly WRI, A19;

prisoners that arrived varied: “Sometimes there were many of them but on some other occasions there were a few of them. ... If they came by boat, 50 people or 100 people at a time by boat.”<sup>4576</sup>

1073. Muy Vanny, an assistant to Horn in 1978, testified that the main pagoda was “full of people,” the majority of whom were Cham.<sup>4577</sup> “I saw people were being chained — shackled in the main temple. Their ankles were shackled.”<sup>4578</sup> He further described how “[t]he living conditions of the prisoners were so miserable. ... The food rations were not enough.”<sup>4579</sup>

1074. Muy Vanny testified that all Cham who arrived at Wat Au Trakuon were executed,<sup>4580</sup> sometimes 100 at a time.<sup>4581</sup> In contrast to other prisoners, “[t]here was no interrogation of the Cham prisoners.”<sup>4582</sup> “Cham people were not detained for long. They were just brought up and then sent to the killing pits.”<sup>4583</sup> The district security played music over loudspeakers when people were being killed to mask the sounds of killing and screaming,<sup>4584</sup> and the music was heard every 3-5 days.<sup>4585</sup> Despite the music, some witnesses could still hear screams,<sup>4586</sup> and they could also smell the stench from the rotting corpses in the burial pits.<sup>4587</sup>

1075. Samrit Muy and Sen Srun testified that after the Southwest Zone cadres took control of Kang Meas District, Sector Secretary Ao An called a meeting<sup>4588</sup> at Wat Au Trakuon at which all of the unit chiefs were present.<sup>4589</sup> Ao An “spoke about the enemy amongst

<sup>4576</sup> E/373.1 Muy Vanny, T. 11 Jan 2016, 13.51.32-13.53.30.

<sup>4577</sup> E1/373.1 Muy Vanny, T. 11 Jan 2016, 13.53.30-13.55.17, 14.25.06-14.28.50, 15.57.15-15.59.25. See also E3/9659 Muy Vanny WRI, A38, A70; E3/7827 Chea Maly OCP Interview, EN 00210433.

<sup>4578</sup> E/373.1 Muy Vanny, T. 11 Jan 2016, 11.31.02-11.33.40; E3/9659 Muy Vanny WRI, A21.

<sup>4579</sup> E3/9659 Muy Vanny WRI, A50. See also E1/346.1 Seng Srun T. 14 Sept 2015, 10.59.40-11.04.55, 14.28.43-14.31.01.

<sup>4580</sup> E1/373.1 Muy Vanny, T. 11 Jan 2016, 14.00.58-14.03.36.

<sup>4581</sup> E1/373.1 Muy Vanny, T. 11 Jan 2016, 14.06.20-14.07.05, 14.12.48-14.16.20.

<sup>4582</sup> E3/9659 Muy Vanny WRI, A79; E/373.1 Muy Vanny, T. 11 Jan 2016, 13.55.17-13.59.56, 14.00.58-14.03.36; E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.51.54-10.54.00.

<sup>4583</sup> E3/7828 Moeng Pang OCP Statement, EN 00210472.

<sup>4584</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 09.40.31-09.45.16; E3/1692 Seng Srun WRI, EN 002420871; E3/7828 Moeng Pang OCP Statement, EN 00210472.

<sup>4585</sup> E1/347.1 Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28.

<sup>4586</sup> E3/5256 Hok Hoeun WRI, EN 00251309; E1/347.1 Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28.

<sup>4587</sup> E1/349.1 Him Man, T. 17 Sept 2015, 13.57.29-14.04.36; E1/348.1 Tay Koemhun, T. 16 Sept 2015, 10.01.45-10.03.22.

<sup>4588</sup> E1/347.1 Samrit Muy, T. 15 Sept 2015, 10.16.20-10.19.44, 11.14.28-11.17.23, 15.12.16-15.14.33; E1/346.1 Seng Srun, T. 14 Sept 2015, 10.04.38-10.07.19; E3/5302 Seng Srun OCP Statement, EN 00210486-7; E3/5527 Seng Srun WRI, A5-A6; E3/8736 Seng Srun WRI, A11, A17.

<sup>4589</sup> E1/347.1 Samrit Muy, T. 15 Sept 2015, 11.14.28-11.17.23.

the people.”<sup>4590</sup> Samrit Muy testified that not long after the meeting concluded,<sup>4591</sup> all of the Cham in Sach Sou Village (in Peam Chi Kang Commune, Kang Meas District), were arrested<sup>4592</sup> and taken to Wat Au Trakuon.<sup>4593</sup> Witness Sen Srun also recalled that in one day, all of the Cham from Peam Chi Kang Commune, consisting of 400-500 men, women, children, were arrested and brought to Wat Au Trakuon.<sup>4594</sup> Say Doeun, who was for a period chairman of the Long Sword Group, also testified that all of the Cham in Peam Chi Kang Commune were arrested after the arrival of the Southwest Zone cadres.<sup>4595</sup> He also testified that Cham were arrested in seven other villages on that same day, and brought to Wat Au Trakuon.<sup>4596</sup>

1076. Sen Srun, who was assigned to accompany the Cham from Peam Chi Kang Commune to Wat Au Trakuon, testified that loud music was played that night to mask the sounds of killing,<sup>4597</sup> and he never saw the Cham again.<sup>4598</sup> Witness Samrit Muy saw all of the Cham, including old people, young children, and babies, arriving and being walked into Wat Au Trakuon.<sup>4599</sup> It was his understanding that they were then all killed,<sup>4600</sup> because “[t]hose who were brought into that pagoda never returned. They were brought in, and disappeared.”<sup>4601</sup> He also heard loud music playing over the pagoda’s loudspeakers that night<sup>4602</sup> and stated that “[w]henver they wanted to kill people they would bring people into the pagoda and the loud music would be played.”<sup>4603</sup>

<sup>4590</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 15.12.16-15.14.33. *See also* **E1/347.1** Samrit Muy, T. 15 Sept 2015, 11.17.23-11.19.11; **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.07.19-10.10.47; *cf.* **E3/9346** Samrit Muy WRI, EN 00235508.

<sup>4591</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.17.47-10.19.44.

<sup>4592</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.06.02-10.10.12; **E3/9346** Samrit Muy WRI, EN 00235508.

<sup>4593</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.21.13-10.42.05.

<sup>4594</sup> **E1/346.1** Seng Srun, T. 14 Sept 2015, 10.43.55-10.46.38, 10.47.40-10.59.40, 14.12.58-14.14.10, 14.21.05-14.22.49, 14.33.14-14.35.17, 15.57.32-15.59.48; **E3/1692** Seng Srun WRI, EN 00242087; **E3/5252** Seng Srun WRI, EN 00235517; **E3/5302** Seng Srun OCP Statement, EN 00210488; **E3/8736** Seng Srun WRI, A25; **E3/7485** Mat Sman Interview by Nate Thayer, EN 00053220.

<sup>4595</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 13.59.57-14.02.09, 14.09.24-14.11.04.

<sup>4596</sup> **E1/374.1** Say Doeun, T. 12 Jan 2016, 14.17.50-14.20.40, 15.07.55-15.10.26.

<sup>4597</sup> **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.13.10-11.18.24; **E3/5302** Seng Srun OCP Statement, EN 00210488. *See also* **E3/5257** Tay Koemhun WRI, EN 00251021.

<sup>4598</sup> **E3/1692** Seng Srun WRI, EN 00242087.

<sup>4599</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.10.12-10.12.23, 10.49.33-10.51.28, 15.42.30-15.44.20, 16.01.00-16.02.52, 16.02.52-16.04.29.

<sup>4600</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.47.06.

<sup>4601</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.47.06. *See also* **E3/9360** Mat Toulouh WRI, A16.

<sup>4602</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.49.33-10.53.46; **E3/5256** Hok Hoeun WRI, EN 00251308.

<sup>4603</sup> **E1/347.1** Samrit Muy, T. 15 Sept 2015, 10.44.58-10.51.28; **E3/9346** Samrit Muy WRI, EN 00235508. *See also* **E1/348.1** Tay Koemhun, T. 16 Sept 2015, 09.36.45-09.38.55; **E3/5256** Hok Hoeun WRI, EN 00251305; **E3/2654** OCP Mission Report, EN 00211164.



1077. The next day, Sen Srun asked Moeun, who worked within Wat Au Trakuon and was engaged in the killing<sup>4604</sup> along with many other members of the security forces,<sup>4605</sup> what had happened:

He told me that all of them had been smashed and that the killing lasted until nearly 12 p.m. at night and I asked Moeun about the young children, the babies who were with the mothers and I was told that some young babies or children were smashed against the trees and some had their legs torn apart and that some children were not killed yet, but they were just tossed, torn and thrown into the pits together with the adults and old people and when I asked him if any people were spared. He told me that Cham people, all of them, had been killed and smashed and no one was left.<sup>4606</sup>

1078. Moeun also told Sen Srun that Cham women were raped.<sup>4607</sup> Other witnesses similarly heard the district security at Wat Au Trakuon discussing the Cham they had killed.<sup>4608</sup>

1079. Seng Kuy testified that after the arrival of the Southwest Zone cadres,<sup>4609</sup> all of the Cham in his village, Angkor Ban 2 (Angkor Ban Commune, Kang Meas District),<sup>4610</sup> consisting of 10-15 women and children, some as young as three, who had been transferred to the village in 1976,<sup>4611</sup> were arrested by commune security forces. The chief of the security forces stated, "We will kill all the Cham people and will not spare anyone."<sup>4612</sup> Seng Kuy and others were then ordered<sup>4613</sup> to transport the Cham to Wat Au Trakuon, where they handed them over to district security.<sup>4614</sup> He never saw them again.<sup>4615</sup>

<sup>4604</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 13.34.07-13.37.26, 13.53.39-13.58.13.

<sup>4605</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 14.14.10-14.17.27.

<sup>4606</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 11.13.10-11.15.45; E1/347.1 Seng Srun, T. 15 Sept 2015, 09.29.47-09.32.55; E3/1692 Seng Srun WRI, EN 00242087; E3/5302 Seng Srun OCP Statement, EN 00210488; E3/5257 Tay Koemhun WRI, EN 00251021.

<sup>4607</sup> E1/346.1 Seng Srun, T. 14 Sept 2015, 13.42.40-13.45.00.

<sup>4608</sup> E3/5256 Hok Hoeun WRI, EN 00251305; E1/374.1 Say Doeun, T. 12 Jan 2016, 15.15.04-15.24.09.

<sup>4609</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 15.18.30-15.20.25.

<sup>4610</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 13.42.25-13.53.10; E1/345.1 Seng Kuy, T. 10 Sept 2015, 09.06.08-09.08.28; E3/5301 Seng Kuy OCP Statement, EN 00210481.

<sup>4611</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.08.54-14.13.14, 14.06.05-14.08.54; E3/5301 Seng Kuy OCP Statement, EN 00210481-82; E1/345.1 Seng Kuy, T. 10 Sept 2015, 09.17.07-09.19.16.

<sup>4612</sup> E1/345.1 Seng Kuy, T. 10 Sept 2015, 10.17.48-10.19.46. See also E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.21.29-14.30.18; E1/345.1 Seng Kuy, T. 10 Sept 2015, 09.26.27-09.28.54; E3/5301 Seng Kuy OCP Statement, EN 00210481, 00210483.

<sup>4613</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.34.37-14.37.18, 14.40.41-14.43.37.

<sup>4614</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.37.18-14.43.37, 14.45.20-14.48.07; E3/5301 Seng Kuy OCP Statement, EN 00210482.

<sup>4615</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 14.48.07-14.49.35; E3/5301 Seng Kuy Complaint, EN 00210482.

1080. Witness Him Man was rounded up with approximately 300<sup>4616</sup> other Cham<sup>4617</sup> but managed to escape on the way to Wat Au Trakuon. He was hiding nearby when “[t]hey started to kill the Cham people ... I heard screams, I was lying in the bushes with my wife and we heard the screams, we even heard the sound from people being hit. We heard people screaming to Allah for help. They screamed, ‘O Allah, my Lord.’”<sup>4618</sup> Muy Vanny testified that in late 1977 or early 1978, only the Cham members of his mobile unit in Sdau Commune, Kang Meas District were arrested by cadres.<sup>4619</sup> He never saw them again and heard they had been killed.<sup>4620</sup>

1081. Seng Kuy testified that when exhumations were conducted after the fall of the DK regime, it was estimated that approximately 30,000 people had been killed at Wat Au Trakuon,<sup>4621</sup> however other witnesses estimated that the number was closer to 20,000.<sup>4622</sup>

*b) Implementation in the East Zone by Southwest Cadres*

1082. Southwest Zone cadres perpetrated mass arrests, disappearances, and killings of the Cham in the East Zone after their arrival in 1977 and 1978.<sup>4623</sup> As in the Central Zone, lists were compiled to identify Cham. No Sates told the Court that in Kroch Chhmar District “[t]he Southwest cadres ordered the village chiefs or other people who were working in the district or villages to identify who were Chams and who were not Cham and the list or the reports would be sent to the Southwest cadres. They wrote down lists of Cham people to be sent to Southwest cadres.”<sup>4624</sup> The lists were then sent to Kroch Chhmar District secretary Hor and his deputy,<sup>4625</sup> following which the Cham in the villages were called to a meeting and were sent away; first the males, then the

<sup>4616</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 15.01.06-15.02.43; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503; **E3/5302** Seng Srun OCP Statement, EN 00210488.

<sup>4617</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 11.25.17-11.28.14; **E3/4706** Him Man CP App, EN 00417863.

<sup>4618</sup> **E1/349.1** Him Man, T. 17 Sept 2015, 11.28.14-11.32.01. See also **E3/4706** Him Man CPA, EN 00417863; **E3/5203** Him Man WRI, EN 00242091; **E3/9336** Ysa Osman, *The Cham Rebellion*, EN 00218503.

<sup>4619</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.22.02-10.28.18, 10.30.22-10.48.14; **E1/374.1** Muy Vanny, T. 12 Jan 2016, 09.14.10-09.18.03; **E3/9659** Muy Vanny WRI, A71.

<sup>4620</sup> **E1/373.1** Muy Vanny, T. 11 Jan 2016, 10.46.02-10.48.14, 11.05.16-11.06.28.

<sup>4621</sup> **E1/345.1** Seng Kuy, T. 10 Sept 2015, 09.42.43-09.52.25; **E3/8751** Seng Kuy WRI, EN 00722236.

<sup>4622</sup> **E1/346.1** Seng Srun, T. 14 Sept 2015, 11.40.19-11.42.15, 13.48.46-13.50.55. See also **E3/9654** Sok Meng Ly WRI, A22. But see **E/9342** Leav Loas WRI, EN 00339935.

<sup>4623</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 14.12.54-14.15.01; **E1/351.1** No Sates, T. 29 Sept 2015, 09.47.00-09.48.42; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219199; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150221-22; **E3/4705** No Sates CPA, EN 00417852; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.09.54-09.11.36, 09.38.30-09.41.04; **E3/7531** Sop Kahtidja Interview by Nate Thayer, EN 00667248. See also **E1/179.1** Francois Ponchaud, T. 10 Apr 2013, 13.44.06-13.46.40.

<sup>4624</sup> **E1/350.1** No Sates, 28 Sept 2015, 15.55.43-15.56.59.

<sup>4625</sup> **E3/4705** No Sates CPA, EN 00417852.

females.<sup>4626</sup> No Sates' mother, younger siblings, and cousins, and "many other Cham families"<sup>4627</sup> were placed onto a ferry and told they would be transported across the river to Stueng Trang.<sup>4628</sup> "All people on board were Chams, there was no Khmer."<sup>4629</sup> No Sates never saw her family members again.<sup>4630</sup>

1083. Van Mat testified that he accompanied the Chumnik Commune (Kroch Chhmar District) chief to a two-hour meeting<sup>4631</sup> of commune, sector, and district chiefs<sup>4632</sup> in Kampong Thma in the Central Zone<sup>4633</sup> called by Central Zone Secretary Ke Pauk around August 1978.<sup>4634</sup> From outside the meeting hall, Van Mat heard Ke Pauk speak over the broadcast system.<sup>4635</sup> While Van Mat's in-court testimony described the statements he heard Ke Pauk say in a number of different ways, in his testimony and statements to the OCIJ he explained that Ke Pauk identified the Cham, like mobile workers from the East Zone, as traitors that needed to be "smashed."<sup>4636</sup> Ke Pauk told the attendees that when they returned to their bases they needed to "implement and achieve a hundred per cent of the *Angkar*'s policy."<sup>4637</sup>

1084. Van Mat described how the implementation of these orders from Ke Pauk was carried out. Two days after that meeting,<sup>4638</sup> large numbers of Cham were moved by boat out of Chumnik Commune<sup>4639</sup> and never returned.<sup>4640</sup> Those evacuated at this time consisted almost entirely of Cham ("98 per cent"<sup>4641</sup>), with a small minority of Khmer who were "New People."<sup>4642</sup> Van Mat learned that "the plan was not to keep those evacuees alive

<sup>4626</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.56.59-15.59.16. See also E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219178; E3/5208 Sauv Nhit WRI, EN 00235139.

<sup>4627</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.12.01-14.14.56.

<sup>4628</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.07.16-14.10.30; E3/4705 No Sates CPA, EN 00417852; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219199.

<sup>4629</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.12.01-14.14.56.

<sup>4630</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.54.44-15.55.43, 16.00.41-16.03.09.

<sup>4631</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.45.40-10.47.40.

<sup>4632</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.35.23-10.37.16; E3/8735 Van Mat WRI, EN 00722240.

<sup>4633</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.39.02-10.40.53.

<sup>4634</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.33.38-10.35.23, 10.37.16-10.39.02, 13.31.57-13.35.14; E3/8735 Van Mat WRI, EN 00722241.

<sup>4635</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.37.16-10.39.02, 10.40.53-10.42.22; E3/8735 Van Mat WRI, EN 00722240.

<sup>4636</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.43.15-10.45.40, 13.35.14-13.36.35, 13.41.00-13.42.45; E3/8735 Van Mat WRI, EN 00722240; see also E3/5209 Van Mat WRI, EN 00242068.

<sup>4637</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.45.40-10.47.40 (*emphasis added*).

<sup>4638</sup> E1/398.1 Van Mat, T. 9 March 2016, 11.21.34-11.22.50, 16.08.55-16.10.33; E3/5209 Van Mat WRI, EN 00242069; E3/8735 Van Mat WRI, EN 00722240.

<sup>4639</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.50.46-10.53.18, 11.02.18-11.04.22, 14.32.02-14.34.20.

<sup>4640</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.50.46-10.53.18.

<sup>4641</sup> E1/398.1 Van Mat, T. 9 March 2016, 11.02.18-11.04.22.

<sup>4642</sup> E1/398.1 Van Mat, T. 9 March 2016, 10.50.46-10.53.18.

and that those already evacuated had all died.”<sup>4643</sup> Of the 400-500 Cham<sup>4644</sup> in his particular group “none of them was left. They never returned to the village. And before our group, there were thousands and thousands of people who were killed.”<sup>4645</sup>

#### 1) Trea Village Security Centre

1085. Southwest Zone cadres carried out mass killings of Cham in the East Zone at Trea Village Security Centre, located in Trea 2 Village, Kroch Chhmar District, in Sector 21 of the East Zone.<sup>4646</sup>

1086. Many witnesses indicated that Ta Hor (also romanized as “Ho”), who was related to Ke Pauk, was installed as Kroch Chhmar District secretary after the arrival of the Southwest Zone cadres<sup>4647</sup> and that he established the security centre.<sup>4648</sup> The Sector 21 Secretary was Rin from the Southwest Zone,<sup>4649</sup> and he reported to Son Sen.<sup>4650</sup> Hor would attend study sessions with Rin and Son Sen,<sup>4651</sup> and Son Sen “talked about internal enemies.”<sup>4652</sup> Witness Ban Seak admitted that during the period of DK he went by the alias Hor,<sup>4653</sup> his birth name,<sup>4654</sup> that he was Kroch Chhmar District Secretary for a period,<sup>4655</sup> and that he was related to Ke Pauk through marriage.<sup>4656</sup> Not surprisingly given what transpired, Ban Seak denied even being aware of the killings of Cham

<sup>4643</sup> E1/398.1 Van Mat, T. 9 March 2016, 11.13.06-11.14.40, 11.17.04-11.18.18, 11.24.15-11.25.42.

<sup>4644</sup> E1/398.1 Van Mat, T. 9 March 2016, 11.01.05-11.02.18, 11.24.15-11.25.42.

<sup>4645</sup> E1/398.1 Van Mat, T. 9 March 2016, 11.18.18-11.20.05.

<sup>4646</sup> E3/8035 Trea Village Security Centre Site ID Report, EN 00364803; E3/9517 Ban Seak WRI, 24 Mar 2014, EN 00984878; E1/375.1 Math Sor, T. 13 Jan 2016, 09.50.45-09.52.12; E3/2766 Maps (old) North Zone 303, East Zone 203, Trea Village Security Centre, 28 Dec 2009, EN 00429142, 00429144, 00429161.

<sup>4647</sup> E1/408.1 Ysa Osman, T. 24 March 2016, 09.33.05-09.35.55; E3/7680 Sok Preun WRI, EN 00275390; E3/5288 Sos (Suf) Romly WRI, EN 00336290; E1/375.1 Math Sor, 13 Jan 2018, 10.59.08-11.01.24; E3/5194 Math Sor (Ahmad Sofiyah) WRI, EN 00274708; E1/351.1 No Sates, T. 29 Sept 2015, 13.34.08-13.35.45; E1/350.1 No Sates, T. 28 Sept 2015, 15.05.36-15.07.13; E1/372.1 Sos Romly, T. 8 Jan 2016, 09.18.00-09.23.56; E3/5288 Sos Romly WRI, EN 00336290-91; E3/9324 Sos Romly WRI, EN 00242064; E3/5196 Sos Romly WRI, EN 00223088; E3/7679 Sa Nau WRI, EN 00242061-62; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219198.

<sup>4648</sup> E3/5196 Sos Romly WRI, EN 00223088.

<sup>4649</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 13.54.29-13.56.07; E3/9517 Ban Seak WRI, A43, A58.

<sup>4650</sup> E3/9517 Ban Seak WRI, A42, A58; E1/353.1 Ban Seak, T. 5 Oct 2015, 13.54.29-13.56.07, 14.00.15-14.02.18.

<sup>4651</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 13.58.19-14.00.15.

<sup>4652</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 14.27.10-14.29.50.

<sup>4653</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 14.07.57-14.17.55; E1/354.1 Ban Seak, T. 6 Oct 2015, 11.18.25-11.20.42.

<sup>4654</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 14.07.57-14.10.35.

<sup>4655</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 14.34.15-14.36.23.

<sup>4656</sup> E1/353.1 Ban Seak, T. 5 Oct 2015, 09.16.25-09.20.50.



taking place in his district, but numerous witnesses have attested to the active role he played in these mass murders.<sup>4657</sup>

1087. Decisions on arrests and executions came to the district from the “upper echelon,” Son Sen, and Office 870,<sup>4658</sup> and cadres from the centre under the command of Son Sen took part in the executions in the area.<sup>4659</sup> After the Cham were brought to the security centre they were killed in pits near the riverside or tied together in groups of 15-20 and dragged by boat into the middle of the Mekong to drown before their corpses were released to float downstream.<sup>4660</sup> As the killing in Kroch Chhmar District increased in 1977-78, it was difficult to bury all the bodies of those killed on land, and therefore the cadres resorted to dumping them in the Mekong.<sup>4661</sup> Ban Seak admitted that he saw headless corpses floating in the river while he was in Kroch Chhmar District and that:<sup>4662</sup>

The people who were to be smashed would not be kept so long. They just simply reported to upper echelon and when they were ordered to smash, they would implement that order right away without interrogating to search for any networks.<sup>4663</sup>

1088. Witness It Sen described how he was sent to the security centre in 1978 along with approximately 50 other Cham families from two villages.<sup>4664</sup> On the way, they were told by villagers “that they had witnessed some Cham people being blindfolded and led to the river.”<sup>4665</sup> “[U]pon our arrival we noticed that every house along the river bank was full of the Cham people who had arrived before us.”<sup>4666</sup> They were received by district

<sup>4657</sup> See **E1/408.1** Ysa Osman, T. 24 March 2016, 09.33.05-09.35.55 [“In the interviews that I got in relation to the killings of Cham people in 1977 and '78, interviewees knew well Ta Ho. Now, Ta Ho changed — changes his name. He was trying to conceal his background, his actual activities in relation to the killings and, also, he wanted to conceal his responsibility”]. See also **E3/5275** Ban Seak WRI, EN 00284493 [Ban Seak claiming he never worked in Kroch Chhmar District although he admitted he did in testimony]; **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.34.15-14.36.23 [explaining why he prevaricated, and admitting to pressure from “former colleagues who had joined the struggle” who told him he “did not have to disclose too much otherwise [he] would bring trouble to [him]self”].

<sup>4658</sup> **E3/5196** Sos Romly WRI, EN 00223088; **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.15.25-14.17.55; **E3/9517** Ban Seak WRI, 24 Mar 2014, EN 00984882; **E1/354.1** Ban Seak, T. 6 Oct 2015, 10.56.35-11.01.45.

<sup>4659</sup> **E1/353.1** Ban Seak, T. 5 Oct 2015, 14.21.45-14.25.20.

<sup>4660</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 16.04.57-16.05.51; **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.38.30-09.42.58.

<sup>4661</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.38.30-09.41.04.

<sup>4662</sup> **E1/353.1** Ban Seak, T. 5 Oct 2015, 15.01.22-15.03.25; **E1/354.1** Ban Seak, T. 6 Oct 2015, 14.22.08-14.28.20. See also **E3/375** Ban Seak WRI, EN 00360763.

<sup>4663</sup> **E3/375** Ban Seak WRI, EN 00360762.

<sup>4664</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 14.23.44-14.31.27, 15.45.08-15.46.43; 15.48.11-15.50.34.

<sup>4665</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 14.28.36-14.31.27

<sup>4666</sup> **E1/342.1** It Sen, T. 7 Sept 2015, 14.26.51-14.28.36; see also **E3/4705** No Sates VIF, 16 March 2008, EN 00417852.

security and Seng, a member of the Kroch Chhmar District committee.<sup>4667</sup> The men were separated from the women,<sup>4668</sup> and CPK cadres took the men to the riverbank where they pointed guns at them, tied them up, and beat them while referencing that they were Muslim and Cham:<sup>4669</sup> “They kicked us repeatedly and they asked whether we were Muslims. ... In fact, they knew that we were Chams.”<sup>4670</sup> It Sen was then placed in a house along with about 40 other males,<sup>4671</sup> next to approximately 20 other houses filled with Cham.<sup>4672</sup> It Sen described how the cadres sequentially brought the Cham men detained in the houses to the riverside,<sup>4673</sup> blindfolded them, and dragged them into the river to drown.<sup>4674</sup> It Sen detailed what he saw for the Court:

I noticed that people with blindfold were taken out of the houses, and led to the river. They then used a big rope to attach some 30 people together one after another, while the other end of the rope was attached to the back of a motor boat. And so when the boat got to the middle of the river, they released the rope with people attached to it into the river to drown those people.<sup>4675</sup>

1089. This “repeated the whole day until they completed their task. The motor boat could have made one hundred trips as it went back and forth.”<sup>4676</sup> The women and children were then killed separately.<sup>4677</sup>

1090. Witness Sos Romly testified that he saw 500 to 600 Cham adults and children brought to Trea Village over a period of 10 days in 1978, after which they were also brought to the river.<sup>4678</sup> Some of the corpses floated down the Mekong to Phnom Penh and were seen by Pol Pot, who, after he asked Ke Pauk to investigate, was informed by a report to Office 870 “that the Cham people had been arrested, placed in the boats, and then

<sup>4667</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.26.51-14.28.36, 14.31.27-14.33.07; E1/343.1 It Sen, T. 8 Sept 2015, 11.19.22-11.21.16; E3/9334 Ysa Osman, *The Cham Rebellion*, EN 00204442; E3/5195 It Sen WRI, EN 00242095.

<sup>4668</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.35.39-14.38.16; E3/9334 Ysa Osman, *The Cham Rebellion*, 00204442.

<sup>4669</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.35.39-14.40.55; 15.05.01-15.09.53; 16.02.01-16.03.20; E3/9334 Ysa Osman, *The Cham Rebellion*, EN 00204442; E3/5195 It Sen WRI, EN 00242096.

<sup>4670</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.38.16-14.40.55.

<sup>4671</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.35.39-14.38.16.

<sup>4672</sup> E1/342.1 It Sen, T. 7 Sept 2015, 15.03.08-15.09.53; E3/9334 Ysa Osman, *The Cham Rebellion*, EN 00204442.

<sup>4673</sup> E1/342.1 It Sen, T. 7 Sept 2015, 15.11.22-15.25.10.

<sup>4674</sup> E1/342.1 It Sen, T. 7 Sept 2015, 14.38.16-14.40.55, 15.11.22-15.25.10; E3/9334 Ysa Osman, *The Cham Rebellion*, EN 00204442.

<sup>4675</sup> E1/342.1 It Sen, T. 7 Sept 2015, 15.17.05-15.19.45.

<sup>4676</sup> E1/342.1 It Sen, T. 7 Sept 2015, 15.23.00-15.25.10, 15.27.34-15.31.04.

<sup>4677</sup> E1/342.1 It Sen, T. 7 Sept 2015, 16.03.20-16.05.20; E3/9334 Ysa Osman, *The Cham Rebellion*, EN 00204443.

<sup>4678</sup> E1/372.1 Sos Romly, T. 8 Jan 2016, 09.29.56-09.31.57, 09.33.45-09.36.10; E3/5196 Sos Romly WRI, EN 00223088.

were beheaded before they were dumped into the river. ... That event took place in Krauch Chhmar district opposite from Steung Trang district. The Intervention Unit of the Centre led by Pin was involved in that killing.<sup>4679</sup> This intervention unit was under the command of Son Sen.<sup>4680</sup>

1091. Witness Math Sor and Civil Party No Sates were both taken to Trea Village Security Centre at the same time in 1978<sup>4681</sup> by Southwest Zone cadres reporting to district secretary Hor.<sup>4682</sup> They were detained with approximately 30-40 other women<sup>4683</sup> after the village chief had informed the soldiers that they were Cham.<sup>4684</sup> While they have different recollections as to whether additional groups of women were held inside,<sup>4685</sup> or in front of,<sup>4686</sup> the security centre building in which they were detained, both testified that on arriving the women were tied up. The windows and doors of the building were closed, and armed cadres guarded under the house.<sup>4687</sup> Cadres next to the security centre were sharpening their knives and Math Sor heard them say to each other “tonight we have a lot of big pigs, so we have to sharpen our knives.”<sup>4688</sup>

1092. Shortly after the womens’ arrival, the district secretary Hor entered,<sup>4689</sup> and asked the women individually if they were Cham or Khmer.<sup>4690</sup> “Then if somebody answered that she was Cham, then she would be taken out from the line, escorted by an armed person either with a weapon or with a knife and they left. So, all those people who answered that they were Cham, they were escorted by an armed person and they have disappeared

<sup>4679</sup> E3/35 Ke Pich Vannak WRI, EN 00346155-56.

<sup>4680</sup> E3/35 Ke Pich Vannak WRI, EN 00346154; E1/353.1 Ban Seak, T. 5 Oct 2015, 15.10.28-15.13.21.

<sup>4681</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 11.29.44-11.32.42; E3/7772 Math Sor (Ahmad Sofiyah) WRI, EN 00348090; E1/351.1 No Sates, T. 11.29.05-11.31.16.

<sup>4682</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 15.03.38-15.05.35; E1/351.1 No Sates, T. 29 Sept 2015, 11.16.20-11.18.12; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219199.

<sup>4683</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.07.16-14.10.30, 14.12.01-14.14.56, 14.18.51-14.23.22; E1/375.1 Math Sor, T. 13 Jan 2016, 10.11.16-10.14.00.

<sup>4684</sup> E1/351.1 No Sates, T. 29 Sept 2015, 11.16.20-11.18.12.

<sup>4685</sup> E1/351.1 No Sates, T. 29 Sept 2015, 11.02.48-11.04.11.

<sup>4686</sup> E1/375.1, Math Sor, T. 13 Jan 2016, 10.54.55-10.57.35.

<sup>4687</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.12.01-14.16.35; E1/375.1 Math Sor, T. 13 Jan 2016, 10.14.00-10.16.08, 10.33.16-10.35.22, 11.25.19-11.28.13, 15.07.10-15.09.05.

<sup>4688</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 10.14.00-10.16.08, 11.23.44-11.25.19. See also E3/7745 Ysa Osman, *The Cham Rebellion*, EN 00204414.

<sup>4689</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.14.56-14.16.35, 15.07.13-15.09.30; E3/4705 No Sates CPA, EN 00417852; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219199; E1/375.1 Math Sor, 13 Jan 2016, 11.28.13-11.29.44.

<sup>4690</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.14.56-14.16.35; E1/351.1 No Sates, T. 29 Sept 2015, 11.19.49-11.24.44; E3/4705 No Sates CPA, EN 00417852; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219198-99, 00219201-02; E1/375.1 Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22, 11.25.19-11.28.13, 15.03.38-15.05.35; 15.09.05-15.11.00; 15.40.58-15.43.50; E3/7745 Ysa Osman, *The Cham Rebellion*, EN 00204414.

since. No one has returned.”<sup>4691</sup> Both No Sates and Math Sor survived because they lied and said they were Khmer.<sup>4692</sup> No Sates explained: “The reason that I said I was Khmer is that if I had not said I was Khmer I would have been killed because Cham people were taken away and killed.”<sup>4693</sup>

1093. Math Sor was able to see through a hole in the side of the house<sup>4694</sup> that those taken away, including some of her relatives,<sup>4695</sup> “were taken to a big pit about eight metres from the house and Cham people were killed in that pit.”<sup>4696</sup> “The pit was pretty large and they placed a wooden plank near the pit and the people were asked to bend their head, then they hit them and they fell into the pit.”<sup>4697</sup>

1094. After the removal of the women who admitted to being Cham, the remaining women were untied and Hor stated “that we were lucky as he was there to question us and that we were Khmer. Otherwise, all of us would have been taken away.”<sup>4698</sup> They were kept in the house for a few days, during which time they were under “constant monitoring”<sup>4699</sup> and then made to eat curry with pork in it<sup>4700</sup> while Hor and soldiers watched them.<sup>4701</sup> After the DK period, 20 to 30 pits were discovered near the riverbank containing human remains with ligatures at the wrist.<sup>4702</sup>

#### EFFECTS OF THE GENOCIDE ON THE CHAM

1095. Evidence before the chamber shows the devastating effects that the CPK genocidal campaign had on the Cham community in Cambodia. Many villages that had been

<sup>4691</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.14.56-14.16.35, 15.11.12-15.14.04, 15.20.23-15.21.54; see also E1/389.1 Ysa Osman, T. 10 Feb 2016, 10.45.59-10.46.55; E1/375.1 Math Sor, T. 13 Jan 2016, 10.35.22-10.37.02; E1/388.1 Ysa Osman, T. 9 Feb 2016, 16.05.51-16.07.20.

<sup>4692</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.16.35-14.18.51; E3/4705 No Sates CPA, EN 00417852; E1/375.1 Math Sor, T. 13 Jan 2016, 10.33.16-10.35.22, 10.51.18-10.53.30.

<sup>4693</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.34.18-14.36.29.

<sup>4694</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 10.42.37-10.44.43, 10.54.55-10.57.35; 11.29.44-11.32.42.

<sup>4695</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 10.51.18-10.53.30, 15.29.36-15.31.25.

<sup>4696</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 10.45.45-10.47.11, 10.53.30-10.54.55, 10.59.08-11.01.24, 15.18.00-15.19.58; E3/7745 Ysa Osman, *The Cham Rebellion*, EN 00204415.

<sup>4697</sup> E1/375.1 Math Sor, T. 13 Jan 2016, 11.29.44-11.32.42.

<sup>4698</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.16.35-14.18.51, 14.21.20-14.23.22.

<sup>4699</sup> E1/350.1 No Sates, T. 28 Sept 2015, 15.09.30-15.11.12.

<sup>4700</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.21.20-14.23.22; E3/2653 Ysa Osman, *The Cham Rebellion*, EN 00219200; E1/375.1 Math Sor, T. 13 Jan 2016, 11.32.42-11.33.57; E3/7745 Ysa Osman, *The Cham Rebellion*, EN 00204415.

<sup>4701</sup> E1/350.1 No Sates, T. 28 Sept 2015, 14.21.20-14.23.22 [No Sates testified: “That day I had to force myself to eat pork. So I ate a few pieces of pork in order to survive, to make them believe that I was not a Cham person”]; E1/350.1 No Sates, T. 28 Sept 2015, 15.21.54-15.24.40; E3/4705 No Sates CPA, EN 00417852.

<sup>4702</sup> E1/372.1 Sos Romly, T. 8 Jan 2016, 09.31.57-09.36.10, 14.27.31-14.28.35; E3/9324 Sos Romly WRI, EN 00242064; E3/7773 Sleth Toat WRI, EN 00348097; E3/2631 DC Cam Mapping Report, EN 00208307.



primarily or completely Cham before the DK regime were almost or completely devoid of Cham after; losses totaling thousands and thousands of Cham on these accounts alone.<sup>4703</sup> For instance, Ben Kiernan estimated there would have been approximately 1,200 Cham families in just five villages in Kang Meas District in 1975, and according to a Muslim leader he interviewed, “Not a family survived, only one or two people.”<sup>4704</sup> “In some villages, people completely disappeared while in other villages, there were less than half of the villagers remained. There were many villages like that.”<sup>4705</sup> Based on interviews with villagers who had lived through the DK period, OCIJ estimated that in Trean Commune, just one of the 11 communes in Prak Yut’s Kampong Siem District, “close to 1800” Cham had been killed during the DK regime.<sup>4706</sup>

1096. In the annex to his book *Oukoubah*, Ysa Osman listed seven villages that lost a total of 3,738 Cham families (over 18,000 people if families averaged five persons) and two others that had lost 2,131 individuals between 1975 and 1979.<sup>4707</sup> He also listed ten other traditionally Cham villages that had lost virtually their entire Cham population.<sup>4708</sup> Ysa Osman opined that 99% of the Cham population loss was due to death, either by execution, illness or starvation,<sup>4709</sup> because traditionally Cham would return to their home villages.<sup>4710</sup> Ysa Osman and Ben Kiernan also estimate that, in addition to the execution of the *Mufti* and his deputies, only 17% of *Hakim*, 12% of *Tuon*, and approximately 3% of *Haji* survived the DK regime.<sup>4711</sup>

<sup>4703</sup> See e.g. **E1/344.1** Seng Kuy, T. 9 Sept 2015, 15.29.31-15.31.48; **E1/415.1** Sos Kamri, T. 6 April 2016, 09.41.12-09.43.25, 09.46.10-09.47.55, 09.54.27-09.56.42; **E1/372.1** Sos Romly, T. 8 Jan 2016, 11.16.11-11.17.28; **E3/7588** Kob Math Interview by Nate Thayer, EN 00667273; **E3/2654** OCP Mission Report, EN 00211169; **E1/343.1** Sos Min, T. 8 Sept 2015, 15.09.16-15.14.11, 15.39.35-15.41.15; **E3/9136** Sos Min DC-Cam, EN 01133250; **E1/388.1** Ysa Osman, T. 9 Feb 2016, 10.12.56-10.36.05, 15.38.30-15.46.32; **E1/393.1** Man Sles, T. 29 Feb 2016, 14.20.11-14.22.39; **E3/5210** Sos Min WRI, EN 00242074; **E1/344.1** Sos Min, T. 9 Sept 2015, 11.34.34-11.36.10, 11.45.16-11.50.18; **E3/5206** Tes Sren WRI, EN 00275381; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219114; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219124-25, confirmed by **E3/5290** Chhi Ly WRI, 00340170-71; **E3/9343** Ysa Osman, *The Cham Rebellion*, EN 00219126, confirmed by **E3/5289** Kae Noh WRI, EN 00340180; **E3/1822** Ysa Osman, *Oukoubah*, EN 00078568-69; **E3/7534** Sufceyan Idres Interview by Nate Thayer, EN 00667255; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150145, 01150147, 01150149; **E3/9735** WRIA, 7 Sept 2015, EN 01138988-89.

<sup>4704</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150145 [footnote 98 indicates these five villages were Antong Sot, Angkor Ban, Khsach Sor, Svay Tahen Krau, and Svay Tahen Khnong].

<sup>4705</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 15.09.56-15.12.11; **E3/9750** Sos Kamri DC-Cam, EN 01222009-10. See also **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149998, 01150143.

<sup>4706</sup> **E3/9735** WRIA, 7 Sept 2015, EN 01138987.

<sup>4707</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078568.

<sup>4708</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078569.

<sup>4709</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.35.13-15.37.00.

<sup>4710</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 15.35.13-15.37.00.

<sup>4711</sup> **E3/1822** Ysa Osman, *Oukoubah*, EN 00078567; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150142.

1097. Ben Kiernan, whose numbers demographer Ewa Tabeau found most convincing of those she reviewed,<sup>4712</sup> estimated an excess death toll of approximately 90,000 Cham during the DK regime, comprising about 36% of the original Cham population in 1975 of 250,000,<sup>4713</sup> “a percentage that is considerably higher than for other groups.”<sup>4714</sup> Kiernan’s estimate of the pre-1975 Cham population was based on extrapolations from a 1936 French census, and assumed that the census would have accurately counted a somewhat ostracised people,<sup>4715</sup> many of whom did not speak French or Khmer, and assumed the national growth-rate applied equally to a rural Muslim minority that one can imagine likely averaged larger families. Cham themselves claim that their pre-DK numbers were much larger than Kiernan’s estimate, and that a much greater percentage perished during the regime.<sup>4716</sup>

1098. Although the evidence is certainly not sufficient for this Court to determine exact death toll numbers, the enormity of the impact is evident. Entire Cham lineages were wiped out; entire Cham villages were irrevocably annihilated. “Many, many Cham people died”<sup>4717</sup> and “even for the survivors, they were under severe trauma and depression, and this kind of feeling remains with them till today.”<sup>4718</sup>

#### THE CENTRE’S ROLE IN CHAM POLICY

1099. From early on, the CPK saw the Cham as a group apart,<sup>4719</sup> threatening “true” Kampucheans — the Khmer — by their cohesion as a religious and ethnic group. In April 1973, the CPK published a document entitled “Class Analysis and the Class Struggle” where they asserted that “All nationalities have labourers, like our Kampuchean nationality, except for Islamic Khmers, whose lives are not so difficult.”<sup>4720</sup> Then, in 1974, another CPK document stated: “Concerning fraternal Islamic Khmers, delay having them join cooperatives; ... organize them into mutual aid

<sup>4712</sup> **E3/2413** Ewa Tabeau, *Demographic Expert Report*, EN 00385311-12.

<sup>4713</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150236-37. See also **E3/9686** Ben Kiernan, *Genocide and Resistance in Southeast Asia*, EN 01199611-16; cf. **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192435 [“Over sixty thousand Cham minority people — mostly in the Kompong Cham area — were massacred for their Islamic faith”].

<sup>4714</sup> **E3/2413** Ewa Tabeau, *Demographic Expert Report*, EN 00385311.

<sup>4715</sup> **E3/1757** Michael Vickery, *Cambodia 1975-1982*, EN 00397109 [Cham were viewed with “awe and fear” by the Khmer majority].

<sup>4716</sup> **E1/388.1** Ysa Osman, T. 9 Feb 2016, 09.42.11-09.44.36, 09.55.52-09.57.20, 14.23.28-14.25.14; **E3/9680** The Phnom Penh Post, *How many Cham killed important genocide evidence*, 10 Mar 2006, EN 01199557-58. See also **E3/390** Math Ly Interview by Steve Heder, EN 00436875.

<sup>4717</sup> **E1/415.1** Sos Kamri, T. 6 April 2016, 13.59.41-14.01.40.

<sup>4718</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 10.54.00-10.55.45.

<sup>4719</sup> **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237956.

<sup>4720</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137.

teams. ... However, it is necessary to break up this group to some extent; do not allow too many of them to concentrate in one area.”<sup>4721</sup>

1100. The views of the Party Centre toward the Cham became increasingly hostile as their paranoia grew. The similarity in how the treatment of Cham evolved on the same timeline across Zones can only be explained by the fact that the policy was coming from the Party Centre.<sup>4722</sup> Kampong Cham, where the Cham were most populous and where the CPK focused many of their efforts to oppress them, was divided between two Zones: the Central (old North) and East Zones. These Zones were prohibited from communicating with one another directly,<sup>4723</sup> and yet they enacted the same policies regarding the Cham, on the same timeline.

1101. The Centre's coordination is evident in Telegram 15 of 30 November 1975, sent by East Zone Secretary Sao Phim alias Chhon to Pol Pot and copying, *inter alia*, **Nuon Chea**.<sup>4724</sup> Sao Phim complains that the (old) North Zone is refusing to accept the transfer of 50,000 Cham from the East Zone, as agreed in a prior meeting. The telegram shows that policy regarding the Cham was set by the Centre,<sup>4725</sup> as Sao Phim characterises the (old) North Zone's failure to accept the Cham as a “failure to follow *Angkar*'s advice.”<sup>4726</sup> He also states that he has put the forced transfer on hold while he awaits “advice from you and the North Zone.”<sup>4727</sup> Sao Phim also references a prior meeting where the decision to forcibly transfer the Cham to the (old) North Zone and Northwest Zone was made, but since the (old) North Zone was not complying he informs Pol Pot that he will “await your decision on this matter.”<sup>4728</sup>

1102. This telegram is significant not only because it shows the Centre's, and **Nuon Chea**'s, coordination of Cham policy generally, but also because it explicitly states the agreed

<sup>4721</sup> **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150137 (*internal brackets and emphasis removed*).

<sup>4722</sup> **E1/408.1** Ysa Osman, T. 24 March 2016, 13.43.13-13.45.40.

<sup>4723</sup> **E3/344** Suon Kanil WRI, EN 00384430.

<sup>4724</sup> **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762-63; *see also* **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01149993; **E3/2653** Ysa Osman, *The Cham Rebellion*, EN 00219175.

<sup>4725</sup> **E3/64** Nong Sophang WRI, EN 00334057 [“And this telegram was related to internal matters because it was about something they had agreed upon, but there turned out to be some problems at the time they were carrying out their work”].

<sup>4726</sup> **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762 (*emphasis added*).

<sup>4727</sup> **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762.

<sup>4728</sup> **E3/1680** Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766762.

motivation behind the forced transfer of the Cham: “The transfer is in principle designed to disperse the Cham as per our previous discussion.”<sup>4729</sup>

1103. Telegram 15 also exemplifies the fact that the Zones were required to proceed through the Centre in implementing the policies regarding the Cham. As a telegram operator working under Ke Pauk explained in relation to Telegram 15: “it was the technical work of the East Zone that they had to send the report from the Zone to Pol Pot of the Centre level first, and then waited for Pol Pot instruction. Ke Pauk received the telegram about this matter from the Centre, not directly from the East Zone.”<sup>4730</sup>

1104. Telegram decoder Norng Sophang explained why **Nuon Chea** was copied: “This telegram was originally sent to Pol Pot alone, but the person in charge of the telegram knew that this matter must also be sent to the person who was in charge of people like **Nuon Chea** in order to find a solution.”<sup>4731</sup> Other contemporaneous telegrams also show that **Nuon Chea** was copied on telegrams concerning “enemies” and Cham in the (old) North Zone. For example, on the 2<sup>nd</sup> of April 1976, Ke Pauk sent a telegram to Pol Pot copying **Nuon Chea** relaying the “enemy situation” which included actions attributed to “former soldiers in combination with the Cham and former cooperative team chairmen.”<sup>4732</sup> In addition, Duch testified that all telegrams sent to Pol Pot were read by **Khieu Samphan**.<sup>4733</sup>

1105. Other evidence confirms that matters regarding the Cham were closely regulated by the Centre. Telegram 29 sent on 14 September 1977 to “Beloved 870” from Born Nan alias Yi, Secretary of Sector 505, and copied to **Nuon Chea**, amongst others, reports that “three Cham Muslims” were “fleeing to Vietnam,” and were chased but not apprehended.<sup>4734</sup> Witness Ban Seak, who became Sector 42 commerce chief in 1977 after being appointed by Oeun, the Sector 42 secretary,<sup>4735</sup> testified that Oeun told him that **Nuon Chea** gave the order to kill the Cham in a training attended by members of the sector and district committees.<sup>4736</sup> Ban Seak also stated that sector and zone secretaries would not have had authority to decide who to kill within the Zone, but that

<sup>4729</sup> E3/1680 Telegram 15 from Sao Phim to Pol Pot, 30 November 1975, EN 00766763. See also E1/389.1 Ysa Osman, T. 10 Feb 2016, 14.16.53-14.19.25.

<sup>4730</sup> E3/344 Suon Kanil WRI, EN 00384435.

<sup>4731</sup> E3/64 Norng Sophang WRI, EN 00334057 (*emphasis added*).

<sup>4732</sup> E3/511 Telegram 4 from Ke Pauk to Pol Pot, 2 April 1976, EN 00182658.

<sup>4733</sup> E3/355 Kaing Guek Eav WRI, EN 00242875.

<sup>4734</sup> E3/1206 Telegram 29 from Yi to Office 870, 14 Sept 1977, EN 00519520.

<sup>4735</sup> E1/353.1 Ban Seak, T. 5 October 2015, 09.26.39-09.30.35.

<sup>4736</sup> E1/353.1 Ban Seak, T. 5 October 2015, 13.45.35-13.49.03.



such orders had to come from the “upper echelon.”<sup>4737</sup> The CIA station in the U.S. Embassy in Bangkok reportedly intercepted radio transmissions from Phnom Penh ordering the execution of Cham leaders in a village in central Cambodia.<sup>4738</sup>

1106. A May 1977 report from Sector 5 to the Northwest Zone secretary references “the party’s statement on the occasion of the Zone Congress.” It reports that pursuant to that it carried out a number of activities “to search for the traitors and continued purging the traitors”.<sup>4739</sup> Amongst the “traitors” located were “Cham nationals” who had attempted to utilize the DK Constitution to protest “concerning their belief in what they eat according to their religion.”<sup>4740</sup> It then relates that these “traitors” were subject to “special measures, that is, look for their string, look for the head of their movement in order to sweep clean.”<sup>4741</sup>

1107. The Centre’s close control of the Cham policy in the Zones only increased as they dispatched their favorite executioners, the Southwest Zone, to carry out the purges. While normally there were at least twice-daily communications between the Central Zone and the Centre,<sup>4742</sup> there was an increase in communications in 1978 just as the purges of the Cham were reaching its peak.<sup>4743</sup> The policy was also communicated to the zones through centre meetings. Math Ly, himself a Cham, described a meeting where he had raised the issue of burying Cham soldiers in the culturally appropriate manner.<sup>4744</sup> A short while later Pol Pot told him “that since we had joined the revolution, how the body was buried was up to the revolution.”<sup>4745</sup> Prak Yut and Ao An attended multiple meetings in Phnom Penh while they were carrying out the purges of Cham in the Central Zone.<sup>4746</sup> At one of these meetings, in late 1977, **Nuon Chea** or Pol Pot made a presentation about “our one-year plan at level of districts and communes,” and the participants “examined our plan that we implemented; how much we have

<sup>4737</sup> **E1/353.1** Ban Seak, T. 5 October 2015, 13.42.10-13.44.00.

<sup>4738</sup> **E3/9681** Ben Kiernan, Bulletin of Concerned Asian Scholars, *Orphans of Genocide*, EN 01199574.

<sup>4739</sup> **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342708.

<sup>4740</sup> **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342709.

<sup>4741</sup> **E3/178** Weekly Report of Sector 5 Committee to Northwest Zone Secretary, 21 May 1977, EN 00342709.

<sup>4742</sup> **E3/344** Suon Kanil WRI, EN 00384430.

<sup>4743</sup> **E3/344** Suon Kanil WRI, EN 00384431.

<sup>4744</sup> **E3/7821** Math Ly DC Cam, EN 00441578-79.

<sup>4745</sup> **E3/7821** Math Ly DC Cam, EN 00441579.

<sup>4746</sup> **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.15.20-14.21.26, 15.12.25-15.17.12; **E1/376.1** You Vann, T. 14 Jan 2016, 14.30.23-14.33.08, 14.34.36-14.55.52.

achieved and how much we haven't achieved."<sup>4747</sup> It is notable that on their way to the Central Zone where they implemented the Party's genocidal plan, Southwest Zone cadres including Prak Yut, Ao An, and Ta Mok (along with Central Zone secretary Ke Pauk), met with **Khieu Samphan**,<sup>4748</sup> and **Nuon Chea**.<sup>4749</sup> You Vann testified that **Khieu Samphan** came to "inaugurate" the cadres.<sup>4750</sup> Following his oversight of the purges in the Central and East Zones, Ta Mok was promoted in November 1978 to Deputy Secretary of the CPK, a position after only Pol Pot and **Nuon Chea**.<sup>4751</sup>

1108. The CPK's public pronouncements and official publications reflected the increasingly severe policy towards the Cham. CPK radio broadcasts made reference to "Cambodian Moslems" up until October 1975, the time of the Ramadan rebellions, at which point they ceased using the term.<sup>4752</sup> When the CPK was carrying out mass executions of Cham, they were issuing propaganda that the Cham race no longer existed as they had been exterminated centuries ago by the Vietnamese.<sup>4753</sup>

1109. The CPK used varied and increasingly brutal strategies in an attempt to forever eradicate the Cham as a distinct religious and ethnic group in Cambodia. Initially, the policy was to repress all expression of Cham religion and cultural identity, and to enforce the policy by punishing or killing any who refused to give up their traditions. Secondly, the CPK killed leaders of the Cham community who were particularly important for preserving and passing on Cham religion and customs, including the *Mufti*, *Hakims*, and *Tuons*. When it became clear that these measures had failed to destroy the Cham people's determination to maintain their religion and ethnic identity, the policy progressed to breaking up communities and dispersing Cham in order to dilute Cham communities to where the group would no longer be able to perpetuate itself. But as the CPK leaders' paranoia grew, their policies became yet more

<sup>4747</sup> **E1/378.1** Prak Yut, T. 19 Jan 2016, 15.14.20-15.17.12.

<sup>4748</sup> **E1/377.1** You Vann, T. 18 Jan 2016, 11.24.45-11.27.34; **E3/9500** You Vann WRI, A12; **E3/9507** You Vann WRI, A36. Although Prak Yut denied this meeting took place, she has shown an unwillingness to be entirely forthcoming when she is implicated. Moreover, there is no reason for You Vann to say this meeting occurred if it did not.

<sup>4749</sup> **E1/378.1** Prak Yut, T. 19 Jan 2016, 14.12.31-14.15.50; **E3/9587** Pech Chim WRI, A60-65.

<sup>4750</sup> **E1/377.1** You Vann, T. 18 Jan 2016, 11.26.38-11.29.40, 13.58.57-14.02.25; **E3/9507** You Vann WRI, A36.

<sup>4751</sup> **E3/816** Document on the 5<sup>th</sup> Pol Pot-Ieng Sary Congress, 2 November 1978, EN 00281339.

<sup>4752</sup> **E3/488** FBIS, 18 Feb 1975, EN 00166760; **E3/1366** FBIS, 4 July 1975, EN 00167281; **E3/119** FBIS, 30 July 1975, EN 00167362; **E3/272** FBIS, 14 Oct 1975, EN 00167520.

<sup>4753</sup> **E1/389.1** Ysa Osman, T. 10 Feb 2016, 09.42.58-09.44.40; **E3/23** CPK, *Black Paper*, Sept 1978, EN 00082514-15 ["The Cham race was totally exterminated by the Vietnamese"]; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150135, 01150146. See also **E3/635** Documents from the Kampuchea Conference, 17-18 November 1979, EN 00442723.

murderous. They resorted to a merciless campaign to kill all Cham they could identify in areas where the Cham were most numerous and where their culture and history was most rooted. The genocidal campaign's failure to destroy the Cham community in Cambodia was only due to the fact that the DK regime was thrust from power after less than four years, as well as the determination of the Cham people to preserve their religion and unique ethnic identity.

1110. So blatantly brutal was the Cham policy that flowed down from Phnom Penh, the intent was clear even to a simple Khmer villager in the Central Zone. Seng Kuy told the Court that "after Khmer Rouge had taken control of the area, Cham people were merged with Khmer people. Traditional clothes, religions, were abolished at the time and they were turned into Khmer people."<sup>4754</sup> He testified that in 1977 "Cham people were arrested and sent to Au Trakuon pagoda to be killed,"<sup>4755</sup> explaining that the reason was that the CPK "did not want any Cham people or other ethnicities to live in the country,"<sup>4756</sup> but rather "they only wanted to have one pure race."<sup>4757</sup>

#### 9. TRAPEANG THMA DAM WORKSITE

*[W]e had to do it because we fear for our life. We had to work, actually we tried to work but physically, we could not endure it. But we had to do it out of our fear for our life. We dare not protest against Angkar. We had to do it out of our fear.*<sup>4758</sup>

– Witness Nhip Horl

1111. At least 10,000 men, women, and children were forced to labour under inhumane conditions of deprivation and terror at the Trapeang Thma Dam worksite. The dam was constructed pursuant to CPK policy and operated under CPK control as part of an attempt to rapidly improve agricultural production through massive irrigation projects. The regime used threats, arrests, disappearances, and killings to terrorise the workforce and compel labourers to work to exhaustion with little food and in unhygienic conditions. Both **Khieu Samphan** and Pol Pot visited this site, and the regime praised it as a model for the agricultural utopia they promised. In fact, it was a paradigm of the the CPK's policy of enslavement.

<sup>4754</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 13.59.28-14.01.32.

<sup>4755</sup> E1/345.1 Seng Kuy, T. 10 Sept 2015, 10.15.33-10.17.48. See also E1/344.1 Seng Kuy, 9 Sept 2015, 14.49.35-15.05.36.

<sup>4756</sup> E1/345.1 Seng Kuy, T. 10 Sept 2015, 10.15.33-10.17.48.

<sup>4757</sup> E1/344.1 Seng Kuy, T. 9 Sept 2015, 15.09.49-15.11.10.

<sup>4758</sup> E1/336.1 Nhip Horl, T. 25 Aug 2015, 09.50.52-09.54.18.

1112. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity in relation to the Trapeang Thma Dam worksite: murder, extermination,<sup>4759</sup> enslavement, persecution on political grounds, and other inhumane acts through attacks against human dignity.<sup>4760</sup>

#### LOCATION AND OPERATION

1113. The Trapeang Thma Dam is located near Trapeang Thma Village in what was Phnom Srok District of Sector 5 of the Northwest Zone.<sup>4761</sup> The dam is of earthen construction and composed of one “arm” approximately 14 kilometres long and another approximately eight kilometres long.<sup>4762</sup> Construction started in late 1976<sup>4763</sup> or early 1977<sup>4764</sup> and continued until at least the beginning of the rainy season in 1978 — and possibly later.<sup>4765</sup> Estimates of the size of the workforce range from 10,000 to 20,000 workers.<sup>4766</sup> The CPK itself described the workforce as “tens of thousands.”<sup>4767</sup> Workers

<sup>4759</sup> In considering the element of massiveness required to prove extermination, the Co-Prosecutors take the position that the killings at different worksites and cooperatives including Trapeang Thma Dam should be aggregated. All of these sites were part of one system implementing the policies to enslave the population and to persecute and kill enemies promoted by the same words and actions of the Accused.

<sup>4760</sup> **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>4761</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.05.41-11.08.03; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.42.24-13.45.02; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.51.36-13.53.42.

<sup>4762</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686; **E3/8050** Site Identification Report, 6 Jan 2010, EN 00428005-06.

<sup>4763</sup> **E1/340.1** Mean Locuy, T. 2 Sept 2015, 14.01.06-14.03.54 [“It was in late 1976, chief of cooperative, Yan, gathered force and sent all of us to build the dam at Trapeang Thma worksite”].

<sup>4764</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.51.36-13.53.42; **E3/7323** Heng Samuot WRI, EN 00289999; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 14.16.31-14.18.40; **E3/9094** Pan Chhuong, DC-Cam Statement, EN 00728667; **E3/9008** Chhit Yoeuk, DC-Cam Statement, EN 00731131.

<sup>4765</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.16.54-11.18.45 [“I worked in the mobile unit at the Trapeang Thma Dam work site in 1977 and I remained there until the fall of the Khmer Rouge regime”], 13.35.29-13.39.29 [“allow me to clarify that even by the end of the regime, I did not remember whether the dam construction was not fully completed”]; **E3/5283** Chhuy Huy WRI, EN 00321199 [“The Dam construction took years, but I do not remember how many years”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.39.13-10.41.25; **E3/9076** Mun Mot, DC-Cam Statement, EN 00731163. See contra **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.24.36-14.27.01 [“The dam was completed in April 1977, just a little before the Khmer New Year”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.10.12-14.12.18 [“The dam construction was concluded probably in late 1976 or early ’77”].

<sup>4766</sup> **E3/7755** Sot Phal WRI, EN 00293003; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.46.32-13.48.25 [“There were probably ten thousands of worker at that construction site”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.00.50-15.03.25; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.53.42-13.56.14 [“[Northwest Zone Secretary Ros Nim] stated that the workforce at Trapeang Thma worksite, there were about 15,000 of them working there”]; **E3/9566** Lat Suoy WRI, 18 Aug 2014, A33; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.33.40-10.35.29; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 14.22.05-14.23.55; **E3/9504** Pan Chhuong WRI, EN 00738311; **E3/9094** Pan Chhuong DC-Cam Statement, EN 00728669; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.25.36-11.27.25, 13.32.51-13.36.24.

<sup>4767</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686-87 [“there were tens of



came from many different districts of Sector 5<sup>4768</sup> and the workforce included children.<sup>4769</sup>

#### AUTHORITY STRUCTURE AND COMMUNICATION

##### The Party Centre's Control of the Worksite

1114. The Trapeang Thma Dam worksite operated under the control of the CPK and pursuant to its policies. CPK cadres and documents stated that it was constructed “in response to the call of the party Central Committee”<sup>4770</sup> in order “to achieve the Party’s plan totally and successfully” and “to totally achieve the [19]77 work plan”.<sup>4771</sup> Workers were told at large, public celebrations that the dam was being built pursuant to “the work plan set forth by Angkar.”<sup>4772</sup> **Khieu Samphan** himself acknowledges visiting the site,<sup>4773</sup> and

thousands of people working at the Trapeang Thma water reservoir worksite”].  
<sup>4768</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.13.08-11.15.41; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.30.31-09.32.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.46.32-13.48.25; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/9504** Pan Chhuong WRI, EN 00738311-12.

<sup>4769</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.35.55-14.38.33 [“the special children’s unit was a unit of children and boys who were almost teenagers”]; **E3/7755** Sot Phal WRI, EN 00293003 [the witness’s unit was comprised of 300 children]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.05.28-11.09.29 [“Yes, there were some children working at the place where Ta Val was responsible for hundreds of them. ... They were between the age of 15 and 16 years old. ... They were carrying dirt, as we were”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.01.04-14.03.08 [“There were middle-age workers, youth, male, female and also adolescent. Q: Regarding adolescent, what was their age range? A: Their age ranged from 15 to 18 years old”]; **E3/7323** Heng Samuot WRI, EN 00289999 [the workers consisted of “middle age people, male youths, female youths and children”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.24.38-15.26.43 [“There were children ... of course, there were children over there”]. See contra **E1/340.1** Sam Sak, T. 2 Sept 2015, 13.39.29-13.43.15 [“Q: Is it true as well that the children’s unit were not allowed to work at the dam site? A: Yes, that is correct, because personally, I never saw children unit working at the dam”].

<sup>4770</sup> **E3/1783** New China News Agency, *Chen Yung-Kuei’s Cambodia Visit Reported*, 22 December 1977, EN 00498181 [“Comrade Nhim Ros ... secretary of the northwest zone committee of the KCP ... said that the reservoir was built ... in response to the call of the party Central Committee to build water conservancy projects in a big way”].

<sup>4771</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“In conclusion, in order to join in and totally achieve the [19]77 work plan or even to exceed it, and in order for our Kampuchea motherland to progress in the wonderful great leap forward speed, our cooperative male-female youths ... dare to sacrifice everything of their personal interests, and determine to go through any obstacles unreluctantly”]. See also **E3/300** *Excerpts from “The Voice of Democratic Kampuchea” News Broadcasts from Phnom Penh*, December 1977, EN S 00702870 [“Under the just and farsighted leadership of the Communist Party of Kampuchea ... the rural areas in Democratic Kampuchea have undergone profound transformation ... Water supply projects have been put in place in all the zones, regions and districts[.] ... For example ... “17 January” and Trapeang Thma reservoirs in the East Zone”]; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.12.54-11.14.54 [“Q: And did they tell you that Central Party members were present [at the meeting planning construction of the dam]? A: From what I heard, yes, but I did not know who actually attended the meeting”], 15.01.18-15.02.49 [“I heard from others that the construction of the dam was not the decision at the sector level. It was the decision from the Zone and the higher level”].

<sup>4772</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 13.41.28-13.43.15 [“Q: Do you remember if the dam, and the purpose of the dam, was discussed during that meeting? A: Yes, they did discuss this matter, and they said that we had to try to accomplish the work plan set forth by Angkar”].

Im Chaem says he came “often.”<sup>4774</sup> While there, **Khieu Samphan** personally observed the workers carrying out their tasks and urged them to keep working hard.<sup>4775</sup> Pol Pot also visited the site occasionally;<sup>4776</sup> in December 1977, he came with a senior Chinese official<sup>4777</sup> and they received a detailed briefing from Ros Nhim<sup>4778</sup> — who also provided written reports to the Centre on the progress of construction.<sup>4779</sup> Upper level officials inspected the site frequently.<sup>4780</sup>

1115. The CPK was aware of the brutal conditions prevailing at the worksite. An issue of *Revolutionary Youth* acknowledges that workers spent months at the worksite without

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- <sup>4773</sup> **E1/198.1** Khieu Samphan, T. 29 May 2013, 10.06.46-10.08.50 [“When I had the opportunity to leave Phnom Penh, I saw canals and dams, including Trapeang Thma dam ... it looked like a sea in the middle of the field where there used to be dry land”]
- <sup>4774</sup> **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“[Q]: During the regime, while you worked at the Trapeang Thma, have you ever welcomed any delegation or those at the central level, who came to visit here? ... Chem: Chinese and uncle Khieu Samphan also came and visited there. ... Pol Pot visited occasionally but Khieu Samphan did often”].
- <sup>4775</sup> **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“While seeing human forces working at the dam and at the rice field, [Khieu Samphan] urged [us] to continue to work hard”].
- <sup>4776</sup> **E3/5657** Im Chaem DC-Cam Statement, EN 00089778 [“[Q]: During the regime, while you worked at the Trapeang Thma, have you ever welcomed any delegation or those at the central level, who came to visit here? ... Chem: Chinese and uncle Khieu Samphan also came and visited there. ... Pol Pot visited occasionally but Khieu Samphan did often”].
- <sup>4777</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.35.40-11.37.13 [“The distinguished speaker announced that at that time, a Chinese delegate was also present during the ceremony... Cheng Yonggui was actually paying a visit to Trapeang Thma Dam worksite during the inauguration ceremony”], 13.49.52-13.52.40, 13.59.57-14.07.34 [Lengthy description of Chen Yung-kuei’s visit]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.17.02-15.19.38 [“I also saw once the Chinese leaders came to visit the site too”]; **E1/324.1** Mam Socurm alias Heng Samuoth, T. 28 July 2015, 15.47.00-15.49.12; **E3/508** Tann Than WRI, EN 00277843; **E3/510** Saom Phan WRI, EN 00290358; **E3/5281** Peng Bunthara WRI, EN 00322938.
- <sup>4778</sup> **E3/1783** *Chen Yung-kuei’s Cambodia Visit Reported*, 23 December 1977, EN 00498181 [“Comrade Nhim Ros ... secretary of the northwest zone committee ... said that the reservoir was built in less than two months this year by the people of the fifth region of the northwest zone in response to the call of the party Central Committee to build water conservancy projects in big way. This year it holds 150 million cubic metres of water. ... After four years it will hold 300 million cubic metres of water”].
- <sup>4779</sup> **E3/950** Report from Nhim to Angkar 870, 11 May 1977, EN 00185217; **E3/179** Report from M-560, 29 May 1977, EN 00183017. Construction plans and reports were also sent to “the highest level of the central committee”; **E3/5657** Im Chaem DC-Cam Statement, EN 00089777 [“All the [construction] reports were sent to the highest level of the central committee”].
- <sup>4780</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.05.00-14.07.24 [“I once attended the meeting to welcome a Chinese delegate by the name of Chen Yonggui who was visiting Trapeang Thma worksite. ... I was told that a Chinese delegate by the name of Chen Yonggui was visiting the site and on that night, a film about the work in China – work conducted in China, was projected for all of us”]; **E1/357.1** Mun Mut, T. 27 Oct 2015, 11.19.22-11.22.29 [“I saw 4 x 4 – a convoy of between 20 and 30 of 4 x 4 white and egg-shell coloured vehicles and that happened in around 1976, however I did not know who they were as those guests remained in the vehicles when they were visiting Trapeang Thma Dam”]; **E3/5283** Chhuy Huy WRI, EN 00321200 [“I used to hear that Pol Pot and Ieng Sary had visited the Dam, but I personally did not see them. I heard that the upper echelon and foreign guests had visited the Dam, but I did not know who they were”]; **E3/7803** Kan Thol WRI, EN 00277822 [“I saw upper level come down to inspect. The most senior were: Ta Nhim, the Northwest Zone Com ... Ta Khleng, the Deputy Northwest Zone Com ... Hing, the Sector 5 Com”]; **E3/9566** Lat Suoy WRI, A78 [“I heard that the upper echelon Angkar came to visit Trapeang Thman Dam. During that time, we were not allowed to turn our face to them. We had to turn our back when were on guard. They did not let us look at Angkar”].

access to sufficient drinking water.<sup>4781</sup> Despite this, they were required “to dig up and carry the earth, all day and night, under the burning sun, for the entire dry season”.<sup>4782</sup>

**Khieu Samphan** has recalled in his own writings that workers at dam construction projects were awakened before dawn and would sometimes work past midnight.<sup>4783</sup>

#### Above the Worksite

1116. Throughout the construction period, Muol Sambath, alias Ros Nhim, served as the Northwest Zone Secretary and visited the worksite.<sup>4784</sup> Ta Hoeng was the Sector 5 Secretary at the beginning of the construction period and attended meetings with CPK cadre Ta Val regarding the worksite.<sup>4785</sup> Following the purge of Northwest Zone cadres in mid-1977 by Southwest Zone cadres,<sup>4786</sup> Hoeng was replaced by Ta Rin.<sup>4787</sup> Ta Cheal,

<sup>4781</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“Obviously, they had to face with the problem of water shortage. That was because the carts and trucks were not able to deliver water to the worksite on time and as needed”]. See also **E3/1783** *Chen Yung-Kuei’s Cambodia Visit Reported*, 22 December 1977, EN 00498181 [“[Comrade Nhim Ros] said, ‘Drought set in when we started to build the reservoir and the 20,000 people engaged in construction even had not enough drinking water’”].

<sup>4782</sup> **E3/771** *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686 [“Brothers fought to dig up and carry the earth, all day and night, under the burning sun, for the entire dry season without any complaining”].

<sup>4783</sup> **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498304 [“I recall the gathering up of the people to build dams and dig feeder canals. They rang bells to wake up the people at 3 or 4 a.m. In the afternoon they ate communally, and the work was not even finished by midnight. ... In the morning they rang the bells to wake the people at 3 or 4 a.m. to get into formation. By the time they were in formation, it was daybreak”].

<sup>4784</sup> **E3/9483** 2-TCW-918 WRI, A4, A17; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.33.48-09.35.41 [“Q: Yesterday, you spoke about the fact that Ta Nhim was the chief of the Northwest Zone. Did you personally see him visit the dam construction site? ... A: I saw him there very often. However, he never went close to the workers. He simply went into the office of the senior people, that is, the office of Ta Val”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.23.20-11.25.36; **E3/9456** Chhit Yoeuk WRI, A12.

<sup>4785</sup> **E3/9483** 2-TCW-918 WRI, A4, A17; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.33.48-09.35.41 [“Q: Yesterday, you spoke about the fact that Ta Nhim was the chief of the Northwest Zone. Did you personally see him visit the dam construction site? ... A: I saw him there very often. However, he never went close to the workers. He simply went into the office of the senior people, that is, the office of Ta Val”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.23.20-11.25.36; **E3/9456** Chhit Yoeuk WRI, A12. See also **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.02.49-15.05.05 [“And generally there were people from the Sector coming to support, consult and discuss the issues relating to the dam construction”].

<sup>4786</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.16.07-15.17.47 [“At that time, it was the time when the Southwest cadres arrived, and then they were all summoned to attend the education sessions. ... The time when Angkar summoned them for an educational study session, that meant they were taken for execution for sure”], 15.17.47-15.20.42, 15.25.11-15.27.17 [“At that stage, to my understanding, for the Southwest Zone cadres, the Northwest Zone cadres were not trustworthy. ... From the battalion chief upwards, they were under constant surveillance by the Southwest Zone cadres”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 14.30.48-14.32.35; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.25.17-15.26.34 [“I only knew that once the Southwest Zone cadres came to take over those who were from the Northwest Zone disappeared, they were no longer there”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.00.33-14.02.48 [“Ta Val, Ta Maong, Ta Sam At and Ta Chhang -- I knew that they disappeared”]; **E1/356.1** Mun Mot, T. 26 Oct 2015, 15.10.30-15.12.57 [“When the southwest cadres arrived, then we started hearing about the arrest of the northwest cadres”]; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.59.50-10.01.41 [“After the Southwest Zone arrived, Ta Val was there. A few days later, he disappeared. And we learned afterwards that he was arrested. ... The Southwest Zone cadres told us that Angkar had arrested the traitors namely



the son of Ros Nhim,<sup>4788</sup> was the Sector 5 Deputy<sup>4789</sup> and also often went to Ta Val's house<sup>4790</sup> and visited the worksite.<sup>4791</sup> Prior to the arrival of the Southwest Zone cadres, Ta Hat<sup>4792</sup> was the Phnom Srok District Secretary and Ta Maong was the Preah Netr Preah District Secretary.<sup>4793</sup> Following the purge, Ta Maong was replaced by Im Chaem.<sup>4794</sup>

#### At the Worksite

1117. Prior to his arrest in June 1977,<sup>4795</sup> Ta Val effectively controlled the work at the site.<sup>4796</sup>

He presided over meetings with battalion chiefs and lower-level unit chiefs,<sup>4797</sup> and

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contemptible Hoeng, contemptible Val, and contemptible Cheal"]; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.41.08-15.44.27; **E1/360.1** 2-TCW-918, T. 1 Dec 2015, 09.56.00-09.58.26 ["As for other cadres, I understand that they were also arrested. ... I noticed their disappearance after I heard that they were arrested"]; **E3/9483** 2-TCW-918 WRI, A6; **E3/9094** 2-TCW-918 DC-Cam Statement, 18 June 2011, EN 00728683; **E3/7323** Heng Samuot WRI, EN 00290000. *See also* **E3/531** S-21 Prisoners from the Northwest Zone.

<sup>4787</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.17.47-15.20.42; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 13.45.08-13.46.55; **E3/9504** 2-TCW-918 WRI, EN 00738312; **E3/9483** 2-TCW-918 WRI, A6; **E3/9567** 2-TCW-918 WRI, A5; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728686.

<sup>4788</sup> **E1/361.1** 2-TCW-918, T. 2 Dec 2015, 10.50.57; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 13.52.45-13.55.00; **E3/9483** 2-TCW-918 WRI, A4; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728652.

<sup>4789</sup> **E3/9483** 2-TCW-918 WRI, A4, A17; **E3/9094** 2-TCW-918 DC-Cam Statement, EN 00728684.

<sup>4790</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.35.41-09.37.50 ["I noticed Ta Nhim, Ta Hoeng, and Ta Cheal going in and out of Ta Val's place very often"].

<sup>4791</sup> **E3/7805** Chiep Chhean WRI, EN 00277817 ["Upper level did come down to inspect [the Trapeang Thma Dam worksite], for instance: Ta Cheal who was in charge of Sector 5 ... and Ta Nhim alias MOUL Sambat, the father of Ta Cheal"].

<sup>4792</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.14.15-15.16.07; **E3/9566** Lat Suoy WRI, A51; **E3/9483** 2-TCW-918 WRI, A6.

<sup>4793</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.14.15-15.16.07; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.42.45-09.44.32.

<sup>4794</sup> **E3/9456** Chhit Yoeuk WRI, A13.

<sup>4795</sup> **E3/93.2** OCJ S-21 Prisoner List, 31 Mar 2016, EN 01222520 *citing* **E3/9646** Name List of Prisoners Entering on 28 June 1977, Item No. 29, EN 01139860; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.59.36-14.01.00 ["the battalion chiefs told me that [Ta Val] had been arrested"]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.22.21-15.25.11 ["At that time, Ta Val disappeared[...] ... and then I heard... that Ta Val was summoned by Angkar for the education session"]; **E1/325.1** Mam Soeum, T. 29 July 2015, 09.39.35-07.40.38; **E1/360.1** Pan Chhuong, T. 1 Dec 2015, 09.56.00-09.58.26; **E3/9483** Pan Chhuong WRI, A4.

<sup>4796</sup> **E1/352.1** Sot Sopha, T. 30 Sept 2015, 13.57.29-13.59.14; **E1/340.1** Mean Locuy, T. 2 Sept 2015, 14.01.06-14.03.54; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.47.58-10.50.35; **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.59.36-14.01.00, 14.22.45-14.24.14; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 10.52.55-10.56.01; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 09.28.06-09.29.41; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.35.50-14.37.45; **E1/323.1** Sen Sopha, T. 27 July 2015, 13.50.56-13.52.51; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.27.01-14.28.39; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 14.14.00-14.16.01; **E3/7323** Heng Samuot WRI, EN 00289999-90000; **E1/356.1** Mun Mot, T. 26 Oct 2015, 14.32.44-14.34.28; **E1/324.1** Mam Soeum, T. 28 July 2015, 14.01.24; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 10.51.16-10.55.44, 14.26.11-14.28.05; **E3/9483** Pan Chhuong WRI, A1; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.00.05-11.02.00; **E3/7755** Sot Phal WRI, EN 00293003.

<sup>4797</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.39.23-15.41.31 ["When there was a new plan or a specific plan, all chiefs of companies in the whole battalion were called into a meeting held by Ta Val"]; **E1/357.1** Mun Mut, T. 27 Oct 2015, 09.41.14 ["Sometimes, in the day time, unit chiefs would be summoned by Ta Val to attend the meeting on the work plan, on the progress of work, and on the workers who were present, absent, sick and who fled the worksite. During the meetings, he would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, 'the great leap forward'"];



sometimes ordinary workers.<sup>4798</sup> He emphasised the importance of following the directions given by the “upper echelon.”<sup>4799</sup> Unit and group chiefs told workers that work assignments came from Val.<sup>4800</sup> When Val was not present, a regimental chief known as San supervised the worksite.<sup>4801</sup> Below Val, the workers were organised into units based on a military hierarchy,<sup>4802</sup> including squads, platoons, companies, and battalions.<sup>4803</sup> Information flowed up the hierarchy, while instructions, orders, work plans, and sometimes threats, flowed down.<sup>4804</sup>

**E3/5283** Chhuy Huy WRI, EN 00321198.

<sup>4798</sup> **E1/351.1** Sot Sopha, T. 29 Sept 2015, 15.21.17-15.23.44.

<sup>4799</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.41.14-09.42.45 [“During the meetings, [Ta Val] would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, ‘the great leap forward’”]; 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E3/5283** Chhuy Huy WRI, EN 00321198 [“Q: What did they talk about each time they held a meeting to put out a work plan? A: To comply with the direction given by the upper echelon. ... After a work plan had been given, I had to call a meeting with the platoon leaders and instructed them to implement that plan according to the direction of the upper echelon”].

<sup>4800</sup> **E1/352.1** Sot Sopha, T. 30 Sept 2015, 11.27.35 [“As I said, I never saw Ta Val in person. However, every time my chief told us about the work assignment, he always mentioned his chief, Ta Val, that the instructions came from Ta Val, that's when we had to build a dam or dig a canal, or that later on we had to dig a pond”].

<sup>4801</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.27.59-09.29.43.

<sup>4802</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.28.33-15.32.03 [“It was the Angkar that organized working groups into regiment, battalion, company and platoon”].

<sup>4803</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.22.45-14.24.14 [“Below the platoon, there were groups and within the groups there were members. ... Above the platoon, it was a company and above a company, it was a battalion. And above the battalion, it was Ta Val who had overall supervision over the dam worksite”]; 11.17.04 [“There were 30 members in my platoon”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 10.42.58-10.45.10; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.37.45-14.39.34, 15.12.21-15.14.15; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.29.43-09.31.37; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/7755** Sot Sopha WRI, EN 00293003 [“A squad was comprised of twelve children. A platoon was comprised of thirty children, a company was comprised of one hundred children, and the battalion was comprised of three hundred children”].

<sup>4804</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.08.29-15.10.17 [“Q: ... So, how would you report to your battalion chief, Ta Khaov? A: ... I met him in person, and I reported to him orally. ... At the time, the deputy battalion chief instructed, ordered that we had to carry the earth, and we had to work hard to complete the task”]; 15.39.23-15.41.31 [“When there was a new plan or a specific plan, all chiefs of companies in the whole battalion and the chief of the battalion were called into a meeting held by Ta Val”]; **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.41.14-09.42.45 [“During the meetings, [Ta Val] would advise all of us to power through and to adhere to the Khmer Rouge slogan, that is, ‘the great leap forward’”]; 09.42.45-09.44.32 [“Ta Val told the subordinates that the upper echelon advised all of us to complete the work at the Trapeang Thma Dam worksite by 1977 so that we could achieve the great leap forward project”]; **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.24.14-14.28.13 [“But we were advised to be hard-working, and I was instructed that there should be no one from my unit that avoided the work, otherwise they would disappear. Q: And who told you that if someone from your unit avoided work, they would disappear, who said that to you? A: It was Comrade Bo (phonetic) who was the battalion chief”]; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 15.28.01-15.32.22 [“Every evening, commanders of regiments would go to see Ta Val and submitted the report”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.31.48-14.36.43; **E3/9076** Mun Mut DC-Cam Statement, EN 00731166 [“We reported [to Ta Val] for everything, how many people went to the hospital, how many people went to the field and how many people took a rest in the hall. ... After I finished from a day in the field ... [I] made a report and took it to (Ta) Val's place. In the report we had to decipher how many cubic meters that we had done during that day”]; **E3/5283** Chhuy Huy WRI, EN 00321198.

1118. Unit chiefs strictly enforced the CPK's rules on the workers by assigning tasks and work quotas<sup>4805</sup> and inspecting the workers' performance.<sup>4806</sup> When workers failed to meet their quotas, unit chiefs called the workers into self-criticism meetings,<sup>4807</sup> threatened them with punishment,<sup>4808</sup> and sometimes reduced their food rations.<sup>4809</sup> Unit chiefs forbid workers to rest and pushed them to work harder.<sup>4810</sup> They also kept track of those who complained about the work or the rations and those who had lost a basket or broken a hoe and labeled these workers "enemies."<sup>4811</sup>

<sup>4805</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54 ["Q: Who divided the work to you to do? And who set the work quota for you? A: It was the 100-person unit chief"].

<sup>4806</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.36.34-14.40.51 ["Q: Besides this duty what else do you know about the role of the unit chief, what else did he do? A: Well, his role was to inspect and observe all the workers performance for the day"]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.41.10-11.44.23 ["Group chiefs, unit chiefs, they were the ones who verified or checked the work quota and then they made the report and if we told lies to them, if I told lie to them about the performance that I did, I would be in danger. We did not dare to tell lies at the time"]; 11.44.23-11.46.28 ["The pole of the hoe was used to measure the quota that we completed"]; **E1/324.1** Sen Sophon, T. 28 July 2015, 10.44.15-10.45.54 ["It was the head group who verify the quota that we met and then he reported to unit chief"].

<sup>4807</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 ["During that time there were self-criticism and criticism sessions in order to encourage us to work hard for Angkar, for the sake of Angkar"]; 10.37.33-10.39.18 ["For example, if we did not complete the work quota by the end of the day we would be invited to attend the criticism and self-criticism session and we were advised to try to complete the work quota"]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.59.35-15.01.44 ["For criticism and self-criticism meetings, it was the unit chief who called us to the meeting"]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.15.36-14.16.58 ["For self-criticism and refashion session, they commented that the reason why we could not accomplish the target set was due to our sluggishness, laziness and our commitment. We did not have a firm commitment to accomplish this task"]; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.26.25-15.28.36 ["We were criticised or members of the group criticised one another if we could not complete the quota. And the purpose of the criticism meeting was to reinforce the workload in the group and that particular individual was criticised so that they could be more active and did not turn away from the work and to pay more attention to the work plan"]; **E3/7323** Heng Samuot WRI, EN 00289999 ["If a worker could not finish an assignment, the Khmer Rouge punished him or her by a warning and criticism to reinforce his or her ideological belief"].

<sup>4808</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23 ["Yes, we were told. We were advised to do our best to accomplish the work quota. Otherwise, later on, problem will happen to you, Comrade. Q: And it was your unit chief that said this? A: Yes, my unit chief"].

<sup>4809</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.01.22-14.03.33 ["Roeun was my small cell chief who was the one who reduced our food ration"]; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.07.09-15.08.54.

<sup>4810</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.06.40-14.09.28 ["it was the group chief and the small unit chief who didn't allow us to rest ... the group chief and the small unit chief were present there to monitor how we worked. They always pushed us to work harder"]; **E1/323.1** Sen Sophon, T. 27 July 2015, 13.52.51-13.54.57. *See contra* **E3/7803** Kan Thorl WRI, EN 00277821 ["There were rest breaks during working hours; they let us stop for five minutes in the morning and five minutes in the afternoon"].

<sup>4811</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.01.44-15.03.58 ["If one basket was lost one individual would be accused of being an enemy. The same applies to the hoe if we broke the hoe. ... It was the unit chief who checked the equipment and the unit chief would go around and monitor the tools whether the baskets were broken, the hoes were broken"]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.12.21-15.14.15 ["Angkar asked us to monitor at least one person per day. ... Angkar also assigned a special force in order to oversee this surveillance activity"]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.13.42-11.15.58 ["If one happened to complain about intensive workload, overwork, insufficient food, and a wide range of other things, he or she would be allegedly against the Angkar. These sorts of activities were considered against Angkar"].

1119. After Val's arrest, he was replaced by a Southwest Zone cadre known as Yun.<sup>4812</sup> Val's deputy San was replaced by Nhauv.<sup>4813</sup> Like Val,<sup>4814</sup> Yun arrested and killed many people.<sup>4815</sup> Nhauv was similarly vicious.<sup>4816</sup> Conditions generally worsened following the arrival of the Southwest Zone cadres.<sup>4817</sup> Company chairman Chhum Seng testified that "Southwest Zone cadres intensified their surveillance, and they started to arrest more and more people."<sup>4818</sup>

1120. Nuon Chea's allegations that Ta Val and other Northwest Zone cadres were involved in a rebellion are unpersuasive. Only one witness, Mun Mut, provides even minimal support for the existence of secret plans and his evidence at trial was inconsistent and unpersuasive, boiling down essentially to his admission that "Regarding the plan of Ta

<sup>4812</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 15.49.34-15.51.04 ["All I know is that Ta Val was arrested and that subsequently Ta Yun came to take over from him to control and supervise the work on the Trapeang Thma Dam worksite"]; E1/330.1 Chhit Yoeuk, T. 13 Aug 2015, 11.27.25-11.29.10 ["At that time, I reported to Brother Yoan, who was actually in charge of the mobile unit, under the supervision of Ta Pheng"]; E3/9456 Chhit Yoeuk WRI, A14; E3/9554 [REDACTED] WRI, A9; E3/9512 [REDACTED] WRI, A48; E3/9008 Chhit Yoeuk DC-Cam Statement, EN 00731137; E3/7805 [REDACTED] WRI, EN 00277817 ["Ta Yun came from the Southwest to supervise the Trapeang Thma Dam. He arrested and killed many people"].

<sup>4813</sup> E1/357.1 Mun Mot, T. 27 Oct 2015, 10.37.38-10.40.06 ["Ta Nhav had overall supervision. To my understanding he perhaps held the position of Ta San"].

<sup>4814</sup> E1/329.1 Lat Suoy, T. 12 Aug 2015, 11.26.16-11.28.17 ["Ta Val was a very mean person. ... If he found out that a person committed an offence, then he would send that person to be executed and that's the reason the reason people feared him"].

<sup>4815</sup> E3/7805 Chiep Chhean WRI, EN 00277817 ["Ta Yun came from the Southwest to supervise the Trapeang Thma Dam. He arrested and killed many people"].

<sup>4816</sup> E1/357.1 Mun Mot, T. 27 Oct 2015, 10.11.01-10.12.00 ["Ta Nhav who came to replace Ta San was the person that we were even more fearful than Ta Val"], 11.16.40-11.19.22.

<sup>4817</sup> E1/329.1 Lat Suoy, T. 12 Aug 2015, 09.13.22-09.16.14 ["Upon on the arrival of the southwest, they started arresting the northwest group as they accused them of being traitors and they limited the food supply to 1 can of rice per 100 people. For that reason people who lived in Sector 5 resisted. Some people became bony and their knees got swollen and were unable to walk due to insufficient food and the work at night"], 09.16.14-09.17.07 ["I said the southwest people were mean because they were female and they became the commune committee. They were all soldiers and if they accused us of making mistakes, they would arrest us and kill us. However for those from Kampong Chhang, they were cooperative chief and they had some tolerance on people. People who were starving stole a piece of potato, taro or something else to eat and if they were seen, they would rarely be mistreated and from my observation, people from Kampong Chhnang were kind"]; E1/357.1 Mun Mot, T. 27 Oct 2015, 10.11.01-10.12.00, 11.16.40-11.19.22; E1/333.1 Tak Boy, T. 19 Aug 2015, 15.36.14-15.41.06; E3/9564 Mun Mot WRI, A47 ["The living and working conditions under the management of the Southwest cadres were very difficult. We did not have enough food to eat and we had to work very hard. And we were very afraid because we were strictly monitored. The Southwest cadres only provided half a can of rice per person per day to us. They arrested Ta Val to be killed because the Southwest cadres had accused Ta Val of providing rice to the workers in the mobile unit to eat"]; E3/9076 Mun Mot DC-Cam, EN 00731187 ["When the southwest zone came in it was vigorous and they went on a killing spree with no reason but linkages of this and that. ... When the southwest zone came in they chased people for networking and killed all within the supposed network"]. See *contra* E3/9504 Pan Chhuong WRI, EN 00738312; E3/9549 [REDACTED] WRI, A67.

<sup>4818</sup> E1/331.1 Chhum Seng, T. 17 Aug 2015, 15.25.11-15.27.17 ["In terms of living conditions, it was similar. But the Southwest Zone cadres intensified their surveillance of the Northwest Zone cadres, and they started to arrest more and more people"].



Val and Ta Hoeng, I have no idea. I do not really understand what the plan was.”<sup>4819</sup> And, *all* of the witnesses who would be expected to corroborate his account if it were true reject it. One witness who Mun Mut himself says was present at the “secret meeting”<sup>4820</sup> says it never happened.<sup>4821</sup> A second witness who was well-acquainted with Mun Mut<sup>4822</sup> and a third witness who had heard of Mun Mut,<sup>4823</sup> both say they had never heard of the alleged plans. There is no merit to **Nuon Chea’s** claims of secret rebellion.

1121. Neither is there any merit to **Nuon Chea’s** suggestion that the Party Centre carried out its purge in order to punish the Northwest Zone cadres who had mistreated workers at the Trapeang Thma Dam worksite and to prevent any further abuses.<sup>4824</sup> This argument is unpersuasive for two reasons. First, if the purge had really been carried out to protect workers from further abuses, it is certain that they would have been informed of this fact. In fact, they were told the opposite: that Ta Val had been arrested for being too generous to the workers at Trapeang Thma<sup>4825</sup> and that the purge was carried out because the incumbent Northwest Zone cadres were traitors to the revolution.<sup>4826</sup> Second, if the purge had been carried out to improve conditions, the evidence would show that conditions had in fact improved following the arrival of the Southwest Zone

<sup>4819</sup> **E1/356.1** Mun Mot, T. 26 Oct 2015 14.39.39-14.41.03 [“Regarding the plan of Ta Val and Ta Hoeng, I have no idea. I do not really understand what the plan was”].

<sup>4820</sup> **E1/356.1** Mun Mot, T. 26 Oct 2015 15.14.23-15.17.23.

<sup>4821</sup> **E1/360.1** Pan Chhuong T. 1 Dec 2015, 10.56.35-10.58.05.

<sup>4822</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.26.39-15.28.33 [“Q: I will reformulate my question. Mr. Witness, I read to you excerpt of statements of two people that you know very well and who were quite well acquainted with the Trapeang Thma Dam. Both talk about Nhim, the leader of the Northwest Zone being involved in stirring up half the Northwest Zone, starting an armed rebellion, together with Val and Hoeng. Is it correct what these two persons are saying or is it something that you don’t know anything about? A: That I did not know. I would like to tell you that I did not know about that”].

<sup>4823</sup> **E1/331.1** Chhit Yoeuk, T. 17 Aug 2015, 09.58.09-10.00.11, 10.01.37-10.03.04 [regarding Mun Mot’s statement that Hoeng had a plan to arm mobile unit members to fight the Khmer Rouge: “I have never heard of that statement”], 10.05.45 [“Regarding the secret plan, I was not aware of that”].

<sup>4824</sup> See e.g. **E1/333.1** Tak Boy, T. 19 Aug 2015, 15.36.14-15.47.39 [“Q: There is a unit leader in the mobile unit who has testified to investigators and has said that Ta Val was ultimately killed because Ta Val himself was also a killer. Is that something that you have heard? A: I do not know why he was arrested. All I know is that he was arrested”].

<sup>4825</sup> **E3/9564** Mun Mot WRI, A47 [“The Southwest cadres only provided half a can of rice per person per day to us. They arrested Ta Val to be killed because the Southwest cadres had accused Ta Val of providing rice to the workers in the mobile unit to eat”].

<sup>4826</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 09.59.50-10.01.41 [“The Southwest Zone cadres told us that Angkar had arrested the traitors namely contemptible Hoeng, contemptible Val, contemptible Cheal”]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.13.22-09.16.14 [“Upon on the arrival of the southwest, they started arresting the northwest group as they accused them of being traitors”]; **E3/9483** Pan Chhuong WRI, A6; **E3/9094** Pan Chhuong DC-Cam Statement, 18 June 2011, EN 00728683 [“Q: So in the regional mobile forces they arrested only Ta Vall? [A]: No, they arrested Ta Vall and people in the same cluster. But some people escaped”], 00728686 [“They said he was a traitor”]; **E3/7323** Heng Samuot WRI, EN 00290000 [“That purge initially began with the arrest of Ta Cheal, Ta Moul Sambath and subsequently they arrested people from the top to the bottom of the ranks. They said, when one was accused of being a traitor, the fellow members were all traitors”].



cadres. In fact, things got dramatically worse:<sup>4827</sup> food rations were cut,<sup>4828</sup> and arrests and disappearances increased.<sup>4829</sup>

#### OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

1122. *Forced labour*: The massive workforce at the Trapeang Thma Dam worksite existed in a constant state of exhaustion and overwork. The task of most workers was to dig up earth using hoes at one location, then carry the dirt in baskets (weighing up to 30 or 40 kilograms<sup>4830</sup>) to the top of the dam embankment (to a height of up to 10 metres<sup>4831</sup>) and dump it there to increase the size of the embankment.<sup>4832</sup> This work was carried out almost exclusively by hand — several witnesses indicated that they never saw any mechanical equipment at the worksite.<sup>4833</sup>

<sup>4827</sup> See above, para. 1119.

<sup>4828</sup> E3/9528 Som Seila WRI, A43 ["Working and living conditions under Northwest group control were better than they were under Southwest control. After the arrival of the Southwest group, working and living conditions became even more difficult, and there were more killings too"]; E3/9554 [REDACTED] WRI, A10 ["I would like to add that life under the Southwest Zone people's authority was extremely hard because we received an insufficient food supply despite hard work"]; E3/9494 [REDACTED] WRI, A19 ["Q: According to your own experience, how was the rule of the Southwest group different from the rule of the Northwest group? A19: Living conditions and working conditions became more difficult. They did not give us enough food, so many people were sick"]; E3/9535 [REDACTED] WRI, A55 ["Before they [the Southwest Zone cadres] arrived, I had rice to eat; but when the Southwest group arrived, I ate only rice gruel"]; E3/9051 Khor Mot DC-Cam Statement, EN 00987571 ["Those who came from the Southwest Zone. Everything became worse with the Southwest cadres, the most difficult of all times"]; E3/9562 [REDACTED] WRI, A120 ["At that time, they provided a plate of rice with fried fish and a little sugar for us to eat each meal, but later they provided only gruel for us to eat. They provided five cans of rice to feed 10 people. But when the Southwest group arrived, they provided only one can rice for 30 people"].

<sup>4829</sup> E1/331.1 Chhum Seng, T. 17 Aug 2015, 15.25.11-15.27.17 ["But the Southwest Zone cadres intensified their surveillance of the Northwest Zone cadres, and they started to arrest more and more people"]; E3/9076 Mun Mot DC-Cam, EN 00731187; E1/333.1 Tak Boy, T. 19 Aug 2015, 15.37.52-15.41.06; E3/9528 [REDACTED] WRI, A43; E3/9104 Pich Ham DC-Cam Statement, EN 00982770; E3/9057 Lach Choeu DC-Cam Statement, EN 00977405.

<sup>4830</sup> E1/336.1 Nhip Horl, T. 25 Aug 2015, 09.39.49-09.41.27 ["if it were the wet dirt, it was very heavy. Probably, it could be around 20 kilogrammes per one side of the earth baskets"]; E1/323.1 Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48 ["The weight [of the earth-carrying baskets] was about 30 to 40 kilograms"].

<sup>4831</sup> E1/351.1 Sot Sophal, T. 29 Sept 2015, 14.38.33-14.41.05 ["Q: How far would you say each load had to be carried, can you give us an estimate of the distance? A: About 20 metres to 30 metres from the base of the embankment and we had to carry the dirt to the top of the dam, which was about 10 metres high. Q: And would the earth have to be carried to the top of the 10-metre embankment? A: Yes. They had to carry the earth from the canal base to drop at the top of the dam. ... [I]f I am not wrong in my estimation, each basket held about 15 kilograms of dirt; well, with both baskets, the total weight was about 20 kilograms"].

<sup>4832</sup> E1/336.1 Nhip Horl, T. 25 Aug 2015, 09.25.58-09.41.27, 10.34.04-10.36.51 ["From the pit, where we dug the earth, to the place where we dumped the earth was between 30 and 50 metres away"]; E1/340.1 Mean Loeuy, T. 2 Sept 2015, 15.05.32-15.07.55; E1/333.1 Chhum Seng, T. 19 Aug 2015, 10.05.01-10.07.12. One witness said that workers had to run with their loads to get sufficient momentum to reach the top of the embankment; E1/336.1 Nhip Horl, T. 25 Aug 2015, 10.36.51-10.38.40.

<sup>4833</sup> E1/351.1 Sot Sophal, T. 29 Sept 2015, 14.41.05-14.43; E1/333.1 Tak Boy, T. 19 Aug 2015, 13.56.30-13.59.56; E1/323.1 Sen Sophon, T. 27 July 2015, 15.05.28-15.07.09 ["The only things that we were

1123. Workers were given daily quotas of one<sup>4834</sup> to five<sup>4835</sup> cubic metres of earth to dig and transport, with three cubic metres being the most commonly cited quota.<sup>4836</sup> Units often struggled or failed to reach the designated quotas,<sup>4837</sup> and workers who failed to meet their quota were sometimes threatened with punishment<sup>4838</sup> or had their food rations cut.<sup>4839</sup> Workers viewed as disloyal or lazy were put in a “Special Case Unit” in which they were closely monitored and received less food than other workers despite being forced to work harder.<sup>4840</sup>

given were baskets, carrying poles and hoes. Q: Were heavy machines used to aid your work? A: No, the things we had were the hoes”; **E1/325.1** Mam Soeum, T. 29 July 2015, 10.48.06-10.51.07 [“No heavy machinery. ... we had only earth-carrier baskets and hoes as tools to work”]; **E3/7323** Heng Samuot WRI, EN 00289999. *See contra* **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 15.44.16-15.46.46 [“There were many of heavy machineries. There were vehicles, there were heavy machineries, there were asany (phonetic)”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.06.52-14.10.26.

<sup>4834</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.11.22-15.13.00.

<sup>4835</sup> **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.35.21-09.39.49 [“Within five cubic metres per person, we had to complete it. And we had our meal in the pit that we actually dug and carried the earth”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.13.11-14.15.39.

<sup>4836</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.17.04-11.19.15; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.01.06-14.03.54, 14.03.54-14.06.03; **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.35.29-10.37.33; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.50.27-13.52.20; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.09.03-14.10.26; **E1/356.1** Mun Mot, T. 26 Oct 2015, 14.25.20-14.27.52; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 14.32.44-14.35.25; **E3/9094** Pan Chhuong, DC-Cam Statement, EN 00728670; **E3/7323** Heng Samuot WRI, EN 00289999; **E3/9076** Mun Mot DC-Cam Statement, EN 00731166. *See also* **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.20.15-11.23.10; **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.11.22-15.13.00. **Method of measuring the relevant areas:** **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.32.52-09.46.21 [“They measured it for us and they would put the pole sign there for each worker. ... So they would plant the post, the signpost there for us, and the job was done, they would come and measure it again”]; **E1/324.1** Sen Sophon, T. 28 July 2015, 10.44.15-10.45.54 [“The stick or branch of the tree was used as a measurement and then the stick was used to measure the earth”]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 10.55.12-10.58.16.

<sup>4837</sup> **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.10.26-14.12.45 [“At the earlier stage, you know when they had to dig only the upper layer of soil and the dam was still low, 80 percent of them could accomplish it. But later on, it was very hard to do it”]; **E1/324.1** Sen Sophon, T. 28 July 2015, 09.42.40-09.45.25 [“Q: ... you were never able to finish the quota; is that correct? A: Yes, that is correct”]; **E1/356.1** Mun Mot, T. 26 Oct 2015, 14.25.20-14.27.52.

<sup>4838</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23 [“Q: Were you ever told by your unit chief that there would be any type of punishment if you did not complete your quota? A: Yes, we were told. We were advised to do our best to accomplish the work quota. Otherwise, later on, problem will happen to you, Comrade. Q: And it was your unit chief that said this? A: Yes, my unit chief”].

<sup>4839</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.09.12-15.11.22 [“if you completed the work quota that day, then you would have your normal food ration. And if you could not, then your food ration would be reduced”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.06.04-09.08.22 [“the ration was three ladles. And for failure to meet the quota, the ration would reduce to two ladles of gruel”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.43.40-09.46.03 [“If we did not complete the work quota, our food ration for the whole group would be reduced”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.54.30-13.56.39; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.10.09-15.11.48; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.09.34-15.11.44; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36.

<sup>4840</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.21.31-11.25.34 [“It was said that the people in the the Special Case Unit exploited other workers’ force. ... The food ration were given less than other members in other units”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.53.33-10.55.33 [“So at that time, those who dared to complain that they were forced to work intensively day and night and they were not given enough food, were considered protestors against Angkar. And eventually, they were gathered in one group and then they were placed under the supervision of one person, so that it was easier for Angkar to monitor them”];

1124. Witnesses gave somewhat different accounts of their own units' working hours, but were consistent in their descriptions of long hours of hard work. Many described rising at or before dawn; working a morning session until 11am; resting from 11am until 1pm in the afternoon; working again from 1pm until 5 pm; resting again; and then sometimes working in the evening from 6 or 7 pm until 10 or 11 pm.<sup>4841</sup> Some workers gave accounts of starting work as early as 3 or 4 in the morning,<sup>4842</sup> and many also indicated that night work (lasting until approximately 10 pm) was sometimes<sup>4843</sup> or always<sup>4844</sup> required. This is consistent with **Khieu Samphan's** own observation of

**E1/323.1** Sen Sopon, T. 27 July 2015, 15.11.48-15.14.30 ["There were workers who were accused of being lazy and they were deprived of gruel"]; **E3/7323** Heng Samuot WRI, EN 00289999, EN 002900001 ["The Khmer Rouge sent a person to a 'Case Unit' if he or she could not be improved by a series of criticism"]; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.30.40-15.34.15 ["if someone was considered inactive, that person would be assigned to work in the special case unit and the work condition there was harder than the regular unit workload"]; **E3/9504** Pan Chhuong WRI, EN 00738313; **E3/9567** Pan Chhuong WRI, A56.

<sup>4841</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.07.55-15.10.47 ["Regarding working hours, in the morning we had to arrive at the worksite to dig the earth when the sun rose. We took a short break at 11.00 and we resumed work at 1.00 in the afternoon. We continued from - working from 1.00 until 5.00 p.m. after which we had another short break. Q: And after that other short break, what were the working hours after that? A: Concerning night shift, we started from perhaps 6.00 p.m. There was no clock no watch for us to watch -- to see the time. I think it was -- we started night shift from 6.00 until 10.00"] (NB: Mean Loeuy indicated that night work occurred "only when we were told to be on offensive." **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.17.55-15.20.45); **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 ["Every morning at 4.00 or 5.00, we were woken up to work. And when we were at the working place, we could hear only the sounds of hoes digging and could barely see the people. We had to work from the morning until 11.00 when we were given a short time to break. We had lunch for a short period of time and we resumed work at 1 p.m. We continued to work until 5 p.m. in the evening, then we had another short break. ... we had dinner and we took a short break and we started work at night-time. We also worked at night from 7 p.m. until 10 p.m."], 10.45.29-10.47.58; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.11.20-11.13.23; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.46.21-09.48.33, 10.54.01-10.56.29; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.16.58-14.18.21; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.20.28-15.22.11; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.07.19-15.10.13. See contra **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 14.32.44-14.35.25 [Asserting that some workers could finish their work in the morning and rest in the afternoon]; **E1/356.1** Mun Mot, T. 26 Oct 2015, 14.27.52-14.30.00 ["No, we did not work at night. In a case where one or two workers could not complete his or her quota; we would assist them so that we could return to the sleeping quarter together"].

<sup>4842</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["As I said, they died because of overwork and because of insufficient food. We started working at 3 o'clock in the early morning"]; **E1/323.1** Sen Sopon, T. 27 July 2015, 13.42.24-13.45.02 ["At 4 a.m. in the morning, unit chief bang the bell so that everyone woke up and went to carry the earth"]; **E3/7323** Heng Samuot WRI, EN 002900000; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.07.19-15.10.13.

<sup>4843</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["And then we had to work until 5.00 in the afternoon, and we only stopped for about five minutes. Then we continued working until about 10.00 or 11 p.m."], 15.25.17-15.28.05 ["after the meal, we had to work again until 10 o'clock at night"]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 09.36.37-09.39.03; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 13.56.39-14.00.24 ["They had to work overnight. ... Sometimes, worker has to work overnight for a period of one week or perhaps more than that"]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.18.21-14.20.28; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.10.13-15.11.51; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.09.29-11.11.20 ["If we were not able to complete the work quota in the day, we had to continue working during the night-time"]; **E1/324.1** Sen Sopon, T. 28 July 2015, 11.00.08-11.02.05; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.36.43-14.38.29. See contra **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 14.35.25 ["When I was there, I did not see anyone working during night-time"].

<sup>4844</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 15.34.56-15.37.07 ["We had to work every single evening"];



workers being awakened by 3 or 4 am and working to midnight.<sup>4845</sup> During periods of so-called “offensives” or “storm attacks,” workers were sometimes required to work with just a few hours’ break in a 24-hour period.<sup>4846</sup> Workers sometimes collapsed from exhaustion.<sup>4847</sup>

1125. *Inhumane living conditions:* Workers slept in open thatched-roof shelters that they built themselves,<sup>4848</sup> for the most part without blankets or mosquito nets.<sup>4849</sup> Movement and family contacts were severely restricted. Workers were prohibited from moving freely around the worksite or visiting other units.<sup>4850</sup> They were not even permitted to visit family in other locations to reassure themselves that they were safe.<sup>4851</sup>

1126. *Inadequate food and water:* Miserable living conditions compounded the suffering caused by overwork. The food was mostly rice gruel,<sup>4852</sup> and only occasionally cooked

**E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36 [“They continued working these [night] shifts every day until the dam project was completed and then we were rotated”].

**E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498304 [“I recall the gathering up of the people to build dams and dig feeder canals. They rang bells to wake up the people at 3 or 4 a.m. In the afternoon they ate communally, and the work was not even finished by midnight. ... In the morning they rang the bells to wake the people at 3 or 4 a.m. to get into formation. By the time they were in formation, it was daybreak”].

**E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.00.24-14.10.04 [Witness says that during offensives, workers would get just two two-hour breaks in a 24-hour period]. **E1/351.1** Sot Sophal, T. 29 Sept 2015, 14.35.55-14.38.33 [Witness — who was a child at the time he worked at the dam worksite — testified that he was so exhausted by his work that he sometimes fell asleep leaning against the handle of his pick axe].

**E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.13.45-15.16.43 [“I never saw anybody die while working over there, but I saw some people who fell down and convulsed. I actually saw that by my own eyes that some just fell down when they were working”].

**E1/333.1** Tak Boy, T. 19 Aug 2015, 11.09.29-11.11.39; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.49.22-09.51.06; **E3/7323** Heng Samuot WRI, EN 00290000.

**E1/352.1** Sot Sophal, T. 30 Sept 2015, 10.44.19-10.45.55 [“there was no blanket, no mosquito net, but there was shelter”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 14.05.55-14.07.37; **E1/336.1** Nhiep Horl, T. 25 Aug 2015, 10.49.52-10.52.41 [“We actually had the bamboo -- bamboo beds that were very close to the ground. But it was not actually a bed just bamboo, and then we used logs to lift the bamboo off the ground, and then we slept on it”]; **E1/323.1** Sen Sopha, T. 27 July 2015, 15.19.45-15.21.26 [“There was no mosquito net, no pillow, no blanket”]; **E3/7803** Kan Thorl WRI, EN 00277822; **E3/7323** Heng Samuot WRI, EN 00290000.

**E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.34.30-14.36.51 [“We were not allowed to go from one unit to the other”]; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.55.53-09.58.19.

**E1/340.1** Sam Sak, T. 2 Sept 2015, 09.46.03-09.47.39; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.06.21-11.08.20 [“During the time, we could not even move from one unit to another one. we had no rights to make a request so that we would be allowed to visit home”]; **E1/323.1** Sen Sopha, T. 27 July 2015, 13.52.51-13.54.57 [“I had made a request to visit my parents but the request was rejected. I was not allowed to visit my parents”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.21.53-14.23.36; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 10.11.00-10.12.15; **E1/357.1** Mun Mot, T. 27 Oct 2015, 11.09.30-11.11.14.

**E1/352.1** Sot Sophal, T. 30 Sept 2015, 14.01.22-14.03.33 [“Roeun was my small cell chief who was the one who reduced our food ration”]; **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.08.08-14.09.40 [“Initially, we had cooked rice once in a while. Later, we had thick gruel. And we received only a small bowl of food ration. We were weak, no strength at all”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“We were given thick gruel in a small bowl. I could not eat my fill; it was not enough for me”]; **E1/336.1** Nhiep Horl, T. 25 Aug 2015, 09.48.33-09.50.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015,



rice.<sup>4853</sup> A few witnesses described the food as adequate,<sup>4854</sup> but the great majority described the ration as woefully insufficient.<sup>4855</sup> Sot Sophal testified that “While I was working there, I was so emaciated. And compared to the condition of sick people now, it’s like you were sick from AIDS or HIV.”<sup>4856</sup>

1127. Flies were everywhere and often in the food.<sup>4857</sup> Sen Sophon testified that “there were swarms of flies and you could actually see the darkness of flies on your bowl of gruel.”<sup>4858</sup> Sam Sak testified that workers were so hungry they talked of being willing to trade their lives for just one satisfying last meal.<sup>4859</sup> Things worsened with the arrival of the Southwest Zone cadres, when even this meager ration was reduced.<sup>4860</sup>

14.10.04-14.11.13; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 15.52.32-15.54.22; **E3/9483** Pan Chhuong WRI, EN 00937033.

- <sup>4853</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.49.56-13.52.27 [“We ate ordinary steamed rice and we had enough to eat in order to build the dyke”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 11.11.55-11.14.41 [“we were given thick gruel and during the dry season we were given rice to eat”]; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.22.11-15.25.36; **E3/9483** Pan Chhuong WRI, EN 00937033; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 14.33.40-14.38.29 [rice rations varied depending on workload. They would be larger during periods of intense work. At other times, they could decrease by two-thirds or even be entirely absent].

- <sup>4854</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.46.38-13.49.56; **E3/7803** Kan Thorl WRI, ERN 00277822. See also **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.35.49-15.38.18; **E1/357.1** Mun Mot, T. 27 Oct 2015, 11.05.08 [“Regarding the food ration, in fact the food was sufficient”]; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 11.29.35; **E3/9483** Pan Chhuong WRI, EN 00937033; **E3/9094** Pan Chhuong DC-Cam Statement, EN 00728671.

- <sup>4855</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.02.42-15.04.39 [“The food was not sufficient. A bowl of rice was for four workers”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.08.23-09.10.58 [“Those people who had yam, they threw away the burnt part or the skin. And we did not dare to pick up the thrown away yam, but we actually secretly used our food to get it and to share it among the three of us, because if we were caught picking up the thrown yam, we would be tortured”]; **E1/340.1** Mean Loey, T. 2 Sept 2015, 14.08.08-14.09.40 [“While I was working at Trapeang Thma Dam worksite, I did not have enough food to eat. Initially, we had cooked rice once in a while. Later, we had thick gruel. And we received only a small bowl of food ration. We were weak, no strength at all”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“I had to go and collect edible leaves to mix with the thick gruel to fill my stomach”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.23.44-14.26.08; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.48.33-09.50.52; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.10.04-14.11.13; **E1/328.1** Lat Suoy, T. 11 Aug 2015, 15.35.19-15.37.11; **E3/7323** Heng Samuot WRI, EN 00290000; **E1/324.1** Mam Soeum, T. 28 July 2015, 15.14.19-15.16.23. See also **E3/5283** Chhuy Huy WRI, EN 00321201.

- <sup>4856</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.28.05-15.28.44 [“While I was working there, I was so emaciated. And compared to the condition of sick people now, it’s like you were sick from AIDS or HIV”]; See also **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.39.24-15.41.13.

- <sup>4857</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 13.49.56-13.52.27; **E3/5283** Chhuy Huy WRI, EN 00321201 [“There were so many flies gathering over our cooked rice, making it become black”]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.16.42-14.19.14; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39.

- <sup>4858</sup> **E1/323.1** Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55.

- <sup>4859</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 10.02.42-10.05.30 [“Sometimes we were so hungry and we spoke to one another. As long as I could be given just a plate full of rice and a cooked chicken, I would change it for my life as my last meal. Some other would say just a bowl of noodle and a glass of icy water would be sufficient for them to feel satisfied and they could rest in peace. You can imagine how terrible the situation was. When we were too hungry, and we would exchange our life with one last meal. We could feel that just give us a good last meal and we would feel satisfied”].

- <sup>4860</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 11.05.08-11.07.52 [“After the arrival of the southwest group, Ta Nhauv set a quota for us, that is, half a can of – half a milk can of rice for lunch and another half a milk can of rice for dinner [as opposed to the two cans of rice per day they were previously afforded]”];

1128. In addition to a lack of food, there was also a shortage of clean drinking water.<sup>4861</sup>

Workers were forced to drink dirty water, resulting in diarrhoea.<sup>4862</sup> Workers were also required to use pit toilets and had very limited opportunities and facilities for bathing or washing their clothes.<sup>4863</sup>

1129. *Inadequate sanitation and medicine:* Workers fell ill as a result of the terrible conditions at the worksite. Common diseases included malnutrition (and resulting swelling), fever, malaria, cholera, and diarrhoea.<sup>4864</sup> One worker recounted that two to five workers would get sick in his platoon per day.<sup>4865</sup> Workers who fell ill often had to

E1/323.1 Sen Sophon, T. 27 July 2015, 15.34.56-15.37.07; E1/327.1 Kan Thorl, T. 10 Aug 2015, 15.35.49-15.38.18.

4861 E1/340.1 Sam Sak, T. 2 Sept 2015, 10.47.58-10.50.35 ["the water was not hygienic and when I felt very thirsty, I had to use my shirt as filter so that I would not drink in insects in the water"]; E1/335.1 Chhuy Huy, T. 24 Aug 2015, 10.02.40-10.04.38 ["At that time, we drank natural water directly. ... It was from the area nearby the construction site or from the pools, deep pools nearby"]; E1/331.1 Chhum Seng, T. 17 Aug 2015, 14.19.14-14.20.35, 14.20.35-14.22.27 ["The water was not hygienic, it was not clean because it was taken directly from the pond. ... sometimes, there were some weed as well mixed with the water"]; E1/357.1 Mun Mot, T. 27 Oct 2015, 11.11.14-11.12.33; E3/9076 Mun Mot DC-Cam Statement, EN 00731169 ["There was a great shortage of water at that time. The water was so dirty"]; E1/323.1 Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55; E1/330.1 Chhit Yoeuk, T. 13 Aug 2015, 10.57.50-11.00.05. The Party Centre was well aware of this shortage, as demonstrated by the description of the worksite in *Revolutionary Youth* magazine. E3/771 *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509686-87 ["Geographically, there were rarely any lakes or ponds on this plain field, and since there were tens of thousands of people working at the Trapeang Thma water reservoir worksite, our male-female youths had to face and fight to solve other problems besides their daily core task. Obviously, they had to face with the problem of water shortage. That was because the carts and trucks were not able to deliver water to the worksite on time and as needed"].

4862 E1/333.1 Tak Boy, T. 19 Aug 2015, 13.52.27-13.54.32 ["some people had diarrhoea, it was hot and people drank dirty water, and so they fell sick and were sent to hospitals"]; E1/360.1 Pan Chhuong, T. 1 Dec 2015, 14.24.55-14.27.19 ["There was a problem with drinking water and for that sometimes they had problem with their bowel"].

4863 E1/333.1 Tak Boy, T. 19 Aug 2015, 11.13.08-11.15.41; E1/340.1 Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27 ["My clothes, my shirts and trousers were full of lice, and they were smelly"]; E1/334.1 Yi Laisov, T. 20 Aug 2015, 14.29.53-14.31.35; E1/323.1 Sen Sophon, T. 27 July 2015, 15.21.26-15.23.55 ["there was no toilet or anything. Actually people relieved themselves in bushes nearby"]; E1/352.1 Sot Sophal, T. 30 Sept 2015, 09.41.28-09.43.03.

4864 E1/340.1 Sam Sak, T. 2 Sept 2015, 09.50.43-09.52.31 ["I only contracted a fever and a swollen disease. My legs, my feet were swollen. I could barely walk. The swollen legs looked like shoes full of water, so it was viscous when I walked. And when I used my fingers to touch my feet and legs, I could see that the skin was dented, and even my face was swollen. So I had the two kinds of disease -- that is, swollen disease and fever during the Khmer Rouge"]; 10.42.26-10.45.29; E1/333.1 Tak Boy, T. 19 Aug 2015, 13.52.27-13.54.32; E1/334.1 Yi Laisov, T. 20 Aug 2015, 11.15.20-11.17.25 ["I got malaria for one month and a half. I was deprived of rice at that time"]; E1/335.1 Chhuy Huy, T. 24 Aug 2015, 09.58.38-10.00.14 ["Five workers would fall sick at the minimum. And at most, 20 people would fall sick [in a company-sized unit]"]; 13.59.02-14.00.35 ["Some had cholera at their accommodations. And usually if they fell sick, they could rest at their places"]; E1/332.1 Chhum Seng, T. 18 Aug 2015, 11.08.20-11.09.37 ["The main disease was malnutrition. Some of them got swelling in the body and the cause was because of the lack of food"]; 13.40.52-13.43.20; E1/323.1 Sen Sophon, T. 27 July 2015, 15.23.55-15.25.57 ["Actually I contracted fever twice"]; E1/327.1 Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39; E1/328.1 Lat Suoy, T. 11 Aug 2015, 15. 32.27-15.35.19; E3/7323 Heng Samuot WRI, EN 0029000.

4865 E1/327.1 Kan Thorl, T. 10 Aug 2015, 14.28.39-14.31.39 ["I knew only what happened in my platoon; two, three or five of them got sick per day"].

keep working in spite of their illnesses<sup>4866</sup> and also sometimes had their food rations reduced as punishment for being ill.<sup>4867</sup> The local hospital did not have any effective modern medicines or medical care<sup>4868</sup> and those workers who did receive treatment for illnesses usually received ineffective “rabbit dropping pellets” regardless of the disease they were suffering from.<sup>4869</sup> The “medics” available to treat workers at the worksite itself had little or no training.<sup>4870</sup>

1130. *Psychological harm*: Workers were kept in a state of subjugation with regular explicit and implicit threats to their safety. Those who could not meet their quotas were called by their unit chiefs to criticism and self-criticism meetings,<sup>4871</sup> where they were told to “be mindful of Angkar’s phrase—that is, ‘to keep is no gain and to kill is no loss’.”<sup>4872</sup> One worker testified that he understood this phrase as meaning that “one who did not

<sup>4866</sup> E1/352.1 Sot Sophal, T. 30 Sept 2015, 09.39.31-09.41.28 [“We were sick, but we dared not stop working. We had to continue working until we collapsed. Even if they were ill, workers had to work until they died. And then if we refused to carry out the work for the days, they would accuse us of being conscious illness”]; E1/334.1 Yi Laisov, T. 20 Aug 2015, 11.19.20-11.21.31; E3/9076 Mun Mot DC-Cam Statement, EN 00731170.

<sup>4867</sup> E1/334.1 Yi Laisov, T. 20 Aug 2015, 11.15.20-11.17.25 [“I got malaria for one month and a half. I was deprived of rice at that time. ... Because it was said that I fled the worksite and my food ration was deprived of”]; E1/335.1 Chhuy Huy, T. 24 Aug 2015, 10.00.14-10.02.40 [“There was a plan that the sick had to be given only porridge. And after they had recovered, they would have steamed rice to eat”]; E3/5283 Chhuy Huy WRI, EN 00321201 [“They reduced food ration as a warning so that less people would report sickness”]; E1/336.1 Nhip Horl, T. 25 Aug 2015, 09.55.52-09.58.31; E1/328.1 Kan Thorl, T. 11 Aug 2015, 09.27.40-09.30.00.

<sup>4868</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 13.52.27-13.56.30; E1/331.1 Chhum Seng, T. 17 Aug 2015, 14.22.27-14.24.02.

<sup>4869</sup> E1/340.1 Mean Loeuy, T. 2 Sept 2015, 14.09.40-14.14.51 [“[Medics] would come with a bag, and the so-called rabbit dropping pellets were given to all of us for any kind of diseases”]; E1/340.1 Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27 [“One time, I felt sick. There was no medicine for me and I was given with the rabbit dropping pellets. ... I had a fever. ... only rabbit dropping pellets were given to all of us for every kind of diseases”], 09.52.31-09.55.10; E1/333.1 Tak Boy, T. 19 Aug 2015, 13.52.37-13.54.32; E1/332.1 Chhum Seng, T. 18 Aug 2015, 11.08.20-11.09.37 [“Every time one fell sick, he or she would be given a tablet which looked like the rabbit dropping pellets”], 13.30.48-13.32.31 [“Those medics were all illiterates, they were not educated”]; E3/7323 Heng Samuot WRI, EN 00290001. See contra E3/9076 Mun Mot DC-Cam Statement, EN 00731170.

<sup>4870</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 13.54.32-13.56.30 [“The healthcare workers assigned to work in those units had not undergone any studies”]; E1/332.1 Chhum Seng, T. 18 Aug 2015, 13.30.48-13.32.31; E3/7803 Kan Thorl WRI, EN 00277822; E3/7323 Heng Samuot WRI, EN 00290001.

<sup>4871</sup> E1/340.1 Mean Loeuy, T. 2 Sept 2015, 14.03.54-14.06.03 [“If we failed to meet the work quota, we were invited to be in criticism and in self-criticism sessions. And if we did not deter our mistakes, we would be in trouble”]; E1/340.1 Sam Sak, T. 2 Sept 2015, 09.35.55-09.38.35 [“During that time there were self-criticism and criticism sessions in order to encourage us to work hard for Angkar, for the sake of Angkar”], 10.37.33-10.39.18; E3/7323 Heng Samuot WRI, EN 00289999 [“If a worker could not finish an assignment, the Khmer Rouge punished him or her by a warning and criticism to reinforce his or her ideological belief”]; E1/324.1 Mam Soeum, T. 28 July 2015, 15.26.25-15.28.36.

<sup>4872</sup> E1/340.1 Mean Loeuy, T. 2 Sept 2015, 14.59.35-15.01.44 [“For criticism and self-criticism meetings, it was the unit chief who called us to the meeting. ... [At the meeting] they warned us that if you keep doing that then you should be mindful of the Angkar’s phrase — that is, ‘to keep is no gain and to kill is no loss’. And upon hearing that we were so afraid”].



follow the guidelines of Angkar, would be taken away ... and killed.”<sup>4873</sup> This phrase was used at meetings at which Ta Val was present,<sup>4874</sup> indicating that the use of this kind of threats was a matter of policy. It was also used by armed militia patrolling the worksite.<sup>4875</sup>

1131. Workers who lost a basket or broke a hoe were also identified as “enemies,” as were those who complained about working conditions or the difficulty of the work.<sup>4876</sup> Workers feared that an infraction as minor as walking around the worksite without authorisation could result in being killed.<sup>4877</sup>
1132. *Physical harm*: These threats were accompanied by physical violence. Unit chiefs sometimes whipped or beat workers they deemed lazy or suspected of theft, often within sight of other workers.<sup>4878</sup> Members of the militia beat workers or poked them

<sup>4873</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.17.55-15.20.45 [“The so — called slogan or proverb was no — ‘to keep you is no gain to lose you is no loss’, one who did not follow the guidelines of Angkar, would be taken away and killed. This is my understanding”].

<sup>4874</sup> **E1/351.1** Sot Sopha, T. 29 Sept 2015, 15.19.26-15.23.44 [“Q: At any of those meetings, did you ever hear a phrase used: ‘to keep you is no gain, to lose you is no loss’? Did you ever hear those words, or anything similar, at a meeting? A: Yes, I heard that phrase every day at the time. When they approached us, they would use such a phrase. They said that we were useless workers, and it was no gain to keep us, and it was no loss to remove us. Q: Who said that? A: It was the militia, the group of people who had their weapons and swords. ... They mentioned those words both inside and outside the meetings Q: And in the meeting, who was it who said those words? A: He was referred to as the big chief, and from my recollection, his name was Val, Ta Val”].

<sup>4875</sup> **E1/351.1** Sot Sopha, T. 29 Sept 2015, 15.19.26-15.23.44 [“Q: At any of those meetings, did you ever hear a phrase used: ‘to keep you is no gain, to lose you is no loss’? ... A: Yes, I heard that phrase every day at the time. When they approached us, they would use such a phrase. They said that we were useless workers, and it was no gain to keep us, and it was no loss to remove us. Q: Who said that? A: It was the militia, the group of people who had their weapons and swords”].

<sup>4876</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 15.01.44-15.03.58 [“If one basket was lost one individual would be accused of being an enemy. The same applies to the carrying stick if we broke it. ... It was the unit chief who checked the equipment and the unit chief would go around and monitor the tools whether the baskets were broken, the hoes and carrying sticks were broken. The unit chief would go around and check”]; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.13.45-15.16.43; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.15.58-11.18.04 [“if we happened to complain just in a word or a phrase about the harsh working condition these kinds of verbal complaint or activities were considered those against Angkar”]. The authorities at the dam worksite actively sought out potential enemies; witnesses described the workers as being “under surveillance” by soldiers patrolling the worksite: **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 14.12.57-14.16.30; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 14.21.53-14.23.36; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.55.53-09.58.19 [“After working hours there were undercover spies or militiamen who tried listen to what people were talking at the sleeping hall whether we had any plan to escape or we would talk about our hard working conditions. They did not allow us to talk about it; they wanted to hear that the working conditions were easy”]; **E3/7323** Heng Samuot WRI, EN 00289999 [“The Khmer Rouge assigned a spy for each group to spy on us while we were working”]; **E1/324.1** Mam Soeum, T. 28 July 2015, 14.33.40.

<sup>4877</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.34.30-14.36.51 [“No, nobody would move about freely; everyone was afraid. Everyone was afraid of being taken away and shot”].

<sup>4878</sup> **E1/323.1** Sen Sopha, T. 27 July 2015, 15.11.48-15.14.30 [“If, for example, a worker was lazy the unit chief would come and whip him and then chase him to go to work”]; **E3/7323** Heng Samuot WRI, EN 00290001 [“The Khmer Rouge hit the victim with a hoe’s head to threaten the others not to follow the complainant’s footsteps”]; **E3/510** Saom Phan WRI, EN 00290357; **E3/9353** Chhit In WRI, EN



with swords if they thought they were not working hard enough — even if the workers in question were “shivering from fever”.<sup>4879</sup> On at least one occasion, Ta Val himself beat workers who were not working hard enough.<sup>4880</sup>

#### ENSLAVEMENT

1133. Those who were assigned to the worksite understood that they had no choice but to go. Many feared that they would be killed or come to other harm if they refused the assignment.<sup>4881</sup> As a result of the climate of terror prevailing at the worksite, workers focused on day-to-day survival; some believed that they would not live to see the end of their time at the Trapeang Thma Dam worksite.<sup>4882</sup> It was this fear of death or other

00277811; **E3/7802** Dan Thev WRI, EN 00280020; **E3/9354** Dan Sa WRI, EN 00289932. *See contra* **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 15.34.31-15.36.35.

<sup>4879</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.16.35-09.18.28 [“While I was working, yes, I did see the beatings. However, it was not too severe to make the people unconscious or faint. Sometimes seeing us working slowly, they pushed the workers with their long swords to force them to work hard. ... They ordered us to work harder. And if we were actually working hard, then they didn’t poke us with the sword. But if some of the -- was thought not to work hard or was shivering from fever, then the person would be poked with a sword”]; **E3/7755** Sot Phal WRI, EN 00293004 [“There were children carrying guns and long swords supervising us when we were working. At that time, I saw them beat the people”]; **E3/9575** Thang Thoeuy WRI, A120. *See also* **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.25.34-11.27.53 [“Q: ... I wanted to ask if you had ever seen or heard of anyone being beaten or whipped while you were at the worksite? A: No. I heard of those incidents, but I myself did not see with my own eyes. Q: Can you tell us what you heard about? A: People said if one could not carry the dirt, he or she would be kicked”]; **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.16.58-15.21.17 [“when the person returned, I asked what happened? Then he said that he had been hanged upside down and pulled up and down. Then they dropped him off, and that after a few drops, then he was let go to return to work harder. If he kept continuing doing that, he would be killed next time. That’s how he was warned. ... Later on he was taken away and killed”]; **E3/7803** Kan Thorl WRI, ERN 00277821.

<sup>4880</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 14.21.13-14.22.45 [“Ta Val disguised himself as a worker by putting on a palm leaf hat and wearing old clothes. And he just went to oversee the workers working in the construction site. ... if anybody was not working, he would beat that person with the stick he was carrying”].

<sup>4881</sup> **E1/333.1** Tak Boy, T. 19 Aug 2015, 11.08.03-11.09.29 [“Back then, we were required. We were forced to work at that place. No one could refuse the assignment. Otherwise, we would disappear”], 14.18.00-14.20.58 [“The work was not voluntary”]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.01.59-11.03.45 [“We had to go. If we were to stay at home, we would be considered exploiting other workers’ workforce”]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.41.25-10.43.58 [“I had to go, female and male youths had to go based on the instruction”]; **E1/323.1** Sen Sophon, T. 27 July 2015, 14.16.15-14.18.05 [“If I refused to go, I would be accused of being an enemy and I would be taken away and killed”]; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 13.48.38-13.51.36 [“Q: ... Why did you not refuse? ... A: I was afraid of them. ... I was afraid that I would be taken away and killed”], 14.06.52-14.09.03; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.04.59-11.06.21 [“No one dared to refuse the assignment. One who dared to refuse the assignment means that this individual opposed Angkar. Sooner or later, he or she would be killed”]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.05.18-09.08.53; **E1/324.1** Mam Soeum, T. 28 July 2015, 13.58.28-13.59.54.

<sup>4882</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.55.20-14.59.35 [“During the time that I stayed at the Trapeang Thma Dam worksite I could not ever imagine that I could survive. Every morning when I opened my eyes I knew that I lived for another day and I could not possibly know what would happen the next day. At night, we were afraid of being killed for fear that we committed any mistake during the day time. We kept saying to one another that if we lived through the day we might not survive during the night and we only looked forward to one day at a time”]; **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.41.28-09.45.25; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 [“I did not think at that time I could survive the

punishment that motivated workers to do what they were instructed to do<sup>4883</sup> in spite of the horrible conditions in which they suffered. In the absence of the threats and violence to those forced to work at the site, the CPK could not have achieved its goal of constructing the Trapeang Thma Dam in such a brief period of time with such limited resources. The workers themselves were viewed as expendable assets which Angkar could do with as it pleased. As Mun Mut testified, they were used “as if we were cattle.”<sup>4884</sup>

## MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

### 4. Murder and Extermination

1134. Workers at the Trapeang Thma Dam died as a result of exhaustion, illness, or starvation caused by the conditions at the worksite. Because of the punishing workload at the site, workers collapsed from exhaustion;<sup>4885</sup> one witness testified that he saw workers collapse from overwork “almost every day.”<sup>4886</sup> Though attempts were made to

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regime. I never expected that I would survive the other day. If I probably made mistake I would be taken away and killed. So I did not dare to say anything”, 10.05.30-10.07.05; **E1/357.1** Mun Mot, T. 27 Oct 2015, 14.09.20-14.11.59; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.18.30-11.21.12.

<sup>4883</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.09.40-14.14.51 [“We followed the guideline, the line of Angkar. If we did not follow -- if we had not followed, we would have been killed”]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 14.23.44-14.26.08 [“Q: ... You were required to carry dirt and your unit chief told you at that time that you had to complete the work, otherwise problem will bestow on you. This is what I heard from your testimony. How did you feel at that time when you heard such words towards you? A: I was so fearful. The chief said that, please be careful, I would be taken away and killed”]; **E1/336.1** Nhip Horl, T. 25 Aug 2015, 09.50.52-09.54.18 [“we had to do it for fear of death. We had to work, actually we tried to work but physically, we could not endure it. But we had to do it out of our fear of death. We dare not protest against Angkar. We had to do it out of our inner energy fear”], 10.57.32-10.59.10 [“Q: Earlier on you told the Court that you had to complete this work out of fears. What were you fear of? A: We were fear of being taken away for execution”]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.04.59-11.06.21 [“We had to work because we were afraid of being killed by Angkar”].

<sup>4884</sup> **E1/357.1** Mun Mot, T. 27 Oct 2015, 11.09.30-11.11.14 [“when one project here was concluded, we moved on to work on another project over there without knowing when it would stop. Thus, I was using a metaphor to describe our situation as being used as if we were cattle”].

<sup>4885</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.27.32-11.28.49 [“No one collapsed and died at the worksite. But yes, I observed that people collapsed, fell down to the ground. And this happened also within my company”]; **E1/356.1** Mun Mot, T. 26 Oct 2015, 14.30.00-14.32.44 [“I heard from other comrades that some workers fainted”].

<sup>4886</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 11.03.40-11.05.30 [“Q: How many of those instances did you actually see? How often did you see that the person collapsed and died on the spot after co-workers had tried to resuscitate him or them? A: I saw it rather often, but I did not count--did not count how many times I saw it. It happened almost every day. Sometime[s] a person collapsed, sometime[s] two workers collapsed on one day, but sometimes they could be resuscitated and did not die”], 11.05.30-11.07.45 [“Q: Now, I know there are a couple of difficulties with numbers. Let me try. I understand that people collapsed daily, but they didn't die daily. ... Did you see more than 10 of those incidents where people died or less than 10? A: It is more than 10 because it happened almost every day. ... Q: Again, I'm interested in those who collapsed and died. So the number of those who collapsed and died was more than ten, at least. Is that correct? A: Yes, that is correct”].

resuscitate these workers, some died.<sup>4887</sup> The victims included both children and adults.<sup>4888</sup> Workers who did not personally see labourers die from overwork nevertheless heard about such occurrences.<sup>4889</sup> In addition to these deaths from exhaustion, other workers died from diseases contracted due to conditions at the worksite.<sup>4890</sup> Workers ate worms, lizards, and poisonous leaves to stave off starvation, but some starved to death anyway.<sup>4891</sup>

1135. The Party Centre's acceptance of the risk that these deaths would occur follows not only from its knowledge of the conditions at the site (as reflected in the *Revolutionary Youth* article and leaders' frequent visits to the worksite) but also from its use of the language of armed struggle, describing the worksite as a "hot battlefield"<sup>4892</sup> and work

<sup>4887</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.06.20-15.09.12 ["A: They died after they collapsed. Some of them collapsed there, and then they tried to resuscitate the worker but to no avail, and the person died there on the spot. And some died from starvation, lack of food. ... Q: Did you actually watch as attempts were made to resuscitate workers who had collapsed? A: Yes, I saw it. Q: And you also saw that those attempts were unsuccessful, and that's how you know that those people died; is that what you're telling us? A: Yes, that is correct"].

<sup>4888</sup> **E1/351.1** Sot Sophal, T. 29 Sept 2015, 15.04.39-15.06.20 ["Q: The workers who you saw collapse and die, were those adults or children, or both? A: It was both children and adults"].

<sup>4889</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.13.23-11.15.20.

<sup>4890</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.50.43-10.53.33; **E1/329.1** Lat Suoy, T. 12 Aug 2015, 09.51.06-09.53.52 ["Some of them died of malaria and others died of over work, they carried too much soil"]; **E1/324.1** Mam Socurm, T. 28 July 2015, 15.19.17-15.20.48 ["People died from dysentery. And the death was the result of lack of medical treatment or medicine. And I myself knew at least one person died from dysentery"]; **E3/9483** Pan Chhuong WRI, A10 ["I did not witness any killing. I would like to clarify that people died, but they died at hospitals, in regiments or companies due to diseases such as dysentery"]; **E3/9567** Pan Chhuong WRI, A52 ["some people in my mobile units died of sickness such as from diarrhoea, malaria and other diseases"]; **E3/7803** Kan Thorl WRI, EN 00277822; **E3/7323** Heng Samuot WRI, EN 00290000.

<sup>4891</sup> **E1/323.1** Sen Sophon, T. 27 July 2015, 15.17.51-15.19.45 ["I saw with my own eye that a person died from starvation, however, that happened, when I was at the ploughing unit, the person was actually starving and begged for a piece of rice but no rice was given and the person actually died and it happened in front of me"]; **E3/5657** Im Chaem DC-Cam Statement, EN 00089780 ["People were thin and ate poisonous leaves. ... They died of food shortage. As I mentioned earlier, food were found but not distributed to the people. Crops were collected and kept at houses of sub-district chiefs and district chiefs. People, however, had nothing to eat. Even, earthworm did not exist. Lizards were eaten"]; **E3/508** Tann Than WRI, EN 00277842; **E3/9353** Chhit In WRI, EN 00277812; **E3/9354** Dan Sa WRI, EN 00289932; **E3/7757** Kiv Mao WRI, EN 00288616; **E3/9575** Thang Thoeuy WRI, A114-115; **E3/9562** [REDACTED] WRI, A124; **E3/9516** [REDACTED] WRI, A108.

<sup>4892</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.31.25-09.35.55 ["The Trapeang Thma dam worksite was considered a hot battlefield at that time and I had to work very hard"]; **E1/333.1** Tak Boy, T. 19 Aug 2015, 14.28.13-14.31.06 ["This was frequently mentioned that Trapeang Thma Dam worksite was a hot battlefield... To my understanding, the term used was harsh and it motivated us to work very hard. We had to do our best, and we could not be lazy. If someone was not working hard enough, he would be accused of having a different political tendency. So I could say it was one of the hottest battlefields. It was a harsh battlefield"]; **E1/334.1** Yi Laisov, T. 20 Aug 2015, 11.23.15-11.25.34 ["Q: Did you ever hear of Trapeang Thma Dam site being referred to as a "hot battlefield"? A: Yes. Q: And what did you understand that to mean? A: I understand that we were required to try our best and work hard. Q: And who did you hear refer to the dam site as a hot battlefield? A: The chief of a 100-person unit, who led our unit"]; **E1/357.1** Mun Mot, T. 27 Oct 2015, 10.40.06-10.43.04; **E1/359.1** Pan Chhuong T. 30 Nov 2015, 10.55.44-10.58.47. See also **E3/9094** Pan Chhuong DC-Cam Statement, EN 00728655.

projects as “offensives.”<sup>4893</sup> The Party also justified the conditions at the worksite by comparing them to the conditions endured by Khmer Rouge combatants during the civil war,<sup>4894</sup> thus implying that similar sacrifices could be expected from workers.

1136. Other workers were intentionally killed by soldiers, militia, or cadres. Such killings occurred throughout the period the worksite was active, under the authority first of the Northwest Zone cadres and later of the Southwest Zone cadres.<sup>4895</sup> The “upper echelon ... made it clear that if anybody betrayed Angkar or disobeyed the instructions of Angkar, they were subject to be executed.”<sup>4896</sup> Val issued an “absolute order” to company chiefs to kill any workers who were not following the instructions of their company chiefs.<sup>4897</sup> Ta Val also gave company and battalion chiefs “the right to kill any individual who opposed Angkar or against the Revolution, former Lon Nol soldiers, especially the ‘Yvon’ enemies and the CIA agents. A unit chief had the right to kill anyone that fell into the said categories.”<sup>4898</sup> These instructions were part of a specific, organised effort to identify and kill soldiers and civil servants of the Lon Nol regime, intellectuals, as well as ‘Yvon’ agents and CIA agents.<sup>4899</sup> Undercover informants in each unit identified people in these categories.<sup>4900</sup>

<sup>4893</sup> E1/334.1 Yi Laisov, T. 20 Aug 2015, 10.59.22-11.00.25.

<sup>4894</sup> E3/771 *Revolutionary Male and Female Youths*, July-Aug 1977, EN 00509687 [“brothers agreed with a view and stance that our hardship here, whatever it was, still could not be comparable to that of our elder cadres and male-female combatants of the revolutionary army when they were fighting to build the revolutionary forces and bases, to destroy the enemy during the underground struggle and the internal war, and during over the past 5 years of the revolutionary war”].

<sup>4895</sup> E1/331.1 Chhum Seng, T. 17 Aug 2015, 15.48.02-15.49.27 [“In that period, before the arrival of Southwest Zone cadres, it was soldiers of the Northwest Zone who killed those people. And later on, the Northwest Zone broke up and I did not know where the previous cadres from the Northwest Zone went, and I could see that the Southwest Zone cadres came to replace and they continued arresting those people and took them away to be killed”]; E1/328.1 Lat Suoy, T. 11 Aug 2015, 14.22.37-14.27.03 [“What I heard was that some members of the workers committed some wrongdoings and then they disappeared. They were his mobile regiment chiefs. They made decisions and killed people. It’s all up to them. Then, they would report to Ta Val”].

<sup>4896</sup> E1/332.1 Chhum Seng, T. 18 Aug 2015, 10.50.43-10.53.33 [“For the upper echelon, they only made it clear that if anybody betrayed Angkar or disobeyed the instructions of Angkar, they were subject to be executed”]; E1/329.1 Lat Suoy, T. 12 Aug 2015, 09.53.52-09.58.19 [“If any unit failed to meet the quota, then Angkar would take them for education and they actually considered them as betraying Angkar. Q: You said that they take them education or so, what do you mean by that? A: It means that they would be taken for execution; they would be shot to death”].

<sup>4897</sup> E1/332.1 Chhum Seng, T. 18 Aug 2015, 15.32.03-15.33.38 [“As for the order that came down from Ta Val, the pistol was for killing anyone that was not following the order. That was the absolute order of Ta Val”].

<sup>4898</sup> E1/332.1 Chhum Seng, T. 18 Aug 2015, 15.33.38-15.38.18 [“Ta Val convened meetings among company and battalion chiefs. For me, I was a company chief, I had the right to kill any individual who opposed Angkar or against the Revolution, former Lon Nol soldiers, especially the ‘Yvon’ enemies and the American CIA agents. A unit chief had the right to kill anyone that fell into the said categories”].

<sup>4899</sup> E1/331.1 Chhum Seng, T. 17 Aug 2015, 15.41.31-15.43.27 [“There was a meeting held by Ta Val, and the meeting was held among the chiefs of companies and battalions, that we had to monitor one person a



1137. Murders sometimes were committed in public. One witness describes how, on two occasions, he saw members of the militia beat prisoners to death in front of 50 or 100 workers.<sup>4901</sup> The other workers present were warned that, if they did not work hard, the same thing would happen to them.<sup>4902</sup> Workers were required to bury the bodies by covering them with earth, sometimes even building the dead bodies into the dam embankment itself.<sup>4903</sup> Workers who claimed to have night-blindness but were judged to be faking were also taken away and killed.<sup>4904</sup> Other workers described personally

day and to search out who was a student, an intellectual or a Lon Nol soldier in the former regime. Q: And what were Ta Val's instructions? Once a company chief, for instance, had succeeded in identifying a former Lon Nol soldier or an intellectual, what did he do with such a person at that time? A: It depended on the immediate supervisor, I mean company chief. If the supervisor did not report on that person to Ta Val he/she could survive. If the company chief reported on one particular individual, then that individual would be surely taken away and killed", 15.54.06-15.56.18 ["Q: Let us come back to the meeting you attended during which he told you that you had to monitor at least one member of your company a day. Can you tell us who, specifically, attended that meeting? And were such instructions issued only once during that meeting or several times and at several meetings? A: Company chief and chiefs of battalion were invited into a meeting, and the instruction was distributed to all of us"]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.33.38-15.36.31 ["former Lon Nol soldiers, especially the Yvon' enemies and the American CIA agents. A unit chief had the right to kill anyone that fell into the said categories"]; **E3/9562** [REDACTED] WRI, A125 ["Former teachers were taken to be killed. I could not know the number of deaths: many died, because there were graves nearby"]; **E3/9104** Pich Ham DC-Cam Statement, EN 00982770 ["The Southwest cadres investigated and traced the background of the people. For example, those who were known to be soldier or in the military in previous regime, they would be killed. If the Southwest cadres learnt that you were Vietnamese or Chinese, you would not be safe"]. See also **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.16.43-15.18.40 ["Q: I have a question. Can you explain us a little more on why they needed biography from the workers? A: It is my understanding, the biography was to get the information from individual person, particularly the background of that person, whether or not that person received any education or they were from the rich family or poor family. So they prepared this biography because they wanted to know the backgrounds of all workers. ... But I think that they wanted to know whether or not they were from wealthy family or poor family backgrounds and education background"].

<sup>4900</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.43.06-10.45.24 ["[The informants] were the cadres from the Northwest Zone. At that time, Angkar designated a monitor in each unit or company or battalion. ... he kept asking us about our biographies and what we did during the Lon Nol"].

<sup>4901</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.29.25-09.41.28, 10.57.15-10.59.51, 13.40.14-13.46.40 [describing two separate occasions on which militiamen beat a worker to death in public, in front of many other workers].

<sup>4902</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.33.50-09.35.36 ["When they killed that person, they told us saying: 'Comrades, in the future, if you fail to follow them, then your fate will eventually be like that person.' So, if they required us to dig the canal, we had to do; otherwise we would end up like the person who was killed"], 13.40.14-13.42.21 ["After they killed that person, they warned to other workers that everyone had to continue to work hard otherwise our fate would eventually be like the person who was just killed"], 13.42.21-13.44.34 ["They would beat that person to death and then they warned other workers that everyone had to continue working hard, if they could not complete the work they would eventually be killed"].

<sup>4903</sup> **E1/352.1** Sot Sophal, T. 30 Sept 2015, 09.35.36-09.39.31 [witness describes personally participating in the burial of bodies into the dam structure]; **E3/9341** Chhoeung Uo WRI, EN 00316785.

<sup>4904</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.47.39-09.50.43 [describes people being tested for night blindness by being walked into latrine pits and says that those who failed the test disappeared]; **E1/331.1** Chhum Seng, T. 17 Aug 2015, 15.49.27-15.51.48 [describes 12 people being tested for night blindness by being walked toward hot coals and says that the 11 who failed the test were killed]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 15.38.18-15.41.21 [describes participating in the burying of the bodies of the 11 who had been killed]; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.30.00-09.32.53 [testing for

witnessing killings not intended to be public at the dam worksite.<sup>4905</sup> Those who did not witness the killings often heard about or knew about them.<sup>4906</sup>

1138. Workers were also sometimes required to bury the bodies of workers whose killings they had not witnessed,<sup>4907</sup> and they also sometimes came across decomposing bodies in the course of their work.<sup>4908</sup> Workers generally were aware of the burial of victims at the worksite.<sup>4909</sup> Pregnant women were murdered and their dead bodies were buried within the structure of the dam itself.<sup>4910</sup>

## 5. Enforced Disappearances

1139. Disappearances were also a fact of life at the worksite. Workers were told by senior leaders that those who attempted to avoid work would disappear,<sup>4911</sup> and indeed, workers whose performance did not improve following self-criticism meetings would sometimes disappear or be taken away for reeducation.<sup>4912</sup> Workers simply vanished on

nightblindness]; E1/328.1 Lat Suoy, T. 11 Aug 2015, 15.04.33-15.06.13 [testing], 15.13.29-15.15.55 [killing]; E3/9562 [REDACTED] WRI, A144.

<sup>4905</sup> E1/335.1 Chhuy Huy, T. 24 Aug 2015, 10.46.01-11.05.53 [describing the arrest and killing of one person]; E3/7818 Saing Nham WRI, EN 00290385-86; E3/9552 [REDACTED] WRI, A22; E3/9514 [REDACTED] WRI, A15.

<sup>4906</sup> E1/356.1 Mun Mot, T. 26 Oct 2015, 14.32.44-14.34.28 ["I did not witness the killings myself but I heard that some of my colleagues did witness them"]; E3/9562 [REDACTED] WRI, A133 ["When they were arrested, they were taken to be killed"]; A146-149; E3/7805 Chiep Chhean WRI, EN 00277816; E3/9528 Sorn Seila WRI, A46; E3/9528 [REDACTED] WRI, A44; E3/510 Saom Phan WRI, EN 00290358.

<sup>4907</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 14.01.00-14.02.33 [witness personally participated in the burial of people who had been killed]. There are estimates that as many as 2000 workers died at the dam worksite as a result of conditions and intentional killings. E3/2067 DC-Cam Mapping Report, Banteay Meanchey, 19-20 Aug 1998, EN 00078071 [the Phnom Srok Deputy Governor "estimated the number of victims at about 2,000"].

<sup>4908</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 14.01.00-14.02.33, 14.08.54-14.16.53, 15.13.40-15.19.05 [witness describes coming across a corpse when he went to relieve himself and states that a number of corpses were buried at Veal Ta Kuy near the dam worksite].

<sup>4909</sup> E3/510 Saom Phan WRI, EN 00290358; E3/9514 [REDACTED] WRI, A15; E3/9562 [REDACTED] WRI, A161; E3/9492 [REDACTED] WRI, A24; E3/9575 Thang Thoeuy WRI, A83-84, A86; E3/7799 Liv Salcang WRI, EN 00277833.

<sup>4910</sup> E1/334.1 Yi Laisov, T. 20 Aug 2015, 13.47.08-13.58.41 [affirming statement about the killing of pregnant women in her WRI]; E3/9575 Thang Thoeuy WRI, A83-90 [describing five pregnant women who were killed and buried at Bridge 1]; E3/9562 [REDACTED] WRI, A161.

<sup>4911</sup> E1/333.1 Tak Boy, T. 19 Aug 2015, 14.26.34-14.28.13 ["I was instructed that there should be no one from my unit that avoided the work, otherwise they would disappear. ... It was Comrade Bo (phonetic) who was the battalion chief [who said this]"]; E1/323.1 Sen Sopphon, T. 27 July 2015, 15.16.22-15.17.51 ["It was spread through the unit chief during the meeting that if anyone did not obey Angkar, the person would be taken away and killed"].

<sup>4912</sup> E1/340.1 Mean Loeuy, T. 2 Sept 2015, 14.06.03-14.08.08 ["If we were criticized for a few times, and we still failed to meet the work quota, we would disappear, or we would be taken away for re-education or to be killed"]; E1/333.1 Tak Boy, T. 19 Aug 2015, 14.37.42-15.01.10 ["If a given worker was lazy, he was immediately uprooted"]; E1/328.1 Lat Suoy, T. 11 Aug 2015, 15.15.55-15.18.34 ["If after re-education, the person did not learn the lesson or change, then the unit chief would have to deal with that issue. ... The only solution was to kill that worker"]. One witness testified that superiors would sometimes intentionally increase individuals' quotas to levels they could not meet in order to facilitate their arrests. E1/324.1 Mam Soeurn, T. 28 July 2015, 14.35.24-14.37.09.

a regular basis, without any explanation to their fellow workers of where they had been taken or why.<sup>4913</sup> Sometimes, workers saw or heard arrests taking place.<sup>4914</sup> Workers

<sup>4913</sup> **E1/352.1** Sot Sopha, T. 30 Sept 2015, 09.18.28-09.27.18 ["Sometimes, I saw it every two or three days, two or three workers were arrested and taken away. And I'd like to stress that those who were taken away never returned. I did not know where they were kept or whether they were kept in this so-called lazy group. I did not know. ... They worked in a group and they worked near where I worked. So usually they usually were put into one group composed of three squads. And of course, when we worked close to one another, I could see that one person from that group was missing. We had six or nine members in our group. But, when we did not see one person we realized that so and so person had been taken away the day before. And sometimes, the person who was missing was replaced by someone else. So we could see straight away that it was not the same person, the same worker that was taken away"]; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.47.39-09.50.43 ["There were a lot of incidents happened within the mobile unit. People were taken away and killed"]; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.46.01-10.53.03 ["one person was arrested. ... I heard that the arrest was made because of the biography. ... it was known that the individual was working in the civil aviation and they asked the individual to hand in his or her clothes"]; **E1/332.1** Chhum Seng, T. 18 Aug 2015, 10.43.06-10.45.24 ["In my company, two members disappeared, namely Phon and Rom (phonetic). Because it could have been that they failed to conceal their backgrounds. To the best of my knowledge, Phon had been allegedly a lieutenant in the Lon Nol army, while the other one was from a rich family ... during the previous regime. So the Khmer Rouge soldiers arrested both of them, and they were taken away, and they disappeared ever since"]; **E1/323.1** Sen Sopha, T. 27 July 2015, 15.44.50-15.46.50 ["Members from my unit or group disappeared. Oeun disappeared; he was taken away and killed"]; **E1/323.1** Sen Sopha, T. 27 July 2015, 13.48.28-13.50.56 ["I noticed that people disappeared from the unit. I noticed that members of my unit disappeared one after another from time to time"]; **E1/325.1** Mam Soeum, T. 29 July 2015, 11.04.42-11.07.39 ["From what I understood, the workers who were put on the truck and sent away could not survive, because I was told that truck was to come and take away prisoners"]; **E3/510** Saom Phan WRI, EN 00290357; **E3/9353** Chhit In WRI, EN 00277811; **E3/7802** Dan Thev WRI, EN 00280020; **E3/5270** Than Hoch WRI, EN 00284685; **E3/7803** Kan Thorl WRI, EN 00277821; **E3/7323** Heng Samuot WRI, EN 00289999; **E3/9526** [REDACTED] WRI, EN 00738216; **E3/9547** [REDACTED] WRI, A20; **E3/9490** [REDACTED] WRI, A31; **E3/9502** Tum Soeun WRI, A109; **E3/7800** Liv Peou WRI, EN 00277828; **E3/9562** [REDACTED] WRI, A155; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 11.18.20-11.21.12, 15.18.30-15.20.18. *Contra* **E1/360.1** Pan Chhuong T. 1 Dec 2015, 14.20.25; **E3/9567** Pan Chhuong WRI, A50.

<sup>4914</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 13.35.38-13.40.40 ["Q: Madam Witness, did you ever see any arrests while you were at the Trapeang Thma Dam? A: Yes. One day when I was standing guard, I saw between 15 to 20 people being arrested. ... Q: Could you tell if the persons being arrested had their hands tied at the time? A: Well, as far as I saw, they were tied up one behind the other. Q: And was it men and women, or just men, or just women? A: There were men and women, mixed. And I was able to note that because of their cries. Q: And what were they crying when you heard them? A: They were begging, such as what did I do, what was my offence, please release us. Q: And did you hear anything else during those arrests? A: I heard them being beaten with sticks, then they were silent"]; **E1/359.1** Pan Chhuong, T. 30 Nov 2015, 15.40.50-15.45.15 [describing a large group of intellectuals being taken away by zone soldiers for a meeting]; **E1/360.1** Pan Chhuong, T. 1 Dec 2015, 14.11.10-14.14.05 ["Those who were arrested and put on to the vehicle while I was present there, I did not know what happened to them later on or whether they were sent to be killed. What I saw was that they were arrested and put on the vehicle and the vehicle drove off"]; **E3/7820** Pai Koeut WRI, EN 00290352 ["People were arrested and taken to be killed. I witnessed this with my own eyes. At that time, I saw them arrest and escort both women and youths from mobile units ... I saw the arrests and escorting of men every day and every evening. ... Those who escorted people were the soldiers. During the escort, some soldiers walked at the front, some walked in the middle, while others would walk at the rear. There were only four to five of them, and all of them carried guns. I never saw those who had been taken away return again"]; **E3/7754** Sim Leang WRI, EN 00284313 ["During that time, I saw the mobile unit chief tie people's hands behind their back in the evening and walk them away"]; **E3/7799** Liv Saleang WRI, EN 00277833 ["At night they came to arrest people and take them away to be killed; two or three people [were arrested] each night"]; **E3/510** Saom Phan WRI, EN 00290357 ["Some of my members disappeared because there were orders from the upper echelon to have them arrested and taken to be killed at night. Many night arrests took place but I witnessed only two of them"].



who fell sick were sometimes accused of faking their illnesses and either disappeared<sup>4915</sup> or were taken for execution.<sup>4916</sup> Those who asked what had happened to workers who disappeared were told to mind their own business or risk being killed.<sup>4917</sup> Those arrested and disappeared included children as well as adults.<sup>4918</sup> These unexplained disappearances caused terror in the other workers, who wondered whether they would be next.<sup>4919</sup>

#### PERSECUTION

1140. As they did throughout the country, Khmer Rouge cadres at the Trapeang Thma Dam singled out members of certain groups for additional mistreatment. Witnesses testified that 17 April People were mistreated or received worse assignments than Base People.<sup>4920</sup> Most workers in the “case unit” were New People from Phnom Penh.<sup>4921</sup> Lon Nol soldiers and officials were also sometimes targeted.<sup>4922</sup>

1141. Unit chiefs were also instructed to locate “Yuen” at the Trapeang Thma Dam worksite.<sup>4923</sup> One witness gave evidence that if Vietnamese people were found at the worksite, they “would be sent away to be executed.”<sup>4924</sup>

<sup>4915</sup> **E1/340.1** Mean Loeuy, T. 2 Sept 2015, 14.06.03-14.08.08, 14.55.20-15.01.44; **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.29.05-09.31.25; **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.37.15-10.39.49; **E3/5283** Chhuy Huy WRI, EN 00321202; **E1/327.1** Kan Thorl, T. 10 Aug 2015, 15.13.07-15.17.02; **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.25.35-09.30.00.

<sup>4916</sup> **E1/331.1** Chhum Seng, T. 17 Aug 2015, 14.16.42-14.19.14 [“And many people fell sick and many were taken away for executions because they were accused of conscious illness”]; **E3/9562** [REDACTED] WRI, A145 [“The people who pretended to be ill were taken to be killed”].

<sup>4917</sup> **E1/334.1** Yi Laisov, T. 20 Aug 2015, 13.47.08-13.50.01 [“Q: And Madam Witness, I would like to read a brief excerpt from your written record of interview. ... you stated: ‘Then I asked my unit chief to ask but she replied that’, and this is you quoting her, ‘don’t be curious about other’s business. Do you want to die?’ I was so frightened and I could not sleep that night.’ Does that refresh your memory that you asked your unit chief and were warned not to ask questions or be curious, should you possibly want to die? A: Yes, that’s true”].

<sup>4918</sup> **E1/352.1** Sot Sopha, T. 30 Sept 2015, 09.27.18-09.29.25 [“Q: Were these people who were arrested children or adults, or were there some of both? A: The workers who were arrested were children. There was a children unit. The segments that I worked consisted only of children workers, not adult workers. Adult workers worked on a separate segment”].

<sup>4919</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.50.43-09.52.31 [“In that period, it was a terrible situation. I was terrified. People were taken away. And I was afraid of my life”]; **E1/357.1** Mun Mot, T. 27 Oct 2015, 14.09.20-14.11.59 [after the arrival of the Southwest Zone cadres, “I was very afraid because I was afraid that I would be arrested as other company chiefs who fled to Thai border but they were not successful. They had been arrested within Thma Puok district. So in my capacity as one of the unit chiefs I was so concerned about my safety. I did not know when the day come that I would be arrested”].

<sup>4920</sup> **E1/340.1** Sam Sak, T. 2 Sept 2015, 09.38.35-09.41.27; **E1/323.1** Sen Sophon, T. 27 July 2015, 15.39.45-15.42.20; **E1/324.1** Sen Sophon, T. 28 July 2015, 09.53.50-09.56.14. *Contra* **E1/328.1** Kan Thorl, T. 11 Aug 2015, 10.43.48-10.45.39; **E1/330.1** Chhit Yoeuk, T. 13 Aug 2015, 15.06.52-15.08.23.

<sup>4921</sup> **E3/510** Saom Phan WRI, EN 00290357.

<sup>4922</sup> **E1/335.1** Chhuy Huy, T. 24 Aug 2015, 10.51.12-10.53.03.

<sup>4923</sup> **E1/332.1** Chhum Seng, T. 18 Aug 2015, 11.33.01-11.35.40 [“Generally speaking, meetings chaired by Ta Val were for that purpose. We were instructed to search for these groups of people, ... particularly,



## 10. 1<sup>ST</sup> JANUARY DAM WORKSITE

*By the time we arrived at the sleeping quarter ... it was almost midnight already. I was so exhausted; I just fell on to the floor and I was not yet in my deep sleep and I was woken by the whistle blowing.<sup>4925</sup>*

– Civil Party Chao Lang

1142. Tens of thousands of men, women, and children were forced to labour under inhumane conditions at the 1<sup>st</sup> January Dam worksite. The dams and canals constituting the worksite were manually constructed pursuant to the Party Centre instructions and operated under Central Zone control as part of an attempt to rapidly increase rice production. The authorities used threats, arrests, disappearances, imprisonment, and killings to terrorise the workforce and compel labourers to work to exhaustion with little food and no hygiene. **Nuon Chea** and other DK leaders visited this site and saw the harsh working and living conditions of the labourers while **Khieu Samphan** and Pol Pot praised it as a model in speeches.

1143. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity in relation to the 1<sup>st</sup> January Dam worksite: murder, extermination, enslavement, persecution on political grounds, persecution on religious grounds, and other inhumane acts.<sup>4926</sup>

### LOCATION AND OPERATION

1144. The 1<sup>st</sup> January Dam worksite<sup>4927</sup> was a vast irrigation system for the river Stoeung Chinit and its tributary Tang Krasang located in the communes of Balaing (Baray

“Yuon”]; **E3/7805** Chiep Chhean WRI, EN 00277817 [“I saw them arrest people to take them to Phnom Srok ... they accused them of being connected to the Yuon during 1977”].

<sup>4924</sup> **E1/328.1** Kan Thorl, T. 11 Aug 2015, 09.21.26-09.23.35 [“I heard other people said that any Vietnamese who was found would be sent away to be executed”]; **E3/9562** [REDACTED] WRI, A151; **E3/9528** [REDACTED] WRI, A44 [“a person working in my mobile unit accused being Yuon was taken to be killed”].

<sup>4925</sup> **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.18.09.

<sup>4926</sup> **D427** Closing Order: paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement], 1415-1416 [persecution on political grounds]; 1415, 1420 [persecution on religious grounds, see section **Crimes against the Cham**]; 1434 [other inhumane acts (attacks against human dignity)]; 1442 [other inhumane acts (forced marriage, see section **Forced Marriage**)]; 1470 [other inhumane acts (enforced disappearances)]. **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689-90.

<sup>4927</sup> **E3/8132** Photograph depicting 1<sup>st</sup> January Dam main reservoir and dam; **E3/2351R** Video, *Bophana: Une Tragédie Cambodgienne* (Rithy Panh), 1996, 20:38-22:18; **E3/3089R** Video, *Lost Woman*, 00:00-02:06, authenticated at the hearing by Meas Layhuor; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.16.58 [“The dam I saw in the film is the 1st January Dam”]; **E3/3014R** Video, *Khmer Rouge: collective labour at the dam building sites*, 00:00-00:34, 02:06-02:23, described by Meas Layhuor and Chao Lang as a footage of the 1<sup>st</sup> January Dam worksite; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.24.24-09.25.45; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22. The First January Dam was restored and modified after the DK era; **E3/8139** Photograph depicting 1<sup>st</sup> January Dam new sluiceway; **E3/8026**

District, Sector 42) and Kampong Thma and Boeng Lovea (Santuk District, Sector 43).<sup>4928</sup> The worksite was composed of two connected dams, the 1<sup>st</sup> and 6<sup>th</sup> January Dams, and a series of feeding canals and dykes.<sup>4929</sup> It irrigated 10,000 hectares of rice fields in the Central Zone (old North Zone).<sup>4930</sup> The main artery comprised a rammed earthen embankment more than 60 kilometres long, 20 metres wide at the base, and seven metres wide at the top.<sup>4931</sup> A 20 metre wide canal (the “6 January canal”) ran for 33 kilometres in Santuk District.<sup>4932</sup>

1145. The construction of the 1<sup>st</sup> January Dam started between October and December 1976 when the forest was cleared, the dam was surveyed, and the Stung Chinit was blocked,<sup>4933</sup> but it was officially launched by Pol Pot and Ke Pauk on 1 January 1977.<sup>4934</sup>

<sup>4928</sup> 1 Jan Dam Site ID Report, EN 00290634; **E3/5267** Ut Seng WRI, EN 00282354.  
**E1/301.1** Or Ho, T. 19 May 2015, 10.53.38; **E3/7785** Choeu Saing WRI, EN 00244149; **E3/5267** Ut Seng WRI, EN 00282354 [located in Boeng Lovea and Kampong Thma communes in Santuk District, and partially in Baray District]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290633; **E3/8028** Wat Baray Choeu Dek Site ID Report, EN 00342223; **E3/9167** Map of Baray District; **E3/9067** Map of Santuk District; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23-10.19.55; **E3/8303** Ut Seng OCP Statement, EN 00491747; **E3/7770** Chhun Sakhan WRI, EN 00233266; **E3/5247** Pouk Pon WRI, EN 00232820.  
<sup>4929</sup> **E3/403** Pech Sokha WRI, EN 00403008 [“The 1<sup>st</sup> January dam was Kampong Thmor tributary, called Chinit tributary ... As for the 6th January dam, it was called Tang Krasang tributary. These two dams were systematically linked”]; **E1/302.1** Or Ho, T. 20 May 2015, 13.36.18-13.38.47 [“The dam of 1<sup>st</sup> January ... connected to the bridge of 6<sup>th</sup> January. So the two dams connected to each other”]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290636; **E3/5267** Ut Seng WRI, EN 00282354; **E3/8131** Photograph depicting 6<sup>th</sup> January dam; **E1/309.1** Uth Seng, T. 3 June 2015, 11.02.35-11.04.18.  
<sup>4930</sup> **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit Reported*, 23 Dec 1977, EN 00498181 [“brought 10,000 hectares of land under irrigation”]; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, 1 May 1978, EN 00011314 [“will bring over 10,000 hectares of land under irrigation this year”]; **E1/301.1** Or Ho, T. 19 May 2015, 10.53.38; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.11.46-15.13.02; **E3/5249** Vann Theng WRI, EN 00231858; **E3/9349** Chuop Non WRI, EN 00244156.  
<sup>4931</sup> **E3/8026** 1 Jan Dam Site ID Report, EN 00290634; **E1/309.1** Uth Seng, T. 3 June 2015, 11.02.35 [“The 1<sup>st</sup> January Dam and the 6<sup>th</sup> January Dam are simply a continuation of a long stretch of dam, and the total length is 60 kilometres”], 14.44.55-14.47.51; **E1/302.1** Or Ho, T. 20 May 2015, 13.38.47 [58 kilometres]; **E1/303.1** Pech Sokha, T. 21 May 2015, 11.36.29; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, EN 00011314; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.13.02-15.16.28.  
<sup>4932</sup> **E3/5267** Ut Seng WRI, EN 00282354 [“The canal within Santuk District was 20 meters wide and 33 kilometers long”]; **E3/75** FBIS, *Activities of Belgian...*, 8 Aug 1978, EN 00168941 [“the guests also visited the ‘1 January’ and ‘6 January’ dams and took a boat trip along the ‘6 January’ canal”]. *Other Activities*, **E3/75** FBIS, *Departure*, 26 Aug 1978, EN 00169017; **E3/8026** 1 Jan Dam Site ID Report, EN 00290634; **E3/403** Pech Sokha WRI, EN 00403004.  
<sup>4933</sup> **E1/301.1** Or Ho, T. 19 May 2015, 10.49.44 [“construction started about half a month before 1 January [1977]”], 15.22.55 [“the actual dam ... started in October the previous year”]; **E1/302.1** Or Ho, T. 20 May 2015, 09.07.17 [The request to bring work force “was made in October [1976] ... to clear the land and to burn the bushes”]; **E1/307.1** Un Ron, T. 28 May 2015, 15.21.40 [Speaking of the period October-December 1976 when workers tried to block the Chinit River: “I heard that actually the water broke through and some workers had been killed”]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.52.48; **E1/306.1** Un Ron, T. 27 May 2015, 15.42.26-15.45.22; **E1/307.1** Un Ron, T. 28 May 2015, 15.08.25; **E1/308.1** Uth Seng, T. 2 June 2015, 15.22.01; **E3/4790** Hun Sethany SIF, EN 00940139; **E3/5513** Ieng Chham WRI, A56; **E3/5294** Sou Soeur WRI, EN 00360117.  
<sup>4934</sup> **E1/301.1** Or Ho, T. 19 May 2015, 15.22.55 [The 1<sup>st</sup> January Dam “was named so when it [was] inaugurated on 1<sup>st</sup> January and it was presided over by Comrade Pol Pot”]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.49.15; **E1/310.1** Sou Soeur, T. 4 June 2015, 11.31.04; **E3/1783** FBIS, *Chen Yung-Kuei's*

Although there was an inauguration ceremony on 6 December 1977, the 1<sup>st</sup> January Dam main reservoir was completed only in early 1978 when construction activities moved to the 6<sup>th</sup> January dam.<sup>4935</sup> According to an inscription on the 6<sup>th</sup> January Dam Bridge, the construction of that dam started on 6 January 1978 and took seven months<sup>4936</sup> but Pech Sokha, a site technician, stated it was never fully completed.<sup>4937</sup> Indeed, in August and September 1978, the DK radio officially reported that thousands of labourers were still at work at the 6<sup>th</sup> January Dam site in order to finish “the water projects”.<sup>4938</sup> Other dam sections and irrigation canals were still under construction during most of 1978<sup>4939</sup> and the construction of the entire irrigation system was still incomplete as of January 1979.<sup>4940</sup> Moreover, repairs on portions of the dams that were completed continued until the end of the regime.<sup>4941</sup> The construction of the 1<sup>st</sup> and 6<sup>th</sup> January Dams was essentially made during the dry seasons and at the beginning of the

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*Cambodia Visit Reported*, 23 Dec 1977, EN 00498181 [to mark the day of the offensive on Phnom Penh on 1 Jan 1975].

<sup>4935</sup> **E1/326.1** Om Chy, T. 30 July 2015, 11.07.55 [the 1 January Dam was completed at the time of his arrival at a canal in February 1978]; **E3/5267** Ut Seng WRI, EN 00282354 [The 1 January Dam was built in 1977-1978; the 6 January Dam in 1978]; **E1/307.1** Un Ron, T. 28 May 2015, 15.12.25-15.14.15; **E3/7785** Choeu Saing WRI, EN 00244152; **E3/5249** Vann Theng WRI, EN 00231858; **E3/5513** Ieng Chham WRI, A86-87; About the inauguration ceremony on 6 December 1977, see below fn 4954.

<sup>4936</sup> **E3/8026** 1 Jan Dam Site ID Report, EN 00290639 (Photo 3); **E3/403** Pech Sokha WRI, EN 00403308 [the 6<sup>th</sup> January dam's name comes from the date the Vietnamese withdrew from Cambodia on 6<sup>th</sup> January 1978].

<sup>4937</sup> **E3/403** Pech Sokha WRI, EN 00403008 [“the 6<sup>th</sup> January dam was not completed, and the construction of this dam was continued by Sector 43. ... [On] 6<sup>th</sup> January 1979, the dam was not completely finished”]. See also **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 11.22.30 [in Dec 1978: “The monsoon had been heavy ... and [the 1 or 6 Jan Dam] was in the process of being repaired”].

<sup>4938</sup> **E3/75** FBIS, *Activities of Danish M-L...*, 9 Aug 1978, EN 00168945 [at both dams the labourers “were working to finish the water projects”]; *Other Activities, Departure*, 26 Aug 1978, EN 00169017 [“thousands ... were striving to complete the [6 Jan Dam] project”]; **E3/76** FBIS, *French, Turkish Delegations...*, 19 Sept 1978, EN 00170396; *Tour by Delegation*, 27 Sept 1978, EN 00170431.

<sup>4939</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.03.24 [“the construction of the dam was not yet concluded [in July 1978]”, 15.11.43; **E3/403** Pech Sokha WRI, EN 00403004 [“The upper echelon gave the duration of one year to complete this plan, but it was not completed according to the plan”]; **E1/326.1** Om Chy, T. 30 July 2015, 11.06.09 [“assigned to build a canal ... in 1978 ... in February”], 13.01.00 [“I worked on the canal until it was closed down ... in August [1978]”]; **E3/5265** Um Chi WRI, EN 00282346.

<sup>4940</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.03.24 [“Before the fall of DK” “the construction was not completely concluded, however I believe it was 90 percent complete, as irrigation water was already used”]; **E3/403** Pech Sokha WRI, EN 00403008 [“The 1<sup>st</sup> January dam ... was completely finished, but only hydroelectricity such as water wheel and water dynamos were not yet installed. ... [On] 6<sup>th</sup> January 1979, the [6<sup>th</sup> January] dam was not completely finished”]; **E1/303.1** Pech Sokha, T. 21 May 2015, 09.36.55.

<sup>4941</sup> **E3/5513** Ieng Chham WRI, A86 [“In 1978 ... I looked after this dam until the Vietnamese entered”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.05.18 [about 100 people were deployed to watch over the dam and patch any leaking area]; **E1/307.1** Un Ron, T. 28 May 2015, 09.41.44 [“two small units were sent to work for the second time ... And we were told to fill in the places on the dam that were broken or damaged by the water”].

rainy seasons; many workers, but not all, were reassigned to rice culture during the rainy season.<sup>4942</sup>

#### AUTHORITY STRUCTURE AND COMMUNICATION

##### Above the Worksite (Central Zone)

1146. Ke Pauk, a member of the CPK Central Committee and Secretary of Central (old North) Zone directly supervised the worksite.<sup>4943</sup> He inspected the dam site almost every day<sup>4944</sup> and the evidence shows that he was aware of the appalling working and living conditions of the workers.<sup>4945</sup> Once or twice a year, Ke Pauk chaired a Central Zone

<sup>4942</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.25.42 [assigned to work at the 6<sup>th</sup> January Dam at the end of the dry season and continued working through the raining season]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.02.01; **E1/307.1** Un Ron, T. 28 May 2015, 09.23.18-09.30.15 [During the rainy season, "we were not allowed to rest. If we were allowed to rest, it means that we would not be able to complete our work quota. ... when it was raining and the water was knee deep, it would be extremely difficult"], 09.39.54 ["When ... there was heavy raining, the workers were sent to Ballangk to work in the field"]; **E1/301.1** Or Ho, T. 19 May 2015, 14.20.30, 15.16.07; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.14.02; **E3/4790** Hun Sethany SIF, EN 00940139 ["I worked there until July 1977"]; **E1/306.1** Un Ron, T. 27 May 2015, 15.47.51, 15.55.01; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.51.37; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.38.22-09.40.54.

<sup>4943</sup> **E3/5513** Ieng Chham WRI, A53, 59, 61, 63, 85, 94 ["A63: It was under the North zone, comprised of Sectors 41, 42 & 43"]; **E1/308.1** Uth Seng, T. 2 June 2015, 15.23.59-15.27.00; **E1/309.1** Uth Seng, T. 3 June 2015, 09.56.00 ["the dam was under the zone responsibility"]; **E3/27** Khieu Samphan WRI, EN 00156751 ["The central committee consisted of more than 30 members [ including] Koy Thuon and Ke Pauk"]; **E3/2782** Ke Pauk Autobiography, EN 00089711-12 [Ke Pauk became the North Zone Secretary at the time Koy Thuon became Minister of Commerce]; **E3/5293** Tep Poch WRI, EN 00351703; **E3/162** Prak Yut WRI, A16 & A18; **E3/5255** Or Ho WRI, EN 00250044-45; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.20.04; **E3/344** Suon Kanil WRI, EN 00384434; **E3/35** Ke Pich Vannak WRI, EN 00346149 ["The committee of the Central Zone was in charge of that Dam project. The committee composed of four people ... my father [Ke Pauk], Uncle Sreng, Uncle Tol, and Uncle Chan"]; **E3/8987** Ao An DC-Cam Statement, EN 01025316.

<sup>4944</sup> **E3/5264** Ke Un WRI, EN 00283342-44 [Ke Pauk's driver and nephew states that Ke Pauk worked at Office 71 ... located about 6-7 km away and "visited the Dam regularly and almost every day"]; **E1/301.1** Or Ho, T. 19 May 2015, 11.07.04 ["almost on a daily basis, at least one time per day"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.16.28; **E3/403** Pech Sokha WRI, EN 00403007; **E1/309.1** Uth Seng, T. 3 June 2015, 14.43.22-14.44.55 ["Ta Pauk had a house at the 1<sup>st</sup> January Dam worksite, and he frequently came to the worksite"]; **E1/310.1** Sou Soeun, T. 4 June 2015, 10.41.55 ["I went to the 1<sup>st</sup> January Dam site many times ... I visited my husband who was working there"]; **E3/5249** Vann Theng WRI, EN 00231859; **E3/9349** Chuop Non WRI, EN 00244159.

<sup>4945</sup> **E3/5264** Ke Un WRI, EN 00283343-44 [Ke Pauk's nephew stated: "When I accompanied [Ke Pauk] to the 1 January Dam ... tens of thousands people ... working hard in harsh conditions. Especially the women, when they were having a menstrual period, they didn't have any water to clean up themselves, so their buttocks were followed and surrounded by flies", EN 00283344 ["there were skinny persons. The dam workers included adults, children and youths"]; **E3/35** Ke Pich Vannak WRI, EN 00346150 [Ke Pauk's son stated: "Obviously, there were food shortages. I saw sick persons in each shelter ... They said that they did not have any medicines to take. I told those facts to my father who then ordered the sectors to assign medics to help ... but the sectors said they did not have medicines. ... patients dying because of the lack of medicines"]; **E1/310.1** Sou Soeun, T. 4 June 2015, 10.49.45 [Ke Pauk's wife stated: "There were no beds ... And the halls had either canvas or coconut leave roof", 10.52.01 ["When they needed water, they could drink from the stream or the canals ... There were no toilets"], 14.21.41 ["There could be up to 40,000 workers ... relieving themselves in the bushes... excessive number of workers [and] the sanitary issues and large number of flies", 15.29.24-15.39.27, 15.56.33 [although the rice yield was abundant, workers at the dam worksite complained there was not enough food]; **E3/5294** Sou Soeun



assembly attended by commune, district, sector, and zone committee members, where work results, including the construction of the dams, were reported.<sup>4946</sup>

1147. All levels of the Central Zone hierarchy were assigned specific responsibilities for the dam construction. The zone leadership distributed work and gave orders to sectors, sectors to districts, and districts to communes, cooperatives, and villages. The lower echelons had to report back to the upper echelon about the implementation of the plan,<sup>4947</sup> the discipline, and the work quotas.<sup>4948</sup> The secretaries of the three sectors in the Central Zone (Sectors 41, 42, and 43), who also served as members of the Zone Committee, provided and supervised workers from all their districts.<sup>4949</sup>

1148. Ke Pauk's brother-in-law, Oeun, the Secretary of Sector 42, was second in charge of the dam project under Ke Pauk.<sup>4950</sup> Starting in February 1977, the Centre organised a massive purge of the Zone using cadres from the Southwest Zone. Oeun replaced Sector 42 Secretary Chan Mon alias Tol who was sent to S-21<sup>4951</sup> and Ao An replaced both Chun Chhum alias Taing as Secretary of Sector 41 and Chor Chhan alias Sreng as

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WRI, EN 00360117.

<sup>4946</sup> **E3/411** Suon Kanil WRI, EN 00390074-75 ["The agenda ... included the plans for building the irrigation system, dams, and digging canals"].

<sup>4947</sup> **E1/307.1** Un Ron, T. 28 May 2015, 09.21.35 [the Sector mobile big unit chief attended meetings and upon return gave work instructions]; **E1/302.1** Or Ho, T. 20 May 2015, 13.46.53 [Commune chiefs Born and Vut received plans from the district and sector]; **E3/5255** Or Ho WRI, EN 00250045; **E1/310.1** Sou Soeum, T. 4 June 2015, 10.36.45, 11.13.45 [as district chief, she met with commune chiefs who reported on the building of the dam]; **E3/344** Suon Kanil WRI, EN 00384427 [details telegram communication between the Zone and 3 sectors]; **E3/5293** Tep Poch WRI, EN 00351701-03; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.38.34; **E1/326.1** Om Chy, T. 30 July 2015, 11.25.54.

<sup>4948</sup> **E1/326.1** Om Chy, T. 30 July 2015, 11.38.20 [Chief of a commune 500 workers mobile unit reporting daily to the district regarding the work quota]; **E1/301.1** Or Ho, T. 19 May 2015, 13.36.34 [ideological fever (fake sickness) was reported to superiors]; **E1/310.1** Sou Soeum, T. 4 June 2015, 14.01.33-14.04.15; **E3/5265** Um Chi WRI, EN 00282346 ["During meetings, the District Com said, 'If any of the people do not respect and follow the principles of upper-echelon, they will be considered to be enemies'"]; **E3/5293** Tep Poch WRI, EN 00351704; **E3/5513** Ieng Chham WRI, A94,108; **E3/7812** Khiev Sokh WRI, EN 00282328.

<sup>4949</sup> **E3/162** Prak Yut WRI, A16, 19; **E3/344** Suon Kanil WRI, EN 00384430-31 [details the names of each district and of their sector secretaries]; **E3/20** Becker, *When the War was Over*, EN 00237945; **E3/35** Ke Pich Vannak WRI, EN 00346149-50.

<sup>4950</sup> For example: **E1/310.1** Sou Soeum, T. 4 June 2015, 09.57.32 [Oeun was her own biological brother who became Sector 42 secretary in 1977]; **E3/7808** Ov Yae WRI, EN 00282817; **E3/9349** Chuop Non WRI, EN 00244159; **E3/5264** Ke Un WRI, EN 00283343; **E3/415** Yung Yem WRI, EN 00375694.

<sup>4951</sup> **E3/2956** S-21 Prisoner List from the North Zone, EN 00222966 (No. 42) [Tol entered S-21 on 19 February 1977]; **E3/2462** S-21 Confession of Chan Mon alias Tol; **E3/3646** S-21 Confession of Chan Mon alias Tol; **E3/411** Suon Kanil WRI, EN 00390076-78; **E3/35** Ke Pich Vannak WRI, EN 00346151 ["Uncle Sreng and Uncle Tol, were arrested. These two men were called by the upper echelon to Phnom Penh and disappeared ever since. Later there was a telegram to inform the Zone that these two persons had been arrested"]; **E1/353.1** Ban Seak, T. 5 Oct 2015, 09.28.47-09.30.35; **E3/2782** Ke Pauk Autobiography, EN 00089713.

Zone Deputy Secretary.<sup>4952</sup> Koam Chan continued to serve as Secretary of Sector 43 until his arrest in September 1977 (replaced by Ta Ngin).<sup>4953</sup>

1149. *Between the Central Zone and the Party Centre*: The Party Centre instructed the Central Zone to finish the construction of the main reservoir by May 1977 and the entire dam in one year. The 1<sup>st</sup> January Dam was part of the CPK's economic plan to use manpower to increase agricultural production throughout the country.<sup>4954</sup> It was a CPK "hot battlefield", a major worksite in the Central Zone where discipline was unrelenting and night work was often required to meet the time frame set.<sup>4955</sup>
1150. Central Zone Secretary Ke Pauk communicated to the Party Centre, in particular his superiors Pol Pot, **Nuon Chea**, and **Khieu Samphan**,<sup>4956</sup> daily by telegram, or

<sup>4952</sup> **E3/2956** S-21 Prisoner List from the North Zone, EN 00222965 (No.1), 00222967 (No. 56) [Sreng and Taing, entered S-21 on 18 February 1977]; **E3/2464** S-21 Confession of Chun Chhum alias Taing; **E3/3857 & E3/9407** S-21 Confessions of Chor Chhan alias Sreng; **E3/2797** S-21 Confession of Chor Chhan alias Sreng; **E3/3861** S-21 List of prisoners smashed on 8 July 1977, EN 00657720 (No.103: Sreng); **E3/35** Ke Pich Vannak WRI, EN 00346151 [Taing replaced Sreng; after Taing's arrest, An came to take charge], 00346157 ["Ta An was the deputy of the Central Zone, and ... chairman of Sector 41"]; **E3/1339** FBIS, *Chen Yung-Kuei Leaves...*, 6 Dec 1977, EN 00168330, 35 [An was Central Zone Deputy Secretary].

<sup>4953</sup> **E3/10275** S-21 Prisoner List, 20 Sept 1977, EN 01368867 [No.34: Koam Chan]; **E3/10090** S-21 Prisoner List, EN 01399026 [No.129: entry on 18 Sept 1977]; **E3/3654** S-21 Confession of Koam Chan alias Chorn; **E3/344** Suon Kanil WRI, EN 00384428 ["After [Chan] died, Ngim, who was from the Central Zone, replaced him"]; **E3/35** Ke Pich Vannak WRI, EN 00346151; **E3/375** Ban Seak WRI, EN 00360761; **E3/394** Duch WRI, EN 00398233.

<sup>4954</sup> **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 ["Across the nation, all construction sites will fulfill the 1977 plan by the end of May. These projects include dams for watering the fields all the year round and containing the water of Prek Thnot, Chinit and other streams"]; **E3/2782** Ke Pauk Autobiography, EN 00089712 ["the Central Committee held another meeting ... on the Four-Year Plan ... the Party ... would have ... labor forces to construct dams and irrigation system"]; **E3/213** CPK Central Committee Directive, *The Party's Four Year Plan*, EN 00104042, 00104095 ["We must solve the problem of water ... reservoirs, streams, feeder canals, and dikes. In 1977, it is planned to build many reservoirs"]; **E3/1783** FBIS, *Chen Yung-Kuei's Cambodia Visit...*, EN 00498181 ["Comrade Nhim Ros ... said that the [Trapeang Thma] reservoir was built ... in response to the call of the party Central Committee to build water conservancy projects in a big way"]; **E3/20** Becker, *When the War was Over*, EN 00237945; **E3/403** Pech Sokha WRI, EN 00403004 ["The upper echelon gave the duration of one year to complete this plan, but it was not completed"]; **E3/5513** Ieng Chham WRI, A54-56, 59-60 ["A56: they required that we finished the lower foundation before the rainy season in 1977"].

<sup>4955</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.29.23 ["Hot battlefield" "means that we had to complete the work quota ... we had to work through the night"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.36.41 ["hot battlefield; we had to run while carrying earth"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.35.56 ["Hot battlefield": "I heard it over the loudspeakers ... we were told ... to actively engage in our work"]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.17.20; **E1/308.1** Seang Sovida, T. 2 June 2015, 13.49.36; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52 [confronted by the Defence to the fact that night work should have been limited, Om Chy reiterated: "On some occasions, workers were required us to work at night at the worksite ... workers were required to get the job done in time"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33; **E3/5513** Ieng Chham WRI, A56, A66; **E3/2412** Ponchaud, *Kampuchea: a Revolutionary Economy*, 25 Jan 1979, EN 00598532.

<sup>4956</sup> **E1/310.1** Sou Soeun, T. 4 June 2015, 14.12.49 [About Ke Pauk's superiors: "I only knew...Pol Pot, Nuon Chea and Khieu Samphan"]; **E3/2782** Ke Pauk Autobiography, EN 00089713 [Describes the purge of early 1977, at the request of Pol Pot and Nuon Chea, of all Central Zone cadres who were replaced by Southwest Zone cadres sent by the 'upper brothers']. Written reports from the Zones were delivered to

weekly/monthly through messenger for longer missives and reports.<sup>4957</sup> According to Suon Kanil, Ke Pauk's Chief of telegram group, specific information was regularly exchanged with the Party Centre about the building of the 1<sup>st</sup> January Dam.<sup>4958</sup> Ke Pauk would also directly report orally on the dam construction whenever he was required to meet the CPK leadership in Phnom Penh, alone or together with the other Zone secretaries.<sup>4959</sup> In addition, Central Zone sector and district leaders regularly went to Phnom Penh to receive specific instructions, notably from **Nuon Chea**.<sup>4960</sup>

1151. Senior CPK leaders closely monitored the progress of the dam's construction. Pol Pot visited the worksite on multiple occasions,<sup>4961</sup> **Nuon Chea** at least twice,<sup>4962</sup> and Ieng

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K-7 in Phnom Penh, and then circulated to Pol Pot, Nuon Chea, Khieu Samphan and Ieng Sary: **E1/120.1**, Norng Sophang, T. 3 Sept 2012, 15.37.11 [telegrams were copied to Khieu Samphan]; **E3/33** Oeun Tan WRI, EN 00235133; **E3/59** Yeng Lin WRI, EN 00226103; **E3/359** Duch WRI, EN 00434339; **E3/64** Norng Sophang WRI, EN 00334047-49; **E3/67** Norng Sophang OCIJ Statement, EN 00483967-69.

<sup>4957</sup> **E3/130** CPK Statute, Article 19.4. Examples of telegrams: **E3/952** Telegram 4 from Pok to Brother Pol, 2 Apr 1976; **E3/239** Telegram 16 from Ke Pauk to the Chief of 870, 30 April 1977; **E3/1146** Telegram 32 from Pork to Committee 870, 29 March 1978; **E3/344** Suon Kanil WRI, EN 00384429 ["I used to receive the telegrams from the Centre ... Most of those telegrams were directives ... from the Centre"], 00384431-32 ["they sent the short text message by telegram and the long text by mail"]; **E3/373** Pon Oi WRI, EN 00336526 ["Telegrams sent from the upper echelon had the code number 870. 870 was the Centre"], EN 00336527 [explaining the process of decoding and encoding telegrams from and to the Party Centre and the fact that he received 4-5 messages daily, mostly from 870]; **E1/310.1** Sou Soeum, T. 4 June 2015, 14.12.49-14.15.10.

<sup>4958</sup> **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23 ["I focused mainly ... on receiving or reporting information on the activities of building this [1 Jan] dam"]. See similar 1976 telegram from Ke Pauk to Pol Pot, copied to Nuon Chea, on "making the water sluice gates for the dike and canal systems", "building the new rice field dike system according to the goals set by Angkar": **E3/952** Telegram 04, 2 April 1976, EN 00182658-59.

<sup>4959</sup> **E1/86.1** Oeun Tan, T. 13 June 2012, 11.14.15, 11.39.40 ["Pol Pot told me that there would be sectors and zones to participate in the meetings"]; **E3/429** Duch WRI, EN 00403919 ["Ke Pork came to Phnom Penh on several occasions"]; **E3/61** Duch WRI, EN 0195576 ["There was an annual meeting of the Heads of Zone and ... extraordinary meetings ... example of a Zone Secretary coming to Phnom Penh: Ke Pork ... summoned by Pol Pot"]; **E3/462** Seng Lytheng WRI, EN 00223564 ["at Office Ka 1 ... I saw Ke Pok and Thuch come for meetings"]; **E3/2782** Ke Pauk Autobiography, EN 00089713 [In "Phnom Penh, I met Pol Pot and Brother Nuon Chea"], EN 00089714; **E3/1120** DK Telegram from San to Nhim, 6 Nov 1977.

<sup>4960</sup> **E1/310.1** Sou Soeum, T. 4 June 2015, 15.39.27 [Chamkar Leu District Secretary was regularly invited to study sessions in Phnom Penh to receive tasks to be implemented in her district, once every month or every 2/3 months], 15.44.43-15.46.35 ["Yes, I met [Nuon Chea]. He went to organize workforces in the districts. He came to the district to instruct people on how to dig canals"].

<sup>4961</sup> **E3/35** Ke Pich Vannak WRI, EN 00346151 ["Pol Pot made 2 official visits, but he made multiple unofficial visits"]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.49.39-10.54.15 ["I escorted only Pol Pot. He went to meet zone committees and to inspect the dam construction sites"], 11.10.31 ["It was Stueng Chinit or Chinit river"]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.58.07-16.04.00; **E3/1339** FBIS, *Chen Yung Kuei Visits...*, 8 Dec 1977, EN 00168335; **E1/307.1** Un Ron, T. 28 May 2015, 09.37.13-09.39.54; **E3/9349** Chuop Non WRI, EN 00244159; **E3/7812** Khiev Sokh WRI, EN 00282329.

<sup>4962</sup> **E1/63.1** Saut Toeung, T. 18 Apr 2012, 15.11.29 [(Nuon Chea) "visited the 1<sup>st</sup> January Dam and other dams ... he visited that dam [on Chinit River] ... he may have visited it twice or so"]; **E1/310.1** Sou Soeum, T. 4 June 2015, 11.25.14-11.28.27 ["Nuon Chea visited the 1<sup>st</sup> January Dam worksite on that day"]; **E3/423** Saut Toeung WRI, A77-A82; **E3/2348R** Video, *Khmer Rouge History of Genocide (Part I)*, V00172506, 35:30-35:55; **E3/2350R** Video, *Pol Pot et les Khmers Rouges (Part I)*, V00172512, 33:31-33:39.



Sary,<sup>4963</sup> Son Sen, Ta Mok,<sup>4964</sup> Ieng Thirith,<sup>4965</sup> and Pang also visited.<sup>4966</sup> During these visits and whenever a film crew was present, the workers were usually ordered to work faster.<sup>4967</sup> While the evidence at trial does not establish clearly that **Khieu Samphan** visited the site,<sup>4968</sup> he stressed in a 15 April 1977 speech the importance of its construction to contain the water of Chinit River.<sup>4969</sup> Pol Pot also referred to the 1<sup>st</sup> and 6<sup>th</sup> January Dams in his 30 September 1977 and April 1978 speeches.<sup>4970</sup> Through their visits and the information received from the Central Zone, the DK leaders must have been aware of the extremely harsh work conditions and of the physical dangers to which the workers (including children) were exposed.<sup>4971</sup> Nevertheless, DK leaders were proud to systematically show visiting foreign delegations the model 1<sup>st</sup> and 6<sup>th</sup>

<sup>4963</sup> E3/35 Ke Pich Vannak WRI, EN 00346151; E3/545 Sao Phoeung WRI, EN 00223611-12.

<sup>4964</sup> E3/7785 Choeu Saing WRI, EN 00244152.

<sup>4965</sup> E3/35 Ke Pich Vannak WRI, EN 00346150; E1/310.1 Sou Soeun, T. 4 June 2015, 11.17.15; E3/3282 and E3/3283 Photographs depicting Ieng Thirith leading a Lao delegation to visit the First January Dam; E3/286 FBIS, *Delegation Concludes Visit*, 28 Apr 1977, EN 00168253.

<sup>4966</sup> E3/2782 Ke Pauk Autobiography, EN 00089714 ["Ta An had already arrived. I was at January 1<sup>st</sup> Dam, Pang was also at the dam. Returning, Pang gave me a lift to Phnom Penh"].

<sup>4967</sup> E1/309.1 Uth Seng, T. 3 June 2015, 14.02.05 ["our baskets were fully loaded and we had to carry it more quickly"]; E1/308.1 Seang Sovida, T. 2 June 2015, 10.41.05 ["we 6 had been told in advance that we had to run while carrying the earth"]; E1/301.1 Or Ho, T. 19 May 2015, 13.33.59, 15.25.29; E1/302.1 Or Ho, T. 20 May 2015, 10.00.56 ["the filming process took about two hours ... I did not run for the two hours, we took turn"]; E1/305.1 Meas Layhuor, T. 26 May 2015, 09.25.45; E1/306.1 Hun Sethany, T. 27 May 2015, 09.44.12-09.48.10.

<sup>4968</sup> E3/7322 Yean Lon WRI, EN 00330720 ["I saw Chan and Khieu Samphan come to inspect the 1 January Dam construction site"]. But see E1/317.1 Yean Lon, T. 16 June 2015, 11.35.50 ["I only heard people or workers talking about him. I did not see him clearly ... I personally did not know who Khieu Samphan was ... it was rather dusty, and it was difficult to identify who was who ... From what I could see, it was not Khieu Samphan"]; E3/5513 Ieng Chham WRI, A81.

<sup>4969</sup> E3/201 Khieu Samphan Speech, 15 Apr 1977, EN 00419514 ["all construction sites will fulfill the 1977 plan by the end of May. These projects include dams for watering the fields all the year round and containing the water of Prek Thnot, Chinit and other streams ... Each construction of a reservoir, canal or dam is manned by as many as 10,000, 20,000 or even 30,000 workers ... Have these achievements been made possible by machines? No, we have no machines ... we work completely self-reliantly ... Though barehanded, they can do everything"].

<sup>4970</sup> E3/11 *Revolutionary Flag*, Sept 1977, EN 00486260-61 ["In the past dry season of 1977, the people of our cooperatives built many large water reservoirs ... two dams on the Chinit stream ... with their own bare hands and hoes"]; E3/4604 *Revolutionary Flag*, Apr 1978, EN 00519843 ["We have built many water reservoirs of 100 million cubic meters and above, like seas ... Two were built on the Steung Chinit"].

<sup>4971</sup> E1/307.1 Un Ron, T. 28 May 2015, 09.37.13 [The senior leaders "did not come to visit the workers or ask how workers were"], 11.07.27 [his unit was not told to prepare for the leaders' visit and they worked as usual during their visit]; E3/464 Tha Sot WRI, EN 00226110 [Head of K-12 drivers unit: "Nuon Chea saw the hardship of and the destitute of the people" at the dam sites he visited about 5 to 6 times a month]; E3/35 Ke Pich Vannak WRI, 00346150-51 [Pol Pot "joined people to carry soil on the shoulder ... Pol Pot said "this is the result of our efforts which is from our real sweat and blood"]; E1/64.1 Saut Toeung, T. 19 Apr 2012, 11.38.31-11.49.27 [while accompanying Nuon Chea at the dam, he saw "torture inflicted on the people" for failing to meet the work quota]; E1/309.1 Uth Seng, T. 3 June 2015, 14.02.05 [their baskets were loaded over their rims]; E1/310.1 Sou Soeun, T. 4 June 2015, 15.44.43-15.49.05; E3/5294 Sou Soeun WRI, EN 00360116-17; E1/503.1 Seng Lytheng, T. 29 Nov 2016, 10.51.30 [Pol Pot was with the witness who "saw some children among the workers"]; E3/201 Khieu Samphan Speech, 15 Apr 1977, EN 00419514.



January dam construction sites.<sup>4972</sup> For example, on 6 December 1977, Chinese Vice-Premier Chen Yung-Kuei visited and inaugurated the 1<sup>st</sup> January Dam, accompanied by Pol Pot, Vorn Vet, Ke Pauk, and An.<sup>4973</sup> Despite the CPK leaders' pride in the construction project, due to the poor planning of the construction, parts of both dams collapsed in 1978, causing casualties.<sup>4974</sup>

<sup>4972</sup> **E3/284** FBIS, ...*Visiting DPRK Journalists*, 9 Feb 1977, EN 00168413; **E3/286** FBIS, *Romanian Journalist*..., 5 Apr 1977, EN 00168194, *Delegation Concludes Visit*, 29 Apr 1977, EN 00168253; **E3/287** FBIS, *Lao Delegation Leader's Speech*, 4 May 1977, EN 00168124; **E3/1245** DK Media Report, *The Lao Women's Delegation*..., May 1977, EN 00280609; **E3/1359** FBIS, *Ambassadors Depart* ..., 23 Jan 1978, EN 00169642; **E3/1360** FBIS, *Yugoslav Press Delegation*..., 14 Mar 1978, EN 00169917 [Visit of the 1<sup>st</sup> January Dam and 6<sup>th</sup> January Dam where "23,000 members of our mobile youth units are striving to build another reservoir"], *Romanian Delegation Visits*..., EN 00169952; **E3/1361** FBIS, [Madagascar] *Ambassador*..., 18 Apr 1978, EN 00168837; **E3/1362** FBIS, *U.S. Marxist-Leninist Delegation*..., 1 May 1978, EN 00169972; *Visiting Singapore Delegation*..., 16 May 1978, EN 00170025; **E3/1363** FBIS, *Algerian Presidential Envoy*..., 13 June 1978, EN 00169808, *Malaysian Ambassador Visits*..., 28 June 1978, EN 00169857; **E3/293** FBIS, *Reportage on Italian Unified CP*..., 18 July 1978, EN 00169731, *DPRK's Kim Hyong-Yul Visits*..., 21 July 1978, EN 00169739-40, 42; **E3/75** FBIS, *Activities of Belgian Friendship*..., 8 Aug 1978, EN 00168941, *Activities of Danish M-L Labor*..., 9 Aug 1978, EN 00168945, *Departure [Swedish Friendship Group]*, 26 Aug 1978, EN 00169017; **E3/76** FBIS, *French, Turkish Delegations*..., 19 Sept 1978, EN 00170396, *Hong Kong Journalists*..., 26 Sept 1978, EN 00170423, ...*Delegation [Japanese Friendship]*, 27 Sept 1978, EN 00170431; **E3/294** FBIS, ...*Visiting Norwegian*..., 4 Oct 1978, EN 00170186; **E3/295** FBIS, [PRC Trade] *Delegation*..., 11 Dec 1978, EN 00169073-74, [German Communist League] *Delegation*..., 12 Dec 1978, EN 00169084, [Japanese Workers Party] ..., 19 Dec 1978, EN 00169119, *Romanian Aviation Delegation*, 28 Dec 1978, EN 00169158, *Details of Tour by US Professor*..., 29 Dec 1978, EN 00169169; **E3/35** Ke Pich Vannak WRI, EN 00346151.

<sup>4973</sup> **E3/1783** FBIS, *Chen Yung-Kuei*..., 23 Dec 1977, EN 00498181 [Ke Pauk noted that "Buddhist monks used to say that only God can dam the Chinit River"; Pol Pot added: "the people themselves are gods"]; **E3/1339** FBIS, *Chen Yung Kuei Visits*..., 8 Dec 1977, EN 00168335; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.20.09; **E1/309.1** Uth Seng, T. 3 June 2015, 10.37.06-10.42.02, 14.43.22; **E3/7812** Khiev Sokh WRI, EN 00282329; **E3/9349** Chuop Non WRI, EN 00244159.

<sup>4974</sup> **E3/5513** Ieng Chham WRI, A52 [the French dam method using a culvert was not chosen]; **E1/259.1** Elizabeth Becker, T. 9 Feb 2015, 11.22.30 [In Dec 1978: "The monsoon had been heavy that year ... it was in the process of being repaired"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.45.37 ["during the rainy season when the dam broke, we had to work at night to ... repair"]; **E1/307.1** Un Ron, T. 28 May 2015, 09.41.44 ["we were told to fill in the places on the dam that were broken or damaged by the water"]; **E3/20** Becker, *When the War was Over*, EN 00237945-46 [About the 1 Jan Dam (erroneously placed in the Northwest Zone): "in the 1978 rainy season the dam burst. It had been constructed without a spillway, a shortcut that ... made it certain that the dam would not hold up under heavy rains and swelling rivers ... One engineer ... described the criminal neglect of these construction schemes. 'Without a spillway there is no effective way to control the water and it broke through the dam. When the dam broke there was little protection for the people who lived downstream and they were flooded'"]; **E3/8026** 1 Jan Dam Site ID Report, EN 00290634 [the modern 1 Jan Dam reservoir is built to prevent flooding while during the DK era, the waters were not contained and the whole area was flooded]; **E3/5513** Ieng Chham WRI, A36-39, A44, A50, A59 A68 [A50: "after I tried opening the rear water gate, half of the front part of the spillway was broken"]; **E1/64.1** Saut Toeung, T. 19 Apr 2012, 11.45.12 -11.49.27 ["Q. When you witnessed that the [1 January] dam was not constructed very well, did Nuon Chea see that? A. Yes, he did. ... He did not react noticeably; he simply summoned others to advise them"]; **E3/213** Chandler, Kiernan, Boua, *The Party's Four Year Plan, 1977-1980*, EN 00104017; **E3/5120** Yung Chann SIF, EN 00937096.

At the Worksite

1152. Based on the Party Centre directives, the plan to build the 1<sup>st</sup> January Dam was given by the Zone Secretary Ke Pauk to the Public Works Office<sup>4975</sup> whose chairman was Sao until his arrest on 20 September 1977.<sup>4976</sup> He was replaced by Ieng Chham alias Chhi,<sup>4977</sup> assisted by Pech Sokha.<sup>4978</sup> Regular units and youth mobile group workers (from sectors, districts, communes, or cooperatives) were forcibly assigned to work at the 1<sup>st</sup> January Dam.<sup>4979</sup> Each regular or mobile unit was divided into companies (big units, 100-120 workers), small units (platoons of 30-36 workers), group units (10-12 workers), and teams of three.<sup>4980</sup>

**OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY**

1153. Forced Labour: The construction of the 1<sup>st</sup> January Dam was completed primarily by human labour although some explosives and limited heavy machinery were used.<sup>4981</sup>

<sup>4975</sup> **E3/5513** Ieng Chham WRI, A53, 59 ["A53: Sao was from the Ministry of Public Work ... A59: Sao and I received the master plan from Ke Pauk ... it was just an image plan ... not following technical standards"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.09.05 ["It was a sketch ... a single sheet"]; **E3/403** Pech Sokha WRI, EN 00403003-04; **E3/35** Ke Pich Vannak WRI, EN 00346149; **E3/1583** DK Media Report, *Great Changes in Kampuchea*, EN 00011314 ["The 'Chief Engineer' of the [1 January Dam] is comrade Pok"].

<sup>4976</sup> **E3/2166** S-21 Prisoner List (Central Zone), EN 00785263 [No.6, Yab Yeun alias Sao, 36, 20 Sept 1977]; **E3/7414** S-21 Confession of Yap Yan alias Sao, 25 Sept 1977. The previous chief also ended up at S-21: **E3/2956** S-21 Prisoner List, EN 00222965 [No.10, Yoek Hong alias Khoem].

<sup>4977</sup> **E1/310.1** Sou Soeur, T. 4 June 2015, 09.59.37 ["I knew [Chham and Pech Sokha] ... Chham ... was worked my husband ... throughout the entire Khmer Rouge regime"]; **E1/290.1** Pech Chhim, T. 22 Apr 2015, 15.58.43 ["Chham ... was sent to be in charge of the construction of 1<sup>st</sup> January Dam"]; **E3/35** Ke Pich Vannak WRI, EN 00346149-50; **E3/403** Pech Sokha WRI, EN 00403007; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.17.23; **E3/5513** Ieng Chham WRI, A83-86, A94-95, 97-99 [Ieng Chham denies he was responsible for the entire 1 Jan Dam worksite, but admits he was appointed by Pauk "to be in charge of continuing the construction" after Sao].

<sup>4978</sup> **E1/303.1** Pech Sokha, T. 21 May 2015, 09.36.55-09.43.25, 09.45.15-09.47.56, 10.57.01; **E3/403** Pech Sokha WRI, EN 00403003; **E3/35** Ke Pich Vannak WRI, EN 00346150; **E3/5513** Ieng Chham WRI, EN 00410236.

<sup>4979</sup> **E1/326.1** Om Chy, T. 30 July 2015, 11.09.48 ["Nobody actually volunteered to go there ... everyone was forced"], 11.18.25 ["everybody had to adhere... he or she would be accused of opposing the society under their leadership"]; **E1/306.1** Un Ron, T. 27 May 2015, 15.42.26, 15.46.51; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.45.06; **E1/310.1** Sou Soeur, T. 4 June 2015, 15.29.24 ["None of them refused, for we, the district, had instructed them to work hard, and to adhere to work disciplines and regulations"].

<sup>4980</sup> **E1/306.1** Un Ron, T. 27 May 2015, 15.45.22; **E3/5265** Um Chi WRI, EN 00282346; **E1/308.1** Uth Seng, T. 2 June 2015, 15.27.00; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.22.05; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/302.1** Or Ho, T. 20 May 2015, 09.20.54; **E3/7812** Khiev Sokh WRI, EN 00282325; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.34.30; **E3/7785** Choeu Saing Statement, EN 00244149-50.

<sup>4981</sup> **E3/11** *Revolutionary Flag*, Sept 1977, EN 00486260-61 ["the people ... built ... two dams on the Chinit ... with their own bare hands and hoes"]; **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30 ["I have never seen any heavy machinery. Manpower was used"]; **E1/308.1** Uth Seng, T. 2 June 2015, 15.45.10 ["no heavy machinery at the site"], 13.42.39 ["I never saw the heavy equipment, but after ... 1979, I saw the heavy machinery ... in the forest"]; **E1/301.1** Or Ho, T. 19 May 2015, 15.28.04; **E3/5247** Pouk Pon WRI, EN 00232820 ["Pure human labor force was used"]; **E1/310.1** Sou Soeur, T. 4 June 2015, 14.29.43 ["work was merely done with the shoulders of ... people with all their might to carry the dirt. And only later on

**Khieu Samphan** insisted in his 15 April 1977 speech that dams (including on Chinit River) were being built “barehanded”.<sup>4982</sup> Tens of thousands of workers (between 20,000 and 40,000 at a time) from all districts and communes in Sectors 41, 42, and 43 were forced by the CPK to build the two dams and the network of canals and dykes.<sup>4983</sup> In March 1978, 23,000 youth units were still building the 6<sup>th</sup> January Dam.<sup>4984</sup> In mobile units, workers were young and single, mostly between 16 and 30 years of age.<sup>4985</sup> Once married, they were placed in regular units for middle-aged adults and sometimes relocated.<sup>4986</sup> There were some children who were forced to perform the same tasks than the adults, including Civil Party Seang Sovida, who was 12-13 years old in 1977.<sup>4987</sup> A

did units of heavy machinery became available”]; **E1/311.1** Sou Soeurn, T. 5 June 2015, 14.28.30; **E3/5513** Ieng Chham WRI, A64, A67; **E3/7812** Khiev Sokh WRI, EN 00282326; **E3/20** Elizabeth Becker, *When the War was Over*, EN 00237945; **E1/303.1** Pech Sokha, T. 21 May 2015, 10.57.01; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.39.27 [“the explosive was used to break the rock ... men were carrying the broken rocks”].

<sup>4982</sup> **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419514 [“we have no machines ... We work completely self-reliantly ... Though barehanded, they can do everything”]; About the CPK self-reliance policy. See also **E3/2667** French Telegram 1477-81, Aug 1975, EN 00503979 [reporting that Khieu Samphan refused North Korean President’s donation of 10,000 tractors to Cambodia].

<sup>4983</sup> **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.21.41 [“between 20 to 30,000 workers working in total at the 1<sup>st</sup> January Dam worksite ... there could be up to 40,000 workers”]; **E1/311.1** Sou Soeurn, T. 5 June 2015, 14.25.4 [“between 30 to 40,000 workers”]; **E3/35** Ke Pich Vannak WRI, EN 00346149-50 [“each Sector had to send ten thousand people to join”]; **E1/301.1** Or Ho, T. 19 May 2015, 11.00.28; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.22.05-11.24.30; **E1/322.1** Kong Uth, T. 25 June 2015, 09.30.12; **E3/286** FBIS, *Delegation Concludes Visit*, 28 Apr 1977, EN 00168253; **E3/287** FBIS, *Lao Delegation Leader’s Speech*, 4 May 1977, EN 00168124; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.20.15-09.23.04, 11.21.34; **E1/326.1** Om Chy, T. 30 July 2015, 11.07.55-11.11.10; **E3/5264** Ke Un WRI, EN 00283343; **E3/162** Prak Yut WRI, A16, 19 & 23; **E3/5247** Pouk Pon WRI, EN 00232820-21; **E3/5255** Or Ho WRI, EN 00250045; **E1/308.1** Uth Seng, T. 2 June 2015, 15.23.59-15.27.00.

<sup>4984</sup> **E3/1360** FBIS, *Yugoslav Press Delegation*..., 14 Mar 1978, EN 00169917 [Visiting the 1 January Dam and 6 January Dam where “23,000 members of our mobile youth units are striving to build another reservoir”].

<sup>4985</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.09.09 [“The majority ... was from 18 years old and above, as they were the main force in the mobile units”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.40.29 [“most of them were teens –16, 17”], 11.26.35 [“At the worksite, we were all single, unmarried”]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.25.23; **E1/326.1** Om Chy, T. 30 July 2015, 11.20.12; **E1/322.1** Kong Uth, T. 25 June 2015, 09.30.12; **E3/9350** Van Sorn WRI, EN 00244169; **E3/162** Prak Yut WRI, A26-27.

<sup>4986</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.09.09 [“at the feeding canals, usually they were married men and women”]; **E3/7770** Chhun Sakhan WRI, EN 00233266 [“The majority of people working at the worksite were middle-aged, both men and women”]; **E1/326.1** Om Chy, T. 30 July 2015, 14.29.08 [“Back then, I was single. And later in August [1978], I was required to get married after which I was dispatched to work and live in a village”]; **E1/322.1** Kong Uth, T. 25 June 2015, 13.34.17-13.39.33.

<sup>4987</sup> **E1/308.1** Seang Sovida, T. 2 June 2015, 09.13.29, 09.19.02-09.26.18 [“I was sent to a mobile unit at the 1<sup>st</sup> January Dam worksite ... for about three months ... I was 11 years old or 12 years old”], 09.36.40 [“I was told to carry the earth from the canal and I had to carry it to the dam site”], 11.28.18-11.33.24; **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [the presence of children building dams is confirmed by Khieu Samphan himself: “Our children do not play with toy[s]... Our children are happy with ... helping to build dams and embankments and dig reservoirs and ditches”]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.05.32-09.09.15 [“The children were instructed to do the same work as that of the adults ... their health condition actually deteriorated dramatically”], 14.16.12-14.20.31 [explains children were not collecting cow dung but “carrying earth like we did [...they] were around nine years old and the oldest were around 13 years old”]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.51.30 [escorted Pol Pot at the dam where he “saw some children”]; **E3/5264** Ke Un WRI, EN 00283344; **E3/3048R** Video



large proportion of the workers were New People,<sup>4988</sup> and Cham who had been relocated from their homes in Kampong Cham.<sup>4989</sup>

1154. Forced labourers were overworked and exhausted at the 1<sup>st</sup> January Dam.<sup>4990</sup> Normal working hours were from 5 or 6 am until 5 or 6 pm with a lunch break and two 15-minute breaks, but in some units or during certain peak periods, work started as early as 3 or 4 am.<sup>4991</sup> As the sleeping quarters were often far away from work places, mobile unit workers had to wake up two to three hours before and walk a long time in the dark before starting work.<sup>4992</sup> Most units worked night shifts from 6 or 7 pm to 10 pm up to midnight,<sup>4993</sup> after the dinner break and an occasional criticism/self-criticism meeting.<sup>4994</sup>

*Building a Khmer Rouge Dam*, 00:00-04:01 [Images of a DK dam construction showing faces of children or very young teenagers actively working at 00:16-00:17, 00:29-00:33, 03:46-03:47, 03:58-04:01].

<sup>4988</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.27.17; **E1/322.1** Kong Uth, T. 25 June 2015, 09.32.06 ["most of them were New People"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 11.19.24; **E3/5267** Ut Seng WRI, EN 00282356; **E3/7812** Khiev Sokh WRI, EN 00282327.

<sup>4989</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18 [The "Cham people working with us had been evacuated ... from Kampong Cham"]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.32.06-09.37.09; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5265** Um Chi WRI, EN 00282345; **E3/4893** Hak Mat SIF, EN 00851264-65.

<sup>4990</sup> **E1/306.1** Hun Sethany, T. 27 May 2015, 09.09.15-09.12.33 ["We were not allowed to be idle ... we overworked. Sometime I fainted"], 09.12.33-09.17.17 ["Everybody was so tired from the previous night and sometimes we were walk sleeping and sometimes some of us fell down while working"]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.59.00; **E1/308.1** Uth Seng, T. 2 June 2015, 15.49.22; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 10.48.00; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22 ["It was beyond my physical strength"]; **E3/9350** Van Sorn WRI, EN 00244170.

<sup>4991</sup> **E3/7775** Kang Ut WRI, EN 00233533 ["Failing to respect the times would be resulted in being re-educated ... We started work from 4 a.m. (by around 7 a.m. we were allowed to take a fifteen-minute break) to 11 a.m. ... Work resumed at 1 p.m. and continued until 5 p.m."]; **E1/301.1** Or Ho, T. 19 May 2015, 11.11.31 ["started from 4 o'clock in the early morning"]; **E1/302.1** Or Ho, T. 20 May 2015, 13.49.21; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.32.50 [3.00 to 12.00, 13.00 to 17.00 then 18.00 to 00.00]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.42.29; **E1/306.1** Hun Sethany, T. 27 May 2015, 13.47.47 [Hun Sethany strongly denied that work for Balaing commune workers would only start at 7.00: "It was not the same situation ... I started work at 5.00 a.m., and I had to work until 11.00 a.m. ... we had to resume work at 1 p.m., not 2 p.m."], 14.02.03 ["As for the one who told you that work started at 7.00 a.m., this individual may be a former Base Person unit chief or a cadre during that time"]; **E1/306.1** Un Ron, T. 27 May 2015, 15.57.02; **E1/307.1** Un Ron, T. 28 May 2015, 13.56.36-14.01.12; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52-11.27.10; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/322.1** Kong Uth, T. 25 June 2015, 09.19.18, 09.37.00; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22-14.12.20.

<sup>4992</sup> For example, Hun Sethany worked in three successive locations but the sleeping quarters remained at Wat Trapeang Chrey: **E1/305.1** Hun Sethany, T. 26 May 2015, 15.54.32; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 ["at Trapeang Chrey, we woke up by whistle sound at 4 o'clock in the morning and we started working at 5.00 ... near the national road, it was quite far distance so we had to wake up by a whistle sound at 3 o'clock"], 15.09.37-15.12.41. See also **E1/308.1** Seang Sovida, T. 2 June 2015, 09.31.22-09.36.40, 09.46.01; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.29.29; **E1/306.1** Un Ron, T. 27 May 2015, 15.53.04-15.55.01.

<sup>4993</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.29.23 ["we had to work through the night until 12 o'clock midnight"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.45.37 ["When the reservoir was being built we worked day and night ... and during the rainy season when the dam broke, we had to work at night"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.02.03-14.04.50 ["We worked from 6.00 p.m., until 10.00 p.m."]; **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41 ["in order to expedite the work at the worksite, we started working again, and we worked through the night until 10 o'clock"]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.50.55-09.51.37 ["We had to work at night every day. Torches were used to illuminate our



While some mobile units workers were given a day off every ten days, many had to work every day.<sup>4995</sup>

1155. Unit chiefs assigned workers high quotas of soil or rocks to excavate and transport, ranging from one to four cubic metres per day, depending on the land condition and the type of unit.<sup>4996</sup> The workers carried soil in baskets weighing between 30 and 40 kilograms from the bottom of canals to the top of the dam.<sup>4997</sup> The workers who repeatedly carried these heavy loads suffered pain in the back, shoulders, and legs.<sup>4998</sup> Workers who were weak or mildly sick were forced to continue to work.<sup>4999</sup> Only a portion of the workers were able to meet the onerous quotas set by the hierarchy.<sup>5000</sup>

working site", 13.49.36-13.53.19 ["during the time which the moon was not waxing, they would use the torch, they burn the torch to light the worksite ... when we were asked to be in full swing, we would worked until 10 p.m"]; **E1/326.1** Om Chy, T. 30 July 2015, 11.23.52-11.27.10; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.29.00; **E1/322.1** Kong Uth, T. 25 June 2015, 09.19.18-09.22.07, 13.49.47-13.53.08 [Night work was regular work], 13.58.35; **E3/5267** Ut Seng WRI, EN 00282355; **E3/5513** Ieng Chham WRI, A66, 71; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.42.43; **E1/307.1** Un Ron, T. 28 May 2015, 10.00.13-10.02.48, 13.56.36.

<sup>4994</sup> **E1/307.1** Un Ron, T. 28 May 2015, 09.06.38 ["[At the meeting] The main topic was for us to actively involve in the work and not to get sick that often"], 10.47.05; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.10.20-10.14.19; **E3/5249** Vann Theng WRI, EN 00231859; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.08.22-14.12.20.

<sup>4995</sup> **E3/7770** Chhun Sakan WRI, EN 00233267 ["After ten working days, we were allowed to have a day off"]; **E3/7785** Choeu Saing WRI, EN 00244150; **E1/307.1** Un Ron, T. 28 May 2015, 09.17.59, 13.34.15 [Sector mobile unit worker: "Q. Did you have a free day every tenth day of the month? A. No. ... only when we were too weak to work"]; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.57.42.

<sup>4996</sup> **E1/308.1** Uth Seng, T. 2 June 2015, 15.32.34 ["The length of the land was measured in metres. It also depended on the land condition, and the depth of the canal also varied. If the land condition was quite good, a group would receive more metres in length"]; **E3/5255** Or Ho WRI, EN 00250045 ["three cubic meters of soil during a period of one day one night"]; **E1/301.1** Or Ho, T. 19 May 2015, 11.25.45 [1 or 2 m<sup>3</sup> depending on the soil condition], 14.26.56; **E1/326.1** Om Chy, T. 30 July 2015, 11.33.16 [3m<sup>3</sup>], 14.05.28; **E1/306.1** Un Ron, T. 27 May 2015, 15.55.01 [4 m<sup>3</sup>]; **E1/307.1** Un Ron, T. 28 May 2015, 09.20.10; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.51.19 [2 m<sup>3</sup>]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.35.56-10.38.34 [1.5 to 2 m<sup>3</sup>]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 11.26.06 [1 m<sup>3</sup>]; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.24.21; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.34.38; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.20.06 [2m<sup>3</sup>]; **E3/5247** Pouk Pon WRI, EN 00232820; **E3/9350** Van Sorn WRI, EN 00244169; **E3/7785** Choeu Saing WRI, EN 00244149; **E3/9349** Chuop Non WRI, EN 00244156; **E1/318.1** Yean Lon, T. 17 June 2015, 09.59.18-10.05.57 [2 to 4 m<sup>3</sup>].

<sup>4997</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.33.51 ["it was far, about 200 metre away. So I had to carry earth from the bottom of the canal and brought the dirt to the upper level of the dam ... the total weight was about 30 kilo[grams]"]; **E1/307.1** Un Ron, T. 28 May 2015, 09.54.46-09.57.48 ["The distance ... was about 40 metres ... it was about 30 to 40 kilograms ... sometimes ... heavier"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.39.39; **E1/322.1** Kong Uth, T. 25 June 2015, 09.43.55-09.46.30.

<sup>4998</sup> For example: **E1/307.1** Un Ron, T. 28 May 2015, 10.00.13 ["[Carrying dirt was] very tiring and painful and sometimes I had muscle cramps on my calves"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.31.24 ["The skin on my shoulder peeled from heavy load of earth"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.37.29.

<sup>4999</sup> **E1/317.1** Yean Lon, T. 16 June 2015, 11.21.51; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 09.32.46-09.35.58; **E1/307.1** Un Ron, T. 28 May 2015, 11.05.41.

<sup>5000</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.25.45, 15.36.09-15.41.25 [admits that the work quota could not always be met although his 100-men group was an elite group]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.35.56; **E1/326.1** Om Chy, T. 30 July 2015, 11.33.16 ["some of [the workers digging the earth] were

Those who could not meet the quota were subject to a range of measures. Some were required to make up the incomplete work at night, early the next day, or during lunchtime.<sup>5001</sup> Others were required to attend refashioning sessions where they were threatened<sup>5002</sup> or had their food allotment reduced.<sup>5003</sup> The authorities also punished those who refused to work, were sick too often, or those perceived as lazy by assigning extra work, depriving them of food, requiring them to collect human waste by hand, sending the offenders to reeducation, or by beatings, arrest, or disappearance.<sup>5004</sup> For example, a dam worker, Uth Seng, remembers that undisciplined or “lazy” people were placed in a special unit where they had to work harder and longer for less food and were publicly beaten with whips in order to deter laziness and disobedience.<sup>5005</sup> Another

able to meet the [3 cubic metres] quota but some were not”]; **E3/5265** Um Chi WRI, EN 00282347 [“only about 30 percent could meet that quota”]; **E3/9349** Chuop Non WRI, EN 00244156; **E1/155.1** Suon Kanil, T. 17 Dec 2012, 10.24.21; **E1/309.1** Uth Seng, T. 3 June 2015, 14.23.20. Two unit chiefs, concerned *a posteriori* about their image or aware of the fatigue of the workers, said they sometimes lied to the upper echelon about the quota to avoid punishment: **E3/5255** Or Ho WRI, EN 00250045; **E3/5265** Um Chi WRI, EN 00282347.

<sup>5001</sup> **E1/306.1** Un Ron, T. 27 May 2015, 15.57.02 [assigned each 2 cubic metres to complete at night otherwise they had to wake up and start working earlier, precisely at 4.00 or 4.30 in the morning before starting the new work quota]; **E1/307.1** Un Ron, T. 28 May 2015, 09.10.49; **E1/309.1** Uth Seng, T. 3 June 2015, 14.23.20; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.55.55 [“if we could not complete the work during the day time, we had to get it finished at night”]; **E3/7770** Chhun Sakan WRI, EN 00233266-67; **E3/403** Pech Sokha WRI, EN 00403006; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 [“it was even more pitiful for those who were blind at night, as they could not work properly at night-time and they sometimes had to work during the lunch break in order to compensate”]. See also **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.39.39-10.42.43.

<sup>5002</sup> **E3/9350** Van Sorn WRI, EN 00244169 [“If the daily quota was not met, they took me to instruction and refashioning meetings ... they said, ‘Comrade, if you don’t meet the quota, you’d better be careful’ ... since I was afraid of them, I strove to work regardless of whether I was sick or healthy”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.00.34; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.52.48-10.56.16.

<sup>5003</sup> **E1/306.1** Un Ron, T. 27 May 2015, 15.55.01 [“if we could not complete the work quota, then the food ration would be deprived”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.44.12.

<sup>5004</sup> **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.35.58 [“some of my colleagues were mistreated although they were really sick ... those four of five were beaten and they were instructed to carry dirt they were given with a big earth basket”], 10.44.12 [“the lazy ones were considered the enemies of the regime ... who obstructed the wheel of the history ... One of them fell sick at that time ... the shoulder pole was used to beat that person. When she went to work, two cubic metres of soil was given to her to complete, and big earth-carrying baskets were provided to her to carry earth. And she was told that if she could not finish the work, there was no meal for her”], 11.07.37; **E1/307.1** Un Ron, T. 28 May 2015, 09.06.38, 09.17.59, 09.30.15 [“Those who were sick had their food ration reduced [...] would be sent for re-fashioning ... re-fashioning, re-education, or tempering meant the same thing – that is, the person would be sent to be killed”], 13.36.55, 13.41.41 [“that person told me she was instructed to go and collect human waste along the field with her bare hands”]; **E1/326.1** Om Chy, T. 30 July 2015, 14.50.26; **E3/5255** Or Ho WRI, EN 00250045 [“the team leaders were the ones who reported and arrested their own team members after having accused them of being enemies”]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15 [“sent for re-education ... the worker never re-appeared, and that happened continuously”]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.00.34, 15.16.01; **E3/5249** Vann Theng WRI, EN 00231858; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.12.30-10.14.19; **E1/301.1** Or Ho, T. 19 May 2015, 13.36.34. See section 1<sup>st</sup> **January Dam – Unlawful Arrest and Imprisonment.**

<sup>5005</sup> **E1/308.1** Uth Seng, T. 2 June 2015, 15.28.23 [“To my understanding, that was just a warning for us. And these people were put in a special unit, because they did not perform hard enough due to lack of food.

worker, Meas Layhuor, testified that lazy people in her village mobile unit were detained in cages for refashioning purposes.<sup>5006</sup>

1156. *Inhumane conditions*: Workers at the 1<sup>st</sup> January Dam site were housed in long shacks which did not protect them from rain. They were given no mosquito nets, blankets, or decent mats.<sup>5007</sup> They did not sleep well or enough.<sup>5008</sup> Men and women's housing was segregated (including for married couples).<sup>5009</sup> The food provided to workers by their units under the responsibility of the Central Zone<sup>5010</sup> was largely insufficient in both quantity and quality, as food rations generally consisted of gruel or watery soup provided twice a day (lunch and dinner).<sup>5011</sup> Some workers resolved at their own

And there were at least 20-30 members out of those several hundred workers who were placed in that unit. So we were afraid of being put in the special unit. Since we did not have enough to eat, so being placed in that special unit would make one's life more horrible as he or she would be required to work even harder". 15.57.54 ["The special unit comprised of people who were considered lazy, or who evaded the work, or who went back to their village without authorisation, or who violated work-related disciplines"]; 15.59.25 ["they would be instructed to work longer hours ... [They were] only beaten up with a whip. ... They were instructed to line up, and they were whipped [by two distinct unit chiefs], so that the rest of the workers could see and not to follow their example"]; E1/309.1 Uth Seng, T. 3 June 2015, 09.13.14 ["their food ration was less ... their workload was more"]; 10.05.42-10.08.16, 11.28.40-11.33.40.

- <sup>5006</sup> E1/304.1 Meas Layhuor, T. 25 May 2015, 15.16.01-15.19.38 ["Try, was re-educated to carry earth ... he was considered not to be reformed. He was then handed to the security and the security placed him in a cage a bit far for the dam construction site ... when I went to relieve myself in a forest, I saw Try being in a cage ... from that day onward he disappeared ... if the person reformed then the person would be allowed to return to work. And if not then the security would take them away"]; 15.22.07 ["[Neary Leap] didn't go to work so she was placed in a cage for re-education"]; E1/305.1 Meas Layhuor, T. 26 May 2015, 10.52.48-10.57.42.

- <sup>5007</sup> E1/306.1 Hun Sethany, T. 27 May 2015, 11.25.25 [they had to sleep on pieces of tree barks or tree trunks laid on the floor; sleeping on such hard surface was very difficult; whenever it rained they could not sleep]; E1/304.1 Meas Layhuor, T. 25 May 2015, 13.54.03 ["we were told to sleep in the open air with no mosquito nets ... If there was heavy rain, everyone got soaked"]; E1/305.1 Meas Layhuor, T. 26 May 2015, 10.47.36; E1/301.1 Or Ho, T. 19 May 2015, 11.07.04, 13.41.07, 14.20.30; E1/302.1 Or Ho, T. 20 May 2015, 09.44.28; E3/5255 Or Ho WRI, EN 00250046-47; E1/339.1 Nuon Narom, T. 1 Sept 2015, 09.38.22; E1/302.1 Pech Sokha, T. 20 May 2015, 16.03.38; E1/306.1 Un Ron, T. 27 May 2015, 15.47.51-15.53.04; E1/309.1 Uth Seng, T. 3 June 2015, 10.04.09-10.05.42; E1/310.1 Sou Soeurn, T. 4 June 2015, 10.49.45, 14.21.41; E1/317.1 Yean Lon, T. 16 June 2015, 11.14.16-11.17.30; E1/326.1 Om Chy, T. 30 July 2015, 13.27.48-13.30.16, 14.48.14-14.50.26; E3/5265 Um Chi WRI, EN 00282347; E3/5267 Ut Seng WRI, EN 00282356.

- <sup>5008</sup> E1/339.1 Nuon Narom, T. 1 Sept 2015, 09.29.29 ["it was only a few hours before we were woken up again by a whistle blow"]; 09.38.22; E1/339.1 Chao Lang, T. 1 Sept 2015, 15.18.09 ["by the time we arrived at the sleeping quarter ... it was almost midnight already. I was so exhausted; I just fell on to the floor and I was not yet in my deep sleep and I was woken by the whistle blowing"]; E1/304.1 Meas Layhuor, T. 25 May 2015, 13.58.32; E1/322.1 Kong Uth, T. 25 June 2015, 09.56.15.

- <sup>5009</sup> E1/306.1 Hun Sethany, T. 27 May 2015, 13.32.44; E3/7785 Choeu Saing WRI, EN 0244152; E3/7770 Chhun Sakan WRI, EN 00233267; E3/7775 Kang Ut WRI, EN 00233534; E3/5267 Ut Seng WRI, EN 00282356; E3/9350 Van Som WRI, EN 00244170; E3/5247 Pouk Pon WRI, EN 00232821.

- <sup>5010</sup> E1/310.1 Sou Soeurn, T. 4 June 2015, 14.25.23 [Ke Pauk's wife states: "Angkar had the responsibility to assist with the food supply"]; 15.51.52-15.56.33 [despite good rice harvests, there were food shortages; wonders why paddy rice was exported while people did not have enough to eat], 15.58.58 ["It was the zone that was in charge of the workforce at the dam in terms of supervision, food supply and welfare of workers"].

- <sup>5011</sup> E3/5249 Vann Theng WRI, EN 00231859 ["I was the person who transported food supply ... people



security risk to eat whatever they could find.<sup>5012</sup> Although the daily food consumed did not provide sufficient nutrients to achieve the work required,<sup>5013</sup> the workers did not dare complain by fear of being arrested and killed.<sup>5014</sup> The food shortage at the worksite was in part due to rice exports and re-distribution. The goal pursued by the Centre to increase the rice production through the building of the two dams did not benefit the very workers constructing them.<sup>5015</sup>

1157. The health care and sanitation was also the responsibility of the Central Zone.<sup>5016</sup> Workers were forced to live with grossly inadequate hygiene and sanitation standards. The worksite lacked proper latrines, was infested with flies and other insects, and had particularly bad sanitary conditions for women.<sup>5017</sup> The occasional measures taken

did not have enough food to eat as there were too many people"; **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41, 11.17.25 ["one or two ladles of gruel ... Sometimes ... cooked rice"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.32.06; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.41.50-10.46.34 [despite waking up at 3.00 am and walking a long distance, no breakfast was given]; **E1/307.1** Un Ron, T. 28 May 2015, 10.35.34; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.30.25; **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.49.45-10.52.01, 10.56.39; **E3/9351** Meas Layhuor WRI, EN 00244164; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.47.14 ["As for gruels for pigs these days, we put many things in the gruel. And during that period, morning glory soup consisted of only a little bit fish"]; **E3/35** Ke Pich Vannak WRI, EN 00346150 ["Obviously, there were food shortages"]; **E3/5247** Pouk Pon WRI, EN 00232820; **E1/326.1** Om Chy, T. 30 July 2015, 13.30.16; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/5267** Ut Seng WRI, EN 00282356; **E3/7785** Choeu Saing WRI, EN 00244150; **E3/5513** Ieng Chham WRI, A73; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5255** Or Ho WRI, EN 00250046; **E3/9349** Chuop Non WRI, EN 00244157. Unit chiefs had a better food ration: **E1/307.1** Un Ron, T. 28 May 2015, 09.10.49-09.14.28; **E1/309.1** Uth Seng, T. 3 June 2015, 14.35.15-14.38.07.

<sup>5012</sup> **E1/309.1** Uth Seng, T. 3 June 2015, 10.45.03 ["We would resort to anything to eat whenever we found it ... tree leaves, the ripe palm fruits or even the herbs"]; **E3/5267** Ut Seng WRI, EN 00282356; **E1/307.1** Un Ron, T. 28 May 2015, 09.14.28 ["If I were to get caught [stealing rice crusts] then I would be killed"]; **E1/326.1** Om Chy, T. 30 July 2015, 15.21.31 ["if we had done so to supplement our food, and the commune later found out, we would have been accused of going against their assignment. ... In the case of Or Ho ... he was a village chief. So he had the authority to assign people to go fishing"]. Or Ho's case was unique: **E1/301.1** Or Ho, T. 19 May 2015, 09.39.55-09.43.55.

<sup>5013</sup> For example: **E1/309.1** Uth Seng, T. 3 June 2015, 10.01.40 ["Our strengths were becoming weaker and weaker from day to day because we did not have enough food to eat"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.52.29 ["We had no strength and energy, but we had to try to carry earth"].

<sup>5014</sup> **E1/309.1** Uth Seng, T. 3 June 2015, 14.35.15 ["No one dared to challenge the food ration"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.48.41 [no one complained because everyone was afraid to be killed].

<sup>5015</sup> **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.51.52-15.56.33 [food shortages existed despite good harvests; does not understand why paddy rice was exported while people did not have enough to eat], 15.56.33-15.58.58 ["the yield of rice was high ... it was confirmed by the Sangkat chiefs that they had plenty of food supply ... those workers at canal and dam worksites were complaining that they did not have enough to eat"]; **E3/5294** Sou Soeun WRI, EN 00360113 ["the district committee reported [this] to the upper echelon; but the upper echelon did not respond"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.05.50 ["after the harvest trucks came to transport the rice away ... They said Angkar required to take the harvest away ... to the military"].

<sup>5016</sup> **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.58.58.

<sup>5017</sup> **E1/307.1** Un Ron, T. 28 May 2015, 09.17.59 ["We also contracted lice"], 09.23.18 [As for menstrual periods: "sometimes, we had to share a piece of cloth and use it as pad to stop it from flowing"], 10.38.57 [no latrines were built, only pits were dug and there was no soap; ashes were used to wash clothes and herself]; **E1/322.1** Kong Uth, T. 25 June 2015, 09.56.15 ["There were bed bugs"]; **E1/301.1** Or Ho, T. 19 May 2015, 13.41.07 ["There was no hygiene or sanitation in the worksite ... when the pits were full we



against the countless flies did not address the cause and were insufficient.<sup>5018</sup> The workers were very rarely provided any drinkable water, forcing them to drink the muddy water of the river, streams, or ponds.<sup>5019</sup> Most labourers worked “in rags” and were only provided with a new set of clothes once a year.<sup>5020</sup>

1158. Due to the inadequate food supplies, excessive labour, and poor sanitation and hygiene, many workers were emaciated or had swollen bodies.<sup>5021</sup> They were regularly ill with

had to relieve ourselves in the forest, and there were big flies everywhere”; E1/339.1 Nuon Narom, T. 1 Sept 2015, 09.27.33-09.29.29, 09.35.58-09.40.54 [“Women had periods and they had cramps in their abdomen. They need sanitation but we were deprived of this. We were treated as animals”]; E1/304.1 Meas Layhuor, T. 25 May 2015, 13.58.32, 14.08.34-14.12.20; E1/305.1 Meas Layhuor, T. 26 May 2015, 14.05.14; E1/306.1 Hun Sethany, T. 27 May 2015, 09.17.17 [“every ladle of soup ... contained many flies”], 09.17.17-09.23.04, 09.35.12-09.39.20 [“carry earth with the stain of the periods on our trousers”]; E1/308.1 Seang Sovida, T. 2 June 2015, 10.45.31 [“it was like we were living in hell”]; E1/309.1 Uth Seng, T. 3 June 2015, 10.01.40; E3/5264 Ke Un WRI, EN 00283343 [“when they were having a menstrual period, they didn’t have any water to clean up themselves, so their buttocks were followed and surrounded by flies”]; E3/5267 Ut Seng WRI, EN 00282357; E3/403 Pech Sokha WRI, EN 00403005-06; E3/5513 Ieng Chham WRI, A77; E3/5249 Vann Theng WRI, EN 00231859; E3/9350 Van Sorn WRI, EN 00244170; E3/5265 Um Chi WRI, EN 00282348; E3/5255 Or Ho WRI, EN 00250046-47; E1/310.1 Sou Soeurn, T. 4 June 2015, 10.52.01-10.54.10, 14.21.41; E1/317.1 Yean Lon, T. 16 June 2015, 11.25.01.

<sup>5018</sup> E1/303.1 Pech Sokha, T. 21 May 2015, 10.49.10 [“many, many flies”]; 11.30.45 [“In order to eliminate those many flies, they actually used pesticide to kill them”]; E1/305.1 Meas Layhuor, T. 26 May 2015, 14.05.14 [“Yes [they used pesticide], but they were still many flies [explaining that several months passed between each pesticide spray]. *Contra*: E1/306.1 Hun Sethany, T. 27 May 2015, 14.23.35 [“there was nothing at all in regards to the elimination of flies”]; E1/307.1 Un Ron, T. 28 May 2015, 14.30.55 [pesticide was never used]; E1/317.1 Yean Lon, T. 16 June 2015, 11.27.22.

<sup>5019</sup> E3/403 Pech Sokha WRI, EN 00403005-06 [“boiled water was not enough for them, so they had to drink water from tributary”]; E1/304.1 Meas Layhuor, T. 25 May 2015, 13.50.45 [“everyone drank that water from the river”]; E1/306.1 Hun Sethany, T. 27 May 2015, 09.20.15 [“thousands of workers from upstream and downstream had to drink the same water ... there was no time for us to boil water; we didn’t have any pot to boil the water; we didn’t have firewood”]; E1/310.1 Sou Soeurn, T. 4 June 2015, 10.52.01 [“only water from the streams, canals or wells”]; E1/311.1 Sou Soeurn, T. 5 June 2015, 14.34.44-14.37.10; E1/322.1 Kong Uth, T. 25 June 2015, 09.53.12 [“If the water was not boiled in time and if I was too thirsty, I would drink it. ... I knew that I would fall sick”]; E1/308.1 Seang Sovida, T. 2 June 2015, 10.57.22; E1/326.1 Om Chy, T. 30 July 2015, 13.30.16-13.32.28, 15.27.16; E1/339.1 Nuon Narom, T. 1 Sept 2015, 09.29.00; E3/5267 Ut Seng WRI, EN 00282357; E1/307.1 Un Ron, T. 28 May 2015, 10.36.51-10.41.03, 14.30.55-14.34.00.

<sup>5020</sup> E3/5247 Pouk Pon WRI, EN 00232821 [“People wore black clothes some of which were in rags”]; E1/306.1 Hun Sethany, T. 27 May 2015, 09.31.05-09.37.55; E1/307.1 Un Ron, T. 28 May 2015, 09.16.17 [“We only had two sets of clothes, one set was fairly old, while the other one was very old, and there were patches at the back of the pants”], 14.41.45-14.43.20; E1/308.1 Seang Sovida, T. 2 June 2015, 10.45.31; E1/326.1 Om Chy, T. 30 July 2015, 13.27.48; E3/7775 Kang Ut WRI, EN 00233534; E3/9350 Van Sorn WRI, EN 00244170; E1/310.1 Sou Soeurn, T. 4 June 2015, 14.25.23. No shoes or hats were provided; workers made their own hats from palm leaves: E1/307.1 Un Ron, T. 28 May 2015, 11.18.55 [“walked bare feet”]; E1/308.1 Seang Sovida, T. 2 June 2015, 13.33.29; E1/307.1 Un Ron, T. 28 May 2015, 14.10.44 [“We wore hats made by sewing palm leaves together”]; E1/309.1 Uth Seng, T. 3 June 2015, 11.22.08.

<sup>5021</sup> E1/301.1 Or Ho, T. 19 May 2015, 15.07.06 [“workers were not in good shape ... they were skinnier”]; E3/5255 Or Ho WRI, EN 00250046 [“most of the people were emaciated and fell ill”]; E1/304.1 Meas Layhuor, T. 25 May 2015, 13.52.29; E1/309.1 Uth Seng, T. 3 June 2015, 10.39.20 [“most of them were sick with swelling bodies ... the body was swelling as the result of lack of food”], 10.45.03; E1/326.1 Om Chy, T. 30 July 2015, 14.09.05; E3/5265 Um Chi WRI, EN 00282347; E3/9350 Van Sorn WRI, EN 00244170; E1/339.1 Nuon Narom, T. 1 Sept 2015, 10.39.39; E1/339.1 Chao Lang, T. 1 Sept 2015, 14.12.20, 14.29.00

fever, dysentery, malaria, or cholera.<sup>5022</sup> Sick workers were untreated or provided inadequate medical care, including insufficient and ineffective medicine, administered by youths who lacked proper medical training or equipment.<sup>5023</sup> Most hospitals were a long distance away, in poor condition and poorly managed and equipped,<sup>5024</sup> and people were sent there only when severely or critically ill, in some instances too late to be saved.<sup>5025</sup> However, people were generally transferred to the hospital before dying at the worksite.<sup>5026</sup> As admitted by site cadres, many dam labourers died at the worksite or at the hospital from starvation, diseases, exhaustion due to overwork, or a combination of those factors.<sup>5027</sup>

- <sup>5022</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.57.17 ["Some people had malaria ... people fell sick and got dysentery"]; **E3/9350** Van Sorn WRI, EN 00244170 ["The diseases were mostly dysentery, fevers, cholera, etc"]; **E3/5267** Ut Seng WRI, EN 00282357; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5255** Or Ho WRI, EN 00250 047; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.32.06-15.34.04 ["If we worked day and night with insufficient food given, it was not reasonable for us to survive"]; **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30, 10.42.44-10.45.17.
- <sup>5023</sup> **E1/301.1** Or Ho, T. 19 May 2015, 10.58.12 ["no modern medicines ... we used the medicine mixed by ourselves ... The medicine was called rabbit drops"]; **E3/9350** Van Sorn WRI, EN 00244169; **E3/5513** Ieng Chham WRI, A74-77 ["A74: not enough medicines for treatment ... home-made medicine ... A76: medicine lacked quality, and the medics did not have capacity"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.06.59; **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.01.55; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.23.09; **E3/35** Ke Pich Vannak WRI, EN 00346150 ["I saw sick persons [who] did not have any medicines to take. I told those facts to my father ... the Sectors said they did not have medicines"]; **E3/5267** Ut Seng WRI, EN 00282356; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/9349** Chuop Non WRI, EN 00244157; **E3/7785** Choeu Saing WRI, EN 00244152; **E3/7812** Khiev Sokh WRI, EN 00282328; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/5293** Tep Poch WRI, EN 00351704; **E3/5265** Um Chi WRI, EN 20082348; **E1/307.1** Un Ron, T. 28 May 2015, 09.27.45-09.30.15; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.00.25-10.02.28, 13.58.23-14.02.56.
- <sup>5024</sup> **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.59.58 [The Baray District hospital was 10 km away]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.07.05; **E3/7775** Kang Ut WRI, EN 00233534 ["seriously ill...would be sent to the far-away hospital"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.59.04 ["[Kampong Thma hospital] was not in a good condition ... It was built from wooden planks; as for the walls and the roof, it was from leaves ... the patients who did not have a bed ... would sleep on the floor"]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.04.16; **E3/411** Suon Kanil WRI, EN 00390079 ["Chan Srean alias Chit was the chairperson of the hospital ... although he did not have any medical knowledge. Later on he was arrested"].
- <sup>5025</sup> **E1/307.1** Un Ron, T. 28 May 2015, 09.32.30 ["people became seriously ill [...with] dysentery ... they were sent to the district hospital. And I never saw them return. ... that happened to two workers in my group ... They just disappeared. They never returned"]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 15.10.30 ["In certain cases we could not save the life of the patients"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.59.58, 13.46.03-13.48.18 ["The unit chief would tell this particular individual died of diarrhoea because he could not be cured in time"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.32.28-13.34.00 ["Some people ... died at the hospital"], 14.36.32.
- <sup>5026</sup> **E1/305.1** Meas Layhuor, T. 26 May 2015, 10.01.55 ["Was anybody ever left dead at the 1<sup>st</sup> January Dam site ...? A. No ... When people were seriously ill, they would not be allowed to stay"]; **E3/7775** Kang Ut WRI, EN 00233534 ["When someone was seriously ill they would be sent to the far-away hospital. No one wanted to be left dead at the site"]; **E1/310.1** Sou Soeurn, T. 4 June 2015, 14.24.05; **E3/403** Pech Sokha WRI, EN 00403006 ["Regarding the death caused by diseases, we could not know because people who were seriously sick were sent to the provincial hospital"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 16.00.21.
- <sup>5027</sup> **E3/35** Ke Pich Vannak WRI, EN 00346150 ["I knew that they were patients dying because of the lack of medicines"]; **E3/5513** Ieng Chham WRI, A74, 77 ["A77: it lacked sanitation; there was no enough food

1159. The 1<sup>st</sup> January Dam worksite was closely monitored. Supervisors at all levels walked around to inspect whether the quotas were being met and work was going according to plan.<sup>5028</sup> Armed militiamen, and district, sector, or zone soldiers patrolled the worksite to prevent workers from evading work or escaping, and sometimes made arrests.<sup>5029</sup>
1160. As safety measures were not sufficiently enforced, accidents, such as collapsing soil or water breakthrough, killed several workers.<sup>5030</sup> Others were injured when hit by rock chips that flew whenever rocks were broken manually or explosives were used.<sup>5031</sup>

to eat; the medics did not have quality or knowledge. These were the reasons causing death of the patients"; **E1/301.1** Or Ho, T. 19 May 2015, 15.09.30 ["traditional medicine was not effective"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.04.37; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.46.03 ["The unit chief would [say] this particular individual died of diarrhoea"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.23.04, 14.09.11-14.16.12; **E1/326.1** Om Chy, T. 30 July 2015, 13.32.28-13.34.00; **E3/5267** Ut Seng WRI, EN 00282357; **E3/9350** Van Sorn WRI, EN 00244169; **E3/5249** Vann Theng WRI, EN 00231859 ["Some people died of exhaustion, insufficient food and medicines"]; **E3/5255** Or Ho WRI, EN 00250047 ["The majority of those who fell ill died"]; **E1/322.1** Kong Uth, T. 25 June 2015, 10.01.08; **E3/6853** Sao Roeurn CPA, EN 01148033. A suicide was reported: **E3/7812** Khiev Sokh WRI, EN 00282327.

<sup>5028</sup> **E1/307.1** Un Ron, T. 28 May 2015, 14.16.41-14.22.32 ["every afternoon unit chief would go around and see whether anyone could finish the assignment or work quota"], 15.51.55-15.53.36 [the big or small unit chiefs came to inspect]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.38.34; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.35.39; **E3/7785** Choeu Saing WRI, EN 00244150, 00244152; **E3/9350** Van Sorn WRI, EN 00244169; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233534; **E3/5264** Ke Un WRI, EN 00283343-44; **E3/9349** Chuop Non WRI, EN 00244159 ["I saw District Committee Pauch come down to inspect the dam construction site"]; **E3/5513** Ieng Chham WRI, A82, 85, 94; **E3/5267** Ut Seng WRI, EN 00282358; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5249** Vann Theng WRI, EN 00231859. See also 1<sup>st</sup> January Dam – Authority Structure and Communication [for discussion of reporting structure and regular visits of Ke Pauk, Oeun, Chan and An].

<sup>5029</sup> **E1/306.1** Hun Sethany, T. 27 May 2015, 09.26.16 ["they were there [armed] in order to watch over the workers and to prevent workers from escaping the worksite or to deter workers from staying too long in the forest when they went to relieve themselves"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37; **E3/5265** Um Chi WRI, EN 00282346 ["The District Com's security personnel went around and inspected, and if anyone did not respect orders, they would arrest them, and take them away to be killed"]; EN 00282347; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.29.18, 15.03.43-15.06.28; **E1/305.1** Meas Layhuor, T. 26 May 2015, 11.05.20; **E1/317.1** Yean Lon, T. 16 June 2015, 13.47.12; **E1/260.1** Becker, T. 10 Feb 2015, 09.33.10 [when she wanted to take pictures of soldiers at the water gate, they ran away with their arms]; **E1/503.1** Seng Lytheng, T. 29 Nov 2016, 10.51.30-10.54.15; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.42.43-10.44.12; **E1/322.1** Kong Uth, T. 25 June 2015, 10.05.40; **E3/7812** Khiev Sokh WRI, EN 00282327; **E1/303.1** Pech Sokha, T. 21 May 2015, 10.14.49; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.35.39-10.39.01. *Contra* **E1/302.1** Or Ho, T. 20 May 2015, 09.55.22-09.58.12.

<sup>5030</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.32.18 ["some members of my unit died from a landslide"]; **E1/302.1** Or Ho, T. 20 May 2015, 10.09.09; **E1/307.1** Un Ron, T. 28 May 2015, 09.34.36 ["I heard that a soil collapse covered three workers and one person died on the spot"], 15.21.40 [Speaking of the period October-December 1976 when workers tried to block the Chinit River: "I heard that actually the water broke through and some workers had been killed"]; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.40.37; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.44.13-15.49.15; **E1/309.1** Uth Seng, T. 3 June 2015, 13.42.39; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.39.01 [denies that safety directions were broadcast through loudspeakers]; **E3/7775** Kang Ut WRI, EN 00233534; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.16.12.

<sup>5031</sup> **E1/306.1** Hun Sethany, T. 27 May 2015, 09.31.05 ["They wore shorts and the rock fragments flew and hit their legs; that's why they had wounds all over their legs"], 10.35.56-10.38.34 ["we were not told



## ENSLAVEMENT

1161. The CPK authorities controlled every single aspect of the lives of the workers at the worksite; workers were dehumanised and considered as expendable assets to be utilised to reach the immediate CPK gain to master the Chinit River and Tang Krasang tributary.<sup>5032</sup> In addition to being forced to work and being subject to high work quotas and appalling living and work conditions, the labourers were deprived of all their fundamental individual rights.<sup>5033</sup> A climate of fear existed among the workers and cadres as they believed they would be punished for any mistake or mere suspicion, and/or would be arrested and taken away to be killed; this climate was maintained in order to facilitate the ownership and domination of the CPK cadres over the dam workers.<sup>5034</sup> The workers and cadres were obliged to strictly obey any order given by their superiors at, or above the worksite.<sup>5035</sup> Specifically, once transferred to the

about the explosive ... we had to run and escape while we heard the explosion and some fragments of the rock would fly and hit the workers", 15.15.45-15.17.53, 15.21.20 [Confronted to Pech Sokha and Meas Layhuor's statements: "there was no broadcast or announcement concerning explosive was used"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.25.33; **E1/322.1** Kong Uth, T. 25 June 2015, 09.46.30-09.49.07. *Contra* **E1/303.1** Pech Sokha, T. 21 May 2015, 11.28.52-11.30.45; **E1/305.1** Meas Layhuor, T. 26 May 2015, 14.26.27.

<sup>5032</sup> **E1/190.1** Philip Short, T. 7 May 2013, 14.21.34 ["the lack of concern for human values, for human suffering, for individual values ... Later on, in the collectives, exactly the same attitude prevailed"], 14.31.14-14.35.32 [referring to **E3/9** Philip Short, *Pol Pot, The History of a Nightmare*, EN 00396501-02], 15.39.20-15.42.21 ["the idea that people are expendable...that the goal of making Kampuchea strong and prosperous outweighs any considerations of the well-being of the population", referring to **E3/9** **E3/9** Philip Short, *Pol Pot, The History of a Nightmare*, EN 00396517 ["no longer individual human beings... soulless instruments"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.12.33-09.17.17 [About the night blindness: "How come we were treated so inhumanely?"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33-09.29.29, 09.35.58-09.40.54 ["Women ... were treated as animals"]; **E1/307.1** Un Ron, T. 28 May 2015, 10.59.41-11.05.41; **E3/2412** Francois Ponchaud, *Kampuchea: a Revolutionary Economy*, 25 Jan 1979, EN 00598533 ["The scant consideration given to human factors and the ideological intransigence with which hydraulic infrastructure was constructed"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02; **E3/201** Khieu Samphan Speech, 15 Apr 1977, EN 00419516 [regarding the CPK leaders' willingness to exploit the workforces in the countryside for short-term gain, **Khieu Samphan** remarked that: "Whether the dams and reservoirs that we have built last only five or 10 years does not matter"]

<sup>5033</sup> For example: **E1/306.1** Hun Sethany, T. 27 May 2015, 15.24.14-15.28.56 ["I have PTSD and trauma. I lived my life with no freedom and rights in that period"]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.51.56 ["At the 1<sup>st</sup> January Dam worksite, workers had no rights, not any right at all"]. See also section 1<sup>st</sup> January Dam – Other Inhumane Acts (Attacks Against Human Dignity) – Forced Labor.

<sup>5034</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.14.34 [the workers were afraid that if they didn't do exactly what they were told something very bad would happen to them]; **E1/307.1** Un Ron, T. 28 May 2015, 10.10.10 ["If we were to tell the chief so, we were afraid that we would be sent for re-fashioning. And that means we would be sent to be killed"], 11.05.41; **E1/326.1** Om Chy, T. 30 July 2015, 15.44.41 [afraid of the new Southwest Zone cadres who were harsher]; **E3/5264** Ke Un WRI, EN 00283344-45 ["people were so afraid of Ke Pauk's car; afraid of being taken away to be killed"]; **E3/403** Pech Sokha WRI, EN 00403008; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233533; **E3/5267** Ut Seng WRI EN 00282356; **E3/5294** Sou Soeun WRI, EN 00360114; **E3/7812** Khiev Sokh WRI 00282327.

<sup>5035</sup> **E1/308.1** Seang Sovida, T. 2 June 2015, 10.12.30 ["To keep is no gain, to lose is also not a loss ... they kept pushing people to work at their might. ...after the country had been liberated, they wanted to make



worksite, workers were deprived of their physical liberty as they were not allowed by cadres and armed guards to leave, not even to walk around freely; unauthorised movement or attempt to escape was punished;<sup>5036</sup> workers had no freedom of expression, and no right to freely gather, interact, or exchange views with co-workers;<sup>5037</sup> conversation between male and female workers, including between siblings, was strictly prohibited and considered a moral offence;<sup>5038</sup> workers had no right to choose any specific task at the work location,<sup>5039</sup> were not entitled to any salary for the hard labour performed,<sup>5040</sup> and were deprived of the freedom of religion.<sup>5041</sup>

sure there were no lazy people or corrupt people"; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.07.10 ["Q. To sum up, were you obliged to comply strictly with the instructions and orders given to you by your chiefs at the 1<sup>st</sup> January Dam construction site? A. Yes"], 11.14.16-11.19.59; **E1/301.1** Or Ho, T. 19 May 2015, 11.14.34-11.15.41; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.09.15-09.12.33 ["we had to try to work as were instructed to do so in order to survive"], 10.50.31-10.53.02; **E1/307.1** Un Ron, T. 28 May 2015, 10.05.57; **E1/326.1** Om Chy, T. 30 July 2015, 11.14.45, 11.16.30-11.20.12, 11.27.10-11.32.13; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.02.25, 15.34.04; **E3/403** Pech Sokha WRI, EN 00403006-07; **E1/322.1** Kong Uth, T. 25 June 2015, 10.42.40-10.45.30.

<sup>5036</sup> **E3/7785** Choeu Saing WRI, EN 00244150 ["They would penalize people for moving around without authorization. ... They had us go carry more soil and did not let us rest"]; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.41.30 ["we could not walk freely"], 15.44.57 ["I [did] not know where to escape"]; **E1/307.1** Un Ron, T. 28 May 2015, 10.33.28 ["If we moved around freely we would be sent for re-fashioning or re-education ... We dare[d] not [leaving the worksite]"], 10.54.18; **E1/304.1** Meas Layhuor, T. 25 May 2015, 14.31.43-14.33.51, 15.11.32-15.13.27; **E1/305.1** Meas Layhuor, T. 26 May 2015, 09.07.10-09.09.07; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.22.57, 11.26.35; **E1/306.1** Hun Sethany, T. 27 May 2015, 09.26.16; **E1/310.1** Sou Soeum, T. 4 June 2015, 15.35.28; **E1/326.1** Om Chy, T. 30 July 2015, 15.08.58; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.11.28-11.13.47.

<sup>5037</sup> **E1/303.1** Pech Sokha, T. 21 May 2015, 09.53.35; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.45.06, 11.00.22 ["we could not chat in groups and we could not have a free conversation ... We taught ourselves to plant kapok trees"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.02.12; **E1/307.1** Un Ron, T. 28 May 2015, 13.50.00; **E3/5265** Um Chi WRI, EN 00282346 [A child was arrested for playing around and talking]. Regarding the same arrest: **E1/326.1** Om Chy, T. 30 July 2015, 13.16.31; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 11.11.28; **E3/9349** Chuop Non WRI, EN 00244156; **E3/5249** Vann Theng WRI, EN 00231859; **E3/7770** Chhun Sakan WRI, EN 00233267; **E3/7775** Kang Ut WRI, EN 00233533-34.

<sup>5038</sup> **E1/306.1** Hun Sethany, T. 27 May 2015, 09.39.20 ["We were warned to be not involved in the moral offences. Even if we were siblings we could [not] stand talking to each other"]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.03.42.

<sup>5039</sup> **E1/307.1** Un Ron, T. 28 May 2015, 10.08.09 ["we were not given any choice whether we could opt for lighter work"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.00.02 ["If we did not go we would be taken for refashioning. We would be deprived of meals"]; **E1/305.1** Hun Sethany, T. 26 May 2015, 15.56.12.

<sup>5040</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.12.41; **E1/304.1** Meas Layhuor, T. 25 May 2015, 16.02.12 ["money was not used then. No salary actually"]; **E1/307.1** Un Ron, T. 28 May 2015, 10.05.57.

<sup>5041</sup> **E3/7785** Choeu Saing WRI, EN 00244152 ["There were no pagodas, there were no monks, and there were no religious observances"]; **E3/375** Ban Seak WRI, EN 00360759 ["the Muslim Chams were not allowed to pray ... all religions were abolished; only the [CPK] was to be paid respect for"]; **E3/9350** Van Som WRI, EN 00244171; **E3/7812** Khiev Sokh WRI, EN 00282329; **E3/5255** Or Ho WRI, EN 00250047-48; **E3/9351** Meas Layhuor WRI, EN 00244165; **E3/5265** Um Chi WRI, EN 00282348.

## UNLAWFUL ARREST AND IMPRISONMENT

1162. Numerous workers and cadres at the worksite were arrested, mostly at night,<sup>5042</sup> sometimes in front of other workers.<sup>5043</sup> At one meeting, Sector 42 and Baray District leaders discussed *Angkar*'s construction plans and stated that "Anyone who violated the regulations would be considered enemy";<sup>5044</sup> accordingly, enemies had to be arrested.<sup>5045</sup> Workers were arrested for any perceived wrongdoing such as "stealing" food, failing to meet work quotas, being sick or "lazy" often, being talkative, complaining, or being accused of serving the CIA;<sup>5046</sup> many workers arrested were New People or Cham.<sup>5047</sup>
1163. Cadres and workers arrested at the 1<sup>st</sup> January Dam worksite were often taken to be imprisoned at Wat Baray Choan Dek Security Centre, the Baray district prison<sup>5048</sup> which

<sup>5042</sup> **E3/9349** Chuop Non WRI, EN 00244157 ["I saw them trick people and take them away"]; **E3/9351** Meas Layhuor WRI, EN 00244163 ["The arrests were carried out at night while the people were sleeping"]; **E3/403** Pech Sokha WRI, EN 00403006 [about two 1 January Dam technicians who studied in Phnom Penh together with Ieng Chham and Pech Sokha: "in my group, two people named Long and Hao disappeared. Both of them were summonsed by *Angkar* to return. Both of them showed me the letter and said goodbye to me ... both of them were arrested and killed"]; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/5255** Or Ho WRI, EN 00250045-46; **E1/309.1** Uth Seng, T. 3 June 2015, 09.21.24; **E1/308.1** Uth Seng, T. 2 June 2015, 15.51.33; **E3/7775** Kang Ut WRI, EN 00233534.

<sup>5043</sup> **E3/5265** Um Chi WRI, EN 00282346 [regarding arrest by District security personnel: "I personally saw them arrest a child who had only been playing around and talking in a mobile unit ... they called the child from the work location up to the crest of the dam, where they made the arrest"], EN 00282347. Regarding the same arrest: **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37 [He "was either 18 or 19 years old ... The arrest was made in order to deter other workers from following his example"]; **E3/5255** Or Ho WRI, EN 00250046.

<sup>5044</sup> **E1/326.1** Om Chy, T. 30 July 2015, 13.09.32 ["Anyone who did not follow the regulations would be considered enemy ... Regarding the fate of those people, I heard that they would be smashed as they were blocking the progress of their construction"]; **E1/301.1** Or Ho, T. 19 May 2015, 13.47.21 [At commune meetings "They said enemies had to be removed ... the worm[s] need to be removed one by one"].

<sup>5045</sup> **E3/5255** Or Ho WRI, EN 00250045 ["the team leaders were the ones who reported and arrested their own team members after having accused them of being enemies"]; **E1/301.1** Or Ho, T. 19 May 2015, 11.27.20; **E1/326.1** Om Chy, T. 30 July 2015, 13.09.32-13.13.37, 13.16.31-13.18.15; **E3/5265** Um Chi WRI, EN 00282346; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.04.21-15.10.54 ["the enemy ... taken away"].

<sup>5046</sup> **E3/5264** Ke Un WRI, EN 00283344 ["Even if someone stole a potato, he/she would be taken away to be killed"]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 13.47.14; **E1/307.1** Un Ron, T. 28 May 2015, 09.14.28; **E3/5267** Ut Seng WRI, 00282355-56; **E3/5255** Or Ho WRI, EN 00250045-46; **E1/301.1** Or Ho, T. 19 May 2015, 11.29.21; **E1/326.1** Om Chy, T. 30 July 2015, 13.13.37; **E3/5265** Um Chi WRI, EN 00282346.

<sup>5047</sup> **E3/9351** Meas Layhuor WRI, EN 00244163 ["Four or five people in my team were taken to the security site at Baray Choan Dek Pagoda, including Try ... [the 4 others] were new people"], EN 00244165 ["accusing them of being CIA networks ... Most of those transported into that security site were new people or Cham"]; **E3/7775** Kang Ut WRI, EN 00233533; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28.

<sup>5048</sup> **E1/301.1** Or Ho, T. 19 May 2015, 11.27.20 [those people "arrested and sent to be detained at the security office, and most of them would not return to the worksite ... the pagoda was turned into a security office"], 14.44.45 ["This pagoda was called Baray Choan Dek"]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02 ["Baray Choan Dek was a main prison. Every prisoner, not only from the 1<sup>st</sup> January Dam worksite, but from other areas, would be arrested and put in that detention place"], 09.48.10-09.55.05; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.45.41-15.49.03 ["the village chief ... told me that these people were put at Baray Choan Dek"]; **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26; **E3/9351**

was located in Tras Village, Balaing Commune and was visible from the worksite.<sup>5049</sup> The number of people imprisoned, including mobile unit members, increased after the construction of the 1<sup>st</sup> January Dam began.<sup>5050</sup> Following the Central Zone purge, Southwest cadres led by Soeun took over the security centre and relocated it to Sralao Toung Village sometime in 1978.<sup>5051</sup> Prisoners at Wat Baray Choan Dek were detained without any hygiene and were shackled 24 hours a day,<sup>5052</sup> except for those forced to work during daytime.<sup>5053</sup> The prisoners included women and children.<sup>5054</sup> The food ration provided to prisoners was so meagre that many died of starvation,<sup>5055</sup> there were no medics for treating sick prisoners.<sup>5056</sup> Prisoners were tortured and beaten during interrogations.<sup>5057</sup>

Meas Layhuor WRI, EN 00244163, 65 [Those arrested and sent to the security office were villagers and mobile units workers"]. See also **E3/6854** Luch Channtho CPA, KH 00571003-06 [eye-witnessed the execution of her uncle at Wat Baray Choan Dek, a 1 January Dam worker; she had escaped in the nearby forest]; **E3/6850** May Lunn CPA, EN 01148027.

<sup>5049</sup> **E3/8028** Wat Baray Choan Dek Site ID Report, EN 00342223; **E3/8026** 1 Jan Dam Site ID Report, EN 00290640 [photograph 4 showing a view of Wat Baray Choan Dek from the First January Dam]; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.22.07, 15.31.03; **E1/326.1** Om Chy, T. 30 July 2015, 13.18.15-13.20.36, 13.22.24-13.25.33; **E3/9755** Hin Long WRI, A21; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02.

<sup>5050</sup> **E3/5287** Men Le WRI, EN 00330776 ["After the [1 Jan] dam construction started, there was an increase in the number of prisoners transported in trucks and horse carts"]; **E319/33.3.11** Veng Vuthy WRI, A12 [estimates that Southwest cadres arrived in the area in late 1977 as many killings took place].

<sup>5051</sup> **E3/7765** Yin Daut WRI, EN 00333351 ["The person named Soeun from the Southwest took over from Mao until the Khmer Rouge regime fell"]; **E1/326.1** Om Chy, T. 30 July 2015, 13.22.24 ["the place was used as a security centre ... The security centre had been relocated from that pagoda"]; **E3/9755** Hin Long WRI, A19-21 ["A small house in Sralao Toung was used as a security office ... they took them to be kept at that small house temporarily before [killing them]; A20: Sralao Toung Office ... a district-level office ... A21: They were afraid that the secrecy would be revealed because so many people were killed at Wat Baray Choan Dek Pagoda, so they closed that site and sent people to be killed at Sralao Toung Village instead"]; **E319/33.3.11** Veng Vuthy WRI, A13, A17, A19-22, A39 ["A13: After the Southwest cadres arrived, more killings took place. They took people to be killed in Sralao Tong and Wat Baray Choan Daek Pagoda ... A19: When Sralao Tong was open, the pagoda was almost quiet ... A21: The killings in Sralao Tong increased in early 1978 ... They were probably afraid of their secrets becoming known, so they changed to the Sralao Tong Security Office instead"]; **E3/5287** Men Le WRI, EN 00330776 ["in that same year of 1978, the Southwest group came to take control of that prison"];

<sup>5052</sup> **E3/5287** Men Le WRI, EN 00330774 ["They were shackled by the leg 24 hours a day"], EN 00330775 ["a bath once a month ... When the prisoners relieved themselves, they had a container and passed it from one to another"]; **E3/7765** Yin Daut WRI, EN 00333351 ["The prisoners were put feet-to-feet and shackled with iron rings ... 24 hours a day"], EN 00333352 ["a bath once in every five to six days or a week ... They urinated in a container"]; **E3/9755** Hin Long WRI, A40. See also **E319/33.3.11** Veng Vuthy WRI, A31.

<sup>5053</sup> **E319/33.3.11** Veng Vuthy WRI, A34-35 [Inside "A34: I saw people making ox-cart wheels"]; **E3/5287** Men Le WRI, EN 00330775 ["After two or three months] They had me make ploughs and ox carts"].

<sup>5054</sup> **E3/7765** Yin Daut WRI, EN 00333351; **E319/33.3.11** Veng Vuthy WRI, A30-31.

<sup>5055</sup> **E3/5287** Men Le WRI, EN 00330775-76 ["approximately 20 people died of starvation. I saw guards drag the dead bodies outside, put them on a trailer, and transport them to be buried east of the pagoda"]; **E3/7765** Yin Daut WRI, EN 00333352 ["The prisoners received 2 to 3 scoops of gruel per day"].

<sup>5056</sup> **E3/5287** Men Le WRI, EN 00330776.

<sup>5057</sup> **E3/5287** Men Le WRI, EN 00330775; **E3/7765** Yin Daut WRI, EN 00333352 ["If the prisoners did not answer in the second interrogation, they would be beaten with a bamboo stick"]; **E1/326.1** Om Chy, T.



## MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

### 1. Murder and Extermination

1164. As a general policy, cadres were told at sector or district meetings that any enemy would be smashed.<sup>5058</sup> When work was not progressing according to plan at the dam worksite, members of the “lower level” were accused of treason and killed.<sup>5059</sup> A number of workers from the worksite, particularly New People, were killed either at security centres such as Wat Baray Choan Dek<sup>5060</sup> or later at Sralao Toung,<sup>5061</sup> or at locations bordering the dam worksite such as wells or bamboo groves where they were buried in pits.<sup>5062</sup>

30 July 2015, 13.23.59 [“I actually saw bloodstains on the walls of the main hall and the eating hall”]; **E3/9755** Hin Long WRI, A40 [“They ‘were tortured by having their ears pinched with pliers’”].  
<sup>5058</sup> **E1/326.1** Om Chy, T. 30 July 2015, 13.11.42 [“Regarding the fate of those [enemies], I heard that they would be smashed as they were blocking the progress of their construction”].  
<sup>5059</sup> **E3/5255** Or Ho WRI, EN 00250045 [“After upper level inspected and saw that work was not going to plan, upper level accused lower level of betrayal and killed them. Sometimes middle level arrested and killed lower level too”].  
<sup>5060</sup> **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.50.16 [“when the music was played over the loudspeakers, there would be killings”], 13.52.13; **E3/9351** Meas Layhuor WRI, EN 00244163 [“All those put inside Baray Choan Dek Pagoda were killed ... I knew ... because I quietly asked the security chief”], EN 00244165; **E1/322.1** Kong Uth, T. 25 June 2015, 10.34.26, 10.45.30-10.50.00, 11.23.15; **E3/5255** Or Ho WRI, EN 00250046 [explains why he is sure that Commune cadres Born and Vut were taken to Wat Baray Choan Dek and never returned]; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.53.02; **E3/9349** Chuop Non WRI, EN 00244157-58; **E3/5247** Pouk Pon WRI, EN 00232821; **E3/5287** Men Le WRI, EN 00330775 [“In 1978, I saw many people sent to the pagoda, but none survived”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 10.55.25-11.00.22; **E3/5264** Ke Un WRI, EN 00283345; **E1/309.1** Uth Seng, T. 3 June 2015, 09.44.15; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59; **E3/9755** Hin Long WRI, A15, A19, A47; **E319/33.3.11** Veng Vuthy WRI, A13-14 [people killed at Wat Baray Choan Dek Pagoda “A14: Most ... were accused of having affiliations with former teachers, capitalists, soldiers, or government officials ... evacuees from Phnom Penh and from various places, including the Cham population”]; **E3/7765** Yin Daut WRI, EN 00333352.  
<sup>5061</sup> **E319/33.3.11** Veng Vuthy WRI, A13-A14 [“A13: The [Southwest cadres] took people to be killed in Sralao Tong”], A21 [“The killings in Sralao Tong increased in early 1978”]; **E3/9755** Hin Long WRI, A7-8, A11 [at Sralao Toung: “A7: When I arrived at the foot of the mountain, I heard a loudspeaker ... I saw them killing and dropping people into a pit. I also saw them killing children by holding their legs and beating them against tree trunks ... A8: about 30 to 40 people ... killed by two waiting executioners ... beat them with a club on their necks and dropped them into the pit ... A11: I heard the loudspeaker every day”].  
<sup>5062</sup> **E319/33.3.11** Veng Vuthy WRI, A13 [“When a mobile unit member complained about hot weather or exhaustion, they would accuse the person of being an enemy and take them to be killed behind the bamboo groves near the dam construction worksite ... They did not need to bring victims to Sralao Tong or to Wat Baray Choang Daek Pagoda to be killed: they killed them in bamboo groves near the dam site”], A17 [“When people made a mistake at the dam site, most of the time they did not take them to the pagoda. They just killed the victims at the worksite and threw the bodies into a well or buried them in a grave. I witnessed a killing first-hand ... I saw them hack people to death with a machete behind a bamboo grove near the dam”]; **E1/309.1** Uth Seng, T. 3 June 2015, 09.21.24-09.25.23 [“at night-time, the militia called a few [17 April] workers to go out with them ... the chief of the youth battalion [and a militiaman from that unit] they actually were joking to each other and while passing by I accidentally overheard them saying that, those few workers had been put in a well the previous night”], 14.00.12-14.02.05; **E3/5267** Ut Seng WRI, EN 00282355-56 [“the wells ... became killing sites ... There was another site where more people were killed: Veal Treas, adjacent to the Steung Chinit behind Tuol



1165. Confessions forcibly obtained from prisoners at Wat Baray Choan Dek were sent to the Baray District chief, who then decided which prisoners would be “smashed”.<sup>5063</sup> Prisoners were blindfolded, killed by a blow to the back of the head with a bamboo stick or a hoe, and then buried in pits at night.<sup>5064</sup> Loudspeakers were played during the killings to cover the screams of the victims.<sup>5065</sup> There was a “very unpleasant smell outside” the Wat<sup>5066</sup> and bloodstains were still visible on the walls of the buildings in late 1978.<sup>5067</sup> The killings at Wat Baray Choan Dek peaked in 1977-1978.<sup>5068</sup> Thousands of victims were killed there.<sup>5069</sup>

## 2. Enforced Disappearances

1166. Most witnesses knew people who disappeared from the 1<sup>st</sup> January Dam worksite or heard of arrests followed by such disappearances.<sup>5070</sup> Disappearances happened mainly

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Sangke Village, Kampong Thma Subdistrict”]; **E3/7785** Choeu Saing WRI, EN 00244151 [“I saw two soldiers shoot and kill Hieng, who had escaped and fled from the security site. Then they dragged him down along a feeder canal ... I was walking to dig bamboo shoots and encountered two pits full of bodies, and there were bloodstains at the edges of the pits”]; **E3/5025** Hun Sochara CPA, EN 01060045; **E1/306.1** Hun Sethany, T. 27 May 2015, 11.06.10, 11.10.54-11.15.04.

<sup>5063</sup> **E3/7765** Yin Daut WRI, EN 00333352 [“confessions were written by hand by Mao, Choeun, Yum and Mang. The confessions were sent to the district chief Moul [...who] decided which prisoners to be smashed”].

<sup>5064</sup> **E3/7765** Yin Daut WRI, EN 00333352-53 [“Their hands were tied up ... blindfolded. The prisoners were smashed when it was dark ... They hit the prisoners on the head with a bamboo stick or a hoe. Then they dragged the bodies to be buried in the pits”]; **E3/9755** Hin Long WRI, A37, 45, 47; **E3/5267** Ut Seng WRI, EN 00282355-56; **E3/5287** Men Le WRI, EN 00330775; **E3/9349** Chuop Non WRI, EN 00244158; **E319/33/3/11** Veng Vuthy WRI, A32.

<sup>5065</sup> **E1/309.1** Uth Seng, T. 3 June 2015, 09.46.42; **E3/5267** Ut Seng WRI, EN 00282355-56; **E1/305.1** Meas Layhuor, T. 26 May 2015, 13.50.16; **E3/9755** Hin Long WRI, A44.

<sup>5066</sup> **E3/7775** Kang Ut WRI, EN 00233533; **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59-13.25.33.

<sup>5067</sup> **E1/326.1** Om Chy, T. 30 July 2015, 13.23.59 [“When I attended the meeting [...] saw bloodstains on the walls of the main hall and the eating hall”]; **E3/5265** Um Chi WRI, EN 00282348.

<sup>5068</sup> Men Le said that the killings peaked “in 1978” when the Southwest group came to take control of the prison and the dam construction had started; however, the Southwest cadres came at the time of the purges in early 1977 and the construction officially started in January 1977; therefore, the Southwest Zone cadres more likely took control of the prison in mid- to late 1977: **E3/5287** Men Le WRI, EN 00330775 [“In 1978, I saw many people sent to the pagoda, but none survived ... I estimate that they killed approximately five thousand people in 1978”], EN 00330776 [“after the [1 January dam] construction started, there was an increase in the number of prisoners transported in trucks and horse carts ... In 1978, more trucks and horse carts came in than before, and ... the Southwest group came to take control of that prison”].

<sup>5069</sup> **E3/3207**, **E3/3217**, **E3/8135** Photographs depicting human skeletal remains at Wat Baray Choan Dek Memorial; **E1/306.1** Hun Sethany, T. 27 May 2015, 10.55.55-10.59.14; **E1/322.1** Kong Uth, T. 25 June 2015, 11.24.51 [saw 4 or 5 large pits after the regime; confirms skeleton remains are preserved in a stupa]; **E3/8295** DC-Cam Mapping Report “Srok Baray, Wat Baray Choan Dek, 1997”, EN 00068527; **E3/3218** Henri Locard, *Kampong Thom-Uddor Region 43*, EN 00208424; **E3/5287** Men Le WRI, EN 00330775 [“I estimate that they killed approximately five thousand people in 1978”], EN 00330776-77 [“bones of thousands of people”]; **E3/8303** OCP Analytical Report, *OCP Field Trip to Kampong Thom*, 30 Jan 2007, EN 00096744-45 [estimates of more than 20,000 victims, including 7,000 mobile youth unit people].

<sup>5070</sup> **E1/310.1** Sou Soeurn, T. 4 June 2015, 10.36.45-10.39.35 [“Concerning disappearance of people at the 1<sup>st</sup> January Dam, ... people were being taken away ... Each sangkat chief told me”], 14.27.18 [“There

at night.<sup>5071</sup> Workers were called to attend meetings or to study,<sup>5072</sup> or were tied up and taken away into trucks or oxcarts, in effect disappearing.<sup>5073</sup> Disappearance applied notably to people who did not obey orders.<sup>5074</sup> Many of them were New People.<sup>5075</sup>

#### PERSECUTION

1167. The working and living conditions at the 1<sup>st</sup> January Dam worksite were globally the same for New and Base People.<sup>5076</sup> However, there were meaningful differences of treatment because New People were categorised as “depositees” and were considered as political enemies of the regime, rendering them particularly vulnerable to strict disciplinary measures and repression. New People, identified as such as a political group, were more prone to be punished, arrested, and killed than Base People for any wrongdoing.<sup>5077</sup> In order to survive, the New People had to obey even more strictly than

were disappearances of both Base People and New People and when I asked about their disappearance, I was told that they had been sent for study sessions”]; **E3/5294** Sou Soeun WRI, EN 00360117 [At the 1<sup>st</sup> Jan Dam worksite “not only the 17 April People disappeared but also the Base People”]; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 09.27.33, 10.44.12-10.48.00, 10.49.39 [“three or four of co-workers disappeared. Danet who was ... a New Person, disappeared”]; **E1/339.1** Chao Lang, T. 1 Sept 2015, 14.35.00; **E1/326.1** Om Chy, T. 30 July 2015, 13.16.31-13.18.15; **E3/403** Pech Sokha WRI, EN 00403006; **E1/301.1** Or Ho, T. 19 May 2015, 11.29.21; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28; **E1/308.1** Seang Sovida, T. 2 June 2015, 13.30.00-13.36.50; **E1/322.1** Kong Uth, T. 25 June 2015, 10.38.00; **E3/9349** Chuop Non WRI, EN 00244157-58; **E3/7785** Choeu Saing WRI, EN 00244151; **E3/7775** Kang Ut WRI, EN 00233533; **E3/7812** Khiev Sokh WRI, EN 00282327, 29; **E3/5255** Or Ho WRI, EN 00250046; **E3/5249** Vann Theng WRI, EN 00231859.

<sup>5071</sup> **E3/5267** Ut Seng WRI, EN 00282355 [“Night work was a special thing, because people disappeared from the other units”]; **E3/7775** Kang Ut WRI, EN 00233534; **E1/339.1** Chao Lang, T. 1 Sept 2015, 15.25.15.

<sup>5072</sup> **E1/310.1** Sou Soeun, T. 4 June 2015, 10.36.45 [“Concerning disappearance of people at the 1<sup>st</sup> January Dam site, I only knew that people were being taken away for study sessions”]; **E3/5267** Ut Seng WRI, EN 00282356; **E1/302.1** Pech Sokha, T. 20 May 2015, 15.29.50; **E3/403** Pech Sokha WRI, EN 00403006.

<sup>5073</sup> **E3/5267** Ut Seng WRI, EN 00282357 [“I saw them tie-up people and walk them away from District Security; a person carrying a hoe was walking along behind”]; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5255** Or Ho WRI, EN 00250044 [“17 April”] families “were taken away by truck ... I think [it] was a killing site, because I never saw those people return”]; **E3/9351** Meas Layhuor WRI, EN 00244165.

<sup>5074</sup> **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.08.12; **E3/7775** Kang Ut WRI, EN 00233533; **E3/5267** Ut Seng WRI, EN 00282355.

<sup>5075</sup> **E1/308.1** Seang Sovida, T. 2 June 2015, 13.30.00-13.36.50; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.49.39; **E3/9349** Chuop Non WRI, EN 00244158; **E3/5255** Or Ho WRI, EN 00250044; **E3/5265** Um Chi WRI, EN 00282345; **E3/9351** Meas Layhuor WRI, EN 00244163, 65; **E1/310.1** Sou Soeun, T. 4 June 2015, 14.27.18; **E3/5294** Sou Soeun WRI, EN 00360117. *See also* on executions at Wat Baray Choan Dek / Sralao Toung: **E3/9755** Hin Long WRI, A47; **E319/33.3.11** Veng Vuthy WRI, A14.

<sup>5076</sup> **E1/308.1** Seang Sovida, T. 2 June 2015, 11.21.13; **E1/326.1** Om Chy, T. 30 July 2015, 15.13.55; **E1/311.1** Sou Soeun, T. 5 June 2015, 15.09.42; **E1/302.1** Or Ho, T. 20 May 2015, 09.53.35; Uth Seng pointed to differences for food and clothing: **E3/5267** Ut Seng WRI, EN 00282356; **E1/309.1** Uth Seng, T. 3 June 2015, 10.05.00, 11.16.57, 11.22.08, 14.35.15.

<sup>5077</sup> **E1/301.1** Or Ho, T. 19 May 2015, 14.10.37 [“those who were transferred from Phnom Penh or the Cham people, they were considered the depositee people”], 09.46.11 [“For depositee people, when they had committed wrongdoings ... they were easily found to be at fault”]; **E1/308.1** Seang Sovida, T. 2 June 2015, 11.21.13 [“New People didn’t have any rights. We worked as we were prisoners. We were considered their enemies”]; **E1/309.1** Uth Seng, T. 3 June 2015, 11.16.57; **E3/5255** Or Ho WRI, EN

others any instruction given without complaining.<sup>5078</sup> The lack of trust towards New People was also reflected by the fact that they were never appointed to key positions such as mobile group, unit or team chiefs, or cooks.<sup>5079</sup>

## 11. KAMPONG CHHNANG AIRFIELD CONSTRUCTION SITE

*Your Honour, the airfield in Kampong Chhnang was a location that we could refer to it as a prison without walls. Nobody could walk freely. It was the same as the other concentration camps throughout the country, and the work at the airfield was intensive and pure labour. Therefore, life there was extremely difficult... the people who were transferred into the unit at the airfield was already decided as partly a prison already, so their status was like the status of those who were sent to Prey Sar*<sup>5080</sup>

– Kaing Guek Eav alias Duch

1168. Thousands of soldiers from units suspected of lacking loyalty to the DK regime were forced to work under conditions of enslavement at the Kampong Chhnang Airfield. The airfield was intended for military defence<sup>5081</sup> and was the responsibility of Division 502, the DK air force. These former soldiers suffered under inhumane conditions which led to many illnesses and deaths. Many were executed or taken away and disappeared because of their perceived enemy status.

1169. **Nuon Chea** and **Khieu Samphan** are charged with the following crimes against humanity<sup>5082</sup> committed in relation to the airfield: murder, extermination, enslavement,

00250047; **E3/5294** Sou Socun WRI, EN 00360114; **E1/304.1** Meas Layhuor, T. 25 May 2015, 15.06.28; **E3/9351** Meas Layhuor WRI, EN 00244163, 65; **E1/306.1** Hun Sethany, T. 27 May 2015, 14.20.31; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.49.39; **E1/322.1** Kong Uth, T. 25 June 2015, 11.27.35. See sections above **1<sup>st</sup> January Dam – Murder, Extermination, and Enforced Disappearances**. See also **E3/5293** Tep Poch WRI, EN 00351703.

<sup>5078</sup> **E1/306.1** Hun Sethany, T. 27 May 2015, 09.28.17 [“As for the New People, no, they didn’t violate any instruction; they were so afraid ... Old People had a bit more right[s]; they could go, for example, 10 or 20 metres far from the lines that they were standing guard but the New People didn’t dare do so ... If the Old People made a minor mistake, the Old People could provide justification ... this did not apply to the New People. The New People ... did not dare to protest ... in order to survive”]; **E1/307.1** Un Ron, T. 28 May 2015, 09.45.50.

<sup>5079</sup> **E1/305.1** Hun Sethany, T. 26 May 2015, 15.58.40; **E1/308.1** Seang Sovida, T. 2 June 2015, 09.37.26; **E3/7812** Khiev Sokh WRI, EN 00282327; **E1/339.1** Nuon Narom, T. 1 Sept 2015, 10.33.33; New people were neither trusted to attend the inauguration of the dam or other ceremonies chaired by CPK leaders: **E1/305.1** Hun Sethany, T. 26 May 2015, 15.49.15-15.52.48.

<sup>5080</sup> **E3/7477** Kaing Guek Eav alias Duch, T. 15 Sept 2009, 15.57.16-16.00.14.

<sup>5081</sup> **E1/317.1** Keo Loeur, T. 16 June 2015, 10.02.28-10.04.35.

<sup>5082</sup> For purposes of crimes against humanity charges, crimes against members or former members of a state’s own armed forces qualify as attacks on a civilian population. Moreover, the Co-Prosecutors assert, former Khmer Rouge soldiers who had been disarmed and were under detention or punishment at the time of the crime held the status of *hors de combat* and as such qualify as civilians for the purposes of crimes against humanity on that additional basis. In any event, it is widely accepted that where, as in this case, crimes occur as part of a widespread or systematic attack against a civilian population - since the DK regime targeted its own military and civilian cadres together with ordinary Cambodian citizens - the

persecution on political grounds and other inhumane acts through attacks against human dignity and enforced disappearances.<sup>5083</sup>

#### LOCATION AND OPERATION

1170. The airfield was located in Kraing Leav commune, Rolea Pier District, Kampong Chhnang province, within Sector 31 of the West Zone (Zone 401),<sup>5084</sup> seven kilometres northwest of Kampong Chhnang town.<sup>5085</sup> The airfield construction commenced by at least March 1976<sup>5086</sup> and continued until January 1979 when the Vietnamese captured the area before construction was complete.<sup>5087</sup>
1171. Covering around 300 hectares<sup>5088</sup> and stretching seven kilometres,<sup>5089</sup> the airfield consisted of two 2,400 metre-long runways designed for large aircraft,<sup>5090</sup> a five-storey control tower and administration building,<sup>5091</sup> soldier and guard buildings, regiment headquarters and a commander's house,<sup>5092</sup> a field kitchen,<sup>5093</sup> a fuel dump,<sup>5094</sup> a saw mill,<sup>5095</sup> a stone quarry,<sup>5096</sup> as well as a tunnel which was under construction in the

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individual victims need not themselves be civilians. *See* section **Law – Crimes Against Humanity – Directed Against any Civilian Population.**

- <sup>5083</sup> **D427** Closing Order, paras 1373 [murder]; 1381 [extermination]; 1391 [enslavement]; 1415-1416 [persecution on political grounds]; 1434 [other inhumane acts (attacks against human dignity)]; 1470 [other inhumane acts (enforced disappearances)]; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981689.
- <sup>5084</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378432; **E3/7892** Som Chhom WRI, A2; **E3/5284** Khin Vat WRI, EN 00315914.
- <sup>5085</sup> **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436944.
- <sup>5086</sup> **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 0018266; **E3/5532** Him Han alias Ream WRI, EN 00425233; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5273** Keo Kin WRI, EN 00290500; **E1/319.1** Sem Hocun alias Kim, T. 22 June 2015, 10.51.34-10.54.13; **E1/320.1** Sem Hocun, T. 23 June 2015, 10.57.59-11.00.14; **E3/5278** Chan Morn WRI, EN 00292822; **E3/7892** Som Chhom WRI, A2; **E3/5526** Srun Chey WRI, EN 00426307-08; **E3/5530** Kaot Rin WRI, EN 00423584-86.
- <sup>5087</sup> **E3/5532** Him Han WRI, EN 00425236; **E3/5273** Keo Kin WRI, EN 00290502; **E3/5280** Sem Hocun WRI, EN 00290517; **E3/5272** Loeung Kimchhong WRI, EN 00290659; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/471** Prak Yocun WRI, EN 00223337.
- <sup>5088</sup> **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436944.
- <sup>5089</sup> **E3/5278** Chan Morn WRI, EN 00292822.
- <sup>5090</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378437; **E3/5274** Sum Sokhan WRI, EN 00292864.
- <sup>5091</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378435-36; **E3/7892** Som Chhom WRI, A5.
- <sup>5092</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378438, 39, 41-42; **E3/5532** Him Han WRI, EN 00425233.
- <sup>5093</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378439-40.
- <sup>5094</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378442-44; **E3/5526** Srun Chey WRI, EN 00426309.
- <sup>5095</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378439.
- <sup>5096</sup> **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444-45; **E3/5532** Him Han WRI, EN 00425234; **E3/5278** Chan Morn WRI, EN 00292823; **E1/319.1** Sem Hocun, T. 22 June 2015, 13.44.55-13.46.20; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5284** Khin Vat WRI, EN 00315914.



adjacent hill.<sup>5097</sup> Three kilometres southeast of the airfield proper, on the other side of Route 145, situated in a series of low hills, was a complex of excavated caverns, which were to be used as a fuel depot, command bunkers, and aircraft hangars.<sup>5098</sup>

1172. The Chinese government provided up to 500 engineers and technicians who offered advice and supervision,<sup>5099</sup> as well as machinery and equipment for the airfield's construction.<sup>5100</sup>

#### AUTHORITY STRUCTURE AND COMMUNICATION

##### Above the Worksite

1173. The Standing Committee decided upon the location and construction of the airfield at Kampong Chhnang at least by 21 April 1976,<sup>5101</sup> having discussed its military importance from at least October 1975.<sup>5102</sup> The airfield and its construction was the responsibility of Division 502<sup>5103</sup> and the Division Secretary Sou Met,<sup>5104</sup> by virtue of the division's overall responsibility for DK's air force and airports.<sup>5105</sup> Sou Met reported directly to Son Sen, the Chief of the General Staff<sup>5106</sup> and Standing Committee Member.

1174. There was regular communication between the Standing Committee members, the General Staff, and Division 502 leadership on the progress of construction and the implementation of the CPK enemy policy. Son Sen would report to other members of the Standing Committee on the progress of the airfield construction.<sup>5107</sup> Son Sen,<sup>5108</sup> Ta

<sup>5097</sup> **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436950; **E3/8055** Site Identification Report, 8 Apr 2010, EN 00519581-87; **E3/7321** Cambodia Daily, *Tunneling for Total Revolution*, 27 Mar 2010, EN 00583653-57; **E3/7892** Som Chhom WRI, A5.

<sup>5098</sup> **E1/319.1** Sem Hocun, T. 22 June 2015, 13.38.10-13.40.34; **E3/5284** Khin Vat WRI, EN 00315914; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.37.55-10.40.42; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979.

<sup>5099</sup> **E3/5278** Chan Morn WRI, EN 00292822-23; **E1/320.1** Sem Hocun, T. 23 June 2015, 10.37.12-10.40.27, 10.43.06-10.47.26; **E3/5284** Khin Vat WRI, EN 00315915; **E3/3961** Sum Chea WRI, EN 00223348; **E3/416** Hen Sophal WRI, EN 00374048; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5276** Sin Sot WRI, EN 00287356.

<sup>5100</sup> **E3/5278** Chan Morn WRI, EN 00292822; **E1/319.1** Sem Hocun, T. 22 June 2015, 13.44.55-13.46.20.

<sup>5101</sup> **E3/235** CPK Standing Committee Minutes, 21 Apr 1976, EN 00183419; **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 00182666.

<sup>5102</sup> **E3/183** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183407; **E3/229** CPK Standing Committee Minutes, 22 Feb 1976, EN 00182627.

<sup>5103</sup> **E3/5278** Chan Morn WRI, EN 00292822; **E3/416** Hen Sophal WRI, EN 00374048; **E3/5536** Seng Mon WRI, EN 00359932.

<sup>5104</sup> **E3/1136** DK Military List, EN 00543743 ["No.6 Unit Number 502, Unit Chair comrade Met"]. See further **Annex A**.

<sup>5105</sup> **E3/8366** DK Military Meeting Minutes, 3 Mar 1976, EN 00234008; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/416** Hen Sophal WRI, EN 00374046; **E3/5536** Seng Mon WRI, EN 00359932.

<sup>5106</sup> **E3/183** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183393; **E3/70** Lonh Dos WRI, A45-46.

<sup>5107</sup> **E3/222** CPK Standing Committee Minutes, 15 May 1976, EN 00182665-66.

<sup>5108</sup> **E3/3962** Khoem Samhuon WRI, EN 00293368.

Mok,<sup>5109</sup> Ieng Sary,<sup>5110</sup> and **Khieu Samphan**<sup>5111</sup> visited the airfield during its construction to monitor its progress and meet with the supervisors.<sup>5112</sup> Sou Met visited the airfield regularly to chair meetings with workers and inspect the progress.<sup>5113</sup>

1175. Sou Met would also meet with Son Sen and commanders of the RAK centre divisions and independent regiments on a regular basis. Between 18 August 1976 and December 1976, this military leadership group agreed to purge anyone in the RAK that they categorised as being traitorous,<sup>5114</sup> disloyal,<sup>5115</sup> or unclean<sup>5116</sup> due to real or perceived opposition to the CPK. At these meetings Son Sen instructed these divisional and regimental leaders to constantly monitor their units and be on guard against enemies that “bore from within.”<sup>5117</sup> He instructed these men to continuously seek out the “biographies” of their personnel to identify who should be purged.<sup>5118</sup> Sou Met stated that he was “happy”<sup>5119</sup> and had “faith in the Party”<sup>5120</sup> to rid the RAK of traitorous links, agreeing that the Party must “dare absolutely”<sup>5121</sup> to continue the purges. At these

<sup>5109</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 16.06.22-16.11.51; **E3/5278** Chan Morn WRI, EN 00292824; **E1/325.1** Khin Vat, T. 29 July 2015, 15.22.55-15.25.20 confirming **E3/5284** Khin Vat WRI, EN 00315915; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/3962** Khoem Samhuon WRI, EN 00293368.

<sup>5110</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 13.33.12-12-13.41.01.

<sup>5111</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 13.33.12-12-13.41.01; **E1/320.1** Sem Hoeun T. 23 June 2015, 9.37.50-9.39.36; **E1/325.1** Khin Vat, T. 29 July 2015, 15.18.32-15.25.20.

<sup>5112</sup> **E1/312.1** Chan Morn, 9 June 2015, 13.33.12-13.41.01; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.08.50-10.11.05.

<sup>5113</sup> **E3/5273** Keo Kin WRI, EN 00290501-02; **E1/312.1** Chan Morn, T. 9 June 2015, 10.37.01-10.41.23; **E3/5278** Chan Morn WRI, EN 00292824; **E1/325.1** Khin Vat, T. 29 July 2015, 14.05.23-14.07.18; **E1/316.1** Keo Loeur, T. 16 June 2015, 10.01.14-10.04.11; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/416** Hen Sopha WRI, EN 00374048; **E3/7892** Som Chhom WRI, A8; **E3/5284** Khin Vat WRI, EN 00315914; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5272** Loeung Kimchhong WRI, EN 00290657.

<sup>5114</sup> **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183984-84; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844; **E3/809**, **E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183974.

<sup>5115</sup> **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844; **E3/809** **E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183974.

<sup>5116</sup> **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183986; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933844.

<sup>5117</sup> **E3/815** DK Military Meeting Minutes, 18 Oct 1976, EN 00143500; **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933840; **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183986.

<sup>5118</sup> **E3/158** DK Military Meeting Minutes, 9 Sept 1976; **E3/800** DK Military Meeting Minutes, 16 Sept 1976; **E3/802** DK Military Meeting Minutes, 11 Nov 1976; **E3/804** DK Military Meeting Minutes, 15 Dec 1976, EN 00233718; **E3/725** *Revolutionary Flag*, Dec 1977-Jan 1978, EN 00184312, EN 00184315, EN 00184317.

<sup>5119</sup> **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990.

<sup>5120</sup> **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990.

<sup>5121</sup> **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183990; **E3/797** DK Military Meeting Minutes, 18 Aug 1976, EN 00183965.

meetings Sou Met would report on how he and his Division was successful in implementing the purge.<sup>5122</sup>

#### At the Worksite

1176. The on-site supervisor of the airfield was the deputy secretary of Division 502, Lvey, Sou Met's direct subordinate.<sup>5123</sup> Under Sou Met and Lvey, Division 502 established a security force to maintain internal and external control over the airfield. Internally, guards were organised into squads of two or three and assigned a group of workers to patrol.<sup>5124</sup> Workers, as well as their unit chiefs,<sup>5125</sup> were under constant surveillance<sup>5126</sup> and guards would report transgressions to the supervisors.<sup>5127</sup> Guards would arrest workers<sup>5128</sup> and order workers who were further accused as being enemies onto trucks to be sent away from the airfield.<sup>5129</sup>
1177. Externally, police groups,<sup>5130</sup> mainly from the Southwest,<sup>5131</sup> were organised into squads and assigned tasks including protecting the airfield from outside threats such as entry of enemies and civilians,<sup>5132</sup> and protecting senior CPK leaders<sup>5133</sup> and a Chinese

<sup>5122</sup> **E3/809, E3/810** DK Military Meeting Minutes, 19 Sept 1976, EN 00183970; **E3/801** DK Military Meeting Minutes, 30 Sept 1976; **E3/13** DK Military Meeting Minutes, 9 Oct 1976, EN 00183983; **E3/725** *Revolutionary Flag*, Dec 1977-Jan 1978.

<sup>5123</sup> **E3/1139** DK Military List, 22 Jan 1976; **E3/1138** DK Report, 27 Feb 1976; **E3/316.1** Keo Loeur, T. 15 June 2015, 09.59.28-10.01.14; **E3/5532** Him Han WRI, EN 00425235; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5278** Chan Morn WRI, EN 00292822; **E3/5284** Khin Vat WRI, EN 00315914; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5530** Kaot Rin WRI, EN 00423584; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, A8; **E3/5526** Srun Chey WRI, EN 00426308; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278685; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/5277** Pel Kan WRI, EN 00292834-35; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5654** Haur Ly DC-Cam Statement, EN 00183592; **E3/3959** Kung Kim WRI, EN 00278685.

<sup>5124</sup> **E1/313.1** Keo Kin, T. 10 June 2015, 15.58.08-16.00.14; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.10.20; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.16.57-10.21.36.

<sup>5125</sup> **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.58.56-11.00.57.

<sup>5126</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.42.29.

<sup>5127</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.57.48-15.59.43; **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.42.29; **E1/320.1** Sem Houen alias Kim, T. 23 June 2015, 15.57.48-15.59.43; **E3/5280** Sem Hoeun WRI, EN 00290516; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15.

<sup>5128</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/313.1** Chan Morn, T. 10 June 2015, 14.26.21-14.31.46.

<sup>5129</sup> **E3/5279** Sreng Thi WRI, EN 00293010.

<sup>5130</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 14.40.20-14.42.29.

<sup>5131</sup> **E1/320.1** Sem Houen, T. 23 June 2015, 15.19.55-15.22.30.

<sup>5132</sup> **E1/320.1** Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57.

<sup>5133</sup> **E1/317.1** Keo Loeur, T. 16 June 2015, 10.08.50-10.11.05.

delegation when they were present.<sup>5134</sup> These guard and protection units reported directly to Lvey and Sou Met.<sup>5135</sup>

1178. At the airfield, Lvey would hold daily meetings giving orders to his assistants.<sup>5136</sup> Arrested workers were brought to his office at gunpoint, tied up, and then placed on trucks and sent towards Phnom Penh.<sup>5137</sup> Outside of the airfield, the West Zone committee would send monthly reports to the Centre on various issues such as reported escapes of airfield workers.<sup>5138</sup>

#### OTHER INHUMANE ACTS — ATTACKS AGAINST HUMAN DIGNITY

1179. One worker at the airfield testified how the conditions imposed on him made him feel: “[a]t that time, I felt that I was like a dead person, that I already died, and I never thought that I would survive. I thought that I would die from overwork or exhaustion”.<sup>5139</sup> The evidence heard at trial demonstrates that the effect of these conditions would have made tens of thousands of other workers feel the same.

1180. The number of workers at the airfield increased over time. When construction started in 1976 there were only a handful of people and Chinese experts.<sup>5140</sup> Within six months, approximately 1,000 soldiers had arrived<sup>5141</sup> and by March 1977 there were more than 2,500 soldiers at the airfield.<sup>5142</sup> Hundreds of workers were sent to the airfield at a time,<sup>5143</sup> and the worksite was crowded with many people working in the same areas.<sup>5144</sup> On one occasion, after the purge of the East Zone, approximately 5,000 East Zone soldiers were arrested and sent to the airfield.<sup>5145</sup> By 1978, there were more than

<sup>5134</sup> E1/313.1 Chan Morn, T. 10 June 2015, 14.14.37-14.18.01; E1/314.1 Keo Kin, T. 11 June 2015, 09.58.44-10.00.07.

<sup>5135</sup> E1/313.1 Chan Morn, T. 10 June 2015, 14.12.56-14.18.01; E1/314.1 Keo Kin, T. 11 June 2015, 09.28.44-09.30.50.

<sup>5136</sup> E3/5278 Chan Morn WRI, EN 00292823-25.

<sup>5137</sup> E1/314.1 Keo Kin, T. 11 June 2015, 09.16.00-09.21.30, 09.26.33-09.28.44, 15.14.20-15.18.05.

<sup>5138</sup> E3/1094 DK Report, 4 Aug 1978, EN 00315368-69.

<sup>5139</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.23.14-15.25.22.

<sup>5140</sup> E1/312.1 Chan Morn, T. 9 June 2015, 14.07.23-14.09.23; E1/314.1 Keo Kin, T. 11 June 2015, 14.29.02-14.31.16; E3/5273 Keo Kin WRI, 00290500.

<sup>5141</sup> E1/314.1 Keo Kin, T. 11 June 2015, 14.10.22-14.12.49; E1/320.1 Sem Hoeun, T. 23 June 2015, 15.54.20-15.57.48.

<sup>5142</sup> E3/849 DK Report, 7 Apr 1977, EN 00183956.

<sup>5143</sup> E3/5280 Sem Hoeun WRI, EN 00290515; E1/315.1 Keo Loeur, T. 12 June 2015, 14.15.48-14.21.08 confirming E3/467 Keo Loeur WRI, EN 00205074; E3/5276 Sin Sot WRI, EN 00287355.

<sup>5144</sup> E1/312.1 Chan Morn, T. 9 June 2015, 10.08.10-10.09.31, 10.50.25-10.52.26; E3/5276 Sin Sot WRI, EN 00287355.

<sup>5145</sup> E3/361 Chhouk Rin WRI, EN 00766457.



30,000 people at the airfield, mostly from the East Zone but also from the North, Southwest, and Central Zones.<sup>5146</sup>

1181. All the workers at the airfield were former soldiers.<sup>5147</sup> They had been stripped of their military status, disarmed<sup>5148</sup> and forced to work.<sup>5149</sup> They retained no ranks<sup>5150</sup> and their movements were restricted. The workers wore the same black clothes,<sup>5151</sup> in contrast to the Division 502 supervisors<sup>5152</sup> and guards, who wore khaki military uniforms.<sup>5153</sup> The RAK used the construction of the airfield to temper and refashion soldiers<sup>5154</sup> that were suspected of disloyalty,<sup>5155</sup> had a “bad” biography,<sup>5156</sup> or were accused of moral

<sup>5146</sup> **E1/319.1** Sem Houen, T. 22 June 2015, 11.03.38-11.05.43; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/7894** Khvae Ni WRI, A3.

<sup>5147</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 09.57.40-09.59.32; **E1/316.1** Keo Loeur, T. 15 June 2015, 15.39.23-15.42.55.

<sup>5148</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/319.1** Sem Hoeun, T. 22 June 2015, 09.29.14-9.30.42; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.14.28-14.15.48; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 14.28.47-14.30.49.

<sup>5149</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.13.50-15.16.00; **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/321.1** Chum Samoeun, T. 24 June 2015, 13.55.50-13.58.50; **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.05.43-11.08.06; **E1/326.1** Khin Vat, T. 30 July 2015, 09.59.42-10.05.12.

<sup>5150</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 14.14.28-14.15.28.

<sup>5151</sup> **E1/321.1** Him Han, T. 24 June 2015, 11.01.30-11.04.11; **E1/313.1** Keo Kin, T. 10 June 2015, 16.05.50-16.08.50; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.28.17-14.31.29; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.46.42-09.49.00; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.04.35-10.11.05, 10.14.34-10.16.57.

<sup>5152</sup> **E1/325.1** Khin Vat, T. 29 July 2015, 13.51.23-13.53.25; **E1/326.1** Khin Vat, T. 30 July 2015, 09.52.03-09.54.54.

<sup>5153</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15; **E1/317.1** Keo Loeur, T. 16 June 2015, 10.14.34-10.16.57.

<sup>5154</sup> **E1/320.1** Sem Hoeun alias Kim, T. 23 June 2015, 10.57.59-11.00.14; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979.

<sup>5155</sup> **Betraving Angkar: E1/314.1** Keo Kin, T. 11 June 2015, 09.16.00-09.21.30; **E3/5532** Him Han WRI, EN 00425235; **E3/3961** Sum Chea WRI, EN 00223347. **Links to Traitorous Networks: E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/319.1** Sem Hoeun T. 22 June 2015, 10.42.50-10.45.02, 10.46.08-10.51.34; **E3/5280** Sem Hoeun WRI, EN 00290517; **E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.53-14.04.05; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.47.11-15.52.15 *confirming* **E3/467** Keo Loeur, 00205073-74; **E3/369** Koy Mon WRI, EN 00272716. **Links to Vietnam: E1/325.1** Khin Vat, T. 29 July 2015, 13.37.09-13.41.28; **E3/421** Chhouk Rin WRI, EN 00414059-60. **Links to Former Lon Nol Regime: E1/316.1** Keo Loeur, T. 15 June 2015, 09.37.00-09.38.20, 09.40.48-09.42.45, 14.24.32-14.26.38; **E3/5278** Chan Morn WRI, EN 00292825.

<sup>5156</sup> **Bad Biography: E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.33-14.01.13; **E3/5526** Srun Chey WRI, EN 00426310; **E3/5537** Sokh Chhay WRI, EN 00404294-95. **Bad Elements: E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/319.1** Sem Hoeun T. 22 June 2015, 11.05.43-11.08.06; **E3/5530** Kaot Rin WRI, EN 00423585 [“You indicated to us about two types of soldiers who worked at the airport by saying that some were ordinary soldiers while the others were the ones who had affiliation. Could you elaborate further on this? The soldiers with bad elements were those who were affiliated with the former Lon Nol’s officers. They were put to work to the East of the Kampong Chhnang airport. Those who worked to the West of the airport were non affiliated soldiers. They were exposed to lighter labour in which they were made to just drive cars, saw timbers or supervise the East of the airport workers”]; **E3/5526** Srun Chey WRI, EN 00426310. **Enemy Tendencies: E1/319.1** Sem Hoeun, T. 22 June 2015, 10.40.58-10.42.50; **E1/315.1** Keo Loeur, T. 12 June 2015, 13.58.53-14.01.13; **E3/369** Koy Mon WRI, EN 00272717.

misconduct.<sup>5157</sup> The majority of the tempered former soldiers were from Divisions 310,<sup>5158</sup> 450,<sup>5159</sup> 170,<sup>5160</sup> 703,<sup>5161</sup> and “bad elements” from 502.<sup>5162</sup>

1182. The former North Zone soldiers were brought for tempering in 1977<sup>5163</sup> following the arrest of the commanders of Division 310, Oeun, Kim and Voeng.<sup>5164</sup> Handicapped soldiers from this Division were also sent to the airfield.<sup>5165</sup> The former East Zone soldiers began arriving at the airfield as early as 1976.<sup>5166</sup> By late 1977,<sup>5167</sup> the purge of the East Zone leaders had begun with many East Zone commanders arrested.<sup>5168</sup> The purges intensified in 1978. Surviving East Zone troops were disarmed and sent to build the airfield.<sup>5169</sup> As part of this purge, Son Sen ordered commanders to be arrested and sent to S-21 and their troops to be sent to the airfield as punishment and for tempering.<sup>5170</sup>

<sup>5157</sup> **E3/362** Chhouk Rin WRI, EN 00268895; **E3/5526** Srun Chey WRI, EN 00426310; **E3/5537** Sokh Chhay WRI, EN 00404294-95.

<sup>5158</sup> **E1/319.1** Sem Hoeun, T. 22 June 2015, 14.16.31-14.19.10; **E3/5280** Sem Hoeun WRI, EN 00290515; **E3/467** Keo Loeur WRI, EN 00205072-73; **E3/5526** Srun Chey WRI, EN 00426308; **E3/3962** Khoem Samhuon WRI, EN 00293364; **E3/3959** Kung Kim WRI, EN 00278681, 00278685; **E3/376** Lay Ean WRI, EN 00278690; **E3/7877** Nuon (Tes) Trech WRI, EN 00346978-79.

<sup>5159</sup> **E1/318.1** Kong Siek, T. 17 June 2015, 11.38.48-11.40.31; **E3/467** Keo Loeur WRI, EN 00205074; **E3/7477** Kaing Guek Eav, T. 15 Sept 2009, 15.53.14-16.00.14; **E3/5526** Srun Chey WRI, EN 00426308; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/5537** Sokh Chhay WRI, EN 00404295; **E3/5554** Pol Nhan WRI, EN 00377400.

<sup>5160</sup> **E3/5526** Srun Chey WRI, EN 00426308, EN 00426310; **E3/369** Koy Mon WRI, EN 00272715-17.

<sup>5161</sup> **E3/5526** Srun Chey WRI, EN 00426308.

<sup>5162</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 13.38.52-13.45.42; **E3/5273** Keo Kin WRI, EN 00290498; **E1/321.1** Chum Samouern, T. 24 June 2015, 15.31.55-15.34.19; **E3/5263** Sreng Thi WRI, EN 00282224-25; **E3/5537** Sokh Chhay WRI, EN 00404294.

<sup>5163</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.08.58-15.10.13; **E3/5532** Him Han WRI, EN 00425233, EN 00425235; **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.40.58-10.42.50; **E3/467** Keo Loeur WRI, EN 00205073-74; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/5537** Sokh Chhay WRI, EN 00404295; **E3/3959** Kung Kim WRI, EN 00278684-85.

<sup>5164</sup> **E3/5532** Him Han WRI, EN 00425236; **E1/318.1** Sem Hoeun, T. 17 June 2015, 15.50.48-15.53.35; **E1/316.1** Keo Loeur, T. 15 June 2015, 11.05.30-11.08.05; **E3/467** Keo Loeur WRI, EN 00205073-74; **E3/3959** Kung Kim WRI, EN 00278684, 00278684.

<sup>5165</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 14.26.13-14.28.17.

<sup>5166</sup> **E1/313.1** Keo Kin, T. 10 June 2015, 15.38.18-15.41.38.

<sup>5167</sup> **E3/362** Chhouk Rin WRI, EN 00268896; **E3/361** Chhouk Rin WRI, EN 00766453-54.

<sup>5168</sup> **E3/5273** Keo Kin WRI, EN 00290500; **E3/362** Chhouk Rin WRI, EN 00268896-97; **E3/361** Chhouk Rin WRI, EN 00766452; **E3/5530** Kaot Rin WRI, EN 00423585.

<sup>5169</sup> **E3/361** Chhouk Rin WRI, EN 00766453-54; **E3/362** Chhouk Rin WRI, EN 00268897; **E3/421** Chhouk Rin WRI, EN 00414059-60; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184109.

<sup>5170</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.26.33-09.28.44; **E3/5532** Him Han WRI, EN 00425235; **E1/312.1** Chan Morn, T. 9 June 2015, 11.18.36-11.20.54; **E1/182.1** Chhouk Rin, T. 23 Apr 2013, 14.28.47-14.30.49; **E3/5273** Keo Kin WRI, EN 00290500; **E3/361** Chhouk Rin WRI, EN 00766456-57; **E3/7894** Khvae Ni WRI, A3; **E3/5279** Sreng Thi WRI, EN 00293009.

1183. *Forced labour*: The nature of the work was physically arduous and often dangerous.

Workers were organised into sections, with each unit having various duties.<sup>5171</sup> They were forced to undertake strenuous manual labour, including: dismantling buildings,<sup>5172</sup> constructing garages;<sup>5173</sup> collecting waste;<sup>5174</sup> clearing forest, uprooting trees, digging tree stumps, and pulling grass;<sup>5175</sup> making fertiliser;<sup>5176</sup> blasting rocks;<sup>5177</sup> breaking, carrying and laying stones;<sup>5178</sup> crushing, tamping and leveling earth;<sup>5179</sup> carrying sand and concrete;<sup>5180</sup> digging canals;<sup>5181</sup> building sewage pipes;<sup>5182</sup> and digging caves in the mountainside for hiding aircrafts.<sup>5183</sup> Workers also had to farm rice paddies,<sup>5184</sup> transplant seedlings and grow vegetables in addition to their main tasks.<sup>5185</sup> Some units, like Unit 17, were forced to do heavy labour to weaken them and thereby reduce their perceived threat to the CPK.<sup>5186</sup>

1184. Workers had to labour for long hours each day with little rest. A typical day started as

- <sup>5171</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 09.59.32-10.01.40; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.19.16-15.21.26; **E1/316.1** Keo Loeur, T. 15 June 2015, 10.06.50-10.08.40.  
<sup>5172</sup> **E3/5273** Keo Kin WRI, EN 00290500.  
<sup>5173</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 14.42.23-14.44.36.  
<sup>5174</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 09.59.32-10.01.40.  
<sup>5175</sup> **E3/5532** Him Han WRI, EN 00425233-34; **E3/5150** Him Han WRI, EN 00223352; **E1/313.1** Keo Kin, T. 10 June 2015, 15.36.52-15.38.18; **E1/313.1** Keo Kin, T. 10 June 2015, 15.38.18-15.41.38; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 00292823; **E1/319.1** Sem Hoeun, T. 22 June 2015, 10.54.13-10.56.04; **E3/5284** Khin Vat WRI, EN 00315914; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.19.16-15.21.26; **E1/316.1** Keo Loeur, T. 15 June 2015, 09.38.20-09.40.48; **E3/467** Keo Loeur WRI, EN 00205074; **E3/3961** Sum Chea WRI, EN 00223348; **E3/5530** Kaot Rin WRI, EN 00423586; **E3/5276** Sin Sot WRI, EN 00287355; **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5526** Srun Chey WRI, EN 00426309; **E3/5274** Sum Sokhan WRI, EN 00292864-65; **E3/3959** Kung Kim WRI, EN 00278685; **E3/5272** Loeung Kimchhong WRI, EN 00290657; **E3/5279** Sreng Thi WRI, EN 00293009; **E3/5663** Kung Chanthi DC-Cam Statement Summary, EN 00184196.  
<sup>5176</sup> **E1/326.1** Khin Vat, T. 30 July 2015, 10.03.25-10.05.12.  
<sup>5177</sup> **E3/5532** Him Han WRI, EN 00425234; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 00292823; **E3/5284** Khin Vat WRI, EN 00315914; **E3/369** Koy Mon WRI, EN 00272717; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, EN 00422367; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979; **E3/5526** Srun Chey WRI, EN 00426309-10; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.  
<sup>5178</sup> **E3/5532** Him Han WRI, EN 00425233-34; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/5530** Kaot Rin WRI, EN 00423584; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5277** Pel Kan WRI, EN 00292834.  
<sup>5179</sup> **E3/5532** Him Han WRI, EN 00425233-34; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5530** Kaot Rin WRI, EN 00423584, EN 00423585; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5277** Pel Kan WRI, EN 00292834-35; **E3/5526** Srun Chey WRI, EN 00426309.  
<sup>5180</sup> **E1/318.1** Kong Siek, T. 17 June 2015, 11.00.10-11.04.45; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5274** Sum Sokhan WRI, EN 00292864; **E3/5663** Kung Chanthi DC-Cam Statement Summary, EN 00184196.  
<sup>5181</sup> **E1/318.1** Kong Siek, T. 17 June 2015, 10.45.11-10.46.57; **E3/5277** Pel Kan WRI, EN 00292834.  
<sup>5182</sup> **E3/5277** Pel Kan WRI, EN 00292834-35.  
<sup>5183</sup> **E1/316.1** Keo Loeur, T. 15 June 2015, 10.37.55-10.40.42; **E3/5284** Khin Vat WRI, EN 00315914.  
<sup>5184</sup> **E1/325.1** Khin Vat, T. 29 July 2015, 13.46.32-13.51.23; **E3/5647** Bit Na DC-Cam Statement Summary, EN 00184109-10.  
<sup>5185</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 13.58.12-14.00.34, 14.42.23-14.44.36; **E3/5273** Keo Kin WRI, EN 00290501.  
<sup>5186</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.16.00-15.17.40.

early as 4 am, when workers attended group criticism meetings<sup>5187</sup> or farmed rice paddies.<sup>5188</sup> Others began around 6 or 7 am, and worked until 5 or 6 pm with a one or two hour lunch break in between.<sup>5189</sup> The unit chief had the discretion to allow short breaks,<sup>5190</sup> but rest was generally not permitted and workers had to continue until they were told to stop.<sup>5191</sup> Supervisors would require workers to spend extra hours working if their quotas were not met.<sup>5192</sup>

1185. After working all day labourers were often required to work into the night.<sup>5193</sup> Women went for meetings at 5 am, worked in the field from 7 to 5 pm, then sometimes made fertiliser at night until 9 pm.<sup>5194</sup> Lights were installed so that work could continue at night,<sup>5195</sup> with some sections working from 7 to 11 pm or later.<sup>5196</sup> If a worker had to work at night, they would not go back to their sleeping quarters for rest before starting work again.<sup>5197</sup> Work continued seven days a week, every single day of the month.<sup>5198</sup>

1186. Workers could not rest or sleep if they were tired.<sup>5199</sup> One worker testified he thought he

<sup>5187</sup> Some other workers like Sem Hoeun had the meetings in the evening: **E3/5280** Sem Hoeun WRI, EN 00290515; **E3/5284** Khin Vat WRI, EN 00315914-15; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5279** Sreng Thi WRI, EN 00293010; **E3/3962** Khoem Samhuon WRI, EN 00293367.

<sup>5188</sup> **E3/5273** Keo Kin WRI, EN 00290501.

<sup>5189</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 14.33.16-14.35.16; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/7892** Som Chhom WRI, EN 00422366-67; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5278** Chan Morn WRI, EN 00292823; **E3/5284** Khin Vat WRI, EN 00315915; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/5526** Srun Chey WRI, EN 00426309-10; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980.

<sup>5190</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 15.41.44- 15.43.01.

<sup>5191</sup> **E1/321.1** Chum Samoeurn, T. 24 June 2015, 14.00.53-14.02.53, 14.05.35-14.07.23; **E1/318.1** Kong Siek, T. 17 June 2015, 10.55.03-10.56.45 ["We had to accomplish the target and we had to all work together even though our fingers got blisters. When we were doing the job, we dared not stop. We had to work, even though we could hardly hold a hoe anymore due to the blisters on our fingers, but we dare not stop, we had to continue working"].

<sup>5192</sup> **E1/321.1** Him Han, T. 24 June 2015, 11.23.04-11.24.46.

<sup>5193</sup> **E1/321.1** Him Han, T. 21 June 2015, 09.50.54-09.51.57; **E1/314.1** Keo Kin, T. 11 June 2015, 15.52.23-15.54.17.

<sup>5194</sup> **E1/325.1** Khin Vat, T. 29 July 2015, 14.14.20-14.16.45.

<sup>5195</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 14.44.36-15.02.03 ["We built the garage during the day time and we picked up roots and stumps at night. The place was illuminated when we were picking up roots and stumps at night until 10.30 p.m."]; **E3/7877** Nuon (Tes) Trech WRI, EN 00346980.

<sup>5196</sup> **E3/5532** Him Han WRI, EN 00425234; **E1/314.1** Keo Kin, T. 11 June 2015, 11.05.27-11.08.15, 14.00.34-14.02.56; **E3/5273** Keo Kin WRI, EN 00290501; **E1/321.1** Chum Samoeurn, T. 24 June 2015, 13.58.50-14.00.53; **E1/318.1** Kong Siek, T. 17 June 2015, 10.55.03-10.56.45; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.15.48-14.19.20 confirming **E3/467** Keo Loeur WRI, EN 00205074; **E1/316.1** Keo Loeur, T. 15 June 2015, 15.29.48-15.31.57; **E3/471** Prak Yoeun WRI, EN 00223337; **E3/7892** Som Chhom WRI, EN 00422367; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/5279** Sreng Thi WRI, EN 00293010.

<sup>5197</sup> **E1/321.1** Him Han, T. 24 June 2015, 09.57.00-09.58.58.

<sup>5198</sup> **E3/5150** Him Han WRI, EN 00223352; **E1/314.1** Keo Kin, T. 11 June 2015, 09.35.32-09.37.10; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13; **E3/5277** Pel Kan WRI, EN 00292835; **E3/5274** Sum Sokhan WRI, EN 00292865.

<sup>5199</sup> **E1/321.1** Him Han, T. 24 June 2015, 09.54.51-09.57.00; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13.



would “die from overwork”.<sup>5200</sup> [Sentence deleted].<sup>5201</sup> They had to be ready whenever the bell rang for them to work, and sometimes had to continue working while it was raining.<sup>5202</sup> Sometimes, workers would fall unconscious from the intensity of the work<sup>5203</sup> or become sick.<sup>5204</sup> The working hours increased over time<sup>5205</sup> as the authorities needed the airport to become operational quickly.<sup>5206</sup>

1187. Inhumane living conditions: Workers were forced to sleep in crowded, inadequate facilities that provided little to no protection from the environment. They had to build shelters to house their entire units, usually in a designated area near their worksite.<sup>5207</sup> Sometimes, the units were so large that some workers slept outside on the ground nearby.<sup>5208</sup> Makeshift shelters where hammocks could be hung were often open on the sides.<sup>5209</sup> Workers typically slept without a mat or blanket, and in many cases mosquito nets were not provided to protect against insect-borne illnesses.<sup>5210</sup>

1188. Inadequate food rations: The quantity and quality of food provided to the workers was insufficient to sustain them given the work demanded.<sup>5211</sup> Meals were only provided twice a day, at midday and in the evening.<sup>5212</sup> Some units received sour soup and rice,<sup>5213</sup>

<sup>5200</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.23.14-15.25.22.

<sup>5201</sup> [Original citation deleted].

<sup>5202</sup> E1/321.1 Him Han, T. 24 June 2015, 11.06.04-11.08.54; E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.14.21-14.18.32.

<sup>5203</sup> E1/316.1 Keo Loeur, T. 15 June 2017, 10.04.11-10.06.50.

<sup>5204</sup> E1/325.1 Khin Vat, T. 29 July 2015, 14.21.19-14.24.05.

<sup>5205</sup> E1/314.1 Keo Kin, T. 11 June 2015, 13.45.42-13.47.51, 14.00.34-14.02.56.

<sup>5206</sup> E3/5278 Chan Morn WRI, EN 00292824; E3/5280 Sem Hoeun alias Kim WRI, EN 00290516; E1/325.1 Khin Vat, T. 29 July 2015, 14.07.18-14.09.57; E3/5284 Khin Vat WRI, EN 00315914-15; E3/467 Keo Loeur WRI, EN 00205074.

<sup>5207</sup> E1/314.1 Keo Kin, T. 11 June 2015, 10.18.32-10.20.00; E1/312.1 Chan Morn, T. 9 June 2015, 14.09.23-14.13.35, 14.32.22-14.34.29; E1/319.1 Sem Hoeun, T. 22 June 2015, 13.34.33-13.37.02; E1/320.1 Sem Hoeun, T. 23 June 2015, 10.35.19-10.37.12; E1/316.1 Keo Loeur, T. 15 June 2015, 09.46.42-09.53.02.

<sup>5208</sup> E1/325.1 Khin Vat, T. 29 July 2015, 15.31.16-15.35.47.

<sup>5209</sup> E1/314.1 Keo Kin, 11 June 2015, 10.15.24-10.18.32 [“Usually, about ten of us would sleep in hammock in the buildings where the vehicles were parked. And as I said, there was no proper bedding or mosquito net. We only slept in hammock. There was no proper sleeping room or there was no – actually no wall at all for the building where the vehicles were parked”]; E1/312.1 Chan Morn, T. 9 June 2015, 14.32.22-14.34.29.

<sup>5210</sup> E1/321.1 Him Han, T. 24 June 2015, 09.54.51-09.57.00; E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.07.23-14.09.35; E1/318.1 Kong Siek, T. 17 June 2015, 10.56.45-11.00.10; E1/325.1 Khin Vat, T. 29 July 2015, 15.33.32-15.35.47; E1/314.1 Keo Kin, T. 11 June 2015, 10.15.24-10.17.10.

<sup>5211</sup> E1/320.1 Him Han, T. 23 June 2015, 15.26.35-15.28.59; E1/314.1 Keo Kin, T. 11 June 2015, 09.37.10-09.39.52; E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.00.53-14.05.35; E3/7770 Chhun Sakan WRI, EN 00233267; E3/9349 Chuop Non WRI, EN 00244157; E3/5267 Ut Seng WRI, EN 00282356; E3E1/315.1 Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13; E1/315.1 Keo Loeur, T. 12 June 2015, 14.35.16-14.40.58; E1/316.1 Keo Loeur, T. 15 June 2015, 10.04.11-10.08.40.

<sup>5212</sup> E3/5247 Pouk Pon WRI, EN 0023820; E3/5249 Vann Theng WRI, EN 00231859; E3/5265 Um Chi WRI, EN 00282347.

<sup>5213</sup> E1/325.1 Khin Vat, T. 29 July 2015, 14.18.13-14.21.19; E1/315.1 Keo Loeur, T. 12 June 2015, 14.38.38-14.40.58.

while others had only watery gruel<sup>5214</sup> or vegetable soup with a small amount of fish.<sup>5215</sup> Food was rationed<sup>5216</sup> and decreased after 1977.<sup>5217</sup> One worker testified that she had to drink water to fill up her stomach because the rations were not enough.<sup>5218</sup>

1189. Without proper nourishment, workers were hungry and unhealthy.<sup>5219</sup> Most workers were thin and sick,<sup>5220</sup> with one witness describing that “the workers were so starved that their knees were bigger than their heads”.<sup>5221</sup> Flies would collect around the workers’ unprotected food.<sup>5222</sup> Workers were too scared to complain about the lack of food<sup>5223</sup> and were killed if they were caught supplementing their rations.<sup>5224</sup> In sharp contrast to the workers, the Chinese technicians were provided with three meals a day that were prepared separately.<sup>5225</sup>

1190. *Inadequate sanitation and medicine*: Workers did not have access to basic sanitation facilities. There were no toilets or proper bathrooms forcing workers to relieve themselves outside in the nearby forest.<sup>5226</sup> There was no running water or soap to wash

<sup>5214</sup> E1/312.1 Chan Morn, T. 9 June 2015, 14.15.55-14.18.11; E3/5263 Sreng Thi WRI, EN 00282225; E3/7877 Nuon (Tes) Trech WRI, EN 00346980; E3/5276 Sin Sot WRI, EN 00287356; E3/5274 Sum Sokhan WRI, EN 00292865; E3/5272 Loeung Kimchhong WRI, EN 00290658; E3/7894 Khvae Ni WRI, A3; E3/5663 Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196; E1/314.1 Keo Kin, T. 11 June 2015, 14.22.04-14.27.08.

<sup>5215</sup> E3/5532 Him Han WRI, EN 00425234; E3/5278 Chan Morn WRI, EN 00292825; E3/5280 Sem Hocun WRI, EN 00290515; E3/5284 Khin Vat WRI, EN 00315915; E3/3962 Khoem Samhuon WRI, EN 00293367; E3/5530 Kaot Rin WRI, EN 00423585.

<sup>5216</sup> E1/316.1 Keo Loeur, T. 15 June 2015, 10.04.11-10.08.40; E1/314.1 Keo Kin, T. 11 June 2015, 14.22.04-14.27.08; E1/325.1 Khin Vat, T. 29 July 2015, 14.18.13-14.21.19; E1/319.1 Sem Hocun T. 22 June 2015, 13.49.39-13.52.48.

<sup>5217</sup> E3/5526 Srun Chey WRI, EN 00426309.

<sup>5218</sup> E1/325.1 Khin Vat, T. 29 July 2015, 14.18.13-14.21.19 [“The food was rationed, so those with a big appetite could not eat their fill since we were given only a ration. And sometimes I had to drink more water to fill up my stomach”].

<sup>5219</sup> E3/5150 Him Han WRI, EN 00223352; E1/319.1 Sem Hocun, T. 22 June 2015, 13.46.20-13.48.39; E3/7892 Som Chhom WRI, EN 00422367; E3/7877 Nuon (Tes) Trech WRI, EN 00346979-80; E3/374 Sao Phen WRI, EN 00336534; E3/5279 Sreng Thi WRI, EN 00293010; E3/471 Prak Yoeun WRI, EN 00223337; E3/5276 Sin Sot WRI, EN 00287356; E3/3961 Sum Chea WRI, EN 00223348; E3/5263 Sreng Thi WRI, EN 00282225; E3/5274 Sum Sokhan WRI, EN 00292865.

<sup>5220</sup> E3/5272 Loeung Kimchhong WRI, EN 00290658; E3/7537 Tes Ol DC-Cam Statement, EN 00251256.

<sup>5221</sup> E3/5647 Bit Na DC-Cam Statement Summary, EN 00184109; E1/318.1 Kong Siek, T. 17 June 2015, 11.07.15-11.09.55.

<sup>5222</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.01.00-15.04.42.

<sup>5223</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.15.29-15.17.22 [“In terms of having food with no sanitation whatsoever, we didn’t dare to complain, even if the sour soup, the Khmer sour soup of morning glory that we had was mixed with crickets, we had to bear it because we were afraid of their powers”].

<sup>5224</sup> E3/5263 Sreng Thi WRI, EN 00282225.

<sup>5225</sup> E1/312.1 Chan Morn, T. 9 June 2015, 15.26.56-15.30.38; E1/325.1 Khin Vat, T. 29 July 2015, 15.06.30-15.08.45.

<sup>5226</sup> E1/314.1 Keo Kin, T. 11 June 2015, 11.10.03-11.13.01.

their clothes and body.<sup>5227</sup> Workers were forced to drink from the same water they bathed in.<sup>5228</sup>

1191. Workers were also denied access to basic medical treatment and facilities. When available, it was often insufficient to care for the workers.<sup>5229</sup> As a result of the difficult work conditions, the insufficient food, and unhygienic living conditions, many workers suffered from various diseases<sup>5230</sup> such as swollen limbs, high temperatures and fevers,<sup>5231</sup> and malaria.<sup>5232</sup> Sick detainees were treated by unqualified medics with locally made medicines,<sup>5233</sup> such as rabbit drop pellets.<sup>5234</sup>

1192. Workers who fell sick were often still forced to work,<sup>5235</sup> and those that were not had their food rations reduced.<sup>5236</sup> One worker testified that “even if we were sick, we had to work otherwise we would be accused of being [the] enemy”.<sup>5237</sup> Those who fell seriously ill were transported to the Kampong Chhnang hospital.<sup>5238</sup> In many cases, workers did not return.<sup>5239</sup>

<sup>5227</sup> E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.09.35-14.11.55 [“We worked and after work we had to bathe ourselves and there was no soap or whatever, nothing at all. We sometimes had to use the dry bark from luffa gourds in order to clean our skin and many of us were infected by lice and itch both on our head and our skin”]; E1/318.1 Kong Siek, T. 17 June 2015, 10.56.45-11.00.10.

<sup>5228</sup> E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.05.35-14.07.23.

<sup>5229</sup> E1/320.1 Him Han, T. 23 June 2015, 15.41.44-15.47.00; E1/314.1 Keo Kin, T. 11 June 2015, 10.14.03-10.15.24.

<sup>5230</sup> E1/325.1 Khin Vat, T. 29 July 2015, 14.18.13-14.21.19.

<sup>5231</sup> E1/314.1 Keo Kin, 11 June 2015, 11.10.03-11.13.01 [“there were cases of swollen limbs, of diarrhoea, of high temperature and fever. The common symptom was high temperature and fever. And it happened in almost every unit”].

<sup>5232</sup> E1/312.1 Chan Morn, T. 9 June 2015, 14.37.54-14.40.20; E1/314.1 Keo Kin, T. 11 June 2015, 11.10.03-11.13.01.

<sup>5233</sup> E1/319.1 Sem Hoeun, T. 22 June 2015, 13.48.39-13.49.39; E3/5526 Srun Chey WRI, EN 00426309; E1/316.1 Keo Loeur, T. 15 June 2015, 09.51.00-09.55.21.

<sup>5234</sup> E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.20.18-14.22.48.

<sup>5235</sup> E1/320.1 Him Han, T. 23 June 2015, 15.41.44-15.44.36; E1/318.1 Kong Siek, T. 17 June 2015, 11.15.35-11.18.23; E1/315.1 Keo Loeur, T. 12 June 2015, 15.15.29-15.17.22; E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.18.32-14.20.18.

<sup>5236</sup> E1/319.1 Sem Hoeun, T. 22 June 2015, 10.56.04-10.58.56 [“And for those who fell sick and did not go to work, they would be put under surveillance, and they did not receive sufficient food to eat. And if they fell sick, their food ration was reduced to half of the plate or bowl”], 13.52.48-13.54.33 [“[I]f people got sick, they did not receive enough food to eat and, for example, one would receive one can of rice to eat, but when they fell sick they would receive only half of the can”].

<sup>5237</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 14.23.39-14.26.13.

<sup>5238</sup> E1/320.1 Him Han, T. 23 June 2015, 15.44.36-15.47.00; E3/5150 Him Han WRI, EN 00223352; E3/5273 Keo Kin WRI, EN 00290502; E1/312.1 Chan Morn, T. 9 June 2015, 14.37.54-14.40.20; E3/5278 Chan Morn WRI, EN 00292824; E3/5284 Khin Vat WRI, EN 00315916; E3/3962 Khoem Samhuon WRI, EN 00293369; E3/5272 Loeung Kimchhong WRI, EN 00293369; E3/5279 Sreng Thi WRI, 7 Mar 2009, EN 00293010.

<sup>5239</sup> E3/5532 Him Han WRI, EN 00425234; E1/319.1 Sem Hoeun, T. 22 June 2015, 13.49.39-13.52.48.

1193. *Psychological harm*: The workers lived in a constant state of fear at the airfield.<sup>5240</sup> At criticism meetings, workers were told by the upper level “to stick to only the lines of the Revolution ... and that if we were to betray the revolution, we would be dead”.<sup>5241</sup> They followed their instructions and worked hard to avoid being arrested and tortured.<sup>5242</sup> One worker testified that the workers were resigned to the fact that it would only be a matter of time before they were killed or died from the conditions.<sup>5243</sup> The combined impact of the deplorable work and living conditions caused serious mental and physical suffering and injury, and constituted a serious attack on the human dignity of the workers.

#### ENSLAVEMENT

1194. Workers described the airfield as a prison without walls.<sup>5244</sup> They could not leave<sup>5245</sup> nor could others enter.<sup>5246</sup> Their movement and communication was severely restricted<sup>5247</sup> as they were placed under strict guard control<sup>5248</sup> with constant surveillance.<sup>5249</sup> Workers in

<sup>5240</sup> E1/313.1 Chan Morn, T. 10 June 2015, 10.45.37-10.47.01; E1/314.1 Keo Kin, T. 11 June 2015, 10.57.28-10.59.07.

<sup>5241</sup> E1/312.1 Chan Morn, T. 9 June 2015, 13.50.32-13.52.20.

<sup>5242</sup> E1/314.1 Keo Kin, T. 11 June 2015, 09.33.32-09.35.32, [“After the criticism and if the person did not deter, he or she would disappear. And the meeting would be called later to advise and warn others not to follow the steps of the individual that disappear”], 11.23.03-11.25.00 [“We didn’t dare to speak truly to anyone, despite how close we were to that person, as we were afraid that later on, we would face negative consequences from what we had spoken earlier to that person, and that would expose ourselves to being arrested”]; E1/312.1 Chan Morn, T. 9 June 2015, 13.52.20-13.54.13; E1/318.1 Kong Siek, T. 17 June 2015, 11.02.33-11.04.45, 11.31.25-11.33.45; E1/325.1 Khin Vat, T. 29 July 2015, 15.15.48-15.18.32; E1/316.1 Keo Loeur, T. 15 June 2015, 09.40.48-09.42.45; E3/467 Keo Loeur WRI, EN 00205074; E3/5276 Sin Sot WRI, EN 00287355; E3/5663 Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.

<sup>5243</sup> E1/312.1 Chan Morn, T. 9 June 2015, 11.37.26-11.39.55.

<sup>5244</sup> E1/320.1 Him Han, T. 23 June 2015, 15.16.00-15.17.4 [“we were not allowed to move freely. We could only move within the limited assigned area. And you could also say that we were imprisoned, in a prison without walls”]; E1/319.1 Sem Hoeun, T. 22 June 2015, 09.22.13-09.24.38 confirming E3/7516 Sem Hoeun, DC-Cam Statement, EN 00876519; E3/7477 Kaing Guek Eav, T. 15 Sept 2009, 15.57.16-16.00.14.

<sup>5245</sup> E1/320.1 Him Han alias Ream, T. 23 June 2015, 15.16.00-15.17.40; E1/314.1 Keo Kin, T. 11 June 2015, 14.19.27-14.22.04; E1/321.1 Chum Samoeun, T. 24 June 2015, 14.11.55-14.15.54; E1/315.1 Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26.

<sup>5246</sup> E1/320.1 Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57.

<sup>5247</sup> E1/320.1 Sem Hoeun T. 23 June 2015, 11.07.02-11.09.57; E1/317.1 Keo Loeur, T. 16 June 2015, 09.46.27-09.48.56, 14.21.08-14.26.13, 15.06.26-15.08.15; E1/314.1 Keo Kin, T. 11 June 2015, 09.39.52-09.42.05; E1/313.1 Keo Kin, T. 10 June 2015, 15.51.57-15.53.39.

<sup>5248</sup> E1/313.1 Keo Kin, T. 10 June 2015, 15.58.08-16.00.14; E3/5273 Keo Kin WRI, EN 00290501; E3/5280 Sem Hoeun WRI, EN 00290515-16; E1/315.1 Keo Loeur, T. 12 June 2015, 15.08.15-15.12.39; E1/315.1 Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15; E3/5276 Sin Sot WRI, EN 00287355-56; E3/5274 Sum Sokhan WRI, EN 00292865.

<sup>5249</sup> E1/314.1 Keo Kin, T. 11 June 2015, 09.33.32-09.35.32; E3/5273 Keo Kin WRI, EN 00290501; E1/320.1 Sem Hoeun, T. 23 June 2015, 11.07.02-11.09.57; E3/5280 Sem Hoeun WRI, EN 00290516, EN 00290517.



one unit were handcuffed when not working.<sup>5250</sup> Units were separated and prohibited from meeting,<sup>5251</sup> and all contact between men and women was prohibited.<sup>5252</sup> Workers could not bathe when they wished<sup>5253</sup> nor visit their families.<sup>5254</sup> This restricted movement and constant surveillance left workers anxious and fearful for their wellbeing.<sup>5255</sup> Anyone who did not obey the movement restrictions were viewed as the “enemy”<sup>5256</sup> and would be monitored.<sup>5257</sup>

1195. If a worker escaped from the airfield he or she was viewed as an enemy. West Zone sector troops working in Kampong Chhnang town were sent to capture escapees caught fleeing the airfield.<sup>5258</sup> In one instance, the West Zone Office Committee reported that “3 enemies were escaping from the airport location ... our comrades fired some shots and later captured two of them.”<sup>5259</sup> The third escapee was later captured and transferred to a “reeducation place for further investigation.”<sup>5260</sup>

1196. The authorities at the airfield treated their workers as slaves. They targeted them as enemies and used them as economic commodities to build the airfield at maximum speed with little concern to the cost to the worker’s lives and their quality of life. The authorities exercised powers of ownership by depriving workers of their freedom of movement, security (physical and psychological), association, opinion, religion,<sup>5261</sup>

<sup>5250</sup> E3/5663 Kung Chanthi DC-Cam Statement Summary, EN 00184196.

<sup>5251</sup> E1/320.1 Him Han, T. 23 June 2015, 15.16.00-15.17.40; E1/320.1 Him Han, T. 23 June 2015, 15.19.55-15.22.30, 15.57.48-15.59.43; E1/321.1 Chum Samoeurn, T. 24 June 2015, 14.14.21-14.15.54; E1/318.1 Kong Siek, T. 17 June 2015, 11.25.55-11.27.56; E3/467 Keo Loeur WRI, EN 00205074; E3/3961 Sum Chea WRI, EN 00223348.

<sup>5252</sup> E1/318.1 Kong Siek, T. 17 June 2015, 14.29.45-14.32.27.

<sup>5253</sup> E1/314.1 Keo Kin, T. 11 June 2015, 14.19.27-14.22.04.

<sup>5254</sup> E1/314.1 Keo Kin, T. 11 June 2015, 09.35.32-09.37.10.

<sup>5255</sup> E1/321.1 Him Han, T. 24 June 2015, 11.16.13-11.18.41 [“The distinction that I observed was discrimination. They regarded us as traitors, and they controlled us. They never spoke pleasant words to us. They were firm on their words, and they were firm on the work assignment given to us. And we were not allowed to protest or to refuse otherwise, we would be disappeared. For that reason, none of us dared to express our protest or objection. Even if we could not complete the work quota during the daytime, we had to do it during the afternoon, the evening, or sometimes we had to work throughout the night to complete the work quota”]; E1/312.1 Chan Morn, T. 9 June 2015, 14.40.20-14.42.29; E1/313.1 Chan Morn, T. 10 June 2015, 10.45.37-10.47.01; E1/318.1 Kong Siek, T. 17 June 2015, 11.15.35-11.18.23; E1/319.1 Sem Hoeun, T. 22 June 2015, 10.58.56-11.00.57.

<sup>5256</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.06.26-15.08.15.

<sup>5257</sup> E1/319.1 Sem Hoeun T. 22 June 2015, 11.09.59-11.13.04.

<sup>5258</sup> E3/1094 DK Report, 4 Aug 1978, EN 00315368.

<sup>5259</sup> E3/1094 DK Report, 4 Aug 1978, EN 00315368.

<sup>5260</sup> E3/1094 DK Report, 4 Aug 1978, EN 00315369.

<sup>5261</sup> E1/315.1 Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26 [“At that time, if a worker died, there would be no ritual ceremony for the dead, but the dead body would simply be buried away”].

family,<sup>5262</sup> food, hygiene, medical care, sleeping quarters and work — including reasonable working conditions, working hours, and safety.

## MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCES

### 1. Enforced Disappearances

1197. Soldiers feared that if they refused the order to go to the airfield they would become “disappeared”.<sup>5263</sup> However, once at the airfield disappearances of these former soldiers occurred frequently across all units.<sup>5264</sup> Workers were arrested for supposed infractions,<sup>5265</sup> being “enemies”,<sup>5266</sup> links to the Vietnamese or the prior regime,<sup>5267</sup> breaking equipment,<sup>5268</sup> failing to meet plans,<sup>5269</sup> arguing or disobeying orders,<sup>5270</sup> moving between units or talking,<sup>5271</sup> being lazy or emotionally ill,<sup>5272</sup> stealing food or tobacco,<sup>5273</sup> attempting to escape,<sup>5274</sup> moral misconduct,<sup>5275</sup> complaining,<sup>5276</sup> being sick too often,<sup>5277</sup> or being accused of giving rice to the enemy.<sup>5278</sup> A single accusation or

<sup>5262</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 15.04.42-15.06.26 [“Q. Did workers from your unit have the opportunity to leave the worksite and visit families and friends? A. We could not even go crossing to another unit working nearby. That was even prohibited”].

<sup>5263</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.12.05-15.13.50.

<sup>5264</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.25.01-09.26.33; **E1/312.1** Chan Morn, T. 9 June 2015, 14.42.29-14.45.35; **E3/5278** Chan Morn WRI, EN 002924824; **E1/325.1** Khin Vat, T. 29 July 2015, 14.33.03-14.38.02; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5526** Srun Chey WRI, EN 00426310; **E3/3961** Sum Chea WRI, EN 00223348; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196; **E1/318.1** Kong Siek, T. 17 June 2015, 11.09.55-11.13.26.

<sup>5265</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.47.00-15.48.28; **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57; **E1/313.1** Chan Morn, T. 10 June 2015, 10.49.55-10.52.32, 11.08.37-11.12.30; **E3/3962** Khoem Samhuon WRI, EN 00293368.

<sup>5266</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/314.1** Keo Kin, T. 11 June 2015, 11.15.10-11.18.39; **E3/5278** Chan Morn WRI, EN 00292825; **E3/5280** Sem Hoeun WRI, EN 00290517; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.21.08-14.23.39, 15.31.55-15.34.39; **E3/467** Keo Loeur WRI, EN 00205074.

<sup>5267</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.33.32-09.35.32, 11.15.10-11.18.39; **E3/5284** Khin Vat WRI, EN 00315915.

<sup>5268</sup> **E1/319.1** Sem Hoeun alias Kim, T. 22 June 2015, 11.09.59-11.13.04; **E3/5280** Sem Hoeun WRI, EN 00290516.

<sup>5269</sup> **E3/5280** Sem Hoeun WRI, EN 00290517.

<sup>5270</sup> **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/5276** Sin Sot WRI, EN 00287355.

<sup>5271</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.19.55-15.22.30; **E1/320.1** Him Han, T. 23 June 2015, 15.57.48-15.59.43; **E1/321.1** Him Han, T. 24 June 2015, 11.20.53-11.23.04; **E1/318.1** Kong Siek, T. 17 June 2015, 11.25.55-11.27.56; **E1/318.1** Kong Siek, T. 17 June 2015, 11.24.00-11.27.56.

<sup>5272</sup> **E3/5276** Sin Sot WRI, EN 00287355; **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3962** Khoem Samhuon WRI, EN 00293367.

<sup>5273</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 11.15.10-11.18.39; **E1/319.1** Sem Hoeun, T. 22 June 2015, 11.24.28-11.26.31; **E3/5280** Sem Hoeun WRI, EN 00290517; **E3/5263** Sreng Thi WRI, EN 00282225.

<sup>5274</sup> **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.

<sup>5275</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 15.11.55-15.14.20.

<sup>5276</sup> **E1/315.1** Keo Loeur, T. 12 June 2015, 15.17.22-15.19.16.

<sup>5277</sup> **E3/5280** Sem Hoeun WRI, EN 00290516.

<sup>5278</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57.

misstep was sufficient for a person to disappear,<sup>5279</sup> and workers quickly learned this lesson and passed the warning on to others.<sup>5280</sup>

1198. The number of workers successively arrested increased over time.<sup>5281</sup> One worker testified to seeing groups of workers being arrested and taken away outside of Lvey's office:

I saw Lvey present at the location where those workers were tied up. He was with his bodyguards ... My workplace was about only 100 metres from where it happened, and I saw the arrests. And those people who were to be arrested were called to enter his office, then, they would be arrested and tossed onto the vehicle... [the vehicles] belonged to Division 502.<sup>5282</sup>

1199. Workers inevitably became aware of the disappearances of their peers.<sup>5283</sup> Sem Hoeun alias Kim testified that in his unit of 36 workers, 12 disappeared.<sup>5284</sup> Sum Sokhan provided evidence that all of the other 28 workers from his unit disappeared.<sup>5285</sup> Chan Morn testified that many of his colleagues disappeared as well as workers from other units.<sup>5286</sup>

1200. Workers were warned at daily self-criticism meetings that they would be arrested and killed if they did not improve.<sup>5287</sup> Most arrests were carried out at night.<sup>5288</sup> Workers

<sup>5279</sup> E1/320.1 Him Han, T. 23 June 2015, 15.44.36-15.47.00 ["No one dared to stand and look at that injured person or do anything about [it] because I noticed that those who stood and looked at the injured would disappear. I did not know as to where they were going, they just disappeared. For example, at that time there were 12 people and two of them went to look at the injured and then the two people disappeared. From my observation, no matter how many people who stood looking at the injured, they would all disappear"]; E1/321.1 Him Han, T. 24 June 2015, 11.20.53-11.23.04 ["One day I was told by my peer worker that a person from another unit went to a nearby unit, and as a result, he was arrested....[W]e warned our peer workers not to move freely or to go to another nearby unit. And we stayed wherever we were assigned to work. We didn't even dare to take shelter under a tree nearby"]; E1/314.1 Keo Kin, T. 11 June 2015, 11.18.39-11.20.31; E1/312.1 Chan Morn, T. 9 June 2015, 13.44.45-13.46.12, 14.01.46-14.04.21, 14.27.24-14.28.37; E3/5278 Chan Morn WRI, 4 Mar 2009, EN 002924824; E3/5280 Sem Hoeun WRI, EN 00290516.

<sup>5280</sup> E1/321.1 Him Han, T. 24 June 2015, 11.20.53-11.23.04; E3/5532 Him Han WRI, EN 00425234.

<sup>5281</sup> E1/315.1 Keo Locur, T. 12 June 2015, 14.21.08-14.23.39; E3/5279 Sreng Thi WRI, EN 00293009; E3/5647 Bit Na DC-Cam Statement Summary, EN 00184110.

<sup>5282</sup> E1/314.1 Keo Kin, 11 June 2015, 09.19.54-09.23.06, 15.16.42-15.18.05, .

<sup>5283</sup> E1/325.1 Khin Vat, T. 29 July 2015, 14.25.47-14.29.05 ["my friends who were workers in the unit spoke or whispered quietly about disappearances of certain workers; for example, why or where did this person go? And we learnt that it was probably he or she was called away for a study by the upper echelon, and the person disappeared. And it was our conclusion that the person had been arrested"], 14.33.03-14.38.02.

<sup>5284</sup> E1/319.1 Sem Hoeun, T. 22 June 2015, 11.26.31-11.28.08.

<sup>5285</sup> E3/5274 Sum Sokhan WRI, EN 00292866.

<sup>5286</sup> E1/312.1 Chan Morn, T. 9 June 2015, 14.42.29-14.45.35.

<sup>5287</sup> E1/314.1 Keo Kin, T. 11 June 2015, 09.33.32-09.35.32 ["After the criticism and if the person did not deter, he or she would disappear. And the meeting would be called later to advise and warn others not to follow the steps of the individual that disappear. If we did not follow the order by the leadership, we would disappear"]; E3/5273 Keo Kin WRI, EN 00290501; E3/5284 Khin Vat WRI, EN 00315915;

were called under the guise of meetings,<sup>5289</sup> training sessions, transfers, or for harvesting rice, and subsequently arrested.<sup>5290</sup> Workers would be blindfolded, tied up at gunpoint, and loaded onto covered trucks.<sup>5291</sup>

1201. Arrested workers were also transported away from the airfield.<sup>5292</sup> Workers could be heard screaming<sup>5293</sup> as they were taken away in trucks along National Road No. 5<sup>5294</sup> bound for Phnom Penh<sup>5295</sup> and Prey Sar (S-24).<sup>5296</sup> Other trucks headed to Amleang,<sup>5297</sup> Piem Lok Mountain,<sup>5298</sup> and Romeas railway station.<sup>5299</sup> The remaining workers at the airfield that were not arrested were provided no information regarding the fate of those that were taken.<sup>5300</sup>

## 2. Murder and Extermination

1202. Some workers were executed in a forest near to the airfield,<sup>5301</sup> and others may have

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- E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/5276** Sin Sot WRI, EN 00287356; **E3/5274** Sum Sokhan WRI, EN 00292865, EN 00292866; **E3/5526** Srun Chey WRI, EN 00426310.
- <sup>5288</sup> **E3/5273** Keo Kin WRI, EN 00290501; **E1/312.1** Chan Morn, T. 9 June 2015, 11.11.59-11.13.40; **E3/5278** Chan Morn WRI, EN 002924824; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.56.23-13.58.23; **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/467** Keo Loeur WRI, EN 00205074.
- <sup>5289</sup> **E1/313.1** Chan Morn, T. 10 June 2015, 11.08.03-11.08.37; **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.31.55-15.34.39.
- <sup>5290</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57; **E3/5278** Chan Morn WRI, EN 002924824; **E3/5280** Sem Hoeun WRI, EN 00290517 ["There was a meeting before the arrests"]; **E3/5284** Khin Vat WRI, EN 00315915; **E3/467** Keo Loeur WRI, EN 00205074; **E3/3962** Khoem Samhuon WRI, EN 00293367, EN 00293368; **E3/5279** Sreng Thi WRI, EN 00293010; **E3/5663** Kung Chanthi DC-Cam Statement Summary, 27 May 2004, EN 00184196.
- <sup>5291</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.26.33; **E3/5273** Keo Kin WRI, EN 00290500, EN 00290501; **E1/312.1** Chan Morn, T. 9 June 2015, 11.13.40-11.15.57, 11.33.37-11.35.42; **E1/313.1** Chan Morn, T. 10 June 2015, 11.14.20-11.16.13; **E3/5278** Chan Morn WRI, EN 002924824; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.56.23-13.58.33 ["They were all tied. Their hands were tied behind their backs and after that they were thrown up on the trucks and the truck or vehicle was fully covered so that no one could see"]; **E3/5280** Sem Hoeun WRI, EN 00290516; **E1/318.1** Kong Sick, T. 17 June 2015, 11.12.02-11.13.26, 11.18.23-11.22.36; **E3/467** Keo Loeur WRI, EN 00205074; **E3/5274** Sum Sokhan WRI, EN 00292866; **E3/3962** Khoem Samhuon WRI, EN 00293367.
- <sup>5292</sup> **E3/5532** Him Han WRI, EN 00425234; **E3/5273** Keo Kin WRI, EN 00290501; **E3/5278** Chan Morn WRI, EN 002924824; **E3/5280** Sem Hoeun WRI, EN 00290516; **E3/5276** Sin Sot WRI, EN 00287356; **E3/3962** Khoem Samhuon WRI, EN 00293369; **E3/5530** Kaot Rin WRI, EN 00423585; **E3/7892** Som Chhom WRI, A6.
- <sup>5293</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 11.33.37-11.35.42 ["The trucks came from the other side of the mountain while I was on the opposite side of the mountain. I heard the sounds of the trucks and I heard the sound of its turning at the corner"].
- <sup>5294</sup> **E1/314.1** Keo Kin, T. 11 June 2015, 09.19.54-09.21.30; **E3/5273** Keo Kin WRI, EN 00290500, EN 00290502; **E3/5278** Chan Morn WRI, EN 002924824; **E3/3962** Khoem Samhuon WRI, EN 00293367.
- <sup>5295</sup> **E1/325.1** Khin Vat, T. 13.41.28-13.43.40; **E3/5273** Keo Kin WRI, EN 00290500; **E3/5278** Chan Morn WRI, EN 002924824; **E1/312.1** Chan Morn, T. 9 June 2015, 11.11.59-11.13.40.
- <sup>5296</sup> **E3/5276** Sin Sot WRI, EN 00287355, 00287356.
- <sup>5297</sup> **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278686.
- <sup>5298</sup> **E3/5279** Sreng Thi WRI, EN 00293010.
- <sup>5299</sup> **E3/5279** Sreng Thi WRI, EN 00293010.
- <sup>5300</sup> **E1/325.1** Khin Vat, T. 13.39.20-13.43.40, 14.29.05-14.33.03; **E3/7520** Saom Met, DC-Cam Statement, EN 00337619-20.
- <sup>5301</sup> **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.54.33-13.56.23; **E3/5280** Sem Hoeun WRI, EN 00290516.



been killed west of the airfield.<sup>5302</sup> Workers were prohibited from entering areas that were suspected killing sites. Suspected mass grave sites have been discovered near the airfield,<sup>5303</sup> with dead bodies — presumed to be workers from the airfield — observed in pits at Piem Lok Mountain, approximately five kilometres from the airfield.<sup>5304</sup> One worker testified that he identified a site near the airfield where he witnessed trucks carrying arrested workers stop, after which he heard screams.<sup>5305</sup>

1203. Other workers were sent from the airfield to S-21.<sup>5306</sup> Kaing Gueak Eav alias Duch, the Chairman of S-21, and Saom Met, a S-21 prison guard, both testified that their brother-in-law and brother, respectively, were sent to S-21 from the airfield.<sup>5307</sup> In late 1978, Yim Sam Ol, alias Nha, a worker at the airfield, was also transferred to S-21.<sup>5308</sup> Sou Met regularly communicated with Duch to explain why individuals were sent to S-21,<sup>5309</sup> advise which prisoners had been or would be sent,<sup>5310</sup> request confessions to search for further enemies,<sup>5311</sup> and receive copies of confessions to further purge.<sup>5312</sup>

<sup>5302</sup> **E3/5272** Loeung Kimchhong WRI, EN 00290658.

<sup>5303</sup> **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436946.

<sup>5304</sup> **E3/5279** Sreng Thi WRI, EN 00293010.

<sup>5305</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 11.22.20-11.27.05-11.35.42; **E1/313.1** Chan Morn, T. 10 June 2015, 10.52.32-10.55.04; **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436946, 00436951, 00436952.

<sup>5306</sup> **E3/3962** Khoem Samhuon WRI, EN 00293367; **E3/7657** Uk Bunseng WRI, EN 00189048; **E3/756** DC-Cam Statement of UK Bun Seng EN 00656360; **E3/7796** Ung Ien WRI, EN 00268646; **E3/5278** Chan Morn WRI, EN 00292826.

<sup>5307</sup> **E3/7477** Kaing Guek Eav, T. 15 Sept 2009, 15.53.14-15.57.16; **E1/61.1** Kaing Guek Eav, T. 11 Aug 2009, 09.21.58-09.24.08; **E3/7470** Chuon Phal, T. 10 Aug 2009, 09.27.22-09.30.43; **E3/7669** Saom Met WRI, EN 00163665 [“NI: Are those you just named still alive? SM: I don’t know, because before the Vietnamese came, they moved me to Prey Sa, because I had the problem of involvement with my elder brother whom they had arrested and brought to S-21. But Huy sent me outside. NI: What was your elder brother’s name? Where did he work? SM: My elder brother’s name was Saom Meng. He worked at the airfield at Kampong Chlmang. He was handicapped. But I don’t know what his job was. NI: Why did they send you to Prey Sar? SM: Because Huy knew that my elder brother had been arrested and put in S-21. So Huy sent me to Prey Sa because he was afraid they would arrest all of us. NI: What year did you go to Prey Sa? SM: Approximately late 78”]; **E3/7520** DC-Cam Statement of Soam Met pp.1-4, 33, 83-87.

<sup>5308</sup> **E3/10547** S-21 Biography of Yim Sam Ol alias Nhar, EN 01220314.

<sup>5309</sup> **E3/450** Kaing Guek Eav WRI, EN 00178065-70; **E3/1140** DK Military Report, To Brother Comrade Duch for information, 1 Apr 1977; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977; **E3/1049** DK Military Report, Attention to Comrade Brother Duch to be informed, 1 June 1977; **E3/1090** DK Military Report, To Brother Comrade Duch for information, 3 Oct 1977; **E3/8385** DK Military Report, To Comrade Brother Duch for information, 4 Oct 1977.

<sup>5310</sup> **E3/450** Kaing Guek Eav WRI, EN 00178059, EN 00178065-70; **E3/1140** DK Military Report, To Brother Comrade Duch for information, 1 Apr 1977; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977; **E3/1054** DK Military Report, Dear Beloved Comrade Duch, 1 June 1977; **E3/1049** DK Military Report, Attention to Comrade Brother Duch to be informed, 1 June 1977; **E3/1090** DK Military Report, To Brother Comrade Duch for information, 3 Oct 1977; **E3/8385** DK Military Report, To Comrade Brother Duch for information, 4 Oct 1977.

<sup>5311</sup> **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/1043** DK Military Report, Dear Beloved Brother Duch, 10 Aug 1977.

1204. During the time the airfield was being constructed, records show that large numbers of former soldiers from the same Divisions being tempered at the airfield were sent to S-21. For example, 429 prisoners were from Division 502,<sup>5313</sup> 1302 from Division 310,<sup>5314</sup> 590 from Division 450,<sup>5315</sup> and 796 prisoners from Division 703 were recorded as being detained at S-21.<sup>5316</sup>

1205. At the end of the DK period in early January 1979, as the Vietnamese were approaching the airfield, all work ceased and the authorities and workers fled.<sup>5317</sup> Some workers were told to arm and fight the Vietnamese.<sup>5318</sup> However, many of the workers were killed *en masse* in the days following 6 January 1979.<sup>5319</sup> In particular, workers from the East Zone were separated from the others and executed at Mongol Khan Pagoda in Tuol Kpos Village.<sup>5320</sup> Another group of workers were tied up and transported by truck to Romeas railway station (20 km south of the airfield) and then to Kbal Lan Village in Teuk Phos District<sup>5321</sup> where they were executed.<sup>5322</sup> While these murders in January were outside of the jurisdictional period of the court, they demonstrate that the CPK viewed the workers as expendable, and “enemies”, better dead than alive.

1206. Aside from workers who were taken for execution from the airfield many workers died at the airfield from exhaustion, malnutrition, starvation, illness, and disease.<sup>5323</sup> As the

<sup>5312</sup> **E3/450** Kaing Guek Eav WRI, EN 00178060; **E3/971** DK Military Report, To Comrade Brother Duch for information, 30 May 1977.

<sup>5313</sup> **Annex F.2** Figure 2.9 *RAK Division 502 Arrests by Month at S-21*, p. 21.

<sup>5314</sup> **Annex F.2** Figure 2.4 *RAK Division 310 Arrests by Month at S-21*, p. 16.

<sup>5315</sup> **Annex F.2** Figure 2.6 *RAK Division 450 Arrests by Month at S-21*, p. 18.

<sup>5316</sup> See **Annex F.11** *List of RAK Division 502 S-21 Prisoners*; **Annex F.6** *List of RAK Division 310 Prisoners*; **Annex F.8** *List of RAK Division 450 Prisoners*; **Annex F.7** *List of RAK Division 703 Prisoners*.

<sup>5317</sup> **E3/5280** Sem Hoeun WRI, EN 00290517; **E3/5284** Khin Vat WRI, EN 00315916; **E3/5272** Loeung Kimchhong WRI, EN 002906589; **E3/374** Sao Phen WRI, EN 00336534.

<sup>5318</sup> **E3/3962** Khoem Samhuon WRI, EN 00293368.

<sup>5319</sup> **E3/7893** Um Man WRI, EN 00455251-52; **E3/7894** Khvae Ni WRI, A1, A5, A6; **E3/5277** Pel Kan WRI, EN 00292835; **E3/3962** Khoem Samhuon WRI, EN 00293368-69; **E3/374** Sao Phen WRI, EN 00336534.

<sup>5320</sup> **E3/7893** Um Man WRI, EN 00455252; **E3/3962** Khoem Samhuon WRI, EN 00293368-69; **E3/5274** Sum Sokhan WRI, EN 00292866.

<sup>5321</sup> **E3/8043** Site Identification Report, 2 Jan 2010, EN 00436945-46, 0043695960; **E3/7894** Khvae Ni WRI, A2 A4 A5 A6 A13; **E3/7893** Um Man WRI, EN 00455252; **E3/3962** Khoem Samhuon WRI, EN 00293368; **E3/5277** Pel Kan WRI, EN 00292835; **E3/374** Sao Phen WRI, EN 00336534; **E3/7893** Um Man WRI, EN 00455251-52.

<sup>5322</sup> **E3/7894** Khvae Ni WRI, A5, A6, A9, A10.

<sup>5323</sup> **E3/5273** Keo Kin WRI, EN 00290502; **E1/312.1** Chan Morn, T. 9 June 2015, 14.15.55-14.18.11; **E3/5278** Chan Morn WRI, EN 00292824; **E1/315.1** Keo Loeur, T. 12 June 2015, 14.35.16-14.38.38; **E3/467** Keo Loeur WRI, EN 00205074; **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.52.48-13.54.33; **E1/315.1** Keo Loeur, T. 12 June 2015, 15.12.39-15.15.29; **E3/5263** Sreng Thi WRI, EN 00282225;

number of workers increased, the work conditions and health of the workers decreased, resulting in a rising number of deaths.<sup>5324</sup> The bodies of these dead workers were often taken away by truck, some transported and placed in pits in a nearby forest near Watt Steung.<sup>5325</sup>

1207. Workers also died due to the unsafe nature of the work.<sup>5326</sup> The stone quarry was particularly dangerous due to the use of explosives for breaking rocks; workers were blinded, their bones were broken, and some died instantly from flying fragments and falling rocks<sup>5327</sup> particularly as some were too exhausted to avoid being hit.<sup>5328</sup> The workers, unlike the engineers, had little protection from projectiles.<sup>5329</sup> The dangerous rock blasting was used as a form of torture or punishment for those considered as “bad elements.”<sup>5330</sup> Deaths from people falling off the crags trying to drill the rock occurred on a daily basis.<sup>5331</sup>

1208. The authorities caused the death of many of the workers by creating conditions of life which were aimed at destroying their well-being. They intentionally did not allow the workers to protect themselves. These deaths caused by the overall inhumane conditions, although not easily quantifiable, occurred on regular occasions, and were preventable. It was obvious to the authorities that the extremely inadequate living and work

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<sup>5324</sup> **E3/5274** Sum Sokhan WRI, EN 00292865; **E3/3959** Kung Kim WRI, EN 00278685. *Contra* **E3/3962** Khoem Samhuon WRI, EN 00293369; **E1/325.1** Khin Vat, T. 29 July 2015, 14.24.05-14.25.47.

<sup>5325</sup> **E3/5278** Chan Morn WRI, EN 00292824.

<sup>5326</sup> **E3/5278** Chan Morn WRI, EN 00292824; **E3/5263** Sreng Thi WRI, EN 00282225; **E3/5279** Sreng Thi WRI, EN 00293010.

<sup>5327</sup> **E1/313.1** Chan Morn, T. 10 June 2015, 14.10.45-14.12.56.

<sup>5328</sup> **E1/320.1** Him Han, T. 23 June 2015, 15.24.28-15.26.35, 15.41.44-15.44.36; **E1/321.1** Him Han, T. 24 June 2015, 09.44.10-09.50.54; 10.04.15-10.05.52; **E3/5532** Him Han WRI, EN 00425234; **E1/314.1** Keo Kin, T. 11 June 2015, 11.13.01-11.15.10; **E3/5273** Keo Kin WRI, EN 00290500; **E1/312.1** Chan Morn, T. 9 June 2015, 14.15.55-14.21.35, 15.24.51-15.26.56; **E3/369** Koy Mon WRI, EN 00272717; **E3/7877** Nuon (Tes) Trech WRI, EN 00346979; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.

<sup>5329</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 15.24.51-15.26.56 [“Usually they would do the blasting just before lunch break. Because it was closer to lunch, and most of them got very exhausted already as a worker was required to blast several places, they did not run fast enough; and as a result, the fragments from the rock hit an injured workers. Some of them got injury in their legs while others got injury in their head. And of course, they knew what was coming but it was from the over-exhaustion that sometimes they could not run fast enough. And they were hit by rock fragments when explosive was ignited”].

<sup>5330</sup> **E1/313.1** Chan Morn, T. 10 June 2015, 14.03.04-14.04.55; **E3/8041** Site Identification Report, 21 Apr 2009, EN 00378444.

<sup>5331</sup> **E1/319.1** Sem Hoeun T. 22 June 2015, 11.09.59-11.13.04.

<sup>5331</sup> **E1/319.1** Sem Hoeun, T. 22 June 2015, 13.46.20-13.48.39, 13.54.33-13.56.23; **E3/5280** Sem Hoeun WRI, EN 00290516.

conditions were likely to cause a certain number of deaths. The unbearable conditions often led workers to commit suicide by running under the wheels of trucks or rollers.<sup>5332</sup>

#### PERSECUTION

1209. All of the crimes committed against the workers were done with a discriminatory intent as the workers at the airfield were targeted because of their perceived membership of a political group that objected to the CPK political goals.

#### E. NATURE OF THE ARMED CONFLICT<sup>5333</sup>

*[T]he disputes with Vietnam had begun in 1975. In actuality, the clashes between Vietnamese forces and the Khmer Rouge never abated after the day that the Vietnamese penetrated deeply into the country during 1970. In truth, after the liberation of the country, Kampuchea never knew peace.<sup>5334</sup>*

—Khieu Samphan October 2007

1210. An international armed conflict existed between Cambodia and the Socialist Republic of Vietnam (SRV) from May 1975 until 7 January 1979. Almost immediately following the Khmer Rouge victory over Lon Nol forces on 17 April 1975, conflict broke out along the borders.<sup>5335</sup> Armed clashes commenced in May 1975, when the DK forces seized the islands of Phu Quoc (“Koh Tral” in Khmer) and Tho Chu (“Koh Krachak” in Khmer), causing numerous casualties.<sup>5336</sup> These islands were retaken by Vietnamese forces two weeks later. In June 1975, in retaliation, the Vietnamese captured the island of Puolo Wai, returning it to DK two months later.<sup>5337</sup> More clashes between DK and

<sup>5332</sup> **E1/312.1** Chan Morn, T. 9 June 2015, 14.23.32-14.25.20 [“It was due to starvation, sickness and fatigue and they even had to work while they were sick. So they did not have any hope to hang on to ... And out of desperation from overwork and starvation sometimes they just rolled themselves on the ground to be crushed by a roller”]; **E3/5278** Chan Morn WRI, EN 00292824; **E3/5284** Khin Vat WRI, EN 00315915; **E1/325.1** Khin Vat, T. 29 July 2015, 15.11.25-15.15.48.

<sup>5333</sup> **D427** Closing Order, paras 150-155.

<sup>5334</sup> **E3/16** Khieu Samphan, *Considerations on the History of Cambodia From the Early Stage to the Period of Democratic Kampuchea*, EN 00498265.

<sup>5335</sup> **E3/1285** FBIS, *Revolutionary Army Adopts Resolutions on SRV Dispute*, 4 Jan 1978, EN 00169538.

<sup>5336</sup> **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001759; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192197-98; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.34.11-09.36.16, 13.44.10-13.48.37, 13.57.46-14.00.18; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550; **E3/2305** Washington Post, *Cambodia Says It Repulsed Attacks by Vietnam*, 14 Apr 1978; **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196223, 00196229, 00196233; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387.

<sup>5337</sup> **E3/18** Khieu Samphan *Cambodia's Recent History*, EN 00103758; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.34.11-09.36.16, 13.57.46-14.00.18; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192190; **E1/369.1** Pak Sok, T. 16 Dec 2015, 11.03.07-11.06.59; **E1/383.1** Prum Sarat, T. 27 Jan 2016, 11.09.49-11.12.01; **E1/132.1** Meas Voeun, T. 9 Oct 2012, 09.16.58-09.19.41; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387; **E3/8225** New York Times, *Vietnam Said to Capture Island off Cambodia*, 14 June 1975, EN 00165960-61; **E3/8226** The Times of London, *Vietnam*



SRV forces occurred in and around Koh Ses and Koh Thmei islands<sup>5338</sup> with attacks continuing in the territorial waters between DK and Vietnam until early 1976.<sup>5339</sup>

1211. On the mainland, DK forces encroached on Vietnamese territory in May 1975.<sup>5340</sup> In May and June 1975, in Svay Rieng Province (Parrot's Beak area), armed incidents also erupted between the two sides on the border.<sup>5341</sup> Incursions and occupation of both countries' border territories by both DK<sup>5342</sup> and Vietnam forces<sup>5343</sup> were frequent during 1975. In November, in Ratanakiri province, DK forces planned attacks into Vietnam<sup>5344</sup> and carried out attacks in December in the villages of Gia Lai-Kontum and Darlac, 10 kilometres inside Vietnam.<sup>5345</sup> Throughout 1976, armed clashes and incursions continued on both sides of the border<sup>5346</sup> with witnesses specifically testifying to clashes

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*Cambodia in Fierce Clash*, 14 June 1975.

<sup>5338</sup> **E1/511.1** Ma Chhoeun, T. 12 Dec 2016, 14.53.58-14.55.15, 15.05.00-15.06.30; **E3/9069** Ma Chhoeun DC-Cam Statement, EN 00969934; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550; **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183414 (*Koh Thmei, after mid 1975*).

<sup>5339</sup> **E1/382.1** Prum Sarat, T. 26 Jan 2016, 10.42.02-10.43.34 (*Koh Trai*); **E3/1016** DK Report, 5 Jan 1976 (*Koh Trai*).

<sup>5340</sup> **E3/2371** Foreign Languages Publishing House, *The Vietnam-Kampuchea Conflict (A Historical Record)*, EN 00187338 (*Ha Tien to Tay Ninh, 1 May 1975*); **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196229 (*Ha Tien and Tay Ninh, 8 May 1975*).

<sup>5341</sup> **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464060-61 (*Ratanakiri, Svay Rieng & Kampot, May 1975 onwards*); **E3/8223** Los Angeles Times, *Cambodian and Vietnamese Said to Battle Over Islands*, 13 June 1975; **E3/8230** New York Times, *Vietnamese Forces Reported in Clash with Cambodia*, 22 June 1975; **E3/8243** Fact on File World News Digest, *Vietnamese, Thai clashes*, 26 July 1975.

<sup>5342</sup> **E3/9** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396505.

<sup>5343</sup> **E3/18** Khieu Samphan *Cambodia's Recent History*, EN 00103758; **E3/879** Telegram 45 from Chhon to Brother Pol, 11 Nov 1975, EN 00182596 (*Romheas Hek District*).

<sup>5344</sup> **E3/227** CPK Standing Committee Minutes, 2 Nov 1975, EN 00183413 (*Ratanakiri*); **E3/1150** Telegram from Angkar to Northeast Zone Secretary Ya, 11 Nov 1975 EN 00539053-54.

<sup>5345</sup> **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196223, 00196239.

<sup>5346</sup> **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082550-51; **E3/1257** SWB, *Far East Relations*, 19 Jan 1978, EN S 00008671; **E3/893** Telegram 78 from But to M-870 and Brother Vi, 26 Jan 1976, EN 00182621; **E3/903** Telegram from Chhin to Brother 89, 8 Feb 1976; **E3/903** Telegram from Chhin to Brother 89, 8 Feb 1976 (*Ratanakiri and Svay Rieng*); **E3/911** Telegram 12 from Ya to Respected Brother(s), 17 Feb 1976; **E3/911** Telegram from Ya, 17 Feb 1976 (*O Vay and Muy Chass*); **E3/8377** Telegram from Chhin to Say, 19 Feb 1976 (*Mondulkiri*); **E3/229** CPK Standing Committee Minutes, 22 Feb 1976; **E3/887** Telegram from Kolaing to Uncle 89, 23 Feb 1976 (*O Vay, Northeast Zone*); **E3/8373** Telegram from Chhin to Brother 89, 29 Feb 1976 (*Kodang*); **E3/866** Telegram 25 from Ya to Pol, Nuon, Khieu, Van, Doeun, 7 Mar 1976 (*Northeast Zone, Dak Hut Vietnam*); **E3/865** DK Report, 18-19 Mar 1976; **E3/923** Telegram from Chhin to Brother 89, 3 Mar 1976, EN 00185238; **E3/871** Telegram 21 from Chhon to Brother Pol, 21 Mar 1976 (*East Zone-Sector 24*); **E3/872** Telegram from S-21 to Angkar, 23 March 1976 (*Southwest Zone-Sector 25, Ka-am Samnar*); **E3/217** CPK Standing Committee Minutes, 11 Mar 1976, EN 00182636 (*Ratanakiri, Takeo, Kratie*); **E3/1022** Report from Chhin to Brother 89, 9 Mar 1976; **E3/218** CPK Standing Committee Minutes, 26 Mar 1976, EN 00182657 (*Kbal Cham-East Zone*); **E3/221** CPK Standing Committee Minutes, 14 May 1976, EN 00182693 (*Mondulkiri*); **E3/799** DK Military Meeting Minutes, 7 Sept 1976 (*East and Southwest Zones*); **E3/800** DK Military Meeting Minutes, 16 Sept 1976; **E3/809** DK Military Meeting Minutes, 19 Sept

in Mondulhiri,<sup>5347</sup> Svay Rieng,<sup>5348</sup> and Takeo provinces.<sup>5349</sup> In early 1976, DK engaged in negotiations with the Vietnamese<sup>5350</sup> while hoping to “gain time to prepare forces.”<sup>5351</sup>

1212. On 30 April 1977, DK troops crossed the border and killed hundreds of civilians in Tinh Bien District and in a string of villages in An Giang Province in South Vietnam.<sup>5352</sup> In response, Vietnam bombed DK in May 1977 before peace negotiations were attempted in June, which proved unsuccessful.<sup>5353</sup> DK incursions and attacks into Vietnam continued in the following months.<sup>5354</sup> Then, on 24 September 1977, DK conducted its second large-scale attack into Vietnam where hundreds more civilians were killed in villages in Tay Ninh Province.<sup>5355</sup> During this March to September period

1976, EN 00183971, 00183977-78 (*Gulf of Thailand*); **E3/804** DK Military Meeting Minutes, 15 Dec 1976, EN 00233712-18; **E3/805** DK Military Meeting Minutes, 16 Dec 1976, EN 00923160-61 (*Mondulhiri*); **E3/806** DK Military Meeting Minutes, 16 Dec 1976 (*Northeast Zone*); **E3/1019** Report from Sector 23 to East Zone Standing Committee, 20 Feb 1976 (*Ratanakiri and Svay Rieng*); **E3/1164** Report from Roen to Brother 89, 25 Nov 1976, EN 00516708 (*Northeast Zone*); **E3/8397** DK Report, 17 April 1978, EN 00305342-43; **E3/229** CPK Standing Committee Minutes, 22 Feb 1976, EN 00182625 (*Ratanakiri and Svay Rieng*); **E3/9289** A summary of situations from July 15 to August 31 1976, EN 00233965-67; **E3/1132** Report on Overall Situation in the Country and along the Border via Telegrams from 01 to 31 December 1976, EN 00548772-74; **E3/1025** Telegram 34 from Chhean to Nuon, Van, Vorn, Khieu, 29 Apr 1977, EN 00305248-50; **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196223, EN 0019629-30; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187387.

<sup>5347</sup> **E1/411.1** Sun Vuth, T. 30 Mar 2016, 13.55.37-13.57.44, 14.35.01-14.37.02; **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 09.55.40-09.58.02 (*Ou Reang District*); **E1/454.1** Chin Sarouen, T. 3 Aug 2016, 09.13.05-09.15.08.

<sup>5348</sup> **E1/445.1** Chhun Samorn, T. 28 June 2016, 09.40.12-09.43.50, 13.38.29-13.41.03 (*Kampong Rou District, Romeas Haek District*).

<sup>5349</sup> **E1/449.1** Moeng Vet, T. 27 July 2016, 11.22.14-11.24.32 (*Kiri Vong District*).

<sup>5350</sup> **E3/893** Telegram 78 from But to M-870 and Brother Vi, 26 Jan 1976, EN 00182620 (24 Jan 1976); **E3/1017** Telegram 79 from But to Pol, Nuon, Van, Vi, Khieu, Doeun, 17 Jan 1976, EN 00305242.

<sup>5351</sup> **E3/217** CPK Standing Committee Minutes, 11 Mar 1976, EN 00182636-37; **E3/866** Telegram 25 from Ya to Pol, Nuon, Khieu, Van, Doeun, 7 Mar 1976, EN 00183709 (*Northeast*); **E3/218** CPK Standing Committee Minutes, 26 Mar 1976, EN 00182651 (*Northeast*).

<sup>5352</sup> **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.09.08-14.13.00; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-66; **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196226-27.

<sup>5353</sup> **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192271-72, EN 00192276-77; **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977, EN 00182762; **E3/267** Statement by the SRV Government on the Vietnam-Cambodia border issue, 31 Dec 1977, EN S 00008733 (7 June 1977); **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 Oct 1978, EN 00187387-88; **E3/8241** FBIS, *NCNA Cites Phnom Penh on SRV Bombing of Cambodia*, 26 July 1978, EN 00166085-86; **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725-26 (*Kampong Chhnang*).

<sup>5354</sup> **E3/8269** New York Times, *Refugees report clashes on Cambodia-Vietnam lines*, 9 Aug 1977 (*An Giang and Kien Giang*); **E3/882** Telegram 62 from Chhean to Beloved Mo-81, 14 Aug 1977; **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977 (*An Yang, Hien Yang, Long An and Tay Ninh*).

<sup>5355</sup> **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.09.08-14.14.16; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001766; **E3/7449** Nayan Chanda, T. 25 May 2009, 09.47.41- 09.52.02 confirming **E3/56** Nayan Chanda, T. 26 May 2009, 10.04.02-10.07.11 **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192405-06 confirming **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192378-79 & 83;

in 1977, the ongoing conflict widened along the border, extending from Ratanakiri to Kampot provinces with particular intensity in Svay Rieng, and in the Vietnamese provinces of Kien Giang (Ha Tien), Long An, Tay Ninh, and An Giang.<sup>5356</sup>

1213. In October and November 1977, Vietnamese forces attacked across the border into Kampong Cham, Prey Veng, and Takeo provinces and up to 24 kilometres into Svay

<sup>5356</sup> **E3/3515** Vietnam Ministry of Foreign Affairs, *Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam*, Jan 1978, EN 00196238.

**E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001765-67; **E1/449.1** Moeng Vet, T. 27 July 2016, 11.07.07-11.13.32, 11.14.40-11.19.12 (*Ratanakiri to Kampot*); **E1/448.1** Moeng Vet, T. 26 July 2016, 15.29.14-15.33.55 (*Kratie*); **E1/491.1** Sov Maing alias Sao Champi, T. 27 Oct 2016, 10.01.36-10.03.30 (*Monduliri*); **E1/409.1** Chan Bun Leath alias Bun Loeng Chauy, T. 28 Mar 2016, 14.19.46-14.21.31, 15.10.00-15.11.55, 15.20.00-15.21.44 (*Monduliri*); **E3/5178** Chan Bun Leath (Bun Loeng Chauy) WRI, EN 00274097; **E3/5180** Chan Bun Leath (Bun Loeng Chauy) DC-Cam Statement, EN 00274112; **E1/445.1** Chhun Samorn, T. 28 June 2016, 09.47.49-09.49.22 (*Svay Rieng*); **E1/492.1** Ieng Phan, T. 31 Oct 2016, 09.55.03-09.57.20, 09.58.42-10.00.47 (*Takeo, Kampot*); **E3/419** Ieng Phan WRI, A6; **E3/16** Khieu Samphan, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, EN 00498268; **E3/1058** DK Report from Vy to Duch, 20 Feb 1977, EN 00583685 (*Northeast Zone*); **E3/807** DK Military Meeting Minutes, 1 Mar 1977, EN 00933843; **E3/9367** DK Report, 24 Mar 1977 (*Stung Treng, Ratanakiri*); **E3/9367** DK Report, 24 Mar 1977, EN 00184016 (*Stung Treng*); **E3/1061** Report from Rocun to Uncle 89, 24 Mar 77, EN 00538731 (*Northeast Zone; Au Khlieng*); **E3/852** Report to M-870, Apr 1977 (*Svay Rieng*); **E3/876** Telegram 43 from Leu to Beloved Brother Reuan, 23 Apr 1977 (*Ratanakiri*); **E3/877** Telegram 54 from Chhan to M-870, 20 May 1977 (*Monduliri*); **E3/850** DK Report, 21 May 1977 (*Svay Rieng*); **E3/1028** DK Report, 20-21 May (*East Zone-Tramoung*); **E3/179**, **E3/180** DK Report, 29 May 1977, EN 00183010-12; **E3/853** DK Report, 3 June 1977, EN 00185243 (*Kampot*); **E3/854** DK Report, 8 June 1977 (*Prey Veang*); **E3/151** DK Report, 14-18 June 1977 (*Svay Rieng*); **E3/240** Telegram 7 from Vi to Nuon, Van, Vom and Khieu, 15 June 1977 (*Ratanakiri*); **E3/878** Telegram 46 from Chhean, 15 June 1977, EN 01347938 (*Kien Giang*); **E3/151** DK Report, 18 June 1977 (*Svay Rieng*); **E3/1030** Telegram 03 from Sophea to Brother Chhan, 20 June 1977 (*Au Phlay, Pou Chri, Chas Tonh*); **E3/855** DK Report, 24 June 1977 (*Kampong Cham*); **E3/954**, **E3/955** DK Report, 25 June 1977 (*Kampong Cham*); **E3/570** Telegram 38 from Nhim, 12 Aug 1977 (*Au Chreou*); **E3/884** Telegram 68 from Chhean to M-81, 30 Aug 1977, EN 00182762 (*An Yang, Hien Yang, Long An, Tay Ninh*); **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725 (*An Giang, Kien Giang*); **E3/8268** Washington Post, *Thai Says Cambodians Attack Vietnam, Laos*, 7 Aug 1977; **E3/8273** New York Times, *Cambodia and Vietnam in Clashes on Border*, 19 Sept 1977; **E3/885** Telegram 39 from Chhon to Brother Pol, 24 Sept 1977 (*East Zone*); **E3/886** Telegram 41 from Chhon to Brother Pol, 26 Sept 1977 (*Svay Rieng*); **E3/5883** Statement of the Socialist Republic of Viet Nam on Viet Nam-Kampuchea Border Issue, 31 Dec 1977, EN 00419879 (*Kien Giang, An Giang, Dong Thap, Long An, Tay Ninh, 18 June 1977*); **E3/981** Telegram 96 to Office 81, EN 00314585 (*Tay Ninh, Sept 77*); **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388 (*Svay Rieng*); **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, U.S. Aides Say*, 4 Jan 1978 (*Chao Doc, Kien Giang-Ha Tien*); **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977, EN 00165995 (*Kien Giang-Ha Tien*); **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196235-36 (*Kien Giang, An Giang, Dong Thap, Long An*); **E3/143** Bangkok Post, *Refugees Cite Major SRV-Cambodian Clashes, Reprisals*, 1 Sept 1977, EN 00168725-26; **E3/2371** Foreign Languages Publishing House, *The Vietnam-Kampuchea Conflict (A Historical Record)*, EN 00187340; **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196226-27, EN 00196235-39 (*An Giang, Long An, Tay Ninh, Kien Giang, Dong Thap; East Zone*); **E3/1383** Statement Issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866 (*East Zone, Sept 1977*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*East Zone, Sept 1977*).



Rieng.<sup>5357</sup> From late September to November 1977, DK forces attacked villages in Vietnam's Tay Ninh Province.<sup>5358</sup> Expert Nayan Chanda testified that up until mid-1977, the Vietnamese were extremely careful to not provoke the DK regime,<sup>5359</sup> emphasising that this Vietnamese offensive in late 1977 followed the large-scale DK attacks on Vietnam in April and September.<sup>5360</sup> Expert Stephen Morris also testified to this cautious and conciliatory policy the Vietnamese adopted in early 1977 in an effort to lower the tensions in the conflict by moving from the battlefield to negotiations.<sup>5361</sup> He believed that the Vietnamese hoped that the CPK central authorities would rein in their local commanders so the conflict could be solved quietly and secretly,<sup>5362</sup> but that Pol Pot and his circle acted under the delusion that they faced an imminent danger of domination from Vietnam.<sup>5363</sup>

1214. In December 1977, Vietnamese forces attacked along the border in Kampong Cham, Svay Rieng, Takeo, and Kampot<sup>5364</sup> provinces and penetrated up to 40 kilometres into

<sup>5357</sup> **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192381-84 (*Svay Rieng*); **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001768; **E3/8369** Telegram 54 from Chhon to M-870, 26 Oct 1977 (*Svay Rieng*); Telegram 55 from Chhon to M-870, 26 Oct 1977 (*Kampong Cham*); **E3/888** Telegram 55 from Chhon to M-870, 26 Oct 1977 (*Kampong Cham*); **E3/975** Telegram from On to M-870, 27 Oct 1977 (*Kampong Cham*); **E3/889** Telegram 56 from Chhon to M-870, 26 Oct 1977 (*Svay Rieng*); **E3/8369** Telegram 54 from Chhon to M-870, 26 Oct 1977, EN 00182815-16 (*Svay Rieng*); **E3/554** Telegram 57 from Chhon to M-870, 27 Oct 1977 (*Svay Rieng*); **E3/890** Telegram 59 to M-870, 28 Oct 1977, EN 00185187 (*Svay Rieng*); **E3/891** Telegram 61 from Chhon to M-870, 29 Oct 1977 (*Kampong Cham*); **E3/892** Telegram 60 from Chhon to M-870, 29 Oct 1977, EN 00185189 (*Svay Rieng*); **E3/978** Telegram 46 from Thun to Yi via M-870, 5 Nov 1977 (*Kien Giang-Ha Tien*); **E3/976** Telegram 68 from Chhon to Pa, 6 Nov 1977 (Trapeang Phlong, East Zone); **E3/894** Telegram 69 to M 870, 6 Nov 1977, EN 00183619-20 (*Svay Rieng*); **E3/895** Telegram 76 from Chhon to M-870, 12 Nov 1977 (*Svay Rieng*); **E3/896** Telegram 82 from Chhon to Brother Pol, 18 Nov 1977 (*Svay Rieng*); **E3/979** Telegram 85 from Chhon to Brother Pol, 19 Nov 1977, EN 00335207 (*Svay Rieng*); **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, US Aides Say*, 4 Jan 1978, EN 00166022 (*Svay Rieng*); **E3/1263** Declaration of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00337187 (*Kompong Cham*); **E3/1383** Statement Issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866 (*Svay Rieng, Nov 77*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*Svay Rieng, Nov 77*); **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294785 (*Kampong Cham, Svay Rieng, Takeo and Kampot, Nov-Dec 77*)

<sup>5358</sup> **E3/3515** Facts and Documents on Democratic Kampuchea's Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Viet Nam, Jan 1978, EN 00196239.

<sup>5359</sup> **E3/7449** Nayan Chanda T. 25 May 2009, 11.14.28-11.19.55, 11.23.00-11.25.01, 11.39.57-11.42.26.

<sup>5360</sup> **E3/56** Nayan Chanda, T. 26 May 2009, 10.04.02-10.07.11.

<sup>5361</sup> **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.11.24-14.17.28; **E1/487.1** Stephen Morris, T. 20 Oct 2016, 13.43.29-13.45.20.

<sup>5362</sup> **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.05.40-14.06.54.

<sup>5363</sup> **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001781.

<sup>5364</sup> **E3/897** Telegram 85 from Chhon to M 870, 7 Dec 1977 EN 00183613 (*Svay Rieng, early Dec 77*); **E3/983** Telegram 90 from Chhon to M-870, 9 Dec 1977 (*Ponhea Kraek District*); **E3/8370** Telegram 91 from Chhon to M-870, 10 Dec 1977; **E3/899** Telegram 92 from Chhon to M-870, 12 Dec 1977 (*Prey Veng*); **E3/900** Telegram 95 from Chhon to M-870, 13 Dec 1977; **E3/901** Telegram 96 from Chhon to M-870, 13 Dec 1977 (*Svay Rieng*); **E3/1015** Telegram 97 from Chhon, 17 Dec 1977, EN 00305390-



Svay Rieng,<sup>5365</sup> inflicting major defeats on the DK forces.<sup>5366</sup> On 31 December 1977, DK leaders publicly severed diplomatic relations with Vietnam,<sup>5367</sup> with the Vietnamese

91(Svay Rieng); **E3/242** Telegram 22 from Nhim and Hem to M-870, 22 Dec 1977 (*Chan Kiri, Chambak & Makk Heun*); **E3/987** Telegram 27 from Kuon to Yi, 22 Dec 1977; **E3/8371** Telegram 68 from Kuon to Yi through 870, 22 Dec 1977; **E3/904** Telegram 05 to M-870, 22 Dec 1977; **E3/988** Telegram 01 from Peam to Brother Pa, 22 Dec 1977; **E3/8372** Telegram 2 from Chhon, 22 Dec 1977 (*Mondulkiri*); **E3/905** Telegram 06 from Phuong to M-870, 23 Dec 1977 (*Krek rubber plantation, East Zone, 12 Dec 77*); **E3/906** Telegram 07 from Phuong to M-870, 23 Dec 1977; **E3/8177** New York Times, *Raids from Cambodia are Worrying Thais*, 23 Dec 1977 (*Svay Rieng*); **E3/907** Telegram from Chhon to Brother Pa, 24 Dec 1977; **E3/908** Telegram 9 from Phuong to M-870, 24 Dec 1977 EN 00183638 (*Mondulkiri*); **E3/909** Telegram 08 from Phuong to M-870, 24 Dec 1977 (*Mondulkiri*); **E3/912** Telegram 11 from Phuong to M-870, 27 Dec 1977 (*Mondulkiri*); **E3/2291** Associated Press, *Cambodia Accuses Hanoi of Invasion, Breaks Ties*, 31 Dec 1977; **E3/8304** FBIS, 31 Dec 1977, EN 00166065, EN 00166070; **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977, EN 00165995; **E3/248** Telegram 47 from Sarun to M-870, 1 Jan 1978 (*Mondulkiri*); **E3/916** Telegram 15 from Phuong to M-870, 1 Jan 1978 (*Tboung Khmum*); **E3/917** Telegram 63 from Ry to Respected Brother, 1 Jan 1978 (*Northeast Zone*); **E3/8187** New York Times, *Cambodia Refuses to Talk with Vietnam over Border until Forces Are Removed*, 3 Jan 1978; **E3/1382** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 3 Jan 1978, EN 00419885; **E3/1583** News from Kampuchea, *Statement by Ieng Sary, Minister of Foreign Affairs*, 17 Mar 1978, EN S 00011306 (*South of Phnom Penh & Svay Rieng, 4-8 Jan 78*); **E3/8192** Times of London, *Vietnam forces said to control most of Parrot's Beak after bitter fighting with Cambodia*, 5 Jan 1978 (*Svay Rieng*); **E3/8191** Washington Post, *Vietnam-Cambodia Clash Wanes as Hanoi Gains Ground*, 5 Jan 1978 (*Svay Rieng*); **E3/1383** Statement issued by the Government of Kampuchea for the Attention of all Friends, Near or Far, in the Five Continents and of the World Opinion, 6 Jan 1978, EN 00419866-88 (*Takeo, Kampot & Kompong Trach, Dec. 77*); **E3/1384** Statement of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00419886-88 (*Ratanakiri, Mondulkiri, Kratie, Takeo, Kampot & Kompong Trach, Dec. 77 & early Jan 78*); **E3/1263** Declaration of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 6 Jan 1978, EN 00337187-88 (*Takeo, up to 30km, Dec 77*); **E3/8195** New York Times, *Phnom Penh charges big gains by Vietnam*, 6 Jan 1978, EN 00166024-25 (*Mondulkiri, Svay Rieng, Kampong Cham, Takeo, Kampot*); **E3/913** Telegram 17 from Phuong to M-870, 15 Jan 1978 1977; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061 (*Svay Rieng, Takeo and Kampot, Nov 77 to Jan 78*); **E3/4604** *Revolutionary Flag*, Apr 1978, EN 00519840; **E3/8397** DK Report, 17 April 1978, EN 00305342-43; **E3/727** *Revolutionary Flag*, May – June 1978, EN 00185324 (*Ratanakiri to Kampot, Dec 77*); **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721426-27 (*Ratanakiri, Mondulkiri, Svay Rieng and Kampot, 11 Dec – early Jan 78*); **E1/492.1** Ieng Phan, T. 31 Oct 2016, 09.55.03-09.57.20; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082551-52, EN 00082554; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.

<sup>5365</sup> **E3/5882** Los Angeles Times, *Viet Invaders Seen Routing Cambodians*, 5 Jan 1978 (*Svay Rieng*); **E3/8178** New York Times, *Vietnamese Said to use Warplanes in battles along Cambodian Border*, 25 Dec 1977 (*Svay Rieng*); **E3/8180** Times of London, *Vietnam Cambodia Fighting Reported*, 29 Dec 1977 (*Svay Rieng*); **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061 (*Svay Rieng, Takeo and Kampot, Nov 77 to Jan 78*).

<sup>5366</sup> **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192391-92; **E3/983** Telegram 90 from Chhon to Beloved M-870, 9 Dec 1977 (*Kampong Cham*); **E3/8372** Telegram 2 from Chhon to Respected Brothers, 22 Dec 1977; **E3/907** Telegram from Chhon to Brother Pa, 24 Dec 1977, EN 00183634.

<sup>5367</sup> **E3/7449** Nayan Chanda, T. 25 May 2009, 11.32.58-11.36.03, 11.42.26-11.43.32, 14.27.20-14.30.50, **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001768-70; **E3/1265** Minister of Foreign Affairs of DK Statement, 31 Dec 1977; **E3/8305** Foreign Ministry Statement, 3 Jan 1978; **E3/1265** Statement of the Minister of Foreign Affairs of Democratic Kampuchea, 31 Dec 1977, EN 00282392; **E3/1393** Communiqué of The Government of Democratic Kampuchea to the Revolutionary Armed Forces and the People of Cambodia, 31 Dec 1977, EN 00713102-11; **E3/2291** Associated Press, *Cambodia Accuses Hanoi of Invasion, Breaks Ties*, 31 Dec 1977; **E3/8181** New York Times, *Cambodia Cuts Ties with Vietnam*, 31 Dec 1977; **E3/8182** Washington Post, *Cambodia Cuts Diplomatic Ties with Vietnam*, 31 Dec 1977; **E3/8279** International Media Article, *Viets invading us in thousands says Cambodia*, 1 Jan 1978, EN 00419881; **E3/8183** Los Angeles Times, *Cambodia's Admission of Vietnam*

issuing a response on the same day.<sup>5368</sup> Vietnamese forces withdrew on 6 January 1978.<sup>5369</sup>

1215. From mid-January until November 1978, border clashes continued.<sup>5370</sup> DK forces continued to cross the border into Vietnam and carry out attacks particularly in Chau Doc, Binh Phuoc, An Giang, Kien Giang and Tay Ninh, Gia Lai, Cong Tum and Dong Thap provinces.<sup>5371</sup> Similarly, Vietnamese forces continued to cross the border into

*Border War Anticlimactic*, 1 Jan 1978; **E3/2292** Bangkok Post, *Battles Rage as Khmers Sever Ties with VN, Hanoi blamed Coup bid*, 1 Jan 1978; **E3/8184** New York Times, *Cambodia and Vietnam Trade Aggression Charges*, 1 Jan 1978; **E3/8186** Los Angeles Times, *Vietnam Accuses Cambodia Troops*, 2 Jan 1978, EN 00166159; **E3/8190** New York Times, *Vietnam Holds Cambodian Region After Bitter Fight, U.S. Aides Say*, 4 Jan 1978; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.

<sup>5368</sup> **E3/5883** Statement of the Socialist Republic of Viet Nam on Viet Nam-Kampuchea Border Issue, 31 Dec 1977, EN 00419877-80; **E3/267** Statement by the SRV Government on the Vietnam-Cambodia border issue, 31 Dec 1977, EN S 00008731-33; **E3/8185** Reuters, *Hanoi Says Cambodia Seizes Land*, 2 Jan 1978; **E3/8188** Los Angeles Times, *Thousands Slain, Vietnam Says, Raps Cambodia*, 3 Jan 1978.

<sup>5369</sup> **E3/1691** David Chandler, T. 6 Aug 2009, 15.02.39-15.05.26; **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192397-98; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001769-70; **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150194; **E3/8199** New York Times, *Vietnamese Driven Out Cambodian Radio Says*, 9 Jan 1978; **E3/8202** Los Angeles Times, *Cambodian Success Claims Discounted*, 10 Jan 1978; **E3/2293** Washington Post, *Vietnam Seen Slowing Drive into Cambodia*, 12 Jan 1978; **E3/215** *Revolutionary Flag*, Sept 1978, EN 00488622; **E3/744** *Revolutionary Flag*, Feb 1978, EN 00464061-62; **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721426; **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294785.

<sup>5370</sup> **E1/486.1** Stephen Morris, T. 19 Oct 2016, 14.29.06-14.30.29, 14.43.41-15.03.10; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082554-55; **E3/920** Telegram 12 from Chhon to Brother Pol, 15 Jan 1978, EN 00301417; **E3/921** Telegram 17 from Chhon to Brother Pa, 27 Jan 1978, EN 00183646-47; **E3/922** Telegram 62 from Chhon to Par, 29 Jan 1978; **E3/1269** DK Radio Broadcast, 6 Mar 1978, EN S 00009874; **E3/868** Telegram 16 from 47 to Brother 009, 20 Mar 1978, EN 00185195; **E3/1012** Telegram 05 from Vi to Respected Brother, 21 Mar 1978 (*Northeast Zone*); **E3/998** Telegram 28 from Peam, 23 Mar 1978 (*Trapeang Phong*); **E3/999** Telegram 30 from Peam, 24 Mar 1978 (*Paung*); **E3/833** S-21 Notebook of Mam Nai alias Chan, 22 Mar 1978, EN 00184594; **E3/928** Phone call from Mut to Nuon and Van, 1 Apr 1978; **E3/870** Telegram 35 from Roeun to Grand Uncle 89, 5 Apr 1978; **E3/860** DK Report, 15 Apr 1978 (*Tramaung*); **E3/859** Phone call with Nuon, Van and Vorn, 15 Apr 1978; **E3/1062** Telegram 02 from Mok to Brother Pol, 8 Apr 1978; **E3/1009** Telegram 5 from Pork to Committee 870, 18 Apr 1978, EN 00305346 (*Kampong Cham*); **E3/932** Telegram 02 from Pauk to Committee 870, 12 Apr 1978, EN 00185199; **E3/169** Khieu Samphan Speech, 17 Apr 1978, 17 Apr 1978, EN 00280391; **E3/1009** Telegram 5 from Pork to Committee 870, 18 Apr 1978, EN 00305346; **E3/157** Telegram 8 from Ri to Van, 21 April 1978, EN 00348086; **E3/943** Telegram 09 from Vy to Respected Brother, 25 Apr 1978; **E3/946** Telegram 20, 26 Apr 1978, EN 00185205-06; **E3/245** Telegram 09 to Committee 870, 29 Apr 1978; **E3/862** DK Report, May 1978, EN 00185207-08 (*Sector 23 and 24, May 1978*); **E3/253** Telegram 13 from Pauk to Committee 870, 9 May 1978, EN 003217181; **E3/1722** DK Radio Broadcast, *Past Year's National Defence Efforts Reviewed*, 10 May 1978, EN 00294786; **E3/834** S-21 Notebook of Tuy and Hoeung Song Huor alias Pon, 11 May 1978, EN 00184491; **E3/8236** New York Times, *Attack on Cambodia Denied by Vietnam; Fighting Reported*, 30 June 1978; **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721431; **E3/8398** SWB, *Cambodia's Strategy of Defence against Vietnam*, 10 May 1978, EN 00003959; **E3/8252** Washington Post, *Border Clashes Signal Feared Vietnamese Drive*, 22 Oct 1978; **E3/2370** Library of Congress, *Vietnam-Cambodia Conflict*, 4 October 1978, EN 00187388.

<sup>5371</sup> **E1/487.1** Stephen Morris, T. 20 Oct 2016, 09.28.27-09.29.57 (*Prey Veng, Dong Thap, An Giang*); **E3/7449** Nayan Chanda, T. 25 May 2009, 09.52.02-09.58.14 *confirming* **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192407-09 (*Kien Giang-Ha Tien*); **E3/1593** Ben Kiernan, *The Pol Pot Regime*, EN 01150201-02; **E1/449.1** Moeng Vet, T. 27 July 2016, 11.27.23-11.28.50 (*Kratie*); **E3/7819** Meakh Satum

Rattanakiri, Kampong Cham, Svay Rieng, and Prey Veng provinces.<sup>5372</sup> In July 1978, Vietnam started bombing at four locations along the DK-SRV border.<sup>5373</sup> Witnesses testified to an increase in the tempo of the conflict between the two countries from mid-1978 to the end of 1978.<sup>5374</sup>

1216. In late December 1978, Vietnam began a massive invasion, sending 150,000 troops into

WRI, EN 00285604 (*Chau Thanh District*); **E3/1257** SWB, *Vietnamese Report of Cambodian Border Encroachments*, 18 Jan 1978, EN S 00008675-76 (*Tay Ninh, Cong Tum, Gia Lai, An Giang, Dong Thap, Long An*); **E3/243** Telegram 15 from Chhon to Pa, 19 Jan 1978 (*Svay Rieng, Prey Veng*); **E3/8206** Los Angeles Times, *Cambodian Forces Gain in Vietnam, Refugees Say*, 27 Jan 1978 (*Kien Giang*); **E3/244** Telegram 16 from Chhon to Par, 23 Jan 1978, EN 00182755; **E3/992** Telegram 06 from Division 117 to General Staff, 2 Mar 1978 (*Binh Phuoc*); **E3/1269** SWB, *Statements by Cambodian Prisoners and Refugees*, 3 Mar 1978, EN S 00009871-72 (*Tay Ninh*); **E3/1271** SWB, *French journalists on Cambodian attack on Vietnam*, 11 Mar 1978, EN S 00009912 (*Dong Thap*); **E3/8220** Washington Post, *Vietnam Claims Cambodia Is Attacking Along Coast*, 17 Mar 1978 (*Kien Giang*); **E3/868** Telegram 16 from 47 to Brother 009, 20 Mar 1978 (*Tay Ninh*); **E3/870** Telegram 35 from Roeun to Grand Uncle 89, 5 Apr 1978 (*O Nang*); **E3/1064** Telegram 18 from 47 to Van, 8 Apr 1978 (*Dong Thap*); **E3/1076** Telegram 18 from 47 to Van, 9 Apr 1978 (*Dong Thap*); **E3/859** DK Report, 15 Apr 1978 (*Kien Giang; Tay Ninh*); **E3/498** Telegram 55 from Sarun to Respected Brother, 25 Apr 1978 (Teg); **E3/943** Telegram 09 from Vi to Respected Brother, 25 Apr 1978 (*Northeast Zone*); **E3/727** *Revolutionary Flag*, May-June 1978; **E3/8232** Los Angeles Times, *Vietnam-Cambodia Border War Subsides*, 23 June 1978, EN 00166204 (*Tay Ninh and Kien Giang*); **E3/8234** Washington Post, *Vietnam Claims Major Victories In Border Fighting With Cambodia*, 28 June 1978 (*Au Giang and Tay Ninh*); **E3/2298** Los Angeles Times, *Cambodians Counterattack Into Vietnam*, 16 Jan 1978 (*An Giang*); **E3/8240** FBIS, *VNA Report of Rout of Cambodian Invading Troops Cited*, 11 July 1978 (*Tay Ninh*); **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Kien Giang*); **E3/1280** SWB, *Cambodian troops encroach on Tay Ninh and An Giang*, 19 Sept 1978, EN S 00013065 (*Tay Ninh*); **E3/1281** SWB, *Cambodian refugees settled in Tay Ninh*, 22 Sept 1978, EN S 00013118 (*Tay Ninh*); **E3/1283** SWB, *Cambodian incursions into Vietnam*, 20 Dec 1978, EN S 00013340 (*Dong Thap, Tay Ninh, An Giang*); **E3/3325** Reuters, *Vietnam Says Its Troops Blunted Cambodian Drive*, 31 Dec 1978 (*Tay Ninh*); **E3/741** CPK Directive, 3 Jan 1978, EN 00296009.

<sup>5372</sup> **E3/244** Telegram 16 from Chhon to Par, 23 Jan 1978, EN 00182755; **E3/181** Telegram 11 from 47 to Brother, 14 Feb 1978 (*Svay Rieng*); **E3/9375** Telegram 11 from 47, 14 Feb 1978, EN 01185439 (*Svay Rieng*); **E3/1064** Telegram 18 from 47 to Van, 8 Apr 1978 (*Sector 24*); **E3/860** DK Report, 15 Apr 1978 (*East Zone*); **E3/169** Khieu Samphan Speech, 17 Apr 1978, 17 Apr 1978, EN 00280401, EN 00280391; **E3/1072** Telegram 55 from Sarun to Vann, 24 Apr 1978 (*Tes*); **E3/812** Telegram 20 from 47 to Brother Vann, 26 Apr 1978, EN 00340535 (*Svay Rieng*); **E3/516**, **E3/9372** Telegram 10 from Pauk to Committee 870, 4 May 1978, EN 00052886 (*Kampong Cham*); **E3/250** Telegram 11 from Pok to Van, 6 May 1978, EN 00322057 (*Kampong Cham*); **E3/499** Telegram 11 from Pauk to Missed Brother, 6 May 1978 (*Kampong Cham*); **E3/948** Telegram 13 from Pauk to Committee 870, 9 May 1978; **E3/8232** Los Angeles Times, *Vietnam-Cambodia Border War Subsides*, 23 June 1978, EN 00166204 (*Svay Rieng and Monduliri*); **E3/8233** New York Times, *60000 Vietnamese Invade Areas of Cambodia*, 28 June 1978; **E3/8234** Washington Post, *Vietnam Claims Major Victories In Border Fighting With Cambodia*, 28 June 1978 (*Parrot's Beak*); **E3/1264** Press Communiqué of the Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea, 1 July 1978, EN 00078180 (*Kampong Cham, Svay Rieng*); **E3/8237** Los Angeles Times, *Vietnam, Cambodia Both Claim Border Victories*, 2 July 1978; **E3/2308** Times of London, *Big Victories claimed by Cambodia over Vietnam*, 4 July 1978; **E3/791** CPK Circular, *Views on Current Revolutionary Situation in Kampuchea*, 13 July 1978, EN 00721428, EN 00721432; **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Rattanakiri, Kampong Cham and Parrot's Beak*).

<sup>5373</sup> **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001772-75; **E3/23** DK Ministry of Foreign Affairs, *Black Paper*, EN 00082555; **E3/8242** Los Angeles Times, *Heavy Fighting Reported on Cambodia, Viet Border*, 1 Aug 1978 (*Kampong Cham, Rattanakiri, Parrot's Beak and Ha Tien*).

<sup>5374</sup> **E1/454.1** Chin Saroeun, T. 3 Aug 2016, 10.46.14-10.50.34; **E1/492.1** Ieng Phan, T. 31 Oct 2016, 10.05.18-10.09.15, 13.35.18-13.39.49; **E3/419** Ieng Phan WRI, A7 (*Svay Rieng*); **E1/489.1** Chuon Thi, T. 25 Oct 2016, 14.33.26-14.35.12; **E1/490.1** Chuon Thi, T. 26 Oct 2016, 10.05.52-10.09.47.



DK. The resistance was ineffective and Vietnamese forces captured Phnom Penh on 7 January 1979.<sup>5375</sup> Thus, the evidence demonstrates the existence of an international armed conflict between DK and the SRV from May 1975 until 7 January 1979.<sup>5376</sup>

## F. WIDESPREAD & SYSTEMATIC ATTACK

1217. The crimes against humanity discussed in this brief were committed as a part of a widespread and systematic attack against the civilian population of Cambodia. The crimes constituted an “attack” as defined by the relevant jurisprudence: the Cambodian people were subjected to murder, extermination, persecution, enslavement, torture, and other violence as detailed in this brief. The population targeted in this attack was predominantly civilian in character.
1218. The attack was widespread: the Chamber has heard evidence of the commission of crimes ranging across the territory of Cambodia. It was also systematic: the attack was carried out in furtherance of centrally designed policies that were distributed through the CPK hierarchy for the express purpose of ensuring consistent implementation throughout the country.
1219. The attack was undertaken on political grounds, as a way of preserving the political power of the CPK leadership and implementing the political programme they had designed. The regime’s targeting of its perceived enemies, including anyone associated with the Lon Nol regime, “New People” viewed as inherently suspect, and CPK cadres suspected of disloyalty or betrayal demonstrate that the attack was inherently grounded in politics. The attack was also based on religious and ethnic grounds with respect to the Cham and Vietnamese minorities, respectively, as the CPK eventually decided to eliminate these communities not on the basis of political characteristics but rather in their entirety as distinct groups.

<sup>5375</sup> **E3/2376** Nayan Chanda, *Brother Enemy*, EN 00192526-28; **E3/7338** Stephen Morris, *Why Vietnam Invaded Cambodia*, EN 01001775-78; **E3/555** Telegram from Ieng Sary to the President of the UN Security Council, 31 Dec 1978, EN 00081489 (*Ratanakiri, Monduliri, Kratie, Kampong Cham, Stung Rieng, 25-30 Dec 78*); **E3/722** Announcement of steady and absolute combat against the Yuen enemy aggressors and expansionist land-grabbers, 1 Jan 1979; **E3/5720** Statement of Comrade Pol Pot, 5 Jan 1979, EN S 00017564-65; **E3/8265** Wall Street Journal, *Vietnam Takes Cambodian Capital, Port But Guerilla War is Seen as Continuing*, 9 Jan 1979 (*Phnom Penh, 7 Jan 1979*).

<sup>5376</sup> **E3/56** Nayan Chanda, T. 26 May 2009, 11.34.50-11.38.17 [“If war can occur without declaration, Cambodia and Vietnam were at war right from ’75”].



1220. Given their prominent positions in the national leadership, access to reports from local cadre and security personnel, attendance at meetings of the Standing Committee and other DK bodies, and their travels the country, **Nuon Chea** and **Khieu Samphan** were well aware of the existence and character of this attack. Indeed, they were among its principal architects. As detailed in this brief, their participation in the design, implementation and facilitation of the policies underlying the attack furthered the attack and formed a key part in the attack.

#### IV. CONVICTION AND SENTENCING

##### A. CONVICTION

1221. Considering the legal characterisation of the material facts as set out above, the Co-Prosecutors respectfully request the Chamber to find that the evidence establishes, beyond reasonable doubt, the criminal responsibility of **Nuon Chea** and **Khieu Samphan** for genocide, the crimes against humanity of murder; extermination; enslavement; deportation; imprisonment; torture; persecution on political, religious and racial grounds; and other inhumane acts (through forced transfer; attacks against human dignity; forced marriage; rape; and enforced disappearances) and grave breaches of the Geneva Conventions, specifically wilful killing; torture; inhuman treatment; wilfully causing great suffering or serious injury to body or health; wilfully depriving protected persons of the rights of fair and regular trial; and unlawful confinement of civilians punishable under articles 4, 5, 6, 29<sup>new</sup> and 39<sup>new</sup> of the ECCC Law.<sup>5377</sup>

##### B. SENTENCING

###### 1. SENTENCING RANGE

1222. The Chamber may impose any fixed term of imprisonment that is equal to or greater than five years, or impose a life sentence;<sup>5378</sup> and “may impose a single sentence that reflects the totality of the criminal conduct where an accused is convicted of multiple

<sup>5377</sup> The Co-Prosecutors do not seek a conviction on the charge of unlawful deportation or transfer of civilians at S-21 (**D427** Closing Order, paras 1515-1517, citing Vietnamese prisoners at S-21; **E301/9/1.1** Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, EN 00981690) as they do not consider that the evidence in this trial has proven beyond reasonable doubt that civilians were transferred from or within “occupied territory”.

<sup>5378</sup> ECCC Law, art. 39<sup>new</sup>; Case 001-**F28** Duch AJ, para. 344; **E313** Case 002/01 TJ, para. 1065. See also ECCC Agreement, art. 10 imposing a maximum penalty of life imprisonment. The SCC has determined that as *lex specialis*, the ECCC Law should govern the range of penalties in proceedings before the ECCC. See Case 001-**F28** Duch AJ, paras 348-351.

offences.”<sup>5379</sup> The sentences should “reassure the surviving victims, their families, the witnesses and the general public that the law is effectively implemented and enforced, and applies to all regardless of status or rank.”<sup>5380</sup> It should be “proportionate and individualised” to reflect the culpability of the convicted persons based on an objective, reasoned and measured analysis of their conduct and its consequential harm.<sup>5381</sup>

1223. In determining the appropriate sentence, the gravity of the crimes and all relevant aggravating and mitigating circumstances should be taken into account,<sup>5382</sup> which the Co-Prosecutors now address in turn.

## 2. GRAVITY OF THE CRIMES

1224. The gravity of the criminal conduct is the “litmus test for the appropriate sentence”<sup>5383</sup> and must include “consideration of the particular circumstances of the case” and the “form and degree of the participation of the Accused in the crime.”<sup>5384</sup> These factors include examination of: (a) the number and the vulnerability of victims; (b) the impact of the crimes upon them and their relatives; (c) the discriminatory intent of the Accused, when this is not already an element of the crime;<sup>5385</sup> (d) the scale and brutality of the offences; (e) the role played by the convicted person;<sup>5386</sup> and (f) the geographic and temporal scope of the victimisation.<sup>5387</sup>

1225. The previous pages of this brief and accompanying annexes detail the massive nature of the Khmer Rouge’s crimes that fall within the scope of Case 002/02, and the Accused’s central role in their commission. **Nuon Chea** and **Khieu Samphan** each played unique and critical roles in these crimes as discussed in the sections on their contributions to the JCE and the crimes. The magnitude of the crimes and resulting suffering speak for themselves. Nothing the Co-Prosecutors can say could possibly add to the articulate voices of the surviving victims who have spoken at this trial of the suffering they endured.

<sup>5379</sup> Case 001-E188 *Duch* TJ, para. 590; E313 Case 002/01 TJ, para. 1072.

<sup>5380</sup> E313 Case 002/01 TJ, para. 1067; Case 001-E188 *Duch* TJ, para. 579.

<sup>5381</sup> E313 Case 002/01 TJ, para. 1067; Case 001-E188 *Duch* TJ, para. 580.

<sup>5382</sup> Case 001-E188 *Duch* TJ, paras 582-583; E313 Case 002/01 TJ, paras 1068-1069.

<sup>5383</sup> F36 Case 002/01 AJ, para. 1118; E313 Case 002/01 TJ, para. 1068; Case 001-E188 *Duch* TJ, para. 582; *Jelisić* AJ, para. 94.

<sup>5384</sup> Case 001-E188 *Duch* TJ, para. 582; E313 Case 002/01 TJ, para. 1068.

<sup>5385</sup> With the exception of persecution as a CAH and genocide, discrimination is not a material element of any of the crimes under the jurisdiction of the ECCC. See F36 Case 002/01 AJ, paras 745-746, 748.

<sup>5386</sup> F36 Case 002/01 AJ, paras 1118, 1120; Case 001-F28 *Duch* AJ, para. 375. See further E313 Case 002/01 TJ, paras 1073, 1077.

<sup>5387</sup> E313 Case 002/01 TJ, para. 1075.

### 3. AGGRAVATING FACTORS

1226. This Chamber has cited with approval the aggravating factors enumerated in the ICC Rules.<sup>5388</sup> The most relevant factors in Case 002/02 include (1) an abuse of power or official capacity;<sup>5389</sup> and (2) the commission of the crime with particular cruelty or where there were multiple victims. The Chamber may also take into account a convicted person's educational background,<sup>5390</sup> as well as prolonged and systematic involvement in the criminal conduct.<sup>5391</sup>

1227. The crimes were committed through the utter domination of the State by the CPK, while **Nuon Chea** and **Khieu Samphan** sat at the very apex of its authority. Their contributions to the crimes, including through their respective participation in the JCE, were undertaken in their official capacities. **Nuon Chea** served as the Deputy Secretary of the CPK and its Standing and Central Committees throughout the DK period, among other roles.<sup>5392</sup> **Khieu Samphan** was a full-rights member of the Central Committee; a regular attendee of the highest-level policy-making body, the Standing Committee; a member of the Political Office 870 Committee; and President of the State Presidium, by virtue of which position he served as the DK Head of State.<sup>5393</sup>

1228. **Nuon Chea** and **Khieu Samphan** were both educated, intelligent, and experienced in life by the time these crimes occurred, and were *fully* able to grasp the nature and seriousness of their acts and understand their consequences. **Nuon Chea** was one of a privileged few given the opportunity to attend university outside Cambodia, and studied law in Thailand.<sup>5394</sup> **Khieu Samphan**, who also studied law,<sup>5395</sup> holds a doctorate in economics,<sup>5396</sup> and describes himself as a highly educated intellectual.<sup>5397</sup>

<sup>5388</sup> Case 001-E188 *Duch* TJ, paras 583-584; E313 Case 002/01 TJ, para. 1069, citing ICC Rules, Rule 145(2)(b).

<sup>5389</sup> See further F36 Case 002/01 AJ, para. 1113; Šainović AJ, para. 1802; Ndindabahizi AJ, para. 136.

<sup>5390</sup> F36 Case 002/01 AJ, para. 1114; E313 Case 002/01 TJ, paras 1086, 1089.

<sup>5391</sup> Popović AJ, para. 2038; Milošević (*Dragomir*) AJ, para. 304; Martić AJ, para. 340.

<sup>5392</sup> See section **Role and Contribution of the Accused to Common Criminal Plan – Role of Nuon Chea – DK Positions & Authority**.

<sup>5393</sup> See section **Role and Contribution of the Accused to Common Criminal Plan – Role of Nuon Chea – DK Positions & Authority**.

<sup>5394</sup> E3/26 Suspect Statement of Nuon Chea, 7 Oct 2006, EN 00329505-6; E3/701 Interview with Nuon Chea by Nusara Thaitawat, EN 00062412-3; E1/16.1 Nuon Chea, T. 5 Dec 2011, 11.11.12-11.14.06.

<sup>5395</sup> E1/21.1 Khieu Samphan, T. 13 Dec 2011, 14.03.34-14.06.16; 14.18.47-14.23.32; E3/110 Analytical Report by Sasha Sher "The biography of Khieu Samphan", EN 00280537.

<sup>5396</sup> E3/579 Khieu Samphan Interview by Radio Free Asia, 6 Dec 2007, EN 00659091-2; E3/110 Analytical Report by Sasha Sher "The biography of Khieu Samphan", EN 00280537; E1/21.1 Khieu Samphan, T. 13 Dec 2011, 14.23.32-14.25.33.

#### 4. MITIGATING FACTORS

1229. This Chamber has also approved the ICC Rules definition of mitigating factors to be taken into account in considering sentence.<sup>5398</sup> These mitigating factors include (1) circumstances short of constituting grounds for exclusion of criminal responsibility, such as substantially diminished mental capacity or duress; and (2) the convicted person's conduct after the act, including any efforts by the person to compensate the victims and any cooperation with the Court. Advanced age may be considered as a mitigating factor, and ill-health will be considered in *exceptional circumstances*.<sup>5399</sup> However, the existence of mitigating factors does not preclude the imposition of a life sentence where, as here, the gravity of the crimes so dictates.<sup>5400</sup>

1230. In any event, there are no relevant mitigating factors that may be given any significant weight in sentencing **Nuon Chea** and **Khieu Samphan**. There is simply no evidence of diminished mental capacity or duress, and no such defences have been advanced. Whilst the Co-Prosecutors acknowledge both Accused's advanced years, they submit that this should be given no weight in light of the gravity of the crimes and aggravating factors outlined above.<sup>5401</sup> Similarly, the health of the two Accused provides no grounds for mitigation.

1231. Nor is the conduct of the two Accused after the DK period in any way significant in mitigation. **Nuon Chea** and **Khieu Samphan** have shown no real cooperation with the Tribunal, beyond their legally required attendance at Court, nor have they shown any true remorse. In order to be a factor in mitigation, expressions of remorse must be real and sincere,<sup>5402</sup> with acceptance of some moral or criminal responsibility for *personal wrongdoing*.<sup>5403</sup> **Khieu Samphan** has neither accepted any criminal responsibility for

<sup>5397</sup> **E1/199.1** Khieu Samphan, T. 30 May 2013, 09.42.58 to 09.45.07. See further **E3/16** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498305.

<sup>5398</sup> Case 001-**E188** Duch TJ, paras 583-584; **E313** Case 002/01 TJ, para. 1070, citing ICC Rule 145(2)(a).

<sup>5399</sup> **E313** Case 002/01, para. 1095 (*emphasis added*).

<sup>5400</sup> Case 001-**F28** Duch AJ, para. 372; *Renzaho* AJ, para. 612; *Stakić* AJ, para. 407; *Niyitegeka* AJ, para. 267; *Musema* AJ, para. 396. As the SCC pointed out, the 2009 Cambodian Criminal Code, art. 95 merely grants a discretion as to whether or not to grant the benefit of mitigating factors in the form of a fixed term sentence in cases where a life sentence would otherwise be imposed. See Case 001-**F28** Duch AJ, para. 372.

<sup>5401</sup> See *Taylor* SJ, para. 79.

<sup>5402</sup> **E313** Case 002/01 TJ, para. 1093; *Blaškić* AJ, para. 705.

<sup>5403</sup> **E313** Case 002/01 TJ, para. 1093; *Strugar* AJ, para. 367.



the crimes committed, nor expressed remorse for them. To the contrary, he believes that he has “done nothing to make [him] ashamed before anyone”.<sup>5404</sup>

1232. **Nuon Chea** has similarly shown no meaningful regret or remorse. While asserting that he shares responsibility with the leaders of the regime,<sup>5405</sup> and that he takes responsibility morally for “what happened” during the DK period,<sup>5406</sup> he has consistently refused to accept any personal responsibility for his own actions.<sup>5407</sup> When asked if he would make revolution again if he was reborn, his unequivocal response was to “[d]o it again, do it again.”<sup>5408</sup> He has “no regrets” for those killed during the DK regime.<sup>5409</sup>

<sup>5404</sup> E3/16 Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498305.

<sup>5405</sup> E1/199.1 Nuon Chea, T. 30 May 2013, 09.47.54–09.50.48.

<sup>5406</sup> F1/4.1 Nuon Chea, T. 17 Nov 2015, 09.23.37–09.24.05; E1/199.1 Nuon Chea, T. 30 May 2013, 14.14.43–14.16.25; E1/237.1 Nuon Chea, T. 31 Oct 2013, 10.47.26–10.49.29.

<sup>5407</sup> E3/3821 Associated Press, ‘Ex Khmer Rouge bask in luxury Disagreement continues over granting amnesty’ 31 Dec 1998, EN 00133399 [“Khieu Samphan and Nuon Chea told a news conference Tuesday they were ‘very sorry’ for the Khmer Rouge terror but refused to accept personal responsibility.”];

<sup>5408</sup> E3/26 Nuon Chea Interview, Oct 2006, EN 00329523.

<sup>5409</sup> E3/7209R Video *Enemies of the People* additional footage: interview by Thet Sambath, “Nuon Chea on the Nation”, 2010, 0:44–0:49.

### 5. SENTENCE REQUESTED

1233. Considering the singular gravity of the crimes, which have left an indelible imprint of horrific trauma upon a nation, the significant aggravating factors, and the absence of relevant mitigating factors, the Co-Prosecutors respectfully submit that the Chamber should impose a sentence of life imprisonment upon **Nuon Chea** and **Khieu Samphan** for the crimes proven in Case 002/02.

Respectfully submitted,

Date	Name	Place	Signature
2 October 2017	CHEA Leang Co-Prosecutor	Phnom Penh	
	Nicholas KOUMJIAN Co-Prosecutor		