

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

FILING DETAILS

Case No: 002/19-09-2007-ECCC/OCIJ

Party Filing: Office of the Co-Prosecutors

Filed to: Co-Investigating Judges

Original language: English

Date of document: 16 August 2010

CLASSIFICATION

Classification of the document suggested by the filing party:

PUBLIC - REDACTED

Classification by the Office of the Co-Investigating Judges:

សាធារណៈ/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



CO-PROSECUTORS' RULE 66 FINAL SUBMISSION
(PUBLIC REDACTED VERSION)

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EXPLANATORY NOTE

This redacted version of the Co-Prosecutors' Rule 66 Final Submission in Case 002 is issued with the approval of the ECCC Trial Chamber, and pursuant to Rule 54 of the ECCC Internal Rules, in order to ensure that the public is duly informed about the ongoing proceedings before the Court.

The Final Submission was filed with the ECCC Co-Investigating Judges on 16 August 2010. It contains the Co-Prosecutors' detailed analysis of the evidence relating to the authority and communication structures of the Community Party of Kampuchea and the State of Democratic Kampuchea (Part IV(B)), the common criminal plan (Part IV(C)), alleged crime sites / criminal events (Part IV(D)), as well as the involvement of each of the four Accused (IV(F)). The Submission also sets out the Co-Prosecutors' examination of the law applicable before the Court (Part V), and the legal characterisation of the alleged facts (Part VI).

In its original form, the Final Submission has 6,111 footnotes containing more than 18,000 individual evidentiary references, as well as several annexes. In this public version of the document, the footnotes, evidentiary references, annexes, as well as substantive text containing material which may be confidential, have been redacted in accordance with the Internal Rules and the Practice Direction on the Classification and Management of Case-Related Information.

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I. INTRODUCTION

1. Pursuant to Rule 66 (5) of the Internal Rules ('Rules') and the Co-Investigating Judges' Forwarding Order dated 19 July 2010, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia ('ECCC') consider that the judicial investigation in Case File 002/19-09-2007/ECCC-OCIJ has concluded. Consequently, the Co-Prosecutors submit this Final Submission ('Submission') and return the Case File to the Co-Investigating Judges. In this Submission, the Co-Prosecutors request that the Co-Investigating Judges indict the Charged Persons **Nuon Chea, Ieng Sary, Khieu Samphan** and **Ieng Thirith** and send them to trial on the material facts, crimes and modes of liability as legally characterised in this Submission.
2. The Co-Prosecutors additionally request that the Co-Investigating Judges dismiss the case against the Charged Person **Kaing Guek Eav alias Duch**. The reasons are comprehensively outlined in a separately filed submission which forms an integral part of the present Submission, entitled **Additional Submission on Duch**.
3. The Submission is comprised of seven chapters. As a mirror of the requirements of the Indictment as enumerated in Rule 67(2), its primary chapters are as follows: **Material Facts, Law, Legal Characterisation** and **Charges**. Certain preliminary matters are dealt with in the **Procedural History** chapter and an executive summary of the Co-Prosecutors' understanding of the Case File can be found in the chapter entitled **Case Overview**. These chapters of the Submission are supplemented by the **Annexes**, which contains a **Glossary** and the evidentiary sources supporting the material facts (the endnotes) as well as the Additional Submission on Duch, as mentioned above.
4. The evidentiary sources supporting the material facts alleged in this Submission are based on documents that are contained in the Case File. However, where the Co-Prosecutors have referred to publicly available documents not present on the Case File (marked as 'NCFPD'), such as books or media reports (whether or not they were previously rejected), that has been done in light of the Co-Investigating Judges' holding that "books are public documents for which a placement on the Case File is not absolutely necessary." Parties are thus able to refer to a public document not available on the Case File "whenever they so wish."

5. The Co-Prosecutors have also referred to certain non-public documents that have not previously been put on the Case File (marked as ‘**NCF**’). These documents are now relied upon in order to provide sufficient advance notice to the parties that the Co-Prosecutors will seek the permission of the Trial Chamber to place these documents on the Case File and adduce them as evidence before that Chamber. In relying upon these documents, the Co-Prosecutors are mindful of the fact that, as the Trial Chamber has held, and the Pre-Trial Chamber has agreed, the Trial Chamber is not bound by the decisions of the Co-Investigating Judges or the Pre-Trial Chamber. The Co-Prosecutors also consider that the Pre-Trial Chamber’s holding that the rights of a party to obtain evidence are “preserved” before the Trial Chamber affirms their right to seek this permission. The **NCF** and **NCFPD** documents are listed in and attached to **Annex 7** for ease of reference and to provide adequate notice to the Parties.

II. CASE OVERVIEW

6. From 17 April 1975 to 6 January 1979, **Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith** and other senior leaders of the Communist Party of Kampuchea ('CPK') presided over the implementation of a criminal plan through which crimes affecting virtually every person in Cambodia were committed. Starting on the first day of the CPK rule, three million residents who lived in Phnom Penh and other urban centres were forcibly evicted from their homes and marched to the countryside, where the country's entire civilian population was confined to agricultural cooperatives and other worksites.
7. The Charged Persons and the CPK proceeded to create a new society in which they enslaved Cambodian citizens, exercised absolute control over their lives, and deprived them of their most basic human rights and freedoms. Private property was confiscated, money was abolished, and markets, businesses, schools and pagodas were closed. Cambodian people were no longer allowed to live with their families in their homes, or to practise their religions. They were subjected to a policy of sexual oppression involving forced marriages and pregnancies. They were not allowed to leave the country, or to move within it. They were subjected to psychological abuse through indoctrination, criticism and self-criticism enforced under threat of severe punishment. The CPK established a state, Democratic Kampuchea ('DK'), with no functioning parliament or judiciary, and one in which the Party's rule was ruthlessly enforced.
8. During the initial evictions, CPK forces screened the evacuees and separated groups of people that had been targeted by the Party, namely officials and soldiers of the overthrown Khmer Republic regime and the Party's "class enemies" – capitalists, feudalists, and the bourgeoisie. Those groups were summarily executed, while the remaining evacuees (labelled the 'New People') were enslaved in cooperatives with the local or 'Base People,' and later in the regime, in large-scale irrigation and infrastructure projects. Whilst enslaved, Cambodian people were subjected to inhumane conditions including hard manual labour, denial of sufficient rest, food, medical care and shelter, and psychological and physical abuse. Those accused of any type of non-compliance received severe punishments, including imposition of harsher

working conditions, beatings, withdrawal of food rations, tempering, and arrest, torture and execution.

9. In the fall of 1975, pursuant to a decision of the CPK senior leaders, at least 500,000 Cambodians, mainly New People, were once again uprooted and forcibly relocated to the Northwest Zone and other regions. As with the initial evacuations of the urban centres, the CPK leaders failed to provide adequate sustenance for the hundreds of thousands of evacuees and subjected them to grossly inhumane conditions, causing numerous deaths from starvation, exhaustion, lack of medical care and exposure to the elements.
10. Throughout the DK period, the CPK established and operated over 260 re-education and security offices which formed an integral component of its criminal plan to identify, suppress and destroy all “enemies” of the regime. These enemies included individuals with suspect backgrounds and those viewed as disloyal to the Party. Potential “enemies” were identified by two primary means. People living in cooperatives or worksites were closely monitored by the CPK through the preparation of individual biographies and daily “criticism sessions.” In addition, individuals taken to security offices were interrogated using torture in order to obtain detailed confessions identifying purported “networks” of enemies. Hundreds of thousands of Cambodians were unlawfully arrested, detained, tortured and executed at these security offices during the DK period.
11. Over the course of the regime, the CPK leadership became convinced that internal enemies and traitors were sabotaging its rule, and ordered and oversaw massive purges within the Party ranks. From early 1976 until the end of 1978, extensive purges were conducted throughout the country in virtually all administrative and military units. The most wide-ranging purge was that of the East Zone, whose residents were suspected of disloyalty and sympathising with Vietnam. In addition to purging most of the CPK cadres in that Zone, the CPK leaders directed mass executions of local Base People and a forced transfer of the remaining population to other regions. During the final days of the DK regime, many of those East Zone evacuees were rounded up and executed *en masse*.
12. The CPK also targeted minorities within its criminal plan. During the 1975-1976 period, at least 150,000 ethnic Vietnamese were deported, while Cham villages were

broken up and their language and Islamic religious practices banned. From 1977 to 1978, the CPK leadership presided over genocidal campaigns against the Vietnamese and the Chams, through which these groups were targeted for physical elimination. In the heartland of the Cham community in Kampong Cham province, all remaining Cham people were put on lists or otherwise systematically identified by local CPK officials, gathered in their home bases and taken to security offices and other sites for mass executions.

13. All ethnic Vietnamese persons, and other persons having any connection to Vietnam, such as the Khmer Krom, were similarly targeted for execution. The CPK leaders also ordered and approved the commission of Grave Breaches of the Geneva Conventions against Vietnamese prisoners of war and civilians captured during the armed conflict between Cambodia and Vietnam, which lasted from May 1975 to January 1979.
14. The crimes committed against the Cambodian population during the DK period were of shocking proportions. Between 1.7 and 2.2 million people died as a result of the CPK's criminal policies during this period. Half of those victims were killed by violent acts. The traditional institutions of Khmer life - family, villages and Buddhist temples - were torn apart by the CPK. A substantial percentage of the Cham population was killed, while virtually the entire Vietnamese population of the country was deported or executed. The Khmer Krom community was subjected to mass arrests and executions.
15. Within this framework, the Introductory Submission and subsequent filings submitted by the Co-Prosecutors identified a number of suspected criminal events and crime sites, which have been confirmed by the evidence collected in the judicial investigation. An analysis of that evidence is presented in the Material Facts Chapter of this Submission, in the following sections: (i) Forced Transfers (which includes the April 1975 evacuations of Phnom Penh and other cities, executions of Khmer Republic officials and soldiers committed during and immediately following those evacuations, and the mass forced movement to the Northwest Zone); (ii) Forced Labour (which includes five groups of sites); (iii) Forced Marriages; (iv) Security Offices (which includes 11 security offices and numerous additional crime sites affiliated with those offices); (v) Purge of the North Zone; (vi) Purge of the East Zone (including the arrests and execution of East Zone cadres, the evacuation of the East

Zone and mass executions of evacuees); (vii) Crimes Against Buddhists; (viii) Crimes Against Chams; and (ix) Crimes Against the Vietnamese. These crimes are prosecutable as Genocide, Crimes Against Humanity, Grave Breaches of the Geneva Conventions and Homicide and Torture under the 1956 Cambodian Penal Code. In addition to extensive evidence on the Case File, the widespread victimisation of the Cambodian population is confirmed by over 8,000 civil party applications and complaints filed with the Court.

16. These crimes were systematic, centrally organised and highly coordinated. They were committed as part of the policies of the imposition of a radical enslavement program, abolition of basic human rights and freedoms and the elimination of the CPK's actual and perceived enemies. These policies were not new. They had their origin in CPK party lines which preceded the DK period, and pursuant to which similar abuses were committed by members of the CPK in parts of Cambodia controlled by the Party prior to April 1975.
17. As senior leaders of DK and long standing senior members of the CPK, Charged Persons **Nuon Chea** (CPK Deputy Secretary), **Ieng Sary** (DK Deputy Prime Minister of Foreign Affairs), **Khieu Samphan** (DK Head of State), and **Ieng Thirith** (DK Minister of Social Affairs) played key roles in the creation, implementation and maintenance of these criminal policies. These four Charged Persons formed part of a select group of individuals with extensive powers and authority within the CPK.
18. Throughout the DK period, the Charged Persons remained committed to the Party's criminal policies, actively contributed to their implementation, and did so with full knowledge of the extensive crimes being committed. They took part in meetings at which criminal actions were planned, supervised cadres involved in the crimes, and indoctrinated them with CPK policies. They visited crime sites and interacted with direct perpetrators, giving them encouragement and bestowing legitimacy on their actions. They reinforced the implementation of the criminal plan by organising, supervising and/or approving the arrests and execution of dissidents, including high ranking CPK members whom they suspected of opposing the Party's rule. In dealings with representatives of other countries as well as international agencies, the Charged Persons denied the existence of the crimes and sought to defend the CPK's actions and policies. After their removal from power, they variously sought to discredit

reports of the crimes, accused Vietnam of being responsible for them, and sought to minimise their personal involvement.

19. These four Charged Persons are criminally responsible for the crimes under investigation, and should be indicted and sent for trial as requested in this Submission.

III. PROCEDURAL HISTORY

A. OPENING OF INVESTIGATION

20. On 10 July 2006, pursuant to Rule 50, the Co-Prosecutors commenced a preliminary investigation with the purpose of determining whether evidence indicated that crimes within the jurisdiction of the ECCC had been committed and identifying potential suspects and witnesses.
21. On 18 July 2007, having found that there is reason to believe that crimes within the jurisdiction of the ECCC were committed, the Co-Prosecutors opened this judicial investigation by sending an Introductory Submission to the Co-Investigating Judges. The Introductory Submission requested the Co-Investigating Judges to investigate a number of facts and alleged crimes committed during the DK period, and to arrest and provisionally detain **Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith** and **Duch**. The Introductory Submission contained a summary of the facts, the types of the offences alleged, the relevant provisions of the law that define and punish the crimes, and the names of the persons to be investigated. The submission was accompanied by the Case File, which included both inculpatory and exculpatory material. The Case File supporting the Introductory Submission was comprised of more than 1,000 documents.
22. The Co-Prosecutors have submitted several filings to expand and / or qualify the scope of the judicial investigation in relation to the following sets of locations / events: (1) the North Zone Security Centre; (2) forced marriages; (3) the Genocide of the Cham; (4) five security offices and execution sites; and (5) the Khmer Krom and the Bakan District.

B. ARRESTS

23. On 30 July 2007, the Co-Investigating Judges issued a warrant for **Duch's** arrest. Warrants for the arrests of the other four Suspects were issued on 17 September 2007 (**Nuon Chea**), 8 November 2007 (**Ieng Sary** and **Ieng Thirith**) and 14 November 2007 (**Khieu Samphan**). The arrest warrants were each executed in the days following their issuance.

C. CHARGES

24. Shortly following the (then) Suspects' arrest, the Co-Investigating Judges notified each of them of the charges against them pursuant to Rule 57. **Nuon Chea, Ieng Sary** and **Khieu Samphan** were each initially charged with Crimes Against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949, while **Ieng Thirith** and **Duch** were initially charged with Crimes Against Humanity. The Co-Investigating Judges additionally charged **Nuon Chea, Ieng Sary, Khieu Samphan** and **Ieng Thirith** with Genocide and Violations of the 1956 Cambodian Penal Code (and Grave Breaches of the Geneva Conventions in relation to **Ieng Thirith**) on 14, 16, 18 and 21 December 2009 respectively.

D. PROVISIONAL DETENTION

25. Following adversarial hearings before the Co-Investigating Judges, the Charged Persons were placed in provisional detention pursuant to Rule 63. These initial detention orders were made on 31 July 2007 (**Duch**), 19 September 2007 (**Nuon Chea**), 14 November 2007 (**Ieng Sary** and **Ieng Thirith**), and 19 November 2007 (**Khieu Samphan**). Since then, the provisional detention of the Charged Persons has been extended twice by the Co-Investigating Judges. The Pre-Trial Chamber has rejected appeals against both the initial detention orders and against orders extending the Charged Persons' provisional detention.

E. SEPARATION OF CASE FILE 001

26. On 19 September 2007, pursuant to Sub-Rule 21(4), the Co-Investigating Judges ordered the separation of the investigation into **Duch's** responsibility for "facts committed inside the framework of S-21" (Case 001/18-07-2007) from the investigation into the responsibility of **Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith** in relation to all facts specified in the Introductory Submission and into the responsibility of **Duch** in relation to facts outside the framework of S-21 (Case 002/19-09-2007).

F. CLOSING OF THE INVESTIGATION

27. On 14 January 2010, the Co-Investigating Judges notified the Co-Prosecutors, pursuant to Rule 66, that they intended to conclude the judicial investigation in Case File No. 002. Several investigative requests were filed by the parties within the

extended 30 day period and were decided upon by the Co-Investigating Judges. Some of these orders were appealed by the parties pursuant to Rule 66(3) and subsequently decided upon by the Pre-Trial Chamber. In accordance with Sub-rule 66(4), the Co-Investigating Judges forwarded the case file to the Co-Prosecutors on 19 July 2010 for the submission of this Final Submission.

G. SIZE OF THE CASE FILE

28. During the course of the investigation, the Office of the Co-Investigating Judges has conducted over 800 witness interviews and collected and placed onto the Case File more than 11,500 documents in relation to the allegations contained in the Introductory and Supplementary Submissions. Following a request by the Co-Prosecutors, the substantive record of Case 001 has been incorporated into Case File 002.

H. VICTIM PARTICIPATION AND COMPLAINTS

29. The Co-Prosecutors have forwarded 4,202 complaints to the Co-Investigating Judges for placement on the Case File: by 31 May 2010, 69 of these Complainants had requested to change their requests to Civil Party Applications and two Complainants deceased, leaving a total of 4131 complaints. A total of 4,121 Civil Party application forms have been submitted to the Victims Support Section, of which, by 31 May 2010, 1,627 were placed on the Case File. Following a limited number of withdrawals, removals of duplicate submissions, and requests for applications to be reclassified as complaints, there remained a total of 3,987 Civil Party applications. By 31 May 2010, the Co-Investigating Judges found 15 applications to be admissible and declared another 28 inadmissible. Both the Civil Party applications and complaints have provided the Co-Investigating Judges with an important source of pertinent and probative evidence. For example, several Civil Party applicants have submitted legal analyses characterising the nature of the crimes committed against them and identifying the Charged Persons **Ieng Sary, Nuon Chea, Khieu Samphan and Ieng Thirith** as the perpetrators of those crimes.

IV. MATERIAL FACTS

A. ARMED CONFLICT

OVERVIEW

30. A state of armed conflict existed between Cambodia and the Socialist Republic of Vietnam ('SRV') between May 1975 and January 1979. During this period, the armed forces of the two countries engaged each other in numerous attacks and counter-attacks, employing extensive military resources and taking turns in capturing each other's territory. With a number of military clashes and incursions during 1975, the intensity of the conflict increased from 1976 onward, eventually leading to a full scale invasion of Cambodia by the Vietnamese forces in December 1978.
31. The causes of the armed conflict are both historical and complex, but are rooted in large part in territorial claims between the two countries. In 1975, the CPK was especially concerned with what it perceived as Vietnam's expansionist policies and a desire to recreate an Indochinese federation, which would undermine Cambodia's sovereignty. Other sources of tension between the two communist regimes in 1975 were:
 - (1) A territorial dispute arising from the drawing of the Brevié Line in 1939, which delimited the maritime border between Cambodia and Vietnam;
 - (2) Vietnam's participation in the negotiations of the Geneva Agreements in 1954, which ended the First Indochina War, returned full sovereignty to Cambodia under the leadership of Norodom Sihanouk, and effectively sidelined Cambodia's communist movement;
 - (3) Vietnam's signing of the Paris peace treaty with the United States of America in 1973, which, in the eyes of the CPK, freed up the American Air Force to inflict massive bombardments on Cambodia.
32. Expert witness Nayan Chanda, in Case 001 testified that Cambodia and Vietnam were "at war right from 1975." His experiences as a journalist reporting on the conflict and a specialist who has researched and written extensively on South East Asian relations (and in particular the relations between Vietnam and DK) make him a uniquely qualified international expert on this issue. Chanda witnessed evidence of the

ferociousness of the armed conflict personally during his visits to Vietnam, conducted numerous one-on-one interviews with senior officials of the two countries, and closely followed the conflict as it unfolded.

33. Consistent with Chanda's testimony, the evidence shows that at least 142 media reports on the armed conflict were published between April 1975 and December 1977. Despite this public reporting, the regimes of the two countries sought to keep the conflict secret until 31 December 1977, when DK officially severed its relations with Vietnam, citing the latter's occupation of parts of Cambodia. The existence of a large scale armed conflict from at least this date is widely accepted among academics and experts.
34. Additional evidence from public sources on the armed conflict includes 1) speeches and official pronouncements by the two regimes in relation to the conflict, and 2) CPK propaganda against the Vietnamese, including broadcasts of confessions extracted from Vietnamese prisoners of war, as described in the Crimes Against the Vietnamese Section. The Case File also contains numerous official CPK / DK documents, including reports, telegrams and meeting minutes, which confirm the ongoing nature, scale and intensity of the armed conflict. The evidence reveals, for example, that DK forces reported their confrontations with SRV troops to the CPK Party Centre from at least 11 November 1975. The CPK's negotiations with Vietnam indicate that the Party Centre was also aware of the early confrontations which took place from May 1975 onwards.
35. Orders to DK forces engaged in combat were passed down the chain of command via radio signals. During fighting in the East Zone, captured US radios were used for communicating between forward command units and Phnom Penh. Because both DK and SRV forces were using similar US manufactured radios and because radio packs belonging to SRV forces were captured, DK forces were able to eavesdrop on signals and on occasion learned the intentions of the opposing forces.
36. Evidence of the extent and continuity of the armed conflict is also found in the arrangements made to provide treatment for DK soldiers injured in combat engagements with the Vietnamese. Minor or less severe injuries were treated locally, in hospitals within the zones. More severe injuries were treated in Phnom Penh, primarily at Hospital Po-17. There was a build up of patients brought in "from the

Northeast part to the Coast” from 1976 onwards, reflecting the escalation of the conflict. In 1978 there was a further increase in the number of military casualties admitted to Po-17 and other hospitals, such as Po-6.

37. The Crimes Against the Vietnamese Section provides an outline of the Grave Breaches of the Geneva Conventions committed by the RAK during its incursions into Vietnam.

1975

38. Having previously provided significant assistance to Khmer Rouge forces during the civil war, in 1973 North Vietnamese military units disengaged from the front line conflict and withdrew to the border areas, leaving the bulk of the fighting to the CPK. It is unlikely that major North Vietnamese military bases remained in Cambodia after this withdrawal. Nevertheless, in late April 1975, the new regime in Phnom Penh issued a statement banning the presence of foreign troops and military bases on Cambodian soil - while not stated explicitly, the demand was aimed primarily at Vietnam. A press communiqué issued by the April 1975 session of the Special National Congress of Cambodia, read by **Khieu Samphan**, declared that Cambodia “absolutely prohibit[ed] any country from establishing military bases in Cambodia” and would resist “all forms of foreign interference in Cambodia's internal affairs.” International media reported that there had in fact been conflict between Khmer Rouge forces and the North Vietnamese Army from around 1972 when the former sought greater influence over the bases and other installations used by the North Vietnamese, as well as greater control over the movement of North Vietnamese forces in Cambodian territory. Conflict was also reported between Khmer Rouge and Vietnamese forces in Kampot Province as early as 1973.
39. The armed conflict began in early May 1975 when Khmer Rouge forces attacked the islands of Phu Quoc (Koh Tral) and Tho Chu (Poulo Panjang or Koh Krachak Ses), which the CPK claimed were part of Cambodia. They were repulsed in a major attack by the Vietnamese two weeks later, with some 300 Cambodian soldiers taken as prisoners. In this period, it appears that Khmer Rouge forces also undertook incursions into Vietnam along the border, between Vietnamese towns of Ha Tien and Tay Ninh.

40. In reprisal for the Khmer Rouge attacks, the Vietnamese captured the Cambodian island of Puolo Wai on or about 13 June 1975. Around 80 people were killed during this attack. The Vietnamese forces maintained control over the island for a few months before returning it to Cambodian control. In June 1975, skirmishes between the two armed forces also took place in the Parrot's Beak area in Cambodia's Svay Rieng Province (DK East Zone).
41. On 12 June 1975, a "top ranking delegation" of the CPK Central Committee comprising Pol Pot, **Nuon Chea** and **Ieng Sary** visited Hanoi for negotiations with the Vietnamese government. During the negotiations, Pol Pot sought to explain the Khmer Rouge incursions into and occupations of Vietnamese territory as the result of "ignorance of geography" on the part of local troops. However, in light of the tight rein which the CPK Party Centre held over all of its subordinate units, any military action against Vietnam could only have taken place with authorisation and direction from the CPK's leadership.
42. A November 1975 telegram to the Party Centre detailed a number of incidents where SRV forces had encroached onto Cambodian territory in Sector 23 of the East Zone. The report gave details concerning the organisation of militia and regular force units for defence against further possible SRV incursions.
43. Fighting between the two armies continued in December 1975 with a series of border skirmishes in the highland provinces of Kontum and Darlak, South Vietnam.

1976

44. Five Standing Committee meeting minutes dated between 9 January 1976 and 14 May 1976 evidence the CPK Standing Committee's command and monitoring of escalating armed encounters between Cambodian forces and their Vietnamese counterparts during that period. In January 1976 the Committee directed lower CPK echelons to contact their Vietnamese counterparts and undertake negotiations at the local level in line with the Committee's instructions. In the same month, negotiations regarding border incidents were held between CPK officials from the Northeast Zone and their Vietnamese counterparts from Military Region 5. Tentative agreement was reached on how disputed border areas would be dealt with, pending an agreement by the respective party centres.

45. However, further incidents and Vietnamese encroachments into DK territory occurred in February 1976, especially in Ratanakiri and Svay Rieng Provinces. According to DK reports, in local discussions between the two sides, the DK forces had demanded that the SRV forces withdraw but the latter refused to do this, stating that they did not recognise the border as defined by DK.
46. On 22 February 1976, the CPK Standing Committee issued instructions on military matters such as gunpowder production and training, and the establishment of an airfield, military hospital, and ordnance factories. A RAK report sent on the following day described an attack by the Vietnamese forces near Pou Nhak Mountain, O Vay, Northeast Zone, which reportedly left at least one Vietnamese cadre dead and a number of DK forces injured.
47. On 29 February 1976, the CPK Party Centre received another report from RAK forces in the Northeast Zone, indicating that a number of clashes had taken place with SRV forces between 15 and 24 February, in which the Vietnamese suffered casualties. Following these clashes the DK forces mounted an offensive against the Vietnamese on 25 February, reportedly again causing SRV casualties.
48. On 3 March 1976, Ney Saran *alias* Ya, the Northeast Zone Secretary, submitted a report to the Party Centre regarding the issue of border demarcation. He reported the removal, by DK forces, of a border post and “elimination of all traces of the former foundation.” Negotiations were then conducted in the Northeast Zone between 7 and 9 March 1976, with a number of issues reported by Ya back to the Standing Committee. However, the 11 March 1976 Standing Committee minutes make it clear that the negotiations were a stalling tactic to enable DK forces to be bolstered to a sufficient level. The Committee in fact resolved to militarily confront the Vietnamese encroachments into Ratanakiri, Takeo and Kratie Provinces.
49. The heightened state of hostilities in March 1976 is evidenced by further DK military reports on clashes with Vietnamese forces along the border: a report dated 9 March 1976 described a Vietnamese front line consisting of 240 troops inside Cambodian territory, and outlined plans to launch attacks against them; a report addressed to Pol Pot, dated 21 March 1976, set out a series of incidents between 13 and 16 March 1976, in which a number of Vietnamese were captured in Sector 24 of the East Zone; a 23 March 1976 telegram to the Party Centre reported on the situation adjacent to the

border in Sector 25 of the Southwest Zone, where it was alleged that a number of casualties had been inflicted on the Vietnamese. **Nuon Chea**'s comments at the 26 March 1976 Standing Committee meeting also indicate the scale of the conflict. He describes, *inter alia*, the use of landmines on a disputed road and the sinking of Vietnamese fishing vessels in disputed waters.

50. On 31 May 1976, the DK Council of Ministers discussed cross-border incursions by SRV forces and the negotiations between DK and SRV, suggesting that the SRV were under the control of the Soviet Union and in a weak position compared to DK.
51. On 3 August 1976, [Redacted], met with Pol Pot, Vorn Vet, Son Sen and others to discuss defensive positions in the Kampong Som area and on the off-shore islands. [Redacted] reported on the conflicts with Thailand and SRV, while Pol Pot gave guidance regarding the placement of defensive positions, and the production and maintenance of naval vessels. On 19 September 1976, [Redacted] reported an exchange of gunfire between DK and SRV forces.
52. Clashes of escalating frequency and intensity were also reported in the border area of Romeas Hek District, Svay Rieng Province (Sector 23, East Zone) from the latter half of 1976 onwards.
53. In a speech given on 29 December 1976, DK Foreign Affairs Minister **Ieng Sary** gave one of the earliest public acknowledgments of the conflict, alluding that the Vietnamese aggression against Cambodia would be resisted.

1977

54. From the beginning of 1977, the armed conflict escalated further, and relations between the two countries deteriorated rapidly. By way of example, conflict between DK and SRV forces that faced each other along the East Zone border in Peam Chor District (Prey Veng Province) occurred almost daily; fighting in the Chantrea District (Svay Rieng Province) lasted from July 1977 until the end of 1978.

INCURSIONS INTO VIETNAM

55. Starting in April and again in September 1977, DK forces mounted a series of large scale attacks on townships in Vietnam, committing extensive crimes against the local populations, including the killing of thousands of civilians and destruction of non-

military property. The Vietnamese provinces targeted in these attacks included Kien Giang, Chau Doc, An Giang and Tay Ninh. Crimes committed during the incursions, which were the subject of this investigation, are dealt with in the Crimes Against the Vietnamese Section.

56. As discussed in the Crimes Against the Vietnamese Section, the CPK Party Centre received official protests from SRV, as well as several reports from the DK Embassy in Hanoi detailing allegations of extensive crimes committed by DK forces. It has been suggested that the SRV's large attacks and invasion of Cambodian territory starting from September 1977 (discussed below) were in retaliation for the crimes committed by RAK in Vietnam.

INCURSIONS INTO CAMBODIA AND VIETNAM'S FIRST MAJOR CAMBODIAN INVASION

57. In line with the ever increasing intensity and scope of the conflict, in July 1977 the CPK Party Centre ordered the creation of two new fronts. The Highway 1 Front ran along National Road 1 through the southern tier of the East Zone from Neak Loeng at Sector 24 to the Vietnamese border at Svay Rieng in Sector 23. It was under the direct command of Deputy Prime Minister for Defence and Chief of the RAK General Staff, Son Sen. The Highway 7 Front ran along National Road 7 across the northern tier of the East Zone, from the east side of the Mekong at Kampong Cham city across Sectors 20 and 21, and Autonomous Sector 505, into the Northeast Zone. This Front was putatively under the command of East Zone Secretary Sao Phim, with Central Zone Secretary Ke Pauk as the deputy. A joint operation command centre was established at Suong.
58. In June 1977, confrontations between the two armed forces had occurred in DK's Northeast Zone. On 20 June, the Party Centre was advised of a number of clashes in the vicinity of Dak Dam.
59. From June 1977 onward, major clashes took place in the East Zone, with a further escalation in September / October. These are evidenced by numerous communications from the field, including several reports which appear to have been written by or on behalf of Sao Phim (signing as Chhon):
 - (1) In June 1977, DK forces clashed with SRV troops which had carried out an

incursion into Sector 23. A 14 August 1977 telegram to Office 870 reported another incursion into Sector 23 by the Vietnamese, who were subsequently shelled by DK forces.

- (2) A 25 June 1977 report from Sector 20 described a number of encounters between DK and SRV forces from 17 until 25 June 1977 where casualties on both sides were incurred.
 - (3) On 24 September 1977, the Party Centre was advised of two ambushes of DK forces by SRV units near Ang Mdenh, with the reported casualties totalling 15 SRV forces killed for one DK soldier killed and five wounded.
 - (4) On 26 September 1977, the Party Centre received a report detailing a number of clashes, including an incursion into DK territory by SRV forces. According to the report, these clashes also involved casualties on the Vietnamese side and extensive property damage.
60. Subsequent to the above events, a series of confrontations of increasing intensity took place in the “Parrot’s Beak” area of the East Zone in the period October – November 1977. The sequence of these confrontations, which ultimately resulted in a major incursion into Cambodian territory by Vietnamese forces, is reflected in reports from the East Zone (several of which, again, appear to be authored by Sao Phim *alias* Chhon):
- (1) On 25 October 1977, Sao Phim reported that local RAK forces could not repel an incursion by SRV forces into one part of Chantrea District (Sector 23), as many forces had been sent as reinforcements in fighting around Bavet Leu and Bavet Kandal villages, Bavet Sub-district, Chantrea District.
 - (2) Earlier that same day, local forces had mounted successful attacks on SRV positions, returning Bavet Leu and Bavet Kandal to DK control. On 4 November 1977, there was further fighting in the area, with DK forces breaking through SRV positions. On 12 November 1977, it was reported that SRV forces had withdrawn from the Bavet Sub-district (Sector 23), though the area was still being shelled and strafed from SRV positions, and that “there had been few skirmishes” in Sector 24.
 - (3) On 27 October 1977, Sao Phim advised the Party Centre of RAK’s attacks

against SRV positions, which were conducted by “combined regional and district forces.” He further reported that RAK had repulsed an assault by SRV forces in the vicinity of Sathngak, and killed / captured a number of SRV military personnel.

- (4) On 28 October 1977, Sao Phim reported that DK forces had successfully repulsed major assaults against a number of targets in the Samraong Sub-district (Chantrea District, Sector 23) and Banteay Krang Sub-district (Kampong Rou District, Sector 23).
 - (5) An 18 November 1977 telegram indicated that RAK had cleared SRV forces from a number of areas in Sector 23, reporting also that “94 enemy houses and campsites had been burned.” On 19 November 1977, the results of operations conducted on 16 and 17 November were reported, indicating, *inter alia*, that a number of SRV bases had been destroyed.
61. Relying on intelligence sources, international media reported that at some time in November 1977, DK forces launched another “major attack” into Vietnam’s Tay Ninh Province, leaving an estimated 2,000 civilians and soldiers dead or wounded. In early December 1977, Vietnam responded with a strike into Svay Rieng Province at the Parrot’s Beak area, employing heavy armour and rolling back four divisions of the DK army. Sao Phim and RAK commanders regularly reported to the Party Centre on this major incursion by SRV forces and RAK’s attempts to recover DK territory:
- (1) A 6 December 1977 telegram advised the Party Centre that SRV forces managed to advance 20 kilometres into DK territory along National Road 1. They also attacked areas to the north and south of National Road 1, with RAK units being forced to retreat.
 - (2) A 7 December 1977 telegram to the Party Centre gave further indications of the scale of the incursion: with embattled RAK East Zone divisions struggling to hold ground, Sao Phim was forced to call for re-enforcements.
 - (3) On 12 December 1977, Sao Phim reported that, while RAK had lost some ground, its attacks to the rear of SRV positions had resulted in one battalion being “completely destroyed”.
 - (4) On 13 December 1977, the Party Centre was advised of the loss of Svay Rieng

town and additional territory throughout the Parrot's Beak area to SRV forces. RAK reported some success in counter attacking, as well as preparation of forces "at the zone, regional and district levels." By the second half of December, the international media were reporting that Vietnamese troops had fully occupied the area to a point just short of Svay Rieng town.

- (5) Results of actions in Sector 24 were also reported on 13 December 1977, indicating that DK forces had crossed two kilometres into Vietnamese territory in pursuit of retreating SRV forces.
 - (6) On 17 December 1977, RAK reported gains against SRV forces in the areas to the north of Svay Rieng town, and to the south of National Road 1.
62. Simultaneous to the above major confrontations in the Parrot's Beak area, there was intense fighting in an area to the south of the "Fish Hook" (and to the north of the Parrot's Beak area), in Sector 20 of the East Zone:
- (1) Combat was reported on 26 and 27 October 1977 on a corridor along National Road 22 and along National Road 7, in Kampong Cham Province, south-east of Krek.
 - (2) Further reports on the fighting were forwarded on 29 October 1977, describing gains against SRV positions along National Road 22. Following Party Centre instructions, RAK engaged in further combat along National Road 22 in the vicinity of Trapeang Phlong until the early days of November 1977.
 - (3) On 11 November 1977, further clashes occurred along the National Road 22 corridor, with SRV forces allegedly suffering numerous casualties, as well as destruction of their armoured vehicles and capture of their arms and munitions.
 - (4) By early December 1977, concurrently with the losses of territory in the Parrot's Beak area, setbacks on this battlefield were being reported to the Party Centre. A 7 December telegram indicated that assaults by SRV forces had broken the DK defensive lines. On 9 December, further losses of ground were incurred along the National Road 22 battlefield.
 - (5) A 10 December 1977 report to the Party Centre clarified the deterioration in

the National Road 22 battlefield. Further losses of territory were reported on 12 December, while a telegram dated 13 December suggested that fighting had been brought to a standstill with DK forces holding their line.

- (6) By 22 December 1977, SRV forces infiltrated north of the intersection of National Roads 7 and 22. By this stage the SRV Army had overrun many of the DK defensive positions in the National Road 7–22 area. While plans for counter-attacks were being made by the RAK, instructions were also sought from the CPK Party Centre.
 - (7) The Party Centre was then advised, on 23 December, of the loss of the Krek and Memot rubber plantations, and the subsequent confusion among DK forces. Further details, including descriptions of damage to DK villages, were provided in a telegram which indicated that the author had been cut off from Sao Phim.
 - (8) At this stage DK forces were being continually forced to retreat from their defensive positions, and were suffering defeats in counter-attacks against SRV forces. They also reported that the local force and militia units had been routed.
 - (9) On 27 December 1977, an update was provided concerning the location of SRV forces around the rubber plantations. On 31 December a request was made to the Party Centre for military intervention in specified areas.
63. In late 1977, the two armed forces also engaged in combat along the border in the Kratie Autonomous Sector 505:
- (1) A 15 November 1977 report indicated that a build-up of SRV forces had taken place in October, culminating in an attempted incursion by Vietnamese forces on 26 October 1977.
 - (2) In a telegram dated 16 December 1977, it was reported that limited combat had taken place between DK and SRV forces.
 - (3) On 22 December 1977, RAK informed the Party Centre of actions along National Road 14 where it was alleged that SRV armour was used, and a request was made for a resupply of mortar and rocket ammunition. A follow-

up report of the same date indicated casualty figures and more specific ammunition requirements.

64. By December 1977, international media were reporting the “full scale battles” between DK and SRV, referring to the use of warplanes and artillery, as well as the heavy casualties being inflicted on both sides. While significant resistance was put up by Cambodian forces throughout this period, the major incursions by the SRV Army in December 1977 eventually resulted in confusion within the RAK divisions, with its units fleeing their posts.
65. On 31 December 1977, the DK Ministry of Foreign Affairs (‘MFA’) publicly announced a break of diplomatic relations with Vietnam, due to what it described as Vietnam’s acts of aggression and invasion. On the same day, SRV issued a response through its Permanent Mission to the United Nations (‘UN’), accusing DK of being the aggressor. The DK government issued a further statement on 3 January 1978. While there was no formal declaration of war between the parties, it was claimed that there was an announcement of war made by the DK regime when the diplomatic relations were severed.
66. Apart from military reports and CPK telegrams, evidence of the scale and intensity of the fighting between the two countries in the above areas throughout 1977 is contained in the testimony of Nayan Chanda at trial in Case 001, and in statements of witnesses taken during the investigation.

1978 - 1979

OVERVIEW

67. Some 274 media reports (published between January 1978 and January 1979) and numerous DK government and military reports and telegrams from this period demonstrate the continuation of the conflict during 1978. On 6 January 1978, the DK government issued a statement through its permanent mission to the UN, calling for support from friendly countries and stating that a number of confrontations between the forces of Vietnam and DK had occurred since September 1977 along almost the entire common border between the two countries. A press release issued by the DK Ministry of Propaganda and Information on the same day outlined DK’s allegations of numerous encroachments by the SRV forces into Cambodian territory from

September 1977. According to the press release, the Vietnamese had invaded deep into Cambodian territory in several areas, including:

- (1) up to 30 kilometres along National Road 7, occupying an area 20 kilometres wide in the East Zone;
 - (2) some 30 kilometres along National Road 1, reaching 10 kilometres east of Svay Rieng town, as well as along National Road 13, reaching 10 kilometres north of Svay Rieng town (as noted above, Sao Phim had reported in December that the provincial capital had been lost to the Vietnamese);
 - (3) some 10, 15 and 30 kilometres in different parts of Takeo Province; and
 - (4) approximately 13 kilometres in Kampot Province.
68. In late December 1977 and early January 1978, a number of international press agencies and newspapers covered the story of the invasion of parts of Cambodia by Vietnamese forces, and provided details of the reported scale and scope of the conflict. In the first half of January 1978, international media also reported the possibility of negotiations between the two sides, with Vietnam showing some desire to negotiate while the DK first refused to enter into any form of negotiation, only to show an apparent softening of its position days later.
69. In the end, there was no peaceful resolution to the conflict, and the year 1978 was to end with a full scale invasion of DK by the SRV Army. In fact, by February 1978, the Vietnamese made plans to overthrow the DK government, and further fighting between the two countries was to follow.
70. An 18 January 1978 speech by Pol Pot (published in the February 1978 issue of the *Revolutionary Flag*) claimed that the conflict with the SRV existed from May 1975, escalating from skirmishes in Svay Rieng Province to a front extending from Kampot in the south to Ratanakiri in the northeast, the entire common border between DK and SRV. He claimed that “Yuon border defence units, regional units and military regional units, all three categories, have entered and attacked us many times since May 1975, especially during 1977,” eventually carrying out “large scale aggressions into Kampuchean territory during November and December 1977 and during January 1978.” Pol Pot also acknowledged, consistently with the evidence examined above, that the Vietnamese had invaded “kilometres and in some places tens of kilometres

inside [Cambodian] territory.”

71. On 6 January 1978, the International Committee of the Red Cross (‘ICRC’) sent identical communications to the governments of DK and the SRV, expressing the hope that the rules of international humanitarian law would be respected by both sides. The ICRC sent further communications to the SRV and DK in late January, requesting information about, and permissions to visit, prisoners of war held on both sides. By the second half of May 1978, the ICRC was able to visit 205 Cambodian prisoners of war held in the Yuan Loc camp in Vietnam. The government of DK did not respond to ICRC requests.

FURTHER CONFRONTATIONS AND VIETNAM’S FINAL INVASION

72. Although international sources were reporting in the first half of January 1978 that SRV forces disengaged from confrontations with RAK units and were withdrawing from DK territory, fighting was to continue throughout the year. On 3 January 1978, Office 870 issued the Party Centre’s instructions with regard to the conduct of the conflict, including the use of large scale campaigns and smaller guerrilla attacks. In early 1978, divisions were relocated from the Southwest Zone to the East Zone, to engage in combat against the Vietnamese.
73. On 1 January 1978, the Party Centre was advised of several clashes which had taken place in the Northeast Zone in mid to late December 1977 (in which a number of Vietnamese soldiers had been killed, while at least one was captured and interrogated) as well as preparations for further combat in January. On the same day, DK forces in the Mondulkiri Province, Autonomous Sector 105, reported the capture and killing of nine suspected Vietnamese spies, as well as their continuing attacks on SRV troops stationed in Dak Dam.
74. Also on 1 January 1978, RAK reported unsuccessful counter attacks against SRV forces along National Road 7. A 15 January 1978 report described further confrontations, and provided an inventory of areas captured and property destroyed by the SRV in the East Zone. A further report on the same day described the results of a number of offensive actions which had taken place over the preceding days, and plans for further offensives.
75. On 19 January 1978, Sao Phim reported a number of successes in the East Zone,

indicating that DK forces had penetrated two kilometres inside the SRV where they had, *inter alia*, destroyed military barracks and killed civilians. Sao Phim's report of 23 January 1978 informed the Party Centre that SRV forces were disengaging from their positions and withdrawing, but were being followed and attacked by DK forces. DK forces had also reportedly penetrated five kilometres into Vietnam on the Prey Chamcar front, and four to five kilometres on the Kampong Rou front.

76. On 27 January 1978, Phim reported further regaining of ground in the East Zone. On 28 January 1978, he informed the Party Centre of a strong counter-attack by SRV forces, who were allegedly using "poisonous grenades" in a confrontation south of Kam Phor.
77. In its coverage of the January 1978 developments on the battlefield, the international press reported that, between 4 and 11 January, DK forces mounted counter-attacks into SRV in areas from Kontum Province in the north to An Giang Province in the south, with two divisions being involved in the attack on An Giang Province alone. On 18 January 1978, the Hanoi Home Service reported attacks by DK forces on Ha Tien and nearby villages in Kien Giang Province.
78. Following the withdrawal of Vietnamese forces from Svay Rieng in January 1978, Pol Pot visited Sao Phim's headquarters at Suong and gave a speech in which he called for an all-out war against Vietnam.
79. On 14 February 1978, Son Sen (writing as Brother 47) sent a telegram to the Party Centre reporting a build-up of SRV forces along National Road 1 in the East Zone, as well as over-flights by SRV aircraft at National Road 13 in Svay Rieng Province. He also reported the capture of "2 Yuon heads, ages 17 and 27" who were sent to S-21. On 20 March 1978, he reported an assault by SRV infantry and armour against DK forces as well as the latter's shelling of areas around Tay Ninh in Vietnam.
80. There was further fighting between the two armed forces in several locations during March 1978:
 - (1) On 2 March 1978, the Political Section of RAK Division 117, Kratie Autonomous Sector 505, forwarded to the Party Centre the results of an assault one kilometre inside SRV. The reported casualties were 98 SRV forces killed and one captured, with seven killed and 29 wounded within

Division 117.

- (2) On 19 March 1978, the Northeast Zone reported confrontations with SRV forces in which 24 Vietnamese were killed.
 - (3) On 20 March 1978, Redacted reported that DK forces had sunk a Vietnamese boat in the vicinity of Koh Khyang Island and attacked two Vietnamese boats, capturing 74 individuals and transporting them to the mainland.
81. DK military reports for April and May 1978 cover numerous confrontations between the two armies:
- (1) On 5 April 1978, Division 801 reported to Son Sen and the Party Centre an exchange of artillery fire with SRV Army in the vicinity of National Road 19. A further report indicating “constant clashing activities” in the area was submitted on 25 April 1978.
 - (2) On 7 April 1978, Ta Mok, the Southwest Zone Secretary, advised the Party Centre that attempted incursions into the Southwest Zone by SRV forces were repelled with 100 SRV forces killed. He further advised that areas between the Mekong and Bassac rivers, extending to a depth of six to seven kilometres, had been liberated, and an area south of Cheav Pdei Mountain cleared.
 - (3) On 8 April 1978, Son Sen reported that DK forces had carried out incursions into Vietnam’s Dong Thap Province where they had engaged in looting and burning in the villages of Trapeang Pream and Than Chau. On 26 April 1978, Son Sen reported an incursion by SRV forces north of National Road 1, east of Svay Rieng town, where infantry supported by armour were engaged in fighting.
 - (4) On 12 April 1978, Ke Pauk reported to the Party Centre that a number of infantry assaults by SRV forces along National Road 7 were repelled, with counter-attacks being planned. On 18 April 1978, he detailed offensive action along the National Road 22 corridor by DK infantry forces and artillery, as well as fighting in the Memot area further to the east along National Road 7. On 29 April 1978, Ke Pauk reported results of fighting along the National Road 22 corridor and around Memot, with gains being made by DK forces, and further counter-attacks planned.

- (5) On 4 May 1978, Ke Pauk reported to the Party Centre continued fighting along the National Road 22 – 7 front, with an incursion at Sa-am by SRV forces. On 6 May 1978, he provided further details concerning the National Road 22 – 7 battlefield, with attacks by DK forces in the Memot area. An assault by RAK units from the Central and East Zones towards Sa-am was planned for the following day. On 9 May 1978, Pauk provided the Party Centre with a further update on the combat situation in the Kampong Roka and Spean Dek areas.
82. A 10 May 1978 Phnom Penh Home Service broadcast indicated that the defence of DK's eastern border in the previous year had been "a matter of vigorous and strenuous battle," and that during the period 17 April 1977 to 17 April 1978 "fighting took place continuously in small, medium and large-scale battles."
83. In mid-1978, DK forces attacked across the SRV border from Rumduol and Romeas Hek Districts in Sector 23. Reports on these incursions suggested that atrocities were committed by DK forces. In July 1978, additional Southwest Zone military units joined existing RAK troops in the East Zone to support the ongoing fighting.
84. In September 1978, the MFA issued the publication "Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea." **Ieng Sary** distributed the publication at a press conference in Manila on 20 October 1978.
85. In early December 1978, SRV forces mounted a strong drive to cut off DK's northeast and create a liberated zone for Cambodian forces opposed to the DK regime, while planning a final invasion of DK for January 1979. The DK government then launched attacks on Vietnam on 20 and 21 December 1978, which led the Vietnamese authorities to bring forward their planned invasion date of DK to 23 December 1978.
86. On 1 January 1979, Office 870 issued instructions to the "Communist Party of Kampuchea, the entire Kampuchean people, the entire Revolutionary Army of Kampuchea, and all the combatants male and female, all the cadres in every office and ministry," ordering them to "harden and expand the stance of steadily and absolutely combating against the aggressive and expansionist land-grabbing Yuon enemy," and stating that "every action and every activity must stand on the general stance of absolutely attacking the Yuon enemy." On 5 January 1979, Pol Pot issued

what was to be the Party Centre's final statement to the nation prior to the fall of Phnom Penh, calling on the nation to resolutely unite to fight against the Vietnamese aggressors who were "in the blazing flames of the national hatred of the whole Kampuchea's nation and people."

87. Although the final full scale attack by Vietnamese forces was met with fierce resistance and required the deployment of heavy artillery, tanks and military aircraft, it resulted in the capture of Phnom Penh and fall of the DK regime on 7 January 1979.

B. AUTHORITY STRUCTURE

COMMUNIST PARTY OF KAMPUCHEA

88. Redacted.

PRE-APRIL 1975 HISTORY

89. The roots of the CPK can be traced to the founding of the Indochinese Communist Party ('ICP') in 1930. In 1951, the ICP was dissolved and separate revolutionary organisations were established for Vietnam, Laos and Cambodia, with the new party in Cambodia called the Khmer People's Revolutionary Party ('KPRP'). On 30 September 1960, the KPRP was renamed the Worker's Party of Kampuchea ('WPK'), and the First Party Congress was held in Phnom Penh to decide the basic "strategic and tactical lines of the Party." One of the key Party lines adopted at this Congress was the decision to use "armed violence," in addition to political action, "to attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea." The Party also determined at this early point that the countryside was the "important base for the revolution," and that the cities were "the nerve-centre of the ruling class and the imperialists, the places where the enemies of the revolution can concentrate great power to suppress [us]." Around twenty people participated in this Congress, which group included **Nuon Chea** (elected Deputy Secretary of the Party), Saloth Sar *alias* Pol Pot (Member of the Standing Committee), **Ieng Sary** and Sao Phim (alternate members of the Standing Committee), and Vorn Vet. Following the adoption of the new Party lines, all members were required to "resubmit their applications to join the Party."
90. After the arrest and execution of WPK Secretary Tou Samuth in 1962, a Second Party Congress was held in late February 1963, at which time Saloth Sâr became the new Party Secretary while **Nuon Chea** remained Deputy Secretary. This Congress was held on Charles de Gaulle Street in Phnom Penh, and the participants were again a small group that included **Ieng Sary** and Sao Phim (both of whom were elected full rights members of the Standing Committee), Ta Mok, Vorn Vet, Son Sen, Ros Nhim and Kong Sopal. Later in 1963, after the Sihanouk regime published a list of 34 known "leftists," Pol Pot and a number of the other named WPK leaders, including **Ieng Sary** and Son Sen, fled the capital and took refuge at a Vietnamese military base

on the border, later establishing an office at the site known as Office 100. By 1965, they were joined at Office 100 by their spouses Khieu Ponnary, **Ieng Thirith** and Yun Yat. **Nuon Chea**, whose identity had remained secret and hence was not on the list of 34, stayed in Phnom Penh and assumed responsibility for WPK operations in the capital and most of the Zones.

91. In the fall of 1964, the WPK began to hold regular meetings of its Central Committee at Office 100, and in January 1965 they approved a resolution that rejected the possibility of a “peaceful transition” to socialism and confirmed that it was “absolutely necessary to use revolutionary violence” in the struggle against the imperialists. In a Central Committee meeting held in September or October 1966, the WPK leaders decided to change the party name to the CPK (though that decision was kept secret until the next Party Congress), to relocate Office 100 to Ratanakiri, and for each Zone to begin preparations for armed struggle. In mid-1967, the Standing Committee members (Pol Pot, **Nuon Chea**, **Ieng Sary** and Sao Phim) met at Office 100 and agreed to launch a general uprising in early 1968. Shortly thereafter, a new Central Committee headquarters (also called Office 100) was established in Ratanakiri, a few kilometres away from Office 102, the Northeast Zone office used by **Ieng Sary** (who had been appointed Zone Secretary).
92. On 17 January 1968, pursuant to orders conveyed by **Nuon Chea** the prior month, CPK forces attacked a government army post at Bay Damran village, south of Battambang city, seizing a number of weapons. This date was later marked by the CPK as the birth of the Revolutionary Army of Kampuchea (‘RAK’). In the following months, guerrilla attacks continued by CPK forces throughout the country.
93. On 18 March 1970, Prince Norodom Sihanouk was overthrown by General Lon Nol and Prince Sirik Matak, who established a regime which was later called the Khmer Republic. On 23 March 1970, Sihanouk announced the formation of the National United Front of Kampuchea (‘FUNK’), and called on his country to launch a campaign of guerrilla attacks and civil disobedience against the Khmer Republic government. An alliance was formed between Sihanouk and the CPK, as well as a government-in-exile based in Beijing called the Royal Government of National Union of Kampuchea (‘GRUNK’), which included **Khieu Samphan** as Deputy Prime Minister and Minister of Defence and was officially announced on 5 May 1970. **Ieng**

Thirith was listed Vice-Minister for Culture, Education and Youth in the GRUNK by August 1970.

94. After the coup in 1970, the CPK leaders left Ratanakiri and began a several month trip south to the Steung Chinit River on the border of Kampong Cham and Kampong Thom provinces, the location of the headquarters of North Zone Secretary Koy Thuon. Pol Pot and **Nuon Chea** first stayed at a base code-named K-1, located in Dângkda village northeast of Speu commune, which consisted of three stilt houses. At the end of 1970, they moved to a larger base five miles away on the northern side of the Chinit River code-named S-71, which had 20 to 30 houses and served as a command headquarters and study session site. The Party leaders based at this site included Pol Pot, **Nuon Chea**, **Khieu Samphan**, Hu Nim, Hou Yuon and Chhim Sâm Aok *alias* Pâng, who had served as the chairman of Office 100. **Ieng Sary** went to Hanoi in December 1970 to reorganise the ‘Voice of FUNK’ Radio, which was placed under the authority and control of **Ieng Thirith** until May 1975, and in April 1971 he travelled to Beijing to stay with Sihanouk and serve as the “special emissary of the resistance movement.” At his villa in Beijing, **Ieng Sary** had a direct telegraph link to S-71.
95. In mid-January 1971, the CPK Central Committee met for the first time since October 1966 for a three-day meeting at S-71, attended by 27 of its members, including Pol Pot, **Nuon Chea**, Sao Phim, Vorn Vet, Ta Mok, Ros Nhim, Kong Sophal, Chou Chet, Kang Chap, Koy Thuon, Ke Pauk, Sua Vasi *alias* Doeun and Pâng. The meeting discussed the strategy for the guerrilla war, the organisation of military forces, and new boundaries and code numbers for the Zones. In July and August 1971, Pol Pot conducted a month-long training session for two hundred Zone, Sector and District cadres at the North Zone headquarters, following which selected participants were taken 15 miles away to a camp in the jungle, where the Third Party Congress was held. This Congress was attended by approximately 60 delegates, including **Khieu Samphan**, all the Regional and Zone Secretaries, and military commanders such as Ke Pauk. The Congress approved new Party statutes, officially ratified the CPK name that had been adopted five years earlier, and elected a new Central Committee that included **Khieu Samphan** as an “alternate” or “candidate” member.
96. In May 1972, the new Central Committee met and issued a directive to Party

members to intensify the struggle against the “various oppressive classes” and approved plans for the collectivisation of agriculture. Co-operatives were officially imposed by the CPK in the areas they controlled one year later on 20 May 1973.

97. Later in 1973, the CPK established a new forward base near Chrok Sdêch village west of Oudong in Kampong Tralach Leu district, close to the location of Vorn Vet’s Special Zone headquarters and the command post of Son Sen. Twenty-five CPK battalions took up positions around Oudong, and attacked the former capital on 3 March 1974.
98. In June 1974, the Central Committee met in Prek Kok commune, eight miles south of the former location of K-1 in Dângkda village, and “resolved to mount the decisive offensive to liberate Phnom Penh and the entire country.” At this meeting, the CPK leaders decided that Phnom Penh and all other Cambodian towns would be evacuated to rural areas once they were liberated, just as they had done with Kratie and Kampong Cham towns in 1973 and Oudong in March 1974, in order to destabilise the enemy forces in the urban population. The Central Committee also discussed and agreed to the execution of one of its own members, Koh Kong chief Prasith *alias* Chong, who was accused by Ta Mok of opposing collectivisation and working for the Central Intelligence Agency (‘CIA’) and the Thai government.
99. The final assault on Phnom Penh was planned in December 1974 at B-5, a base near Taing Poun village in Kampong Tralach Leu district, and began in January 1975. In early March 1975, Pol Pot established a command base in Sdok Taol village in Oudong or Ponhea Leu district, only 20 miles from the capital. On 1 April 1975, after CPK forces “liberated Neak Loeung,” Lon Nol resigned and went into exile in Hawaii. US Embassy personnel abandoned the capital on 10 April 1975, followed two days later by the US Ambassador. On the morning of 17 April 1975, CPK forces entered Phnom Penh.

PARTY CONGRESS

100. The CPK Statute vested the “highest power rights throughout the country” in the “General Conference” (i.e., the Party Congress), which was to be convened “once every four years” in order to (i) “examine and deliberate on the old Central Committee activities,” (ii) “[d]esignate the political line and Statute” and (iii) “[s]elect

and appoint the new Central Committee.” As described above, in the pre-DK period, Party Congresses were held in 1960, 1963 and 1971, the first two being attended by 20 delegates and the third by approximately 60 delegates. During the DK period, the Fourth Party Congress was held in January 1976 at the Borei Keila sports centre in Phnom Penh, and the Fifth Party Congress in the fall of 1978, which was attended by roughly 60 participants.

CENTRAL COMMITTEE

101. Between Party Congresses, the CPK Statute identified the Central Committee as the “highest operational unit throughout the country.” The Central Committee had a total of at least 30 members. In addition to the members of the Standing Committee (discussed below), the members of the Central Committee included Zone and Sector Secretaries such as Ke Pauk, Men San *alias* Ya, Sam Bit and [Redacted], Ministry Secretaries such as Koy Thuon, Division Commanders such as [Redacted], and **Khieu Samphan**, who started as a “candidate” member in 1971 and became a full rights member at the Fourth Party Congress in January 1976. The Central Committee met every six months. Its designated tasks under the Party Statute were to “[i]mplement the Party political line and Statute throughout the Party,” instruct all Zone, Sector and Party organisations to “carry out activities according to the political line” and to “[g]overn and arrange cadres and Party members throughout the entire Party, along with all core organizations, by constantly, clearly, and closely grasping personal histories, political, ideological, and organizational stances.”

STANDING COMMITTEE

102. In practice, it was a sub-committee of the Central Committee known as the Standing Committee, which acted as the highest and most authoritative unit within the CPK and the DK government. [Redacted].
103. At the outset of the DK period, the CPK Standing Committee was led by Pol Pot as Secretary and **Nuon Chea** as Deputy Secretary. Pol Pot had been a member of the Standing Committee of the CPK (or its predecessors) since 1960, and **Nuon Chea** since 1958. During the DK period, the CPK Standing Committee had a total of seven members, five of whom were “full rights” members and two of whom were “candidate,” “reserve” or “alternate” members. As of April 1975, the “full rights”

members of the Standing Committee, in addition to Pol Pot and **Nuon Chea**, were East Zone Secretary Sao Phim, Southwest Zone Secretary Ta Mok and **Ieng Sary**. Both Sao Phim and **Ieng Sary** had been alternate members of the Standing Committee since the First Party Congress in 1960, and full rights members since the Second Party Congress in 1963. The reserve members of the Standing Committee were Vorn Vet and Son Sen, who was appointed to the position in the latter part of 1975. Northwest Zone Secretary Ros Nhim and Deputy Secretary Kong Sopal *alias* Keu, both of whom were purged in 1978, may also have been candidate members at some point during the DK period. Sao Phim died during the purge of the East Zone in mid-1978, and Vorn Vet was arrested and sent to S-21 on 2 November 1978.

104. The Standing Committee Redacted. On some occasions, it would convene multiple times in a single day to deliberate on different topics, and on other occasions it would meet continuously for several days at a time to consider a broad agenda of issues. Standing Committee meetings were usually held at K-1, and occasionally at K-3 (offices which are discussed further below). The presence of all members was not required to convene meetings, which were regularly held without Sao Phim and Ta Mok, both of whom were based in the provinces. Certain members of the CPK Central Committee were invited to regularly participate in these meetings and effectively became *de facto* members of the Standing Committee, most notably **Khieu Samphan** (who was present at 14 of the 17 Standing Committee meetings for which full attendance records still exist) and Sua Vasi *alias* Doeun (who was present for 11 of those 17 meetings). The group of senior CPK leaders who regularly met and worked together at K-1 and K-3 in Phnom Penh formed what was known as the “Party Centre.”
105. The Standing Committee created, directed and monitored the implementation of all CPK and DK government policies. Specifically, the Standing Committee controlled policies regarding internal and external security, foreign affairs, domestic affairs including finance, commerce, industry, agriculture, health and social affairs, propaganda and re-education, and CPK and State personnel and administrative matters. The Standing Committee discussed and ordered large-scale forced movements, the use of forced labour and the arrest and interrogation of “enemies,” monitored living conditions throughout the country, and had the authority to order the summary execution of people at will.

106. Directives of the Central and Standing Committees were sent to zone offices, military divisions and ministries, from where they were disseminated to sectors, districts and other lower echelons. In the words of one CPK cadre, “everything” originated from the Party Centre. The Party Centre provided explicit instructions in its directives on how they were to be communicated and implemented. For example, in the June 1978 Central Committee statement revising the Party’s policy on CIA, KGB and Yuon enemies, the following instructions were provided: “It is requested to all the regions, sectors, and the military units to take this above Guidance to educate and to conduct meetings inside their respective parties, core organisations, ministries and offices, in the military units, cooperatives, factories, and worksites in order that all the masses of people will learn about this policy of the Party.... From now until the end of 1978, it is requested to each cooperative, each factory, each worksite, each unit, each place to educate and organise meetings for 5 to 6 times.” Members of the Standing Committee also conducted inspections of the Zones, sometimes travelling as a group.
107. The Central and Standing Committees jealously guarded their right to define and enforce CPK policies, which were collectively known as the Party “line.” Any attempt to criticise or alter the Party line was regarded as a treasonous act of “revisionism.” The CPK Statute prohibited any “independentism, liberalism [and] sectarianism,” and subjected to discipline any Party member “opposing the Party political line” and “Party ideological stances.” Redacted.

OFFICE 870

108. The CPK Central Committee was also referred to as “Committee 870,” and the headquarters of the Central and Standing Committee in Phnom Penh was called “Office 870.” The members of the Standing Committee located in Phnom Penh -- Pol Pot, **Nuon Chea**, **Ieng Sary**, Vorn Vet, Son Sen and *de facto* member **Khieu Samphan** -- lived and worked at K-1 and K-3. The K-1 office, which was Pol Pot’s primary office and residence, was located on the Tonle Bassac riverfront, just south of the current location of the National Assembly. It was a large two-storey building surrounded by a “wall of planks and wire,” with four towers around the perimeter on each side manned by a team of 50 to 60 guards. The K-3 office consisted of an entire block of houses west of the Royal Palace, at Rue Pasteur and Rue Docteur Han, that was “barricaded with corrugated-iron sheeting and barbed wire” and patrolled by

guards. While the senior leaders generally lived together at K-1 or K-3, a number of them maintained multiple offices and residences. **Ieng Thirith** worked at K-2, which was the office of the Ministry of Social Affairs ('MSA'). She is believed to have resided at K-3 with her husband **Ieng Sary**, but also had a villa in the Chamkar Mon area at which her mother lived.

109. Below the Central and Standing Committees were two key offices integral to the Party Centre's operations. The first was the "Political Office of 870," also called the "Office 870 Committee," which had only two members - Sua Vasi *alias* Doeun and **Khieu Samphan**. Both Doeun and **Khieu Samphan** were members of the Central Committee, and regular attendees at Standing Committee meetings. The responsibilities of their office included monitoring the implementation of CPK policy and the distribution of goods and supplies to all DK organisations throughout the country. In addition, the Central Committee's 30 March 1976 Decision delegated to the "Central Office Committee" the authority to "smash" people "surrounding the Centre Office." Doeun was appointed chairman of this office in October 1975, but was transferred to the Ministry of Commerce in April or May 1976 and arrested and sent to S-21 in February 1977, leaving **Khieu Samphan** in sole control.
110. The second key 870 office under the Party Centre was S-71, also referred to as the "Committee of the Working Group in charge of Office 870," whose chairman was Chhim Sâm Aok *alias* Pâng and deputy chairman Khăn Lin *alias* Kèn (who replaced Pâng after his arrest in 1978). Pâng and Kèn were responsible for the day-to-day operation of the various K-offices in Phnom Penh, including the K-7 messenger office and K-12 driving unit. Most importantly, S-71 was the Party Centre's security unit, responsible for the protection of the senior leaders at K-1 and K-3, monitoring "suspected members of the Party for the Standing Committee" and arresting and transporting prisoners to S-21. Pâng was a member of the CPK Central Committee, and went to K-1 and K-3 every day to meet with the CPK senior leaders.
111. The K-7 messenger office, located on the riverside north of the Royal Palace, had a central function in relation both to communications and security. Anyone who wanted to meet or communicate with the Party Centre had to go through K-7. All letters or documents received from or sent to the provinces were first sent to K-7, and delivered from there to the recipient. Any cadres travelling to Phnom Penh for meetings with

the Party leaders were directed first to K-7, and escorted from there to either K-1 or K-3. K-7 also served as a “temporary holding facility” for prisoners being transferred to S-21 or other re-education or tempering sites, both for cadres arrested in Phnom Penh and those arrested in the zones who were sent to Phnom Penh. The original head of the K-7 office was Min Mine *alias* Prum, who was later purged and replaced by Ta Kou *alias* Ky. S-71 Chairman Pâng and Deputy Chairman Kèn lived at either K-7 or K-8, a site used to grow vegetables.

112. The K-12 driving unit, located on Monivong Boulevard near Phsar Thmei, had a total of 30 staff and stored gasoline and trucks that were used to transport “materials such as plates, knives, pots, clothes, rice to the people in the zones.” K-4 was a unit that made clothes, K-5 was the political school and K-11 was a medical office.

STATE OF DEMOCRATIC KAMPUCHEA

113. After assuming power in April 1975, the CPK named Prince Norodom Sihanouk as the Head of State. Sihanouk, however, was never a member of the CPK, and was a figurehead leader with no actual authority or power, described by the Standing Committee as a “tame tiger, with only skin and bones, no claws, no fangs.” In March 1976, Sihanouk submitted his resignation, which was accepted by the Standing Committee after a lengthy debate on Sihanouk’s situation, including whether he should be executed. On these issues, the Standing Committee decided that they “must end feudalism” and the 2,000 year reign of the kings, that they would not kill Sihanouk provided he did not resist and cause problems, and that he would not be allowed to leave the country and instead would be kept as a “dignitary.” **Khieu Samphan** was appointed to replace Sihanouk as the DK Head of State, in his position as Chairman of the State Presidium. With regard to Sihanouk’s children, however, the Standing Committee determined to “resolve this problem cleanly” by sending a wire asking them to come back to Cambodia “immediately” for the Khmer New Year’s and independence celebrations.
114. Similarly, from the “appointment” of the GRUNK on 5 May 1975 until its “resignation” on 6 April 1976, the CPK maintained the illusion that the GRUNK was acting as a transitional government and forming a new government of the people. A Constitution establishing the new DK state organisations was promulgated on 5 January 1976. On 20 March 1976, the GRUNK purported to conduct “elections to

select and appoint the People's Representative Assembly of Kampuchea," which under the DK Constitution was to be a legislative body with 250 members. From 11 to 13 April 1976, the new Assembly met and purported to elect the executive body of the DK government, appointing Pol Pot as Prime Minister, **Ieng Sary** as Deputy Prime Minister Responsible for Foreign Affairs, Son Sen as Deputy Prime Minister Responsible for National Defence, Vorn Vet as Deputy Prime Minister Responsible for Economics and **Ieng Thirith** as Minister of Social Affairs. **Khieu Samphan** was appointed Chairman of the State Presidium, which under the DK Constitution was "responsible for representing the State of Democratic Kampuchea inside and outside the country." **Nuon Chea** was selected as the Chairman of the Standing Committee of the People's Representative Assembly ('PRA').

115. In reality, however, the CPK Standing and Central Committees had already decided the basic DK government structure and positions well before that time, ensuring that the state organisations would be "totally of our Party." On 9 October 1975, the CPK Standing Committee had divided key government functions amongst 13 senior leaders of the CPK, for example, assigning **Ieng Sary** responsibility for Foreign Affairs, **Khieu Samphan** responsibility for "the Front [FUNK] and the Royal Government [GRUNK] and Commerce for accounting and pricing," Son Sen responsibility for the General Staff and Security, Vorn Vet responsibility for Industry, Railroads and Fisheries, and **Ieng Thirith** responsibility for "Culture - Social Action and Foreign Affairs." The Standing Committee made clear its intention to control all government functions and policy at this meeting, emphasising the importance of "implementing the Party line" and stating that it would be a "mistake" to take new action "without asking the Standing Committee." On 30 March 1976, almost two weeks before the People's Assembly was to meet, the CPK Central Committee had already appointed **Nuon Chea** as Chairman of the PRA Standing Committee, **Khieu Samphan** as Chairman of the State Presidium and Pol Pot as Prime Minister.
116. Furthermore, the 20 March 1976 election of the PRA was a sham staged by the CPK leaders, who had selected the Assembly members themselves. The Standing Committee's true view of the PRA was expressed by Pol Pot at their 8 March 1976 meeting: "If anyone asks, we must explain, not be wild and disorderly, do not let it be seen that we want to suppress. At the same time, do not speak playfully about the Assembly in front of the people to let them see that we are deceptive, and our

Assembly is worthless.” No evidence exists of the PRA meeting again or passing any laws after 13 April 1976.

117. A number of the State organisations established by the DK Constitution, in addition to the PRA, were sham entities that had no actual authority or function and served merely as a front for the CPK. For example, Article 9 of the DK Constitution provided that justice would be “administered by people’s courts” and that “judges at all levels” would be appointed by the PRA. On 13 April 1976, the PRA purported to appoint a Judicial Committee with Kâng Chap as Chairman. In reality, however, no courts were ever established, and Kâng Chap’s true position was Deputy Secretary of the Southwest Zone (later promoted to Secretary of the new North Zone). Similarly, although the PRA appointed Chuon Choeun (Thioun Thioeun) as Minister of Public Health, no such Ministry was ever established and Chuon Choeun worked as the head of surgery at the Po-17 Hospital (also called the Khmer-Soviet or 17 April Hospital) under the MSA. Redacted.
118. Some DK State ministries, on the other hand, had staffed organisations that performed critical functions in the regime. The structure and functions of two such ministries, the MFA and the MSA, are discussed in detail in the Material Facts Sections relating to **Ieng Sary** and **Ieng Thirith**. The Ministry of Propaganda included the K-25, K-26 and K-27 offices responsible for the publication of *Revolutionary Flag*, *Revolutionary Youth* and other CPK documents, and a government radio station that broadcast as the Phnom Penh Domestic Service. The Ministry of Industry had various functions, including the manufacture of agricultural equipment, cloth production and a Public Works unit responsible for the construction of roads and buildings, hydroelectricity and water supply.
119. The Ministry of Commerce was responsible for both exports of tradable commodities and imports of raw materials and goods for distribution to DK organisational units throughout the country. Goods were shipped through the Kampong Som Port, and import and export transactions were conducted by entities established by the Ministry of Commerce to facilitate international trade, including the Democratic Kampuchea Khmer Company for Foreign Trade (“FORTRA”) and Overseas Commercial Bank in Phnom Penh, and the Ren Fung Company in Hong Kong. Those goods were stored in State Warehouses, and representatives of the various Zone Commerce units were

stationed in Phnom Penh in order to conduct transactions with the central body.

120. The Ministries reported to the CPK senior leaders, submitting written reports addressed to Office 870 and regularly meeting with the Standing Committee on matters relating to their ministry. For example, **Ieng Thirith** was invited to participate in Standing Committee meetings that addressed matters relating to the MSA. Two Standing Committee members, **Ieng Sary** and Vorn Vet, served as Secretaries of Ministries, while **Nuon Chea** was assigned specific oversight responsibility for Social Affairs, Propaganda and Education and **Khieu Samphan** was responsible for Commerce. The Ministry leaders also participated in a monthly Council of Ministers meeting with CPK Secretary Pol Pot, at which Pol Pot discussed the general situation of the country in regards to foreign relations, national defence, internal security, construction of irrigation systems, rice production and food rations, instructions were issued and the Ministry cadres reported on their areas of responsibility.

CPK GEOGRAPHIC ADMINISTRATIVE UNITS

121. During the pre-liberation period, the CPK divided the country into five core regions, each with code numbers -- the Northeast (108), North (304), Northwest (560), Southwest (405) and East (203) Zones -- as well as a "Special Zone" that consisted of the area around Phnom Penh. These Zones were reorganised after 17 April 1975. The Southwest Zone was divided immediately after the war, with part of it becoming the West Zone (401), DK's sixth Zone. In mid-1977, a seventh Zone was created when the previous autonomous Sectors 103 and 106 became the new North Zone (801), and the old North Zone was renamed the Central Zone.
122. Zones were subdivided into units known as sectors, which were in turn divided into districts. A district was composed of several communes or sub-districts, which contained numerous villages. The traditional Cambodian village structure was gradually eliminated and reorganised into "co-operatives." The branch was the lowest level of organisation in the CPK hierarchy, and was formed at each co-operative, factory, military company-level unit, worksite and ministry office.
123. Zones, sectors, districts and branches were instrumental in implementing the directives of the CPK Central and Standing Committees throughout the country. A three-person Committee consisting of a secretary, deputy secretary and member

governed each echelon in the CPK organisational hierarchy. For example, zone committees were responsible for overseeing the implementation of Party plans, tasks and lines in the sectors, districts and branches in that zone, and “reporting to the Central Committee on the situation and the work of the Zone.” The committees at the sector, district and branch levels fulfilled a similar function of implementing the tasks assigned by the CPK upper echelon and reporting to the upper echelon on their respective situations and work. Zone committees were required to “hold ordinary meetings once every three months to examine, monitor, and deliberate on old work and to bring up new work.” Sector and district committees were required to hold such meetings on a monthly basis.

124. The zones held annual Party conferences. The CPK Statute provided that zone committees were to be selected and appointed at the annual “Zone Representational Conference” with the “prior examination, deliberation, and agreement of the Central Committee.” In practice, the Party Centre would appoint new secretaries, deputy secretaries or members of the zone committees when needed (i.e., whenever a position became open due to a transfer, purge or death). Zone committees were authorised by the Central Committee to smash enemies in their respective bases, and their members generally held positions in the CPK Standing and / or Central Committees. For example, two of the zone secretaries (Southwest Zone Secretary Ta Mok and East Zone Secretary Sao Phim) were full-rights members of the Standing Committee, one was a candidate member (Northwest Zone Secretary Ros Nhim), and Central Zone Secretary Ke Pauk, Northeast Zone Secretary Men San *alias* Ya, West Zone Secretary Chou Chet *alias* Sy and North Zone Secretary Kang Chap *alias* Se were all members of the Central Committee. In most zones, each of the sector secretaries attended the meetings of the zone committee and held a position as either the zone deputy secretary, member or alternate member of the zone committee.

REVOLUTIONARY ARMY OF KAMPUCHEA

125. The Constitution of DK gave the RAK the task to “defend the State power” and “help to build [the] country.” The three branches of the RAK - the regular or main-force army, the sector army, and the militias or *chhlop* – provided internal and external security under the absolute leadership of the CPK. The RAK was under the direct supervision of the CPK Standing Committee and in particular the members of the

Military Committee, which included Pol Pot, **Nuon Chea** and Son Sen. A Standing Committee decision from 9 October 1975 gave Pol Pot general responsibility over the military and Son Sen responsibility for the General Staff and Security. The General Staff of the RAK performed functions such as command, planning, operations, intelligence, and logistics for the military, including the supply of arms and ammunition. As Chairman of the General Staff, Son Sen was in charge of regular meetings of all division and independent regiment commanders. Redacted.

126. According to the CPK, the RAK was founded on 18 January 1968, though prior to 1975 it was known as the People's National Liberation Armed Forces of Kampuchea ('PNLAFK'). In the pre-DK period, the Party Centre did not have its own military units, relying instead on zone armies to whom they provided orders and strategy. **Khieu Samphan** held the joint positions of Deputy Chairman of FUNK and Commander in Chief of PNLAFK, Pol Pot was the Head of the Military Leadership of the Army, **Nuon Chea** the Head of the Political Leadership of the Army, and Son Sen the Chief of the General Staff.
127. During the DK period, the military hierarchy was reorganised by the Party Centre. The new structure of the RAK was announced by Pol Pot in a 22 July 1975 speech to 3,000 soldiers. Son Sen became the Chairman of the General Staff and Minister for National Defence. Former military divisions of the zones were reorganised into new divisions, which reported directly to the General Staff. The Main Force Divisions created under the Party Centre were as follows:
 - (1) *Division 164* was formed from Division 3 from the Southwest Zone, and became the DK Naval Division based in Kampong Som. Redacted.
 - (2) *Division 170* was stationed in the Eastern Zone opposite Phnom Penh and was tasked with protecting the Party Centre. The initial Division Chairman until his arrest in May 1976 was Chan Chakrei *alias* Nov Mean.
 - (3) *Division 290* was based in the Eastern Zone and responsible for Sector 24, and its Chairman was Comrade Tal.
 - (4) *Division 310* was based in the Phnom Penh area (Chrôy Chângvar) and tasked to protect the Party Centre. The initial Division Chairman until his arrest in February 1977 was Sbauv Him *alias* Oeun.

- (5) *Division 450* was based in the North Zone. The initial Division Secretary until his arrest in February 1977 was Chea Non *alias* Suong.
 - (6) *Division 502* was based at Pochentong Airport and included the DK Air Force, and was created out of elements from different zones including Division 11 of the Special Zone. Redacted (As discussed in detail in the Forced Labour Section of this Submission, Division 502 operated the Kampong Chhnang airport worksite.)
 - (7) *Division 703* was formed from East Zone Division 12, and was also based in Phnom Penh (south of Chamkar Mon) and tasked to protect the Party Centre. The Division Chairman was Comrade Pin.
 - (8) *Division 801* was based in Ratanakiri (Northeast Zone) and formed by merging Brigades 11 and 14. The Division Chairman was Saur Saroeun *alias* Ta 05. (As discussed in detail in the Security Offices Section of this Submission, the O Kanseng (Phum 3) security office was subordinate to Division 801.)
 - (9) *Division 920* was garrisoned in Mondulkiri (Sector 105). The original Division Secretary Men Meng *alias* Chhin was arrested in February 1977 and replaced by Nhem San. (Evidence relating to the purge of Division 920 cadres is discussed in the Phnom Kraol Security Office Subsection of this Submission.)
128. In addition to these nine Main Force Divisions, a number of Independent Regiments and offices existed under the control of the General Staff, including Regiments 152, 377 and 488 and offices M-63, and M-62. S-21 was also under the General Staff for administrative matters, though in relation to security functions it reported to the Standing Committee through Son Sen until August 1977 and thereafter to **Nuon Chea**. As of March 1977, the RAK had a total of approximately 61,000 personnel.
129. At the zone level, a number of standing divisions were kept in place, charged with the day-to-day security of the zone. Divisions within the zones often had numerical designators that repeated, for example, Division 1 existed in the East, Southwest, West and Northwest Zones. Within the zones, districts also maintained battalions for local defence. Below them were the local militias, which were controlled at the sub-district level and primarily tasked with local security and spying on the civilian

population. As described in the Armed Conflict Section, the function of border security fell to the local divisions until mid-1977, when the Party Centre transferred Main Force Divisions to garrison the DK-SRV border in the East Zone.

130. The Party Centre Main Force and Zone Local Force Divisions were organised along the Soviet/Chinese model of 3 Regiments per Division, 3 battalions per Regiment, 3 companies per battalion, 3 platoons per company and 3 squads per platoon. Attached to each echelon were specialist units, such as heavy weapons, artillery and mortar units, armour, transport, and logistics and supply. The disposition of a division was nominally set at 4,000 personnel, although this number varied over time.
131. Main Force Divisions reported directly to the General Staff. Meetings between the division commanders and Son Sen were held at the General Staff Offices on a weekly or monthly basis, as needed. Following these meetings, division commanders would provide verbal briefings to lower echelon units. During the purge of the East Zone and conflict with the Vietnamese, Son Sen also had the capacity to contact the Local Force divisions directly and issue orders. Local commanders, such as the zone secretaries or zone division commanders, did not have the authority to send additional forces to a specific location during combat operations. Rather, permission for such moves lay solely in the hands of the Standing Committee, and all requests had to be directed through Committee 870.
132. Cadres who were suspected of being enemy agents or otherwise disloyal to the DK regime were sent either to S-21 or a division level security office, such as O Kanseng (Division 801). In the case of cadres being sent to S-21, the divisions were responsible for securing those persons until their transfer, and sometimes conducted initial interrogations at the Division level security office.
133. Specialist training was conducted by Chinese instructors in DK, who arrived in Cambodia shortly after the fall of the Khmer Republic regime. Some cadres were sent to China for training, including pilots, radio communication, radar, parachuting and air defence systems personnel for Division 502. Chinese technicians also assisted with the construction of the military airfield at Kampong Chhnang, and advised on the location and construction of port facilities at Stung Hav for Division 164. China also provided arms, ammunition and other military equipment to the RAK, which was delivered by ship through the port at Kampong Som. There were also periodic

General Staff study sessions.

COMMUNICATION NETWORKS

OVERVIEW

134. The CPK senior leaders established a “regime of weekly reporting to Office 870,” as part of which lower echelons in all DK organisations regularly reported to the upper echelon on their “situation” and “work.” A sophisticated communications network was used to allow such reporting to the Standing Committee by other units of the party, state and military apparatus. This network, which was co-ordinated through K-7, K-18 and other units under Office 870, employed a wide variety of means to maintain constant communication with other organisational units. These means included a nationwide radio system (established in October 1975), telephones (regular and field), telegraphs and couriers. In order to maintain security within the regime, all senior cadres and offices had code numbers by which they were referred.
135. This communication network facilitated the system of regular reporting by CPK party committees, DK government ministries, and all other organisational units, which provided information on a daily basis to the Standing Committee on the situation in the country. It also functioned as the mechanism by which the Standing Committee issued directives to other organisational units. It allowed all major organisational units to communicate intensively with S-21, exchanging information on suspected “enemies” and arranging the delivery of those “enemies” to S-21. This network enabled the Standing Committee to maintain control over the implementation of all CPK policies.

RADIO NETWORK [K-18 & K-1]

136. The main telegraph office of the CPK, Office K-18, was located at the old United States Embassy at the intersection of Norodom and Sothearos Boulevards. K-18 was responsible for radio communications between the Party Centre and the zones, as well as locations external to Cambodia. Teams of cadres were involved in the transmission and reception of radio communications by Morse code.
137. At K-1, teams of cadres worked on the encryption and dispatch, and reception and decryption, of communications. There were two groups engaged in the encryption

and decryption of messages. The “inside group” dealt with important communications, while the “outside group” dealt with routine communications. All messages were encoded using a 10 by 10 matrix where phonetic sounds and common terms including unit designators were given numerical values. For secret or extremely sensitive communications, additional encryption was applied. At the commencement of all telegrams, the sequential number of the document was recorded along with the Band Number, which gave the receiving operator the number of characters to be broadcast.

138. At Office K-1, when signals were received and decrypted, the cadres in charge of the telegram section (Pon and The) would review the transmission and write on the document the names of the CPK leaders who were to receive copies. Copies of the telegrams were made with carbon paper, and copies were filed both at the telegram office at K-1 and **Khieu Samphan**'s office at K-3. The annotation on a telegram of “Documentation” or “Archive” meant that a copy was filed at Office K-1 within the decryption section. Similarly, copies of the coded text and telegrams were retained at the receiving office at the zone or sector level, until they were permitted to destroy them.

TELEPHONES

139. A rudimentary telephone system existed in Phnom Penh to service a few of the senior cadres. A secure telephone line existed between Son Sen and **Duch** for dealing with matters regarding S-21. **Khieu Samphan** would use a telephone at his residence in order to contact other people. A telephone switchboard was located in the MSA to allow communications between **Ieng Thirith** and the subordinate units of the ministry.

BETWEEN HIERARCHICAL LEVELS

140. The General Staff maintained its own encryption team, delivering coded telegrams to Office K-18 for transmission. The General Staff also had the capacity to contact the Centre Divisions directly using coded radio communications. As there was no lateral communication between zones and military units, all communications were directed via the communication centres for transmission in code back down to the unit concerned. Communications between military divisions and subordinate units were

also coded, providing information regarding casualty figures, material distribution and requests for reinforcements. Contact was made between the General Staff and the divisions at least two to three times per day on a pre-arranged schedule, with additional contact in special cases. Communications received by the General Staff from divisions were forwarded to the Party Centre.

141. Armed mobile companies from each of the Main Force Divisions stationed around Phnom Penh were required to garrison certain strategic locations within Phnom Penh, and were required to maintain permanent radio contact with the General Staff. During the conflict with the SRV in late 1977 and early 1978, the Party Centre monitored radio traffic between forward military units. At the zone level, Local Force Divisions communicated by using coded messages transmitted by radio. In combat situations, two-way radio communications were used to co-ordinate units participating in military operations.
142. Transmissions from the zone to the Party Centre and from the Centre to the zones were conducted at regular scheduled times. Communications on matters of urgent importance were allowed as needed. Autonomous Sectors had the same status as a zone and communicated directly with the Party Centre. Zone offices would typically receive up to four or five coded transmissions each day from Office 870.
143. The Party Centre communicated to the districts through the zones and sectors. Meetings were held at the sector and district levels where instructions from the Party Centre were communicated, which would then be verbally relayed to unit chiefs in meetings at the commune and collective levels. At the district and sector levels, communications were sent on a daily basis to a central communications office in the zone, and forwarded on from there. The cadres working in the communication transmission and reception areas were separate to those working on coding and decoding telegrams.
144. At the commune and village levels, communications were delivered by messengers tasked with carrying letters from one location to another. Some of the messages to subordinate units were passed on verbally. Similarly, low-level military units conveyed messages in written form to superior units by messengers.
145. In Phnom Penh, messages were delivered to the communications centre by messengers from the various ministries and party offices, such as K-1 but mainly via

K-7, the city messenger unit. Long messages or those concerning arrests were not broadcast, but sent by messenger to the Party Centre. Offices K-1 and K-7 were in close proximity to each other. Senior CPK cadres had their own messengers who would carry dispatches around Phnom Penh. For example, **Nuon Chea** used messengers to collect and dispatch envelopes to **Duch** at S-21.

146. All inter-government communications were required to go through the Party Centre. Communications from district to district, sector to sector or zone to zone were forbidden, and any such communications had to go through the Centre. Zones could not communicate directly with RAK Divisions, but instead had to communicate through the Centre. In addition, the zones were not allowed to communicate directly with the General Staff regarding military matters, and again had to direct such communications through Office 870.

BETWEEN EMBASSIES

147. Communications between the MFA and DK diplomatic missions were routed through the DK embassy in Peking. Encrypted telegrams were sent via Morse code directly from the MFA to cipher clerks and telegraph operators stationed in the Peking embassy. The DK embassy in Pyongyang, North Korea communicated via telegram with the Party Centre, as did the DK embassy in Laos. Division 502 maintained an independent communications unit concerned with air movement from Vientiane, Hanoi and Peking.

INTERNAL PUBLICATIONS AND COMMUNICATIONS

148. CPK leaders regularly used written communications including letters, memoranda, reports, policy directives and official publications such as the magazines *Revolutionary Flag* and *Revolutionary Youth*. *Revolutionary Flag* and *Revolutionary Youth* were the official sources for dissemination of internal policy of the regime. The *Revolutionary Flag* and *Revolutionary Youth* magazines were distributed to the zone, sector, district and commune levels and restricted to the party members. Being restricted publications, they were printed at Office K-25. The contents of the *Revolutionary Flag* and *Revolutionary Youth* magazines were read out during meetings and study sessions. These magazines were also sent to the diplomatic stations and embassies of DK.

149. Most communications between the CPK senior leaders occurred verbally, as those leaders lived and worked together every day at K-1 and K-3 in Phnom Penh. Standing Committee members also regularly travelled to lower organisational units to collect information and issue directives in person.
150. Radio broadcasts on the Phnom Penh Home Service were also used for the dissemination of information. Carefully edited versions of key speeches by CPK senior leaders were read over the radio, and “confessions” of Vietnamese prisoners of war were broadcast.

MONITORING INTERNATIONAL REPORTS

151. The Standing Committee closely monitored international news, with daily reports provided directly to the top leadership by the Ministry of Propaganda, which was responsible for the monitoring of all news and information reports concerning the DK regime and surrounding countries. This function was performed by Office K-33, which was tasked with capturing data from various foreign language sources, translating that information and forwarding it to the Party Centre.

C. COMMON CRIMINAL PLAN

152. The Charged Persons are responsible for committing the crimes alleged in this Submission through a joint criminal enterprise. This joint criminal enterprise came into existence by at least June 1974 and continued throughout the DK regime, until 7 January 1979, during which period the crimes described in this Submission were committed.

OBJECTIVES

153. The primary aims of this joint criminal enterprise related to the Charged Persons' intent to enforce a political revolution and destroy any political opposition to the CPK's rule. There were three principal objectives of the joint criminal enterprise: (1) to enslave the vast majority of the civilian population within agricultural co-operatives and forced labour sites; (2) to suppress all human rights and freedoms of the population, including the right to life, liberty and security, and the right to free speech, family and religion; and (3) to systematically seek out and kill those individuals who were identified as real or potential enemies or opponents of the CPK. These objectives, criminal in nature, were initially to be achieved by means which included the commission of the crimes of imprisonment, forcible transfer, enslavement, forced labour, forced marriage, rape, torture, murder, extermination, persecution, inhumane acts and other crimes described in this Submission. All of these crimes are punishable under Articles 3 (new), 4, 5 and 6 of the ECCC Law.
154. In 1977, the Charged Persons and other members of the joint criminal enterprise expanded its criminal means to include the genocide of the Cham and Vietnamese groups in Cambodia. Additionally, although the criminal objective to kill those perceived as the CPK's real or potential enemies or opponents remained unchanged throughout the duration of the joint criminal enterprise, the Party Centre's focus shifted more towards the targeting of internal traitors. In the beginning, this part of the joint criminal enterprise targeted primarily members of the Khmer Republic regime, New People and others perceived to be associated with capitalist, feudalist, imperialist or bourgeois classes. Over the course of the DK period, the Party Centre concentrated its efforts on killing alleged CIA, KGB and Vietnamese agents and sympathisers who had supposedly infiltrated the base areas and Party ranks at all levels, along with any

other individuals perceived to be opposed to the Party.

MEMBERSHIP

155. Members of the joint criminal enterprise included: actual and *de facto* members of the CPK Standing Committee, namely Pol Pot, **Nuon Chea**, **Ieng Sary**, **Khieu Samphan**, Son Sen, Ta Mok, Sao Phim, Von Vet and Sua Vasi; members of the CPK Central Committee; heads of CPK Ministries, including **Ieng Thirith**, and CPK Secretaries of Zones, Sectors and the Party Centre's Military Divisions. Each of these individuals, by their acts or omissions, contributed to achieving the shared objectives of the joint criminal enterprise. Alternatively, some of these individuals were not members of the joint criminal enterprise but were used by its members to carry out the crimes committed in furtherance of its objectives.

IMPLEMENTATION

156. The objectives of the joint criminal enterprise were implemented by the Charged Persons and other members of the joint criminal enterprise through *inter alia*: (1) the direct supervision and / or participation in key bodies involved in the commission of the crimes, including the RAK, DK ministries, district and commune committees, and security offices such as S-21; (2) meetings, including meetings with senior cadres under the control of the joint criminal enterprise members (e.g. sector leaders and DK ministry officials); (3) directives, instructions and decisions issued by the highest CPK bodies (including the Central Committee, Standing Committee and Political Office 870), including circulars from Office 870 and the *Revolutionary Flag* and *Revolutionary Youth* publications; (4) the use of a strict vertical reporting system to oversee the implementation of the criminal plan, issue further instructions, and then receive reports; and (5) political indoctrination of CPK cadres through internal propaganda, ideological instruction and training, speeches and pronouncements.

OVERVIEW OF THE JOINT CRIMINAL ENTERPRISE

OBJECTIVE 1: ENSLAVEMENT

157. The enslavement of the vast majority of the civilian population within agricultural co-operatives and forced labour sites was one of three primary objectives of the joint criminal enterprise. Through this objective, the members of the joint criminal

enterprise sought to transform Cambodian society into a classless agrarian nation and subject Cambodia to their absolute control. This objective was achieved through the institution of two key criminal policies: (1) forced transfer; and (2) forced labour. These criminal policies had their genesis in pre-DK CPK political lines, and were comprehensively implemented upon the CPK's ascension to power.

FORCED TRANSFER

158. In furtherance of the CPK's first primary objective of enslaving the population, the CPK implemented its criminal policy of the forced transfer of millions of civilians. As detailed in the Forced Transfers Section, the enslavement policy was partly implemented through three key mass forced transfers:

- (1) ***Forced evacuations of urban centres***: This forced transfer involved the expulsion of the populations of the major urban centres, including Phnom Penh, Battambang, Kompong Som, Prey Veng, Pursat and Siem Reap, and the confinement of that population in rural cooperatives immediately from 17 April 1975. These evacuations sought to neutralise the areas of the perceived heaviest military and political resistance to the CPK, further the quashing of capitalism and facilitate the implementation of the forced labour policy.
- (2) ***Second wave of forced transfers***: The second mass wave of forced relocations commenced in late September or early October 1975 and entailed the transfer of at least 500,000 civilians, mostly New People, to the Northwest Zone, as well as tens of thousands to the old North Zone and Preah Vihear regions. This wave of forced transfers was motivated by the CPK Party Centre's decision to increase agricultural production in these areas through the means of forced labour.
- (3) ***Third wave of forced transfers***: As described in the Purge of the East Zone Section, the final stage of the purge involved a forced transfer of virtually the entire population of the East Zone to the Central, new North, Northwest, Northeast, West and Southwest Zones in the second and third quarters of 1978. This transfer was motivated primarily by the perceived infiltration of the East Zone by Vietnamese spies and supporters.

During each of the transfers large numbers of civilians died through exhaustion,

starvation, exposure, illness and / or executions by CPK cadres.

159. The first forced movement of the population was the subject of planning and preparation by the members of the joint criminal enterprise long before their rise to power. The benefit of basing the revolution in the countryside rather than the cities was highlighted by senior leaders as early as at the First Party Congress held in September 1960. In June 1974, the CPK Central Committee decided that Phnom Penh and all other urban centres would be evacuated. The final planning of the forced evacuations was then conducted at an early April 1975 meeting of the Joint Battlefield Committee, at which both **Nuon Chea** and **Khieu Samphan** approved the planned action.
160. The use of forced transfers in this manner had become standard CPK policy as early as 1971, and was carried out whenever the CPK took control of a village or small community. The CPK evacuated Kratie and Kampong Cham towns in 1973 and Oudong in March 1974 and the Cham from the Southwest Zone in 1973 to 1974, in order to destabilise enemy forces in the urban populations.

FORCED LABOUR

161. The CPK's criminal policy of forced labour was the second way in which the members of the joint criminal enterprise implemented their objective of enslavement. The widespread institution of this policy was linked to the CPK Party Centre's goals of increasing agricultural production and imposing forced collectivisation. As described in the Forced Labour Section, following their evacuation from urban centres, evacuees were confined to cooperatives and worksites across the DK together with other civilians. At the cooperatives and worksites, which existed in each zone and usually entailed farming and infrastructure projects, thousands of workers were forced to work by hand or using rudimentary tools, in utterly inhumane conditions, and under the rigorous supervision of CPK cadres. Those who protested or did not work hard enough were deliberately starved, beaten, forced to undertake additional tasks, subjected to tempering, or arrested and / or executed. Of the many cooperatives and forced labour worksites, the judicial investigation focused on five crime sites where forced labour was implemented, namely the Tram Kak Cooperatives, Srae Ambel Salt Fields, 1st January Dam, Trapeang Thma Dam and Kampong Chhnang Airport Construction Site.

162. As with the CPK's policy of forced transfer, the members of the joint criminal enterprise had long considered the institution of forced labour to be essential to the success of their government. Indeed, in May 1972, the CPK Central Committee, including Pol Pot, **Nuon Chea**, **Ieng Sary** and the then candidate member **Khieu Samphan**, determined that forced collectivisation was to be imposed as part of the Party's restructuring of Cambodian society. The CPK even began implementing this plan on 20 May 1973 in the areas of the country then controlled by it.

OBJECTIVE 2: SUPPRESSION OF HUMAN RIGHTS

163. The second primary objective of the joint criminal enterprise was the suppression of all human rights and freedoms across DK, which was integral to the CPK's maintenance of control over the population and the imposition of its political program. As a consequence, the rights and freedoms of individuals were either abolished, or heavily infringed by the CPK throughout the period under investigation. Among the rights abolished or infringed were the rights to liberty and security, religion, free speech and family, as illustrated in more detail below:

- (1) ***Right to life, liberty and security of the person:*** Civilians' most basic rights to liberty and security were systematically abused immediately upon the CPK's rise to power. As detailed in the Forced Transfers Section, the forcible evacuations and subsequent forced transfers not only deprived civilians of their rights to freedom of movement, but subjected them to extremely harsh conditions. These conditions resulted in thousands of deaths from starvation, exhaustion, exposure and illness. During each transfer, large numbers of civilians were executed for non-compliance with orders or because they were identified as members of the groups targeted by the CPK. The authorities implementing the directions of the CPK Party Centre continued to impose grossly inhumane conditions on the victims upon their arrival at the CPK-run communes and cooperatives, as adequate provision was not made for food, shelter, sanitation or medical assistance. In the majority of cases families were broken up and their members prohibited from having contact other than under the close supervision of CPK authorities. All civilians were forcibly subjected to appalling conditions of work, as detailed in the Forced Labour Section. Thousands of deaths resulted from starvation, exhaustion, disease, physical

abuse and execution at those sites. Additionally, as described in the Security Offices Section, those deemed to be political enemies or opponents of the CPK were deprived of their liberty and security through arrest, detention, inhumane treatment, torture and execution.

- (2) ***Right to freedom of religion:*** A central component of the CPK's suppression of all human rights and control of the population was its abolition of religion. The 1976 DK Constitution banned all "reactionary" religions, which was interpreted to include Islam and Buddhism. This CPK policy manifested itself in the sustained persecution of those who practised the prohibited religions. As explained in the Crimes Against Buddhists Section, the practice of Buddhism was banned, Buddhist places of worship and artefacts were destroyed, and monks were defrocked, forced into occupations that were forbidden to them, and in numerous cases executed. The Cham were also systematically persecuted, as described in the Crimes Against Chams Section. Not only were they prohibited from practising Islam and maintaining their traditional way of life, but by 1977, the CPK actively sought the physical destruction of their religious and ethnic group.
- (3) ***Right to freedom of speech and thought:*** Political repression was a key aspect of the CPK's regime and a further means by which the fundamental human rights of the population were violated. As described in the Role of the Charged Persons Section, each of the Charged Persons was involved in the political indoctrination of CPK cadres, repatriated intellectuals and civilians through study and political indoctrination sessions, during which attendees were educated in CPK ideology and urged to commit to the Party line. Civilians and CPK cadres alike were forcibly submitted to a program of continuous self-criticism and, where deemed necessary, tempering at re-education and forced labour sites. At those sites, as at security offices, labourers and prisoners were unable to move or communicate freely with each other, and were kept under the surveillance of armed guards, as described in the Forced Labour and Security Offices Sections. Civilians within the DK were unable to express any form of political opposition to the CPK for fear of risking their lives and the lives of their families.

- (4) ***Right to family***: The family unit also came under the attack of the CPK through its pursuit of control of the population. The CPK leadership placed commitment to the Party and compliance with its directives above any familial ties. This was implemented in a number of ways. Forced marriages were widely imposed from early 1975 in all DK zones and widely within the CPK ranks. As described in the Forced Marriages Section, through this policy, the CPK not only forcibly imposed marital partners on individuals, but it also sanctioned widespread rapes and forced pregnancies. In addition, families were separated within cooperatives and forced labour sites, and at security offices, as detailed in the Forced Labour, Forced Transfers and Security Offices Sections. This rupturing of family units also encompassed Cham and Vietnamese families, members of whom were forcibly removed in an effort to destroy them, as discussed in the Crimes Against Chams and Crimes Against the Vietnamese Sections.

OBJECTIVE 3: ELIMINATION OF ENEMIES

164. The third primary objective of the joint criminal enterprise was the systematic identification and destruction of perceived enemies or political opponents of the CPK. The Charged Persons' intent here was to reinforce the CPK's grip on power and suppress any real or potential opposition to the Party's absolute authority. Upon the CPK's rise to power, the authorities subjected all civilians to rigorous surveillance in order to seek out, arrest, imprison and execute actual and suspected enemies. At least from 1976, CPK cadres also fell under the CPK's close scrutiny. Anyone perceived to be in opposition to the CPK rule, or to sympathise with those deemed to be enemies, was subject to arrest, detention, interrogation, torture and execution at re-education or security centres. Approximately 260 security offices and hundreds of mass execution sites were established across DK for the purpose of imprisoning, torturing and executing enemies. These included the 11 security centres encompassed by the judicial investigation (S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng (Phum 3), Wat Kirirum, and Siem Reap). Whilst those groups that were categorised as "enemies" expanded during the DK period, there were five main categories of enemies that the CPK sought to eliminate:

- (1) ***Khmer Republic officials:*** As described in the Forced Transfers Section, during and immediately following the forced evacuations of the urban centres, the CPK sought out, rounded up and executed former Khmer Republic officials, soldiers and others associated with that regime. Senior members of the Khmer Republic regime (including two of the “seven traitors” who were sentenced to death in a resolution presided over by **Khieu Samphan**) were also executed. As detailed in the Security Offices and Forced Labour Sections, over the remainder of the DK period, numerous additional people were arrested and executed on the basis of their actual or perceived association with the former Khmer Republic regime.
- (2) ***Class enemies and New People:*** Upon its rise to power, the CPK also sought to eliminate members of the so-called capitalist / feudalist / bourgeois classes, which included, among others, business owners, intellectuals and professionals. In addition, residents of urban areas, who were forcibly moved to the countryside and labelled as ‘17 April People’ or ‘New People’, were subjected to various forms of abuse and inhumane treatment due to the CPK’s perception that they had, or were associated with, capitalist / feudalist / bourgeois values or tendencies. These groups were generally treated with suspicion and discriminated against as they formed potential bases of political opposition to CPK rule. As described in the Security Offices and Forced Labour Sections, within cooperatives and worksites, New People were subjected to harsher treatment and were more frequently arrested and executed.
- (3) ***CPK cadres under suspicion:*** From 1976, as the CPK leadership became increasingly suspicious that its ranks were infiltrated by CIA, KGB and Vietnamese spies, it instigated large scale internal purges across its military and civilian ranks. This led to the arrest, detention and execution of thousands of CPK cadres at security offices and execution sites. Every zone, military division and ministry was subject to massive purges directed by the Party Centre. Potential internal enemies were identified from confessions extracted from others who were already imprisoned. They were then arrested, interrogated under torture, and forced to confess to crimes and implicate other cadres, before being executed. In this manner, each wave of arrests produced

further supposed enemies and occasioned further purges. Two of the large purges are discussed in the Purge of the North and East Zone Sections. The arrests and execution of CPK cadres are also discussed in the Security Offices Section.

- (4) ***The Vietnamese:*** Having ordered and implemented deportations of some 150,000-200,000 ethnic Vietnamese inhabitants from Cambodia immediately following their rise to power, starting in 1977, the CPK leaders initiated a country-wide campaign to eliminate the remaining ethnic Vietnamese in the country. This genocidal program was driven by a combination of racial prejudices and supposed Vietnamese expansionist aims. As further elucidated in the Crimes Against the Vietnamese Section, the Vietnamese were sought out and executed throughout the country, including Prey Veng and Svay Rieng Provinces and several of the security offices under investigation. Consistent with this policy, CPK leadership ordered incursions into Vietnamese territory and the deportation and execution of Vietnamese citizens residing in the areas attacked by the DK troops.
- (5) ***Chams:*** Starting in 1977, the CPK also conducted widespread killings of Chams in Cambodia with the intention of destroying this ethnic and religious group. As part of this genocidal campaign, the Chams were specifically sought out and executed *en masse*. As with the ethnic Vietnamese inhabitants of Cambodia, the targeting of the Chams was based solely on their ethnicity (and, in the case of the Cham, religion). The Case File contains evidence of such mass killings in a number of locations in Kang Meas District, Kroch Chhmar District and Stung Trang District.

165. The policy of eliminating all enemies of the CPK, real or perceived, had long been a core political line of the CPK. As early as the First Party Congress in 1960, Pol Pot, **Nuon Chea** and **Ieng Sary** and other Party leaders decided that “armed violence” would be used “to attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea.” This policy was consistently reaffirmed at subsequent Party Congresses and meetings of the Central Committee (which, from January 1971, included **Khieu Samphan**, initially as a candidate member), including in a January 1965 Central Committee resolution confirming that it was “absolutely necessary to

use revolutionary violence.” Similarly, security offices were also used to eliminate enemies in the pre-DK period. Under the control of **Ieng Sary**, a Northeast Zone security office began operation in 1966. Kraing Ta Chan security office was created in 1972 and **Duch** commenced operating and managing M-13 in 1971 under the supervision of the CPK leadership. At each of these security offices, perceived CPK enemies were unlawfully arrested, detained, interrogated, tortured and executed.

EFFECTS

166. Nearly every Cambodian was a victim of the CPK’s criminal policies entailing widespread abuses of the civilian population and the destruction of real and perceived opponents to its rule. The joint criminal enterprise targeted the vast majority of the country’s civilian population which, as of April 1975, was between 7.8 and 8.1 million people. It caused the deaths of between 1.75 and 2.2 million Cambodian people over a three year and eight month period. Of these deaths, more than 50%, or 800,000 to 1.3 million were caused by violence. In addition, 100% of the Vietnamese and 36% of the Cham that lived in Cambodia when CPK came to power were either dead or forced out of Cambodia by the end of the regime.

D. CRIMES

FORCED TRANSFERS

PHASE 1: FROM PHNOM PENH

THE EVACUATION

167. Beginning on 17 April 1975, CPK officials forcibly evacuated the entire population of Phnom Penh, approximately 2 million people, to the countryside. Evacuation occurred simultaneously in other cities, towns and villages in Cambodia including Kampong Som, Kampot, Takeo, Stung, Pailin, Battambang, Serei Sophorn, Siem Reap, Kampong Chhnang, Pursat, Svay Rieng, Prey Veng and others. This policy was centrally conceived and simultaneously implemented nationwide.
168. On the morning of 17 April 1975, the resistance of Khmer Republic defenders on the periphery of Phnom Penh collapsed, and CPK forces advanced rapidly on the city centre from multiple directions. Troops from Koy Thuon's North Zone moved down Route 5, occupying Tuol Kork and the area around Wat Phnom, up to the Central Market. Sao Phim's East Zone divisions crossed the Mekong, taking control of Daun Penh District between the river and Norodom Boulevard, meeting up with North Zone forces near the city centre. On the south and west sides of town, CPK forces from the Special Zone (under Vorn Vet and Son Sen) and the Southwest Zone (under Ta Mok) entered via Routes 2, 3, and 4, first seizing Pochentong airport, and then asserting control over the remaining unoccupied areas of the city.
169. In the early afternoon, CPK cadres began to announce that all residents must "temporarily" leave the city. Some cadres claimed that this was because the Americans were about to bombard the capital, while others said revolutionary forces had to cleanse the city of all resistance. As **Khieu Samphan** has made clear, there was no choice: the people were to be evacuated and imprisoned in rural cooperatives. Anyone who resisted the evacuation order was shot dead on the spot. The order was to force all people to leave all the cities and towns.
170. All major roads out of Phnom Penh were used to channel evacuees to various parts of the countryside. Those driven north along Route 5 were divided at Prek Kdam, with some ferried across the Tonle Sap River and then marched along Route 6 to

eventually be dispersed throughout the North Zone, into Kampong Cham, Kampong Thom, Kratie, Preah Vihear and Siem Reap provinces. The remainder of the original column was pushed west along Route 5 into Kampong Chhnang, Pursat, and Battambang. The column that was pushed west out of Phnom Penh split at Choam Chao, with one part being forced down Route 3 into the Southwest Zone, mainly into Takeo and Kampot provinces, while the other part was driven along Route 4 into what would soon become the West Zone, Kampong Speu and as far as Koh Kong Province. The column of evacuees forced to march south out of Phnom Penh was divided at the Monivong Bridge, with some directed further south along Route 2 into Kandal, Takeo and Kampot provinces. Others were turned east over the bridge and along Route 1 into Kandal, from which many were ferried over the Mekong at Neak Loeng to be dispersed in the East and Northeast Zones, into Prey Veng, Svay Rieng, Kampong Cham, Kratie, Stung Trang, Monduliri and Ratanakiri provinces. Some of the longer treks took up to a month or more to complete.

171. There was a systematic plan to immediately massacre officials and soldiers of the former regime, many of whom were killed in Phnom Penh. Military commanders were ordered to “evacuate the civilian population from the city with the goal of assessing to see who were Lon Nol soldiers.” At checkpoints along the way on all the evacuation routes, the columns of evacuees were scrutinised by CPK soldiers for Khmer Republic civil servants, officers and soldiers. When any were found, they were removed from the line, taken away and never seen again. On Route 5 just north of Phnom Penh, for example, there was a checkpoint at Prek Phnou where Khmer Republic soldiers were collected and executed. At the Choam Chao roundabout where Routes 3 and 4 split, piles of bodies accumulated.
172. In Siem Reap, hundreds of surrendered Khmer Republic soldiers were marched out of town and killed. During the evacuation of Pursat provincial town, the Pursat River was choked with bodies of old and young, civilian and military. People marched out of Kampong Chhnang city were summarily slaughtered *en masse*. In Battambang, the CPK broadcast a call for all Khmer Republic officers and soldiers to assemble at the 3rd Military Region Headquarters, where they were sorted by rank, driven away on heavy trucks in groups on 20, 21 and 23 April 1975 to locations outside of town, and executed *en masse*. The same thing happened in Pailin and Pursat.

173. The CPK cadres ordered all foreigners to gather at the French Embassy. Many Cambodians – including several senior Khmer Republic political figures – also sought refuge there. Armed CPK troops demanded that the French turn over any Khmer Republic officials hiding within the embassy. On 20 April 1975, more than 600 people of Khmer, Chinese and Vietnamese nationality were turned over to the CPK by the French Embassy, and left the city by the northern route. On 30 April 1975, speaking as a member of the Politburo of the FUNK Central Committee, Chau Seng announced that the new regime did not recognise the diplomatic immunity of foreign personnel accredited by the previous regime, who were now under siege at the French Embassy.
174. The CPK had a list of seven senior Khmer Republic officials, dubbed the “arch-traitors,” marked for execution. Out of the seven individuals, only Long Boret and Sirik Matak remained in Cambodia as CPK forces took over Phnom Penh. Both were captured by the CPK in Phnom Penh, and subsequently executed. Prime Minister Long Boret surrendered to the CPK at the Ministry of Information at 4:50 p.m. on 17 April 1975, following a radio appeal by CPK authorities for officials of the deposed government to gather there. Prince Sirik Matak and others were refused asylum and turned over to the CPK by the French Embassy on 20 April 1975. During an official visit to Bangkok in November 1975, **Ieng Sary** publicly confirmed their executions.
175. By the morning of 19 April, the northern part of the city was nearly devoid of human life, except for CPK patrols. On the morning of 20 April 1975, the French Embassy in Phnom Penh reported to Paris that the “capital is now entirely empty of its inhabitants and completely dead.”

INHUMANE CONDITIONS

176. Many people were forced to travel long distances, mostly on foot, before being unlawfully confined to rural cooperatives. CPK troops were instructed to tell the former inhabitants of Phnom Penh and other population centres that the evacuation was temporary. CPK senior leaders knew that this long forced march on foot at the peak of the dry season heat, without adequate food, shelter or medical care, would cause the victims to suffer from inhumane and potentially deadly conditions. Even women who had just given birth were not spared the long trek. Patients were expelled from Calmette and other hospitals “in their beds.” Redacted.

177. On top of the evacuees who were intentionally executed for political reasons, the forced evacuation of Phnom Penh resulted in many incidental deaths. People were executed for refusing to leave their homes, or for failing to comply quickly enough with the evacuation order. Thousands of people died as a result of inadequate food, water, shelter and lack of medical assistance during the evacuation. Hospitals and other institutions for vulnerable populations were also subject to the evacuation order, resulting in many deaths.
178. The CPK expropriated essentially all private property in the entire country. When people were ordered to evacuate the cities, CPK troops instructed them not to take along many belongings. Most of what people did bring with them was confiscated by CPK troops during the forced march out of the cities. All of what was left behind in the cities, both personal and public property, was declared “war booty” and expropriated by the CPK. On 22 April 1975 much of the looted material was burned or otherwise destroyed in a campaign of “systematic destruction.”

CPK DECISION ON FORCED TRANSFER

179. The Charged Persons have admitted that they ordered the evacuation of the cities, and they have acknowledged that this policy was the result of a collective decision by the highest authorities of the CPK. **Nuon Chea** has stated that the decision to evacuate the cities was made by the “Party Centre.” **Khieu Samphan** has stated that it was a decision of the Standing Committee, specifically attributing the policy to Pol Pot, **Nuon Chea**, and **Ieng Sary**. **Ieng Sary** has described the policy of evacuating the cities as a “collective decision,” specifically implicating Pol Pot, **Nuon Chea**, Son Sen and Yun Yat. **Ieng Thirith** has simply attributed the decision to the “leaders” of the Party.
180. There was ample precedent for the decision to evacuate Phnom Penh and other cities upon victory: this had been standard procedure throughout the war. In the second half of 1973, for example, CPK forces seized Kratie provincial town and removed the entire population deep into their liberated zone. The same thing happened in Banam that year. Also in 1973, after the CPK temporarily overran Kampong Cham provincial town, they took 15,000 residents with them when they retreated. In March 1974, the CPK liberated Oudong and promptly evacuated the entire population into the countryside.

181. As described in the Authority Structure Section above, the policy to evacuate all of the cities upon liberation was decided upon at the June 1974 Central Committee meeting, and was further discussed at a CPK meeting in February 1975. Final orders for implementation of the evacuation were given to zone military commanders in early April 1975 by the senior leadership of the CPK at a meeting held at Office B5 in Taing Pon Village, Kampong Tralach District, Kampong Chhnang Province. **Nuon Chea** and **Khieu Samphan** were present at this meeting and explicitly endorsed the policy. These orders were then transmitted from zone military commanders to division and regimental commanders, who in turn passed on the orders to their subordinate commanders. In Sector 35, for example, Southwest Zone Secretary Ta Mok chaired a meeting of military commanders prior to the fall of the Khmer Republic regime to lay out the policy of evacuating all cities. Most rank-and-file CPK troops entering Phnom Penh and other cities were only told about the evacuation on the morning of 17 April 1975.
182. The purpose of the evacuation policy, according to Pol Pot, was “smashing all sorts of enemy spy organisations.” The CPK Standing Committee believed that previous communist revolutions in the Soviet Union, China and elsewhere had failed because they did not eliminate “oppressor classes,” and hence the resulting “antagonistic contradictions” continued to frustrate the advance of those revolutions towards pure socialism. The CPK intended to solve this problem by annihilating the social and economic bases of the feudal and capitalist classes with a single blow. It was all about class warfare:
- “In the countryside we had power over private persons; but when we entered Phnom Penh we subjugated them; we did not leave them in Phnom Penh. So then, in terms of private ownership, they have no power. ... The feudal class has been attacked and overthrown in terms of economic fundamentals and political regime. The capitalist class has also been attacked and overthrown both in terms of economic fundamentals and political regime.”
183. **Ieng Sary** defended this policy “until the very end.” **Khieu Samphan** has defended the evacuation policy far beyond the end, most recently during interviews with the Co-Investigating Judges.

MASS EXECUTIONS OF KHMER REPUBLIC SOLDIERS AND OFFICIALS

“Tuol Po Chrey” Execution Site

Location

184. The Tuol Po Chrey Execution Site (“Tuol Po Chrey”) was located in Pring Khpuoh Village, Srae Sdok Commune, Kandieng District, Pursat Province, approximately 18 kilometres north-east of Pursat provincial town, which was in Sector 7 of the Northwest Zone . Tuol Po Chrey was the site of a mass execution in April 1975, in which a large number of Khmer Republic soldiers and civil servants were executed after CPK forces captured Pursat.
185. There are three relevant sites in understanding the sequence of events that occurred at Tuol Po Chrey in late April 1975. The first facility lies in the centre of Pursat provincial town, and was the former Pursat Provincial Headquarters of the Khmer Republic. The CPK seized this structure and adopted it as their local headquarters shortly after liberation in April 1975. The second facility was some 11 kilometres north of the Provincial Headquarters, and was the location of a Khmer Republic military base, near a former Buddhist temple. The third site is the Tuol Po Chrey execution site itself, roughly three kilometres further north from the military base. The execution site was a former Khmer Republic battalion sized military base. The base was surrounded by up to four concentric rows of fences made from barbed wire and thorn bushes. There was no detention centre at this site, as it was used exclusively for executions. In addition to these facilities, there is another suspected major killing site within a few kilometres of Tuol Po Chrey.

Unlawful Killings

186. Two or three days after the fall of Phnom Penh and provincial capitals, CPK military commanders in Sector 7 received orders to collect all Khmer Republic military officers and civil servants in Pursat Province and execute them at Tuol Po Chrey. Sector 7 Secretary Soth invited the Khmer Republic Pursat provincial governor, General Prum Lohuon, to summon all former Khmer Republic officers and civil servants to a meeting at provincial headquarters in Pursat town.
187. On the assigned day, 24 or 25 April 1975, Khmer Republic soldiers and officials arrived at the Khmer Rouge Headquarters in Pursat. There they were guarded by Khmer Rouge cadres who were stationed at the headquarters. [Redacted] led negotiations for the CPK. Former Khmer Republic Battalion Commander Ta Pal participated in the negotiations on behalf of the surrendering soldiers. At the meeting,

Khmer Republic representatives were told that they would be sent to greet Angkar at Tuol Po Chrey and meet with Prince Sihanouk. They were also told that they would study, get promoted, and then return to their former locations.

188. The next day, thousands of Khmer Republic soldiers and civil servants were assembled and loaded onto at least 30 to 40 military trucks. Two RAK vehicles escorted the convoy, one at the front carrying approximately ten soldiers, and a jeep in the rear carrying five soldiers. Their destination was the military base near the pagoda (the second facility described above).
189. The next morning, the Khmer Republic soldiers were gathered outside the base, where they were guarded by hundreds of RAK soldiers. From there, groups of prisoners were transported to the Tuol Po Chrey execution site in 20-minute intervals, one vehicle at a time, where they were bound and then shot to death. The CPK cadres would not let the next vehicle leave until the previous vehicle had returned from the execution site. CPK soldiers spent the entire day shooting the Khmer Republic soldiers, beginning in the morning and continuing into the evening. In all, it took one week to complete the killings.
190. [Redacted] were the sector and district leaders who directed the executions. The RAK soldiers who carried out this operation were members of Battalion 201 from Sector 7, and the zone troops of Battalion 24.
191. At Tuol Po Chrey, the dead bodies were pushed together with excavators and buried one or two days later, leaving numerous suspected grave sites. Some of the corpses were dragged into a 3 metre deep pond located nearby the site. It is estimated that between 2,000 and 3,000 persons were killed at Tuol Po Chrey in April 1975. In addition, there is a lake nearby Tuol Po Chrey that is believed to contain as many as 5,000 bodies.
192. Two witnesses who saw the execution site shortly after the killings in April 1975 describe seeing bodies with gunshot wounds to the head and torso. The victims were tied together by rope in groups of fifteen to twenty persons, with their hands tied behind their back. Some were clothed in military uniforms, and other in civilian clothes. Another witness who went to the site after January 1979 saw Khmer Republic army uniforms next to piles of remains from four to five big pits that had been dug up. OCIJ investigators who examined the site found bone fragments, fired cartridge

casings and a bullet head, metal artefacts such as belt buckles and zippers, and a noticeable presence of cloth mixed into the soil. The empty cartridge cases were found in and around the burial pits.

Authority Structure

193. [Redacted] The Secretary of the Northwest Zone was Muol Sambath *alias* Ros Nhim. Nhim's Deputy was Kong Sophal *alias* Koe *alias* Keu. Both Nhim and Keu were possibly members of the CPK Standing Committee.

Kampong Tralach Leu District

Introduction

194. As discussed above, the CPK used the evacuation of Phnom Penh and other cities in order to screen out and eliminate former Khmer Republic officials and soldiers. In the pre-liberation period, the CPK leadership had concluded that there were "few enemies" in rural areas, but "many enemies" in the cities. As set forth below, when evacuees from Phnom Penh and other urban areas arrived at locations such as Kampong Tralach Leu District (District 12) of Sector 31 (Kampong Chhnang province) of the Western Zone, CPK officials identified the former Khmer Republic soldiers and officials, as well as other perceived enemies, and carried out mass executions at various sites in the district. Similar events occurred in other regions throughout the country.

Unlawful Killings

195. Pursuant to orders provided by the District and commune chiefs, evacuees who arrived in District 12 were asked about their biographies, and then separated into two categories: "ordinary people such as rice-farmers" and "non-ordinary people such as soldiers, civil servants of Lon Nol and capitalists." The former were "kept for work," while the latter were taken away for execution. [Redacted]. These executions occurred at a number of different locations in Kampong Tralach Leu District.
196. On three separate occasions during the one to two month period after 17 April 1975, large groups of approximately 500 evacuees, including Khmer Republic soldiers, were transported by militia to the Tbeng Khpous pagoda in Tbeng Khpous commune, where they were held for not more than two days and then "sent out" for execution.

After arriving at the pagoda, “soldiers, teachers, medical practitioners, intellectuals or students” were separated from the other people and taken away for execution in groups of 10 people at a time. Their wives and children were killed later. The execution sites used for these killings were Kok Roneam, which was located approximately 2 kilometres from Tbeng Khpous village, Trapeang Andaung and Trapeang Klong. Approximately 1,200 to 1,300 people were killed at those sites, most of whom were “officials, soldiers, workers evacuated from Phnom Penh.” [Redacted] has confirmed that “many evacuees from Phnom Penh” were held in the Tbeng Khpous pagoda and taken away for execution on orders of the district military commander, and that he personally witnessed many dead bodies at the Kok Roneam site. [Redacted] has also confirmed these executions. In 1982, more than 500 skulls, as well as leg and arm bones, were collected and moved to the Tbeng Khpous pagoda, but are no longer in existence.

197. In this same commune in late April or early May 1975, groups of 30 to 50 evacuees, including women, children and the elderly, were detained at Thmei Khmer village and then taken by armed militiamen for execution one kilometre away at Prey Srè Val. The order to execute these evacuees came from the “upper echelon” and was conveyed by the Svay Chuk commune chief and her deputy. The bodies were buried in 15 mass graves, each of which could hold more than 20 bodies. At least 200 people were killed over a three day period. Two of the cadres who were assigned to take the evacuees from Thmei Khmer to Prey Srè Val have confirmed these events. Human skulls and bones were also recovered from this area and taken to Wat Tbeng Khpous.
198. Mass executions of Khmer Republic soldiers and other evacuees also occurred in other locations in Kampong Tralach Leu District. In Trapeang Mtes village in Svay Chuk commune, evacuees from Kampong Chhnang were held in the local temple for two days, then taken to Prey Ta Kuch and executed *en masse*. At Phnom Krech in Kraing Lvea commune, hundreds of 17 April People and Khmer Republic soldiers were killed by a 30 man unit of District 12 soldiers. [Redacted] has confirmed that every time new evacuees from Phnom Penh arrived, the Khmer Republic soldiers were identified and taken away for execution, usually at Trapeang Ampil and Trapeang Krèng. At least 700 evacuees were killed and buried at a site half a kilometre west of Damrei Srot, pursuant to orders of the district chief. At Wat Chrâk Sdech in Peam commune, former Khmer Republic officials and their families were

separated from other people, led into the forest, shot and buried in mass graves.

Authority Structure

199. The local CPK officials who were responsible for the mass executions in Kampong Tralach Leu District included [Redacted], [Redacted], and [Redacted].

PHASE 2: TO THE NORTH AND NORTHWEST ZONES

THE EVACUATION

200. A second massive wave of forced population transfers began in late September 1975 or early October 1975. In this wave of forced transfers, at least 500,000 mostly New People were sent from the East, Southwest and West Zones to the Northwest Zone, while tens of thousands were sent to the old North Zone and Preah Vihear region. The underlying purpose of this unlawful forced transfer was to subject people to unlawful forced labour.

INHUMANE CONDITIONS & FORCED LABOUR

201. Tens of thousands of people died from starvation, disease, exposure, exhaustion, torture and execution in the course of this massive transfer. Many died during the forced transfer itself, and many more died in the months following their arrival in the North and Northwest Zones. Whole families of New People were ordered to leave the cooperatives where they had been deposited a few months before in the wake of the 17 April 1975 forced transfer. Many were marched to rivers where they were often transferred by boat to Phnom Penh, and from there transferred under armed guard by train to the Northwest. In other cases, people were transported to the Northwest by trucks, or they were forced to walk the entire distance.
202. In many cases, no food or water was provided during the journey. On the trains, people were packed into freight cars in a manner that caused many unnecessary deaths. One victim described what seems to have been a typical journey [Redacted].
203. This mass forced transfer went on for some six months. Railway workers observed trains transporting loads of people from south to north through Battambang from October/November 1975 to February/March 1976, one or two trains per week, 20 to 25 wagons per train, and 50 people per wagon. People were also transported from south to north in military and civilian trucks, within the same time frame as the forced

transfer on the trains. Upon arrival, the victims were dumped in barren areas or destroyed villages where they were ordered to build shelters and grow food, typically with no support such as wells, tools or seeds. Redacted.

204. In Sisophon District of Sector 5 in the Northwest Zone, the population stood at 50,000 in mid-1977, almost entirely composed of New People. In Phnom Srok District of Sector 5, there were only 300 families prior to 17 April 1975, after which approximately 50,000 people came from Phnom Penh, along with another 20,000 local New People, those evacuated from nearby cities after the liberation. Preah Net Preah District had a population of a mere 150 families before 17 April, and then more than 70,000 victims in the second round of forced transfer were sent there. Thus in just three of Sector 5's four districts, within just one of the Northwest Zone's seven sectors, nearly 200,000 New People had been relocated.
205. In a single district of Sector 5 in the Northwest Zone – Preah Net Preah – the Sector reported that more than 20,000 people starved to death in 1976. Nonetheless, a report a few weeks earlier had declared that “17 April elements are overpopulated in Sector 5,” and outlined efforts that were being implemented to eliminate them. This document notes that these measures were being taken against “the traitors, the 17 April elements from Phnom Penh,” based on instructions from the “Party’s statement” which had been disseminated at a Zone Congress one week previously.
206. **Ieng Thirith** conducted an inspection tour of the Northwest Zone in the second quarter of 1976, witnessing first-hand the deadly conditions that had been created by the Standing Committee’s orders to relocate hundreds of thousands of people. “In Battambang, I saw something very clear, that they make people, all people going to the rice fields, very far from the village and they have no home; and I saw they have no home and they are all ill. ... I saw everybody there in the rice fields in open air, nothing and with the sun, very hot sun. I saw many people ill of diarrhoea and malaria.” However, instead of recognising that their own ill-conceived policies had caused this catastrophe, the senior leaders of the CPK concluded that the problem must be traitors in their ranks, the solution to which would be more purging and killing.

MASS KILLING IN THE NORTHWEST ZONE

207. Many of those who had been subject to forced transfer to the Northwest Zone died, or

were killed, in communes and cooperatives, and at worksites. If there was any effort at all made to stockpile foodstuffs in advance of this mass forced transfer of people, it was entirely inadequate, and consequently, mass starvation and widespread death awaited the victims. Disease was rampant in the inhumane environment inflicted upon the victims of the forced transfer to the Northwest Zone, and combined with the complete lack of effective health care services, this resulted in a massive death toll. Furthermore, a huge number of people were worked to death, keeling over dead of exhaustion in the fields.

CPK DECISION ON FORCED TRANSFER

208. Between 20 and 24 August 1975, the CPK Standing Committee conducted an inspection tour of the Northwest Zone. In the course of this tour, the Standing Committee concluded that the agricultural potential of the Northwest Zone was not being properly exploited due to a deficit of manpower. One month later, on 19 September 1975, the CPK senior leaders decided that they would transfer at least half a million New People from other zones to the Northwest in order to correct this imbalance in the factors of production.

FORCED LABOUR

TRAM KAK COOPERATIVES

LOCATION AND OPERATION

209. Tram Kak District, or District 105, was located in Sector 13 in the Southwest Zone. New commune leaders and communal work arrangements were imposed by the CPK in 1970 when they seized control of the area. Small scale cooperatives at the village level began to be established around 1973. Private property was abolished in 1975 and large-scale cooperatives at the commune level began to be created around 1976. Cooperative living arrangements, such as communal meals, were universally established by 1976. The original population of the district expanded when others were relocated there from villages in adjacent districts, and then grew significantly when evacuees from Phnom Penh or other cities, the New People or 17 April People arrived in 1975.
210. Tram Kak District was composed of villages and cooperatives that made up the communes of Kus, Samrong, Trapeang Thom Tboung, Trapeang Thom Cheung, Tram Kak, Nheng Nhang, Sre Ronong and Ta Phen. Starting in 1973, each village was organised into a cooperative, and there were several cooperatives per commune. From 1976, village-sized cooperatives were gradually combined into expanded commune-sized cooperatives. In a cooperative, people were divided into different units such as the children's unit, the youth unit, the assembly unit, the elderly unit, the women's unit, and the vegetable growing unit.

AUTHORITY STRUCTURE

Above the Worksite

211. The Southwest Zone Secretary was Ta Mok, who was also a member of the Centre Military Committee along with **Nuon Chea** and later became a member of the CPK Standing Committee. The Zone Deputy Secretary until February 1977 was Chan Sam *alias* Kang Chap *alias* Se, who came to inspect at least one cooperative in the Tram Kak District. After Kang Chap's transfer to the new North Zone, Sam Bith was promoted to Zone Deputy Secretary. Redacted

Within the Worksite

212. Every commune within the Tram Kak District had a commune committee. Each commune also had a militia of around 12 men. In addition, villages/cooperatives had their own chiefs and cadres responsible for the labour units. The known commune, cooperative and village chiefs or committee members during the DK period were as follows: Redacted

COMMUNICATIONS WITH PARTY CENTRE

CPK Higher Command to Worksite

213. The Party Centre dictated rice production quotas, including re-distribution and exportation, to the lower DK levels. A portion of the rice produced in each cooperative was sent by trucks to the Party Centre. The Phnom Penh State Warehouse dispatched different goods, including rice, facilitating exchanges between the cities and the country. **Khieu Samphan** was in charge of distributing food and supplies, including rice, within the different units of DK, while Van Rith was in charge of exporting commodities, including foodstuffs.
214. Between different levels of the Southwest Zone hierarchy, such as between zone and sector leadership or the sector and district leadership, information was exchanged and orders were given through scheduled meetings. Regular meetings occurred between the zone committee and sector committees, followed by monthly meetings between the Sector 13 committee and the committees of Districts 105 through 109 and the communes' chairmen. During these meetings, directives from Office 870 regarding fighting and finding enemies were read out to the district and commune cadres. In addition, monthly written reports about the implementation of "work plan(s)" were prepared by District 105 officials and sent to Sector 13. District leadership also met with commune leadership to disseminate work plans. The commune leadership subsequently communicated these plans to the cooperatives verbally or in writing.

Worksite to CPK Higher Command

215. Any decision from a commune committee had to be agreed upon by the upper echelon before its implementation at the cooperatives. Commune committees held meetings every month and reported to the District 105 committee with both verbal and written reports. In relation to arrests and purges, communes reported to the district level about suspicious activities of inhabitants (including stealing food, not working hard

enough, pretending to be sick, scheming against “Angkar” or planning to flee), and the District committee subsequently made the decisions to arrest the “traitors” and to send them to the local district security office, Kraing Ta Chan. Communes also sent reports to Kraing Ta Chan directly, informing Kraing Ta Chan officials of the “upper party’s” or “district’s” decision to send “traitor(s)” to Kraing Ta Chan.

216. Contemporaneous documents from the Tram Kak District show that communes would also send up the chain of command reports on rice and fuel consumption, questions on the political lines of Angkar, and lists of commune inhabitants identifying the Kampuchea Krom population, alleged traitors, and different categories of workers (Forces 1, 2, and 3). Messengers were used to send handwritten and typewritten reports and orders between the different levels. The District committee had at least 12 messengers notably in charge of sending invitations to meetings. A typical commune had two messengers.

FORCED LABOUR

217. At Tram Kak cooperatives, workers were divided into categories: Force 1, which included young men and women who were made to carry soil; Force 2, which included men and women with diseases or aged 30 and above; and Force 3, which included elderly people. Sick people, children and pregnant women were all forced to work, and nobody dared refuse, as they were terrified of being killed. Workers in Tram Kak cooperatives were mainly forced to work in rice fields, with tasks including farming, digging feeder canals, collecting cow dung, carrying termite mounds, putting up dams and building bridges. Normal working hours were from around 6 a.m. until noon, and from 1 p.m. until 5 p.m., but at times work continued until closer to 10 p.m.
218. Work at Tram Kak cooperatives was governed by rice production quotas, as determined by the Party Centre and announced by the District 105 committee. The quota varied from three to four tons of rice per hectare. In an attempt to meet those quotas, workers had to attend district or commune meetings where CPK cadres would criticise them for being lazy, instruct them to work harder and follow the work plan, and tell them to use things like human faeces, animal manure, and soil from termite mounds to increase productivity levels. Workers were also forced to criticise each other and admit to their own weaknesses during some of these meetings.

INHUMANE CONDITIONS

219. Upon arrival at a cooperative, people would be categorised as either: 1) a “full rights” person (a poor person oppressed by the Khmer Republic regime or a person who had family members who fought against the Khmer Republic); 2) a “reserve” or “candidate” person (those who had relatives seen to support Sihanouk or Khmer Republic); or 3) a “parasitic” or “depositee” person (those who were evacuated from Phnom Penh). From 1975 until 1977, people in the Tram Kak cooperatives lived only with persons of their own category, with multiple people forced to live together in small rooms within houses. While a few individuals lived with their siblings, parents and small children, most family members were usually forced to live apart from each other. This created a total absence of privacy as inhabitants were forced to live and eat collectively. Inhabitants could not speak freely amongst the strangers that they were forced to live with communally.
220. The CPK also imposed a system of forced marriages at Tram Kak where men and women were compelled to make resolutions to one another in group ceremonies of 10-20 couples. Parents of those individuals were not notified or invited to these events. Couples were selected by the commune leaders, who did not take the opinions or preferences of the future husband and wife into account. Those who objected to a forced marriage were sent to the army if they were male or for re-education if they were female. Some couples consented to forced marriages because of fear of punishment.
221. Once married, couples lived separately but were periodically ordered to spend the night together by the commune leadership. In addition to the forced marriages occurring at Tram Kak, three to five women from Nhaeng Nhang Commune and an unspecified number of women from other communes were sent to Kampong Som to marry handicapped soldiers at the army’s request.
222. Inhabitants of cooperatives within the Tram Kak District were forced to abandon their religious practices. To facilitate the suppression of religious practices, CPK cadres threw all images of Buddha into the water, criticised people for worshiping concrete, used pagodas as security offices, hospitals and workshops, and criticised and disrobed monks. People were so frightened they did not dare to burn incense. As people died of disease, exhaustion and malnutrition, family members were not allowed to carry the body to cremation or hold a funeral ceremony of any sort.

223. The food provided to workers was inadequate. Each meal consisted of an insufficient ration of gruel, rice, porridge and morning glory soup. The commune received food from the District and was in charge of rationing and distributing it according to the number of people in each cooperative. For example, a ration of two to four tins of rice a day was given to ten people. Meals were given twice a day, at noon and around 6 p.m. Due to the insufficient food being supplied by the district to the commune, in some cooperatives, the local cadres falsified rice production reports for the Party Centre in order to keep extra food for inhabitants. Hunger also drove some people to steal or scavenge for food, but they did so at the risk of being arrested. Despite these isolated efforts to oppose CPK food policies, many workers still starved to death and such conditions were known by the district authorities.
224. Workers and inhabitants of Tram Kak communes were emaciated and many were sick with fevers, diarrhoea and swollen bodies. Available medicine was non-clinical and locally produced and medics from the communes' clinics were very young and unqualified. Only seriously ill people were sent to the hospital, where many reportedly died. Many also died of illness in the communes. Particularly vulnerable at Tram Kak were the 17 April People, most of whom died of illness and starvation at the cooperatives.
225. Anyone who opposed or disagreed with any CPK policy was sent away for "re-education" and never seen again, which invariably made people too afraid to protest. Even inhabitants forced to labour under the worst conditions did not dare complain as they were afraid of being arrested and killed. Indeed, between 1975 and 1979, many people were in fact sent away and workers lived and worked in constant fear of being killed.

UNLAWFUL ARRESTS AND DETENTION

226. Cooperative workers and cadres in Tram Kak District communes were subject to unlawful arrests and detention. There was a systematic policy of arresting the alleged enemies of the revolution found in the communes. Those arrested in the cooperatives included former teachers, Khmer Republic soldiers, policemen and students, workers who had complained about their living or work conditions and workers who had disagreed with the regime, including many New People. Arrests occurred at night and were carried out by the commune militia following orders from the commune chief.

Workers were usually arrested collectively, held at gunpoint, tied up and walked away in rows. Amongst those who were arrested, many disappeared or were sent for “re-education” sessions and never returned. Numerous people from the Tram Kak District were sent to the Kraing Ta Chan Security Office for detention, interrogation, torture and systematic execution.

227. Those workers who were not arrested and remained in the Tram Kak District were *de facto* detained in their cooperatives as they were deprived of their rights, and notably of their freedom to leave their cooperative as they had to obtain permission for any travel.

SRAE AMBEL SALT FIELDS

LOCATION AND OPERATION

228. The Srae Ambel government worksite, also called the State Salt Fields, was located near the Chum Kriel village, Srae Ambel Sub-District, Kampot District, Sector 35, Southwest Zone, in three main locations: Kampong Kandal, Traoey Kah, and Ses Sar. The salt fields operated under CPK control from at least 1975 until January 1979.
229. The Kampong Kandal salt farm was composed of several salt storage warehouses, housing for workers, kitchen facilities in a separate building, and a separate dining location. It covered 1,400 hectares. The next salt field location, Traoey Kah, was comprised of several buildings that functioned as living quarters, and warehouses. It was located on an island in the delta of the Kampong Bay River, and spanned a total of 797 hectares. At the Ses Sar location the salt farm worksite was approximately 314 hectares. In total the Srae Ambel salt farms covered more than 2,500 hectares.

AUTHORITY STRUCTURE

Above the Worksite

230. Salt collection was under the direct authority of the Party Centre, and specifically the Ministry of Industry (or Industry Committee), headed by its Chairman Cheng Ân *alias* Ân until his arrest in early November 1978. The Ministry of Industry was under the supervision and authority of Vorn Vet *alias* Von, Deputy Prime Minister for economic affairs. The Party Centre was responsible for recruiting forces for the salt fields, and transporting and distributing the salt to the zones. **Khieu Samphan** was in

charge of distributing various produced material, including salt, within the different units of DK, while the Ministry of Commerce, in particular its Foreign Trade section, was responsible for exporting salt and other foodstuffs.

231. At the Sector level, Kang Chap *alias* Chan Sam *alias* Se was the Sector 35 Secretary until his departure in February 1977 to become Secretary of the new North Zone, following which the Sector Secretary was Sam Bit. Kang Chap inspected the salt fields at least once. Ta Mok was the Southwest Zone Secretary and inspected the salt fields at least once, and possibly on numerous occasions. The Zone's role was limited to the collection of the salt.

Within the Worksite

232. The Srae Ambel salt fields worksite was structured along military lines. Workers were grouped into regiments, battalions (300 persons), companies (100 persons), units or platoons (50 persons) and teams (12-15 persons). The cadres were all female soldiers. [Redacted] Yeay Rēt and Yeay Sān were cadres in Kampong Kandal, and after both were arrested in 1977 [Redacted]. In Traey Koh, Veng acted as Chairperson, [Redacted] Veng was later accused of treason, executed and replaced by [Redacted].

COMMUNICATION WITH PARTY CENTRE

233. The Srae Ambel salt fields were regularly visited and monitored by the CPK senior leaders. **Nuon Chea** came with West Zone Chairman Chou Chet to inspect the Kampong Kandal salt fields in 1977, and convened a meeting where he instructed workers to strive to work for the future of the country. Vorn Vet, as Deputy Prime Minister responsible for Industry, Hu Nim and Hou Yuon also made trips to inspect the salt field worksite of Traoey Kah. Pol Pot, like **Nuon Chea**, attended meetings at Srae Ambel, where he instructed the workers to produce more and to make progress. Although **Ieng Thirith** was not seen visiting the salt fields, in 1978 East Zone people were massively purged from Phnom Penh hospitals and pharmaceutical factories under her supervision and sent to Srae Ambel salt fields for tempering, while many illiterate female salt field workers replaced them in the various MSA units in Phnom Penh.
234. Annual quotas for salt production were decided by the Central Committee and the Standing Committee. In addition, information on the Party line was indoctrinated to

all salt fields workers at meetings held every ten days at the Chum Kriel Pagoda.

FORCED LABOUR

235. At Srae Ambel nearly all the workers were women. In total, there were between 5,000 and 8,000 workers. There were 3,000 to 5,000 at the Kampong Kandal location only, and thousands at the Traoey Kah salt farm. Given its smaller size, it is likely there were a smaller number of workers at Ses Sar salt farm. Originally most of the workers sent *en masse* to Srae Ambel were transferred from areas such as Kandal, Takeo, Kampong Cham and Kampong Speu, solely because the salt fields required a workforce. However, during the 1978 purges, hundreds of East Zone personnel working in Phnom Penh under the MSA were sent to the salt fields for tempering.
236. Workers were placed in units of approximately 50 women. Female workers at Srae Ambel were forced to dig canals, build dykes, shovel dirt and impurities in the fields, compact the shovelled sections with a tamping tool called an elephant's foot, pull a harrow like yoked cattle through the salt fields or pack and carry salt to and from warehouses to trucks in bags of 40 to 70 kilograms each. The few men that worked at Srae Ambel (around 100 at Kampong Kandal) largely acted as technicians, operating water pumps and managing the women who manually added water to the salt fields. In the rainy season, some workers were also sent to Ohnum Kangkaep in Kampot to produce vegetables, dig canals, compact the rice, built dykes or carry rocks to erect a dam to hold back the ocean.
237. Normal working hours were from 6 or 7 a.m. until lunch at 11 a.m. or noon and continued right after lunch until around 5 or 6 p.m., when workers were given their second meal. When quotas had to be met, during the high season, and before heavy rains, work would resume again after dinner, when workers would pack the ground and load salt until midnight or daybreak. Salt production generally lasted from November to April with the peak season from January to March. The salt production quotas increased each year. Workers who could not complete their assigned tasks were punished.

INHUMANE CONDITIONS

238. Workers had no privacy as they slept and ate in large groups of people and the buildings were overpopulated. Workers' freedom of movement from the living

quarters was restrained as shifts of guards were assigned at night to watch workers while they slept. Armed guards also monitored the worksite during the daytime.

239. Workers were *de facto* detained at Srae Ambel as they were guarded day and night and forbidden from leaving the salt farms without permission. Permission was rarely granted and some forced labourers were afraid to ask for permission in case the cadres suspected they were homesick and consequently punished them. They were warned against any attempt to escape and those who were caught were punished. Escaping Srae Ambel salt fields was difficult, as Traoey Kah salt farm was on an island, and guards watched the land routes at Kampong Kandal, leaving only the waterways for escape. As a consequence, some forced labourers drowned during escape attempts.
240. The food provided to workers was inadequate in terms of both quantity and quality. Meals were given twice a day; generally once around noon and once in the evening or night depending on when work was completed. Each meal consisted of an insufficient ration of thin gruel, some porridge / rice with vegetables, or a soup made of water, morning glory and water lily. Only eight cans of rice were used to make gruel for one unit of 50 people and workers were not allowed any extra gruel beyond the single rations allocated them. Once per week workers were given a desert, and once per month they were given crab or fish. To survive, some workers had to scavenge for fruits or steal smoked fish at the dining hall, but if caught they would be deprived of food for days. Food rations were either significantly reduced or withheld entirely when workers became ill, because they were unable to work. Food was largely used as a mechanism for enforcing labour conditions at Srae Ambel, as only those who worked were given their rations.
241. Workers were forced to live with grossly inadequate hygiene and sanitation standards. Workers were only given two sets of clothes per year that often became ragged. Workers were responsible for sewing and washing these clothes once a week. Some were able to bathe in fresh water every three to seven days, while others were only able to bathe in salt water.
242. Due to inadequate food supplies, excessive labour, poor sanitation and hygiene standards and negligible health care, the majority of workers were in poor health. Disease was rampant and workers suffered from malaria, fevers, and dysentery. Due to overwork and hard tasks, which involved carrying heavy bags for hours and

spending extended periods of time wading in salt water, many of the workers suffered from joint pains and swollen knees, as well as painful leg sores. In addition to these ailments, workers were skinny and pale and some became so exhausted and malnourished that they collapsed while performing their assignments. Those who could no longer work because of their injuries were not given any food. Workers who became sick were criticised by CPK cadres, who called them lazy and accused them of faking their illness.

243. A ten-room elementary school located at the current Chum Kriel Pagoda, near the worksite, was used as a hospital. While the Chum Kriel Hospital was nearby, only those who were seriously ill would be sent there, and workers considered 'partially sick' were forced to continue working. Patients would often not be taken to the hospital until they could no longer walk and needed to be carried there. As a result, many workers died at the worksite before getting any type of medical attention. At both Srae Ambel and the Chum Kriel hospital, medicines were scarce, unavailable or fake, including the so-called "rabbit pellets." Medical staffers were poorly trained and their numbers were insufficient to treat patients at the hospital, and on location at the Srae Ambel salt fields. As a result, many died at Chum Kriel Hospital or at Srae Ambel after leaving the hospital.
244. Workers were subjected to dehumanising treatment and punishment. They were forced to write their biographies, and during group meetings were criticised as lazy, instructed to work hard, and told not to miss family members. In cases of misconduct, workers were beaten, deprived of food, and forced to openly warn other workers not to follow their bad example. Workers dared not complain, and feared potential arrest.
245. As a result of inhumane conditions imposed at Srae Ambel, at least 20 workers escaped or tried to escape and seven drowned in the ocean. Additionally, conditions were so unbearable that a number of workers committed suicide by hanging themselves or by drinking poison.

UNLAWFUL ARRESTS AND DETENTION

246. Workers and cadres at Srae Ambel were subject to unlawful arrests and detention. Those arrested included workers with family members who were connected to the Khmer Republic regime, workers who expressed disagreement with a CPK policy, workers accused of moral offences or of being an enemy, and workers who were

merely standing outside at night. Arrests usually occurred at night. Workers were lined up, handcuffed and leg-chained and taken away. Workers were also transferred to the Traoey Kah island salt field as punishment for perceived laziness or escape attempts.

UNLAWFUL KILLINGS

247. Although there were apparently no executions at Srae Ambel itself, some workers disappeared from the site and are believed to have been executed. Specifically, two workers are believed to have been transferred and killed at Prey Kaong Kang. One captured escapee was sent to a prisoner holding site at Phnom Sânlom. At least 24 CPK cadres and workers from the State Salt Fields were detained and executed at S-21. Amongst those arrested and reportedly taken away for execution were workers accused of attempting to escape, making minor mistakes in their work, being perceived as traitors and for perceived immorality.

1ST JANUARY DAM

LOCATION AND OPERATION

248. The 1st January Dam was located in two districts of Kampong Thom Province: Santuk District (Boeng Lovea and Kampong Thma communes), which was part of Sector 43 of the Central (old North) Zone; and Baray District (Balaing Commune), which was part of Sector 42 of the Central Zone. The worksite operated under CPK control from 1 January 1977, when construction began, until construction was completed either in late 1977 or early 1978. The 1st January Dam was restored and modified after the DK era, and exists today as the Stung Chinit Irrigation and Rural Infrastructure Project.
249. The Dam comprised of a rammed earthen embankment approximately 66 kilometres long, seven metres wide at the top, 20 metres wide at the base and with a mean height of 2 to 3 metres, intended to block the Chinit River. The main dam wall of the 1st January Dam was two kilometres long. A 20 metre wide canal ran for 33 kilometres in Santuk District. An associated project (part of the same irrigation system) was the 6th January Dam and Bridge.
250. The Baray District security office was located in close proximity to the 1st January Dam at Wat Baray Choan Dek, Tras Village, Balaing Commune, Baray District, Kampong Thom Province. After construction of the 1st January Dam began, the

number of people imprisoned at Wat Baray Choan Dek increased. The security office comprised of the monks' large dining hall and a separate building in the pagoda, both used for detaining prisoners, and another two-story building used as the interrogation site.

AUTHORITY STRUCTURE

Above the Worksite

251. Central Zone Secretary Ke Pauk had overall responsibility for the 1st January Dam. He worked at an office located only six - seven kilometres from the dam and frequently visited the site. The chairmen of the three sectors in the Central Zone (Sectors 41, 42 and 43), who also served as members of the Zone Committee, provided workers from their sectors and were otherwise involved in the project to varying degrees. Ke Pauk's brother-in-law, Oeun, was the Secretary of Sector 42 and second in charge of the dam project under Pauk. [Redacted] became Sector 42 Secretary following a massive purge of the Central Zone carried out by cadres from the Southwest Zone beginning in February 1977, in which former Sector Secretary Chan Mon *alias* Töl was arrested and sent to S-21. At the same time, [Redacted] replaced both Chun Chhum *alias* Taing as Secretary of Sector 41 and Chor Chhan *alias* Sreng as Zone Deputy Secretary. Korm Chan continued to serve as Secretary of Sector 43 until 19 September 1977, at which time he was arrested and replaced by [Redacted].
252. The Secretary of Santuk District, until his arrest on 16 August 1977, was Chan Saun. The known Secretaries of Baray District during the construction of the 1st January Dam were [Redacted], followed by [Redacted]. Wat Baray Choan Dek was a district security office supervised by the Baray District Secretary, who visited the prison at least once a month. The chairmen of Wat Baray Choan Dek, in order of their succession, were [Redacted]. Following the Central Zone purge, Southwest cadres led by [Redacted] took over the security centre.

Within the Worksite

253. The original site chairman of the 1st January Dam worksite was Sao, a cadre from the Ministry of Public Works. [Redacted] Several of these site leaders and technicians had been sent to the Russei Keo technical school in Phnom Penh in 1976 to study

irrigation and hydro-electricity before construction of the dam began. Redacted

COMMUNICATION WITH PARTY CENTRE

254. The plans for the 1st January Dam were issued by the Party Centre. Those plans specified the “length, width, depth and height of the dam,” and required that the construction of the 60-kilometre long dam be completed in one year. The 1st January Dam was built as part of CPK’s economic plan to increase agricultural production throughout the country. Most of the senior CPK leaders visited the 1st January Dam site, including Pol Pot, **Nuon Chea**, **Ieng Sary**, **Ieng Thirith**, **Khieu Samphan**, Son Sen and Ta Mok. Zone Secretary Ke Pauk communicated with the Party Centre by telegram at regularly scheduled times.
255. On 6 December 1977, Chinese Vice Premier Chen Yung-Kuei visited the 1st January Dam, accompanied by Pol Pot, Vorn Vet, Central Zone Secretary Ke Pauk and Redacted. On this occasion, Ke Pauk noted that “Buddhist monks used to say that only God can dam the Chnit River,” with Pol Pot adding that “the people themselves” were now “gods.”

FORCED LABOUR

256. The construction of the 1st January Dam was completed primarily by human labour. It is estimated that over 20,000 people were used by the CPK to build the Dam. The committees of Sectors 41, 42 and 43 were responsible for providing labour, and sourced workers from the districts within each sector. Sectors 42 and 43 were each responsible for providing 10,000 workers, while Sector 41 was to provide an additional 1,000 workers. Workers were organised in mobile work units which consisted of up to 500 people. Within those units were smaller groups of approximately 30 to 50 people, and within those groups workers commonly worked in teams of three, with one person digging and the other two carrying dirt. The majority of workers were forced to dig the canals and main reservoir for the dam.
257. Normal working hours were from as early as 3 a.m., and continued until 5 or 6 p.m., with workers taking a short lunch break. Many people continued working at night, sometimes as late as 10 p.m. or midnight. Workers were assigned high quotas of dirt to excavate and transport, ranging from one to three cubic metres per day. One witness recalls being given a quota of seven cubic metres per day. Few were able to

meet these onerous quotas.

INHUMANE CONDITIONS

258. Workers at the site were housed in long wooden buildings which had no mosquito nets, blankets or mats. Men and women's housing was segregated (including for married couples), and workers were only allowed minimal conversation and interaction. Many workers at the 1st January Dam were forced to marry in mass ceremonies. The food provided to workers was inadequate. Food rations generally consisted of gruel or watery soup provided twice a day. [Redacted]. Many became ill and died from starvation, disease or exhaustion.
259. Workers were forced to live with grossly inadequate hygiene and sanitation standards. The 1st January Dam worksite was infested with insects, lacked proper latrines and had particularly bad sanitary conditions for women. One witness described the area as "black with flies." Most people worked "in rags," and were only provided with a new set of clothes once a year. Due to the inadequate food supplies, excessive labour and poor sanitation and hygiene, many workers were in poor health and ill with fever, cholera or dysentery. Sick workers were untreated or provided inadequate medical care, including insufficient medicine, administered by youths who lacked proper medical training.
260. A climate of fear existed at the site as workers could be punished for a range of infractions. Once transferred to the site, workers were not allowed to leave, and were punished for unauthorised movement. Workers were also punished for not meeting their quotas. Possible punishment included the assignment of more work (often to be completed at night), detention in cages for days, and beatings with whips.

UNLAWFUL ARRESTS AND DETENTION

261. Numerous workers at the 1st January Dam site were arrested and detained. Those arrested included workers punished at the worksite who had not shown sufficient "improvement," workers accused of being in CIA networks, New People and Cham. At one meeting attended by a mobile unit chairman, district leaders discussed Angkar's construction plans [Redacted]. Accordingly, any workers who failed to follow orders and implement the work plan were subject to arrest and execution. Guards patrolled the dam worksite, and workers lived with the constant threat of

arrest and execution. People were asked to spy on their co-workers. Those who were arrested were taken away for “re-education” to the Wat Baray Choan Dek security office and never seen again.

262. Prisoners detained at Wat Baray Choan Dek were shackled 24 hours a day. The prisoners included women and children. Prisoners were rarely allowed to bathe, sometimes only once every six days or once a month, and were required to relieve themselves in a container that was passed along the row. The food ration provided to prisoners was meagre, consisting of only one can of rice for five people, or a couple of scoops of gruel. Many died of starvation, and there were no medics for treating sick prisoners. Prisoners were interrogated inside a two-storey building within the site, and tortured and beaten during such interrogations.

UNLAWFUL KILLINGS

263. Evidence indicates that large numbers of workers from the 1st January Dam site were executed. Workers regularly disappeared from the site, usually at night and many are believed to have been killed at the Wat Baray Choan Dek security office. Prisoners were brought to this security office every day and every night. The vast majority of those people did not survive. Confessions from prisoners were sent to the Baray District chief, who then decided which prisoners would be “smashed.” The killing at Wat Baray Choan Dek peaked in 1978. Based on the quantity of human skeletal remains exhumed from mass graves, it is certain that thousands of victims were killed at this site. DC-Cam investigators estimated the total to be as high as 15,000 to 20,000. One surviving prisoner of the security office estimated that the total is 25,000. The remains of thousands of the victims have been kept in stupas at the Wat.
264. Killings took place at night at the southern part of the security office or in front of the Wat. Prisoners were blindfolded, killed by a blow to the back of the head with a bamboo stick or hoe, and then buried in pits. Some victims were apparently tossed into a well. There was a “very unpleasant smell outside” the Wat, and bloodstains on the walls of the buildings. People were killed for a variety of alleged transgressions, such as trying to collect additional food, being capitalist or feudalist, having “Yuon” tendencies, being a “17 April” person or Cham, and being lazy or complaining.

TRAPEANG THMA DAM

LOCATION AND OPERATION

265. The Trapeang Thma Dam is located at Trapeang Thma Village, northwest of and adjacent to Paoy Char Village, Paoy Char Commune, Phnom Srok District, Banteay Meanchey Province (formerly in Battambang Province prior to boundary changes), in what was Sector 5 of the Northwest Zone. It was constructed with the use of thousands of workers performing forced manual labour under CPK control from late 1976 / early 1977 until late 1977. The Dam is still in operation, although following renovations in 2004, it differs somewhat in appearance from the 1970s.
266. The Dam has two dykes, one measuring nine kilometres that runs east to west along the south side of the reservoir, and another thirteen kilometre dyke running north to south along the east side of the reservoir. While the original plans reportedly indicated the Dam was to be about 50 metres wide at the top and 100 metres at the base, estimates vary as to the dimensions of the Dam as constructed: it was five to eight metres high, between ten and 25 metres wide at the top, and 30 to 50 metres wide at the base. The dykes were made of rammed earth construction, with a concrete spillway and bridges.
267. Along the first dyke are three bridges, Bridge 1 being immediately to the west of the intersection of the two dykes, Bridge 2 located 3.2 kilometres west of Bridge 1 and Bridge 3 situated 3.5 kilometres further west from Bridge 2. The back half of Bridge 1 was completed at the same time as the dam itself, while Bridges 2 and 3 were not yet built. The dam contains sluice gates. Running along the top of both arms of the dykes are narrow roads. Many irrigation canals were also constructed during the construction of the dam. Shelters were provided for labourers adjacent to the site. Numerous killing sites were located near these shelters.

AUTHORITY STRUCTURE

Above the Worksite

268. The Secretary of Sector 5, until his arrest in September 1977 as part of the purge of the sector that began mid-year, was Maen Chun *alias* Hoeng. Hoeng was replaced by Heng Rin *alias* Mei, who was arrested himself in November 1978. The other members of the Sector 5 Committee under Hoeng were Redacted and Ta Cheal, the son of Northwest Zone Secretary Muol Sambath *alias* Ros Nhim. Ta Cheal was

involved in the oversight of the Dam construction, and inspected the work site on a number of occasions. Ros Nhim himself inspected the work site at least once in 1977. He and his son Ta Cheal were arrested in June 1978.

269. The Phnom Srok District Secretary from 1975 until his arrest in 1977 was Ngan Yem *alias* Hat. [Redacted] was the Deputy Secretary of the District, and Paen Yoy *alias* Yuy was the member of the District Committee until his arrest in mid-June 1977. [Redacted], of the Paoy Char Sub-district Committee, inspected the site. [Redacted] Phnom Srok District Secretary Hat also sent people to work at the Dam, pursuant to orders from the Sector.

Within the Worksite

270. Ta Val was the Sector Mobile Unit Chief and effectively in charge of the work site. [Redacted].
271. Ta Val and [Redacted] presided over regular meetings regarding construction; Ta Val, [Redacted] developed the work plan; and Ta Val issued orders to subordinate leaders of working units, including battalion chairmen. Ta Val appointed several subordinate leaders of labourer groups. Labourers were led in working units of ten. There were three Units in each Platoon, three to six Platoons in each Company, and three Companies in each Battalion. Platoon Chairmen reported to Company Chairmen, and Company Chairmen reported to Battalion leaders. At least seven battalions participated in construction. There were also special units comprised of varied numbers of labourers. A separate Case Unit, comprised of labourers who were punished for not working hard enough, was assigned particularly difficult tasks.
272. Ta Val was purged in mid-1977 by Southwest Zone forces. After this, the Sector Mobile Unit that Ta Val had been in charge of was separated into a District Mobile Unit for adults, and a Sector Mobile Unit for youths. [Redacted] from the Southwest Zone subsequently supervised the construction of the Dam, and arrested and killed many people.

COMMUNICATIONS WITH PARTY CENTRE

CPK Higher Command to Worksite

273. While plans for the construction were formulated by the Northwest Zone leaders, the

Party Centre received copies of the plans and kept track of the approvals. CPK Senior Leaders visited the dam site: Pol Pot visited occasionally; **Khieu Samphan** visited the site often, and on one visit urged the labourers to continue working hard. He later expressed personal gratitude for the completion of the dam, which, in his words, resulted in rice fields as far as his eyes could see. The Sector and Zone Secretaries also visited the site, as did District Secretary Ta Hat. Ta Hat routinely communicated with Ta Val, the leader of construction at the dam. Ta Yuy usually organised meetings regarding construction.

274. The Trapeang Thma Dam was used to showcase the DK regime's achievements. Ta Cheal, the Zone Secretary's son, presided over an inauguration ceremony to celebrate the opening of construction at Bridge 1. Numerous high-ranking officials in black suits attended this event. Among the attendees was a Chinese delegation accompanied by Ros Nhim. Pol Pot, who was also in attendance, stated that the Chinese were providing construction equipment. Chinese delegations regularly inspected the site. The Chinese also provided clothes and hoes for construction. Pol Pot, Vorn Vet, and Chuon Choeun accompanied a Chinese delegation's visit of the site on 8 December 1977.

Worksite to CPK Higher Command

275. Ta Cheal reported to the Party Centre about the workforce to be utilised during construction. Reports on the progress of construction were sent to the highest levels of the Central Committee. Sector 5 submitted weekly reports to the Northwest Zone Office (M-560) regarding progress of the construction. The Zone Office sent regular reports to Office 870, including reports that discussed the status of the Trapeang Thma Dam. On one occasion, Redacted requested clothing for labourers directly from Phnom Penh, which was granted by Ta Mok.

FORCED LABOUR

276. Thousands of labourers were forced to work on constructing the Trapeang Thma Dam. Labourers comprised men and women, youths, and children. They were mostly drawn from Sector 5's districts, and were predominantly made up of New People previously evacuated from Phnom Penh. Because the purpose of the work was building a dam for irrigation, workers were forced to carry earth or fertiliser and close the dykes. All work was done manually, although baskets, hoes, and yokes were

provided. Working hours generally occurred in three sessions, mornings, afternoons, and evenings. Estimates of the daily work quotas vary between one, two, or three cubic metres of soil moved per worker per day. At planting time, workers also transplanted rice seedlings.

277. Workers were required to wear black, and if white clothes were issued, they had to be dyed black, using mud or tree bark. Shoes and hats were not provided. Lights were usually provided for work at night. During work time, free movement and communication were prohibited, with males and females strictly segregated. Rest was not permitted until work was completed.
278. Unit Chiefs oversaw the work and spies were placed in each Unit. Workers were punished for not working hard enough, with the most common forms of punishment being an increased work quota, or withholding of food rations. Workers were also sent to the Case Unit, where they were required to carry additional soil, and were assigned more difficult work. Many New People were forced to work in this Unit. Beatings were also common. Sometimes labourers were physically abused by guards who tied their feet in the air and then dropped and raised them repeatedly. Disappearances also occurred. There were numerous deaths caused by exhaustion.

INHUMANE CONDITIONS

279. Workers built their own shelters close to the construction site, consisting of long communal halls made of bamboo or branches, with thatched roofs. Some shelters had no walls. The sleeping halls varied in length but were generally six metres wide. Men and women were segregated. The living conditions were poor as workers slept in two rows, feet to feet. Mosquito nets and sleeping materials were generally not provided. Workers fashioned rice sacks into hammocks. Children faced identical living conditions, but were not segregated by sex. Some elders stayed in their own local homes.
280. The food provided to workers was inadequate in terms of both quantity and quality, leaving workers starving and malnourished. Each meal consisted of an insufficient ration of gruel, rice, dried fish, or fermented fish paste. Rations were uniform among all labourers. Meals were given two to three times a day. Thin and starving labourers resorted to eating lizards or poisonous leaves, and drinking unclean water. Labourers fell ill and died due to starvation.

281. Workers were forced to live in grossly inadequate hygiene and sanitation conditions. Toilets were virtually non-existent, and flies were rampant. Labourers could not even speak to each other or eat without flies entering their mouths. Due to malnutrition, excessive labour, and poor sanitation and health care, diseases including cholera and malaria were rampant. Many ill labourers perished. Untrained medics treated sick labourers, typically administering so-called “rabbit pellet” tablets. Some very ill labourers were sent to a nearby hospital, which lacked medicine. Conditions generally worsened after the Southwest Zone forces seized control of the Northwest Zone following the 1977 purges.

UNLAWFUL ARREST AND DETENTION

282. The number of workers at Trapeang Tham who were arrested and detained in security offices is unknown, however arrests occurred on a daily basis. Those arrested included workers who failed to complete work quotas, broke moral codes, or had “Yuon” connections. While New People generally were the principal target, others targeted included workers that had studied in the monkhood, and educated individuals such as statisticians and teachers.
283. Arrests usually took place at night, although some arrests were made during the workday. While Ta Val’s military carried out at least some of the arrests and killings at the Dam, arrests and killings were ordered directly by the Party Centre. Upon initial arrival at the worksite, forces made a biography for each worker, and those biographies were then scrutinised to identify “enemies.” Arrestees had their hands tied behind their backs and were escorted away. A night guard saw lines of 15-20 people taken away in this manner on three separate occasions. Arrestees were re-educated, or disappeared altogether. [Redacted]. [Redacted] reported that arrestees were escorted away by armed soldiers and then killed in lines.

UNLAWFUL KILLINGS

284. Unlawful killings were commonplace at the Trapeang Thma Dam. Those who were singled out for killing had been repeatedly re-educated or accused of not working hard enough. Those accused of being CIA agents were also killed. New People were especially targeted.
285. While the total number of victims killed at Trapeang Thma Dam is unclear, some

2,000 victims are buried in Ang Trapeang Thma, located near the reservoir, the biggest execution site in the Phnom Srok District. Because the vast majority of the population of Phnom Srok and Preah Net Preah Districts were New People, most victims there were likely New People. Mass grave sites are also located both within the Dam and underneath the reservoir itself. Killings usually occurred at night, and the process of killing varied. On one evening, a prisoner who had been originally evacuated from Phnom Penh was ordered to dig his own grave, after which he was clubbed to death with a hoe and thrown into the pit. One witness recalled an occasion on which pregnant female workers, from five months to full term, were executed and buried in the foundations at Bridge 1, supposedly to support the Dam's integrity. A pregnant woman was beaten and dropped into a pit at the edge of Bridge 1, and then buried alive with rocks. Other victims met a similar fate at a pit near Bridge 1. Other killing sites were located near the shelters. One witness indicated that labourers were killed by the hundreds by young *chhlop* and buried at the bottom of the dam.

KAMPONG CHHNANG AIRPORT

LOCATION AND OPERATION

286. The Kampong Chhnang Airport Construction Site was located in Bat Lang Village, Krang Leav Commune, Rolea B'ier District, Kampong Chhnang Province, in Sector 31 of the West Zone. The worksite operated under CPK control from February-March 1976 until January 1979. The establishment of the Kampong Chhnang Airport Construction Site was decided at the end of 1975 - early 1976 by the CPK Standing Committee. The site appears to have been the largest forced labour camp operated by the RAK. It was intended for military use only, to handle huge Chinese transport planes, and therefore was to remain secret. This explains the remote location eventually approved by the Standing Committee. The airport construction, supposed to be finished by the end of 1979, was never completed and the airport has never been used.
287. The Kampong Chhnang Airport Construction Site has a single 2400 metre long runway designed for large aircraft with accompanying taxiways and hardstands, a five-storey control tower, administration buildings and military headquarters, small wooden houses or dormitories for the workers, a field kitchen, a fuel dump, a saw mill, and a stone quarry. In addition, approximately three kilometres southeast of the

airfield proper on the other side of Route 145, situated in a series of low hills, is a complex of excavated caverns which were to be used as a fuel depot, command bunkers and aircraft hangars. The equipment and machinery used at the site were directly imported from China and transported by ship. The Kampong Chhnang Airport Construction Site was established on a vast site (seven kilometres long) covering the area between Kraing Leav pagoda and the Sap Angkam bridge at national road No 5. The airfield alone covered some 300 hectares.

AUTHORITY STRUCTURE

Above the Worksite

288. The Kampong Chhnang Airport Construction Site was a special worksite under the control of the Party Centre and the line control of Division 502. The supervisor of the site, [Redacted], was subordinate to [Redacted]. [Redacted] was assigned by the Standing Committee on 21 April 1976 to develop air services and moved to the General Staff, and was then replaced by [Redacted].
289. Division 502 functioned as the DK Air Force. While most of the ten Main Force divisions reporting to the General Staff were divided into three regiments consisting of nine battalions with a disposition of 4,000- 6,000 personnel, Division 502 had at least two or more regiments consisting of 18 battalions. It, along with Division 164 which functioned as the DK Navy, had specialist responsibilities beyond those assigned to normal Central Divisions.
290. Superior to [Redacted] was Son Sen, the Chairman of General Staff. Son Sen had direct responsibility over the Kampong Chhnang Airport Construction Site and, as such, reported to the Standing Committee and implemented Standing Committee decisions.

Within the Worksite

291. The Kampong Chhnang Airport Construction Site was placed under the direct authority of its Chairman [Redacted]. The other Division 502 cadres supervising the construction were initially mostly from the Southwest Zone [Redacted].
292. Between 100 and 300 Chinese experts and cadres, assisted by interpreters, were in charge of technical aspects of the airport construction. They were not involved in any political education, but only directed engineering tasks and operated the machinery.

They sometimes wore military uniforms. They were not subject to the same work conditions as the forced labourers, as they were housed in Kampong Chhnang town and transported daily to the Kampong Chhnang Airport Construction Site by bus.

COMMUNICATION WITH PARTY CENTRE

293. The construction and completion of the airport was of direct and primary concern to the CPK Standing Committee members since their decision to establish it. Several members of the CPK leadership visited the worksite to assess the progress made: Son Sen, **Nuon Chea**, **Ieng Sary**, **Khieu Samphan** and Ta Mok. When the Standing Committee decided to purge the East Zone military forces in late 1977 and early 1978, they sent all disarmed East Zone subordinate soldiers to the Kampong Chhnang Airport Construction Site in order to hasten its construction.
294. At the same time, the Centre was kept informed of the security situation in the region (and notably of arrested escapees from the Kampong Chhnang Airport Construction Site) by monthly reports sent by the West Zone Office. Although the Kampong Chhnang Airport Construction Site was located in Sector 31 [Redacted] of the West Zone, the Kampong Chhnang Airport Construction Site leadership did not develop close relations or communication with the Sector or Zone authorities. As [Redacted] direct supervisor, [Redacted] often visited the Kampong Chhnang Airport Construction Site to monitor the construction process and report to Son Sen. Ke Pauk also visited the site.

FORCED LABOUR

295. Tens of thousands of military cadres were sent to the Kampong Chhnang Airport Construction Site for tempering where they were unlawfully detained under the threat of being summarily shot. The number of detainees varied from a few dozen or hundred at the very start of its operation in early 1976 to tens of thousands in 1977-1978 (estimates range from 20,000 – 35,000) after the purges of the North and East Zones. There were numerous detainees from Division 170, Division 310, Division 450 (also called 603), and Division 703. The vast majority of workers were male subordinates of leaders and cadres previously arrested for treason, and there were a number of units of female soldiers. Most of the detainees were brought to the site from the North Zone in 1977 and from the East Zone in 1978, while others came from

the Central, West and Southwest Zones. Handicapped or disabled soldiers (for example from Unit Kâ 4 in Division 310), were also sent to work at the Kampong Chhnang Airport Construction Site.

296. The workers were organised into sections and were forced to undertake strenuous manual work, such as dismantling the Bat Lang village houses, clearing the forest and digging up the tree stumps, pulling grass, blasting rocks at the stone quarry, breaking, carrying and laying stones, crushing and tamping down the earth, levelling the ground, carrying cement and sand, pouring concrete, digging canals, building sewage pipes or making caves for command bunkers and aircraft parking. Some female workers farmed paddy. Kampong Chhnang Airport Construction Site workers were given basic hand tools like earth carriers, hoes, spades, shovels and “elephant's foot” soil tampers however the work was done without any draft animal assistance.
297. The hardest work was reserved for some categories of detainees such as those from the East and North Zones, and other “bad elements” or “affiliated soldiers” accused of having links with former Khmer Republic officers or alleged traitors. Privileged workers had the chance to drive Chinese machines such as tractors, soil dump trucks, compact rollers, bulldozers, concrete mixers, water trucks, or excavators. These machines helped them scrape the earth, transport stones, level the ground surface, compact the soil, build the runways by filling the tarmac with stones and concrete, build roads and bridges and dig water reservoirs. One category of detainees assigned to sharpen mechanical saw blades was cuffed when not working.
298. As the CPK senior leaders and the Kampong Chhnang Airport Construction Site authorities needed the airport to be operational quickly, the work conditions were extremely harsh. Normal working hours began at 4 a.m. when workers attended group criticism meetings or farmed paddy. Workers sometimes had to walk kilometres to reach their workplace by 6 a.m. and they worked from this time until 6 p.m. with a one-hour lunch break. Rest was not otherwise permitted. At night, lights were installed and some sections routinely continued to work from 7 p.m. until 11 p.m., or even later. Some privileged soldiers worked until 5 p.m. only. A number of detainees only worked nightshifts.
299. The workers were under constant pressure to work harder and were constantly under surveillance. They were not allowed to move freely or communicate with one another,

and different units were separated and prohibited from meeting.

INHUMANE CONDITIONS

300. The food provided to workers was inadequate. Some workers received gruel. The Division 502 personnel supervising the detainees, received rice or vegetable soup mixed with a small amount of fish. In any case, the quantity was insufficient and tended to decrease after 1977. Meals were given twice a day. Most people were emaciated, as described by one survivor, “the workers were so starved that their knees were bigger than their heads.” People were immediately killed if caught stealing food. In contrast, the Chinese experts and technicians, as well as the few privileged soldiers working directly with them, had enough to eat and drank beer at a weekly party at Kampong Chhnang town.
301. Ill detainees were treated in each unit by unqualified medics with inefficient, locally made medicines. Seriously ill persons were transported to a hospital at Preah Tvea pagoda or to Kampong Chhnang but very few returned. A large number of forced labourers were severely injured or killed by flying rocks as the mountain was blasted with dynamite. The workers, in contrast to the engineers, had no protection from projectiles. Other detainees fell off the crags while excavating the mountain for aircraft bunkers. Such accidents were a daily occurrence. Hundreds or thousands of workers died of overwork, malnutrition, exhaustion and diseases at the Kampong Chhnang Airport Construction Site. As the number of detainees increased and the work conditions and health of the detainees deteriorated, there was a rise in the number of deaths. The corpses were transported and placed in pits at a nearby forest near Watt Steung. Conditions were so unbearable that suicides were committed every week by running under the wheels of trucks or rollers.

UNLAWFUL ARRESTS AND DETENTION

302. Many the Kampong Chhnang Airport Construction Site workers were arbitrarily arrested at the labour camp and taken away, sometimes for detention in security offices. Arrests were made for a number of supposed infractions, including: having links with the Vietnamese, breaking equipment; failing to comply with the set plans; being undisciplined in speaking; being lazy or emotionally ill; stealing food or tobacco; attempting to escape; and being sick too often. Arrests took place every day. They were mostly carried out at night. Arrestees were told that they were called for

meetings, training sessions or for harvesting rice. Once gathered at [Redacted] office, the were tied up at gunpoint before being loaded onto trucks and driven away.

303. By late 1978, when under heavy attack from the Vietnamese, thousands of the Kampong Chhnang Airport Construction Site detainees were forced to re-join the army and sent to the battlefield to fight the Vietnamese.

UNLAWFUL KILLINGS

304. Arrestees from the Kampong Chhnang Airport Construction Site were generally taken away on National Road Nr. 5 heading towards Phnom Penh to be killed in either an unknown place in the direction of or at Amleang, at Piem Lôm mountain, five kilometres from the Kampong Chhnang Airport Construction Site, near Romeas railway, or even sometimes at S-21. Handicapped and wounded soldiers were taken away and killed at Amleang by Company Chairman [Redacted] after having been told that they were going to fight. The killings increased over time.
305. In addition to the arrests and killings which took place at the Kampong Chhnang Airport Construction Site during the time of its operation, many unlawful detainees were ultimately killed in the days following 6 January 1979 in Toek Phos District, District 13, Sector 31. Kampong Chhnang Airport Construction Site detainees killed at that time were those who were seen to be affiliated with the East Zone. After the evacuation of the Kampong Chhnang Airport Construction Site and the burning of the machines and equipment, thousands of former East Zone soldiers were killed around Mongkon Khan Pagoda, Wat Village by about 100 militiamen who came from District 14 of Toek Phos District. Thousands of others were tied and transported by trucks to Romeas railway station and killed at a former French fort (located approximately 20 metres from Road No. 53) by having their throats slit. Others were killed at Tuol Kphuos Pagoda.

FORCED MARRIAGES

INTRODUCTION

306. During the DK regime, forced marriages started taking place as early as 1975 and continued up to and during 1979. Forced marriages took place in all DK zones and at all levels of the CPK hierarchy. They were imposed at the lower-level in villages, communes and within military units and at higher levels within various ministries.

ESTABLISHMENT OF POLICY

307. The CPK policy on forced marriages encompassed the ideology that personal emotion and love should no longer be part of the process of selecting life partners. Sexual repression became standard policy and anyone suspected of sexual activity outside of those organised by the CPK was regarded as a punishable moral offender, with consequences ranging from being sent for re-education, to prison, or even death to serve as an example.
308. The policy mandated that the Party as an organisation would dictate who would be made partners and forced to marry for the purpose of building “revolutionary families.” These decisions were required to be “absolutely respected,” and objections were generally not permitted. Once the forced marriage event was complete, the Party continued to dictate interactions, such as forced sexual relations between these newly forged partners. Forced marriages and resulting forced pregnancies were part of a CPK demographic plan designed first to increase and double the population, and then ultimately double the workforce to drastically increase production.
309. Authorization for forced marriages was generally understood to be dictated by “Angkar.” Forced marriages were authorised and organised by village chiefs, commune committee heads, and also by heads of particular units. Within military units CPK soldiers would at times pick civilian women to marry from villages and communes. Also CPK soldiers, subject to the approval of Angkar, were often rewarded for their contribution to the revolution by selecting a forced marriage partner. There were several units and communes where males could submit a request for a particular partner. This request was then forwarded to the chief of the women’s unit or to the Party Centre to decide. Even if a woman wanted to dispute a request the consequences were often regarded as too severe to object.

310. Arrangements for forced marriages were authorised and ordered by heads of the district committee, and by sector level authorities. Forced marriages also took place at the zone level when authorised by zone leaders. Ministries such as the Ministry of Commerce (both domestic and foreign trade) and the MSA, dictated and approved forced marriages. **Ieng Thirith** organised and approved the forced marriages of several individuals working within the MSA under her supervision. Forced marriages authorised within the Ministry of Commerce, under Van Rith, often resulted after males raised potential partner's names with their superiors, which were then subject to the approval of the head of a female unit.
311. An individual who worked closely with the Central Committee, as a messenger and escort, personally had a marriage proposed by either [Redacted] or Pol Pot. After this particular proposal the forced marriage was later agreed to by Hu Nim, the Minister of Propaganda. [Redacted], former Sector 105 Secretary, recounted that at a meeting with Pol Pot, he was directed by him to marry a few couples at a time, and essentially ensure that the CPK policy of group forced marriages would be enforced.

COMMUNICATION OF POLICY

312. The revolutionary policy of forced marriage and the concept of "family building" were communicated in publications such as the CPK Magazine *Revolutionary Youth*, specifically in an article entitled "Revolutionary and Non-Revolutionary World Views Regarding the Matter of Family Building." In selecting spouses, the publication outlined how proposals must be made to the "Organization," and the assessment and decisions of the "Organization" had to be "absolutely respected." The publication further communicated that building a family was no longer about following "whatever your heart sees," or "personal interests," but rather about building "revolutionary families." Additionally, it was dictated that the Party will only prosper by "handing over the family for the Organization" and to the "collective" to build.
313. The same publication indicated that spouses were no longer to be left to "just cook, look after the children, and to look after the house like families of the old society." Related to this aspect of family duties, Pol Pot delivered before the Party Centre an Explanation of the Party's plan for 1977-1980. He stated that in order to meet objectives on production the family would need to dissolve, and that "mothers must not get too entangled with their children" as the Party objectives required mothers to

work instead towards meeting production demands. Party plans outlined a policy to provide supervision for newborns and young children while mothers were separated during forced labour performance.

314. Communications related to organising forced marriages were at times sent in proposal letters from the army to communes requesting females. Information related to implementing the policy of forced marriage was also sent in reports, specifically moral offenses such as unauthorised sexual behaviour outside of marriage. For instance, attempts to have sex with a female were allegedly observed and then reported to the Party Centre. Further reports made to the Party Centre detailed objections to forced marriages, and whether forced couples were engaging in sexual relations.
315. Meetings were held to communicate the meaning of moral offenses to the general populace, and in some instances to make examples of those who had committed them by publicly scorning them. Even children, during their limited education, were taught to understand a “one-husband-one-wife” policy, and how moral offenders would be “smashed.” At one particular annual Sector meeting chaired by [Redacted] of Sector 13 policies related to forced marriages were discussed at the meeting place Phnom Khlèng. The “one-husband-one-wife” policy was discussed, and [Redacted] ordered that anyone who committed a moral offense would be “smashed.”

PRACTICE OF FORCED MARRIAGE

316. Before the CPK took power, marriages were generally arranged by the parents of those to be joined. Traditionally, the bride’s family approved the marriage for the interested parties. Under the DK regime, parents were no longer involved as the Party took over the role of selecting partners. Parents were generally never allowed to attend or have knowledge of the forced marriage event as Angkar arranged everything. The forced marriage event was often referred to as making a “commitment” at a meeting, comparative to a traditional celebratory wedding event in traditional Cambodian culture.
317. Eligibility for a forced marriage typically targeted women age 20 and over, and men aged 25 and over. In selecting partners to be forcibly married, authorities often used a political discriminatory element. In practice individuals considered as Base People

could only be forcefully joined with those regarded also as Base People. Individuals considered as New People could similarly only marry New People, and those designated as Candidate People were limited to be joined with other Candidate People. Cham civilians were informed that they would have to marry non-Cham.

318. Couples meeting the group discriminatory requirements were often arbitrarily formed. Sometimes they were given a number at random to be matched with the opposite sex with the same number during group weddings. On other occasions opposite sexes would form rows, or have the opposite sexes line up along the wall and walk towards each other to form couples. Group forced marriages ranged from three couples to several hundred in these mass ceremonies. At larger organised forced marriage events, there were so many individuals paired that they were unable to locate one another afterwards. Disparity of treatment existed, as there were instances of higher-level KR cadres having individual voluntary marriage ceremonies in the presence of family members, such as **Duch**. The total number of those forcefully married during the DK period is unclear, but it is estimated that there were several hundred thousand victims. For instance, studies conducted have found that out of 68 monks residing at Wat Chum Nik before the regime, a total number of 40 monks entered forced marriages.
319. During forced marriage events those paired were consistently required to pledge and make a resolution to serve Angkar first, and secondly to accept their paired mate forever. Serving Angkar included pledging to increase production, to obey Angkar, to work hard, to produce a certain amount of rice, and to be loyal to Angkar. Some partners were asked whether they loved and accepted one another. However, although parties may have stated acceptance to the marriage, acceptance was often expressed against the will of at least one of the parties.
320. CPK cadres employed various methods to force partners to consent to the forced marriage, and their presence at some forced marriages prevented escape. Objectors were taken to re-education centres as punishment, so upon return they would acquiesce to the marriage in fear of being sent back. Individuals attempting to refuse would also be coerced with threats or were actually forced to marry a handicapped soldier, being sent to re-education, prison, or to a forced labour site. Finally, objectors were threatened with or actually were beaten or tortured, raped, and in some

instances murdered.

321. In most cases, right after the commitment was made, couples were then ordered to stay together for several days to consummate the marriage in order to produce children. Those forcefully married were generally under the belief that if sexual intercourse did not occur they would be “smashed,” beaten, or be sent to re-education as a consequence. During these first forced sexual encounters CPK militia sometimes monitored their sexual activities by eavesdropping at designated houses. After being monitored the forced couples were generally separated and sent back to their respective work sites. On a continual basis after their first meeting, the forced couples were specifically instructed when to meet again, typically a few times a month when the female was fertile.
322. Victims were made aware that their purpose as forced marriage partners was to create a family not for themselves but for “Angkar.” There were forced marriage ceremonies where couples promised to produce a child within one year. Forced sexual encounters did result in forced pregnancies. These often required female victims to perform duties of continued care for children during infancy before being separated by CPK cadres. Children were often separated from parents and sent to work once reaching a certain age, as early as three to five years. The Party policy attempted to reduce child care as much as possible so that mothers could be used to perform forced labour instead of family rearing. Further, the Party dictated that a spouse was no longer to carry out duties of cooking and cleaning, rather these tasks were to be handed to the collective to perform.
323. Both male and female victims were forced to marry strangers they did not love and suffered psychological affliction as a result. Additionally, some victims were married despite being in love with another person, or were grieving widows, or (former) Buddhist monks sworn to celibacy. The psychological injury surrounding forced marriage was so severe that certain victims committed suicide either by drowning or poisoning themselves.
324. Once forcibly married, the cultivation of any real semblance of a loving relationship or family was forbidden. The policy of forced sexual relations led to victims becoming depressed, sick, and mentally unstable. In reaction to the policy of exclusivity between forced marriage partners, some victims would become sexually

active outside of the forced marriages, and if caught were met with physical injury inflicted by the CPK cadres. Furthermore, there were instances where victims who refused to enter the forced marriage were killed. After the end of the DK regime, many women suffered in silence about the sexual violence they endured for fear of possible shame.

SECURITY OFFICES

S-21 SECURITY OFFICE

LOCATION AND OPERATION

325. S-21 Security Office was established following a meeting on 15 August 1975, at which Son Sen instructed RAK Division 703 Secretary In Lon *alias* Nath and **Duch** to set up the prison. It commenced operations in October 1975 and remained fully functional until 7 January 1979, when the Vietnamese invaded Phnom Penh.
326. A meticulously-run high security prison, it operated on instructions, and under the direct supervision, of the senior leaders of the CPK. Its basic functions were to detain suspected CPK enemies, interrogate and torture them to extract confessions regarding their supposed subversive activities against the regime, identify additional enemies from the confessions, and then execute prisoners once interrogated. Substantively, the purpose of the establishment of S-21 was to enforce, at the highest levels, the CPK's criminal plan to systematically eliminate its perceived and actual enemies and opponents.
327. As a security office focusing on "enemies," who were seen as the greatest threat to the regime, S-21 was the most important prison in the CPK security apparatus and a central tool in the implementation of the joint criminal enterprise. It was unique in several respects:
- (1) it worked directly under the supervision of, and reported to, the CPK senior leaders.
 - (2) it facilitated, and took part in, purges of cadres in CPK, DK and RAK bodies throughout the country, coordinating its activities with the various military and administrative authorities. For example, it received prisoners from virtually every Military unit and Ministry in the DK government, as well as from various security offices.
 - (3) it was both the largest DK security office in terms of staff, and the most sophisticated in terms of the procedures for the detention, interrogation and execution of prisoners.
328. S-21 performed a crucial role in the functioning of the CPK security apparatus by

identifying new traitors and enemies, and confirming the suspicions of the CPK's senior leaders that they were under threat: confessions extracted by it, and purported evidence of subversive activities against the regime, were circulated among the CPK leaders. The confirmation of the leaders' suspicions helped fuel further, ever expanding waves of country-wide purges, making S-21 an integral part of the joint criminal enterprise. It is notable, however, that in stressing the importance of the security apparatus to the regime, **Khieu Samphan** indicated that S-21 helped uncover new enemies and did not just act to confirm existing suspicions. He states:

'The evidence...makes it clear that all of Pol Pot's monitoring, following his 3-7-8 principle, of Chakrei, Chhouk, Ya, and the other cadre who had cooperated with the Viet Minh was correct. Thus, Philip Short was incorrect when he wrote "The role of Prison S-21 and the confessions was not primarily to provide information, but rather to provide the "proof" of treason that they needed to arrest anyone they had already decided to arrest."'

329. Although it was relocated a number of times in the early phase of its operations in late 1975 and early 1976, once fully set up, it consisted of a central compound with numerous surrounding buildings, offices and ancillary facilities in Phnom Penh, the Prey Sar (S-24) re-education camp and prison, and Choeng Ek, S-21's killing field and a mass burial site.
330. S-21 put in place detailed internal recording systems to manage the registration and "processing" of prisoners, the process of interrogations and execution, as well as other aspects of its operations. The records included individual prisoner files, photographs, prisoner logs (including execution logs), prisoners' confessions, notes on internal training and use of torture, and other documentation relating to the work of the prison.

S-21 Central Compound

331. As noted above, in the early months of its existence, from October 1975 onwards, 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. In November 1975, S-21 was relocated to the *Police Judiciaire* compound on Street 51. However, 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. In April 1976, following his appointment as Head of S-21, **Duch** moved the security office to its permanent location at the *Lycée Ponh ea Yat*, known today as the Tuol Sleng Genocide Museum, bordered by Streets 113, 131, 320 and

350. This compound had the capacity to hold approximately 1,500 prisoners at any one time.
332. Set up as a high-security complex, the central compound was surrounded by an outer barrier in the form of a two-metre high zinc wall, topped with barbed wire, and an inner barrier which consisted of a two-metre high concrete and a wrought iron fence. Two thick rolls of barbed wire were put in place to reinforce these barriers: one between the outer wall and the internal wrought iron fence, and the second one on the inside of the fence. The barriers were also electrified.
333. Security of the compound was reinforced by multiple cordons of armed guards. There was an internal guard force, a layer of guards patrolling outside the walls of the central compound, and additional guards patrolling the surrounding neighbourhood.
334. The central S-21 compound consisted of five main structures, known as Buildings A, B, C, D and E. Buildings A, B, C and D were used as detention quarters. Together with houses to the south of the compound, Building A functioned as the “special prison” for important prisoners. Unlike other prisoners, these prisoners were sometimes tortured and interrogated within their cells. Buildings B, C and D contained both large detention rooms and small cells made of brick or wood, approximately two meters by one meter in size. The one story-high Building E, which was located in the centre of the compound, served as a workshop and an administrative office. It was used, *inter alia*, for the receipt, registration and photographing of prisoners upon their arrival at S-21.
335. Numerous buildings and houses located in the residential area surrounding the main compound were also used by the prison. This large area of approximately 94 city blocks, over which S-21 had exclusive control, is delimited by Mao Tse Tung Boulevard, Monivong Boulevard, Sihanouk Boulevard and Street 163. The buildings and grounds in the area were used for: administrative purposes, political education classes, receipt of prisoners, communal cooking and dining, interrogation, execution and burial of prisoners, medical facilities, S-21 staff residences (including **Duch’s** houses and offices), development of photographs and warehousing.
336. The initial prisoners who arrived at S-21’s temporary location in Phnom Penh in October 1975 had been detained at the Ta Khmau psychiatric hospital which was used as a prison facility by Nath’s Division 703 and was also used for training,

farming and detention when S-21 experienced an overflow. These first victims were likely taken back to Ta Khmau for execution and burial. Khim Vat *alias* Hor, who was to become **Duch**'s deputy, initially commanded Ta Khmau. The site was in use until the middle of or late 1976. In 1977, **Duch** ordered the exhumation and cremation of corpses which had been buried at Ta Khmau, since the site was to be handed over to the MSA.

Choeng Ek

337. In addition to the use of the site at Ta Khmau, prior to the establishment of a permanent killing field, executions and burials were conducted in a field adjacent to the central S-21 compound, and in the surrounding neighbourhood. In early 1976, given the proliferation of mass graves in this area and the resulting risk of an epidemic, **Duch** decided to establish a new site to execute and bury prisoners. For this he chose a Chinese cemetery called Choeng Ek, located in Kandal Province, approximately 15 km southwest of Phnom Penh.
338. The Choeng Ek site comprised a wooden house where prisoners were held prior to their execution, and an open area to dig a large number of pits which were used to bury the prisoners after execution. Although Choeng Ek became the main killing and burial location for S-21 from 1976, even after its establishment numerous prisoners were still executed and disposed of within the greater S-21 compound.

S-24 (Prey Sar)

339. The facility known as Prey Sar / S-24 was established shortly after 17 April 1975, even before S-21, but became part of the S-21 operation during Nath's chairmanship. It was located south and southwest of Phnom Penh, and bordered by Route 2 in the east, the Prek Thnoat River in the south, Route 3 in the west, and the outskirts of Phnom Penh in the north.
340. S-24 was used to "re-educate" prisoners accused of committing minor offences. It was supervised by Nun Huy *alias* Huy Sre, who reported to the Chairman of S-21 (first Nath and then **Duch**). Nath and **Duch** established forced labour or "re-education" camps at S-24. The purported re-education took place through the imposition of punitive hard labour, which included farming. The produce grown at S-24 was used to provide economic support to S-21.

AUTHORITY STRUCTURE

Above the Security Office

341. As noted above, S-21 operated directly under the supervision of the CPK senior leaders. From the moment of its establishment, the Secretaries of the S-21 Committee (first Nath, and then **Duch**) reported to Son Sen, a member of the Standing Committee, with **Nuon Chea** having the ultimate responsibility for S-21 on behalf of the Committee.
342. On 15 August 1977, when Son Sen left Phnom Penh to be engaged more directly in the command of RAK troops in the armed conflict with Vietnam, **Nuon Chea** took over direct supervision of S-21. This continued until the toppling of the regime in January 1979, and is described in more detail in the **Nuon Chea** Material Facts Section.

Within the Security Office

343. Reflecting the typical structure of organisational units in the DK and CPK, S-21 was managed by a committee which supervised and gave orders to the various subordinate units. During Nath's mandate as Secretary of S-21, **Duch** held the position of Deputy Secretary overseeing interrogations. Hor was the third member of the committee. In March 1976, when Nath was transferred to the RAK General Staff, **Duch** was appointed Secretary of S-21, a position he retained until 7 January 1979. Hor became the Deputy Secretary, responsible for the Defence Unit. At this time, Huy Sre was appointed the third member of the S-21 Committee. In late 1978, he was arrested and executed at S-21. His replacement as head of S-24 was Phal, a senior cadre in the Defence Unit at S-21.
344. Units under the S-21 Committee included:
- (1) the Defence Unit, headed by Hor, who was assisted by Phal. Phal was replaced in late 1978 by Peng. The unit was subdivided into the following sub-units:
 - (a) guards inside the central compound (initially led by Peng), who were assigned the task of guarding prisoners and preventing them from escaping or committing suicide.
 - (b) guards outside the compound (initially led by Him Huy), who secured

the S-21 approaches and prevented unauthorised persons from approaching the prison.

- (c) the “special unit” (initially led by Peng, then by Poch, and finally by Him Huy), whose responsibilities included travelling outside S-21 to arrest prisoners, transporting prisoners from S-21 to Choeng Ek, carrying out executions, and guarding the special prison containing high-ranking cadres. Reports from this unit were made directly to Hor, although **Duch** also supervised and occasionally issued orders to the unit.
 - (d) the S-21 Defence Unit also included the guards at Choeng Ek and S-24. The chief of the guard unit at Choeng Ek was Tay Teng, who reported to Him Huy, who in turn reported to Hor. This sub-unit’s functions were to dig mass graves, guard prisoners on their arrival at the site and take part in the executions.
- (2) the **Interrogation Unit** (supervised by **Duch**, but generally managed by Mam Nai *alias* Chan and Pon) which was responsible for interrogating prisoners in order to extract confessions, which were subsequently collected and sent to **Duch**. The unit was subdivided into:
- (a) the special sub-unit, which interrogated important prisoners and applied a combination of methods to extract confessions.
 - (b) the general sub-unit, which interrogated ordinary prisoners and was further divided into three groups employing different methods of interrogation;
 - (i) the cool group, which “did politics,” using verbal cajoling and harassment, without physical torture;
 - (ii) the hot group, which beat and tortured prisoners to obtain answers, and;
 - (iii) the chewing group, which conducted long interrogations, with the prisoner being asked the same question over and over again, and being subjected to torture in order to give desired

responses.

- (c) additionally, at one point, interrogations of female prisoners were conducted by a small group of female interrogators.
 - (d) **Duch**, Chan, Pon and Meng conducted the interrogations of the most senior CPK prisoners and foreigners. Chan also interrogated Vietnamese prisoners.
- (3) the **Document Unit** (headed by Suos Thy, who reported to Hor), whose main function was to maintain lists of prisoners at S-21, including lists of daily arrivals and prisoners sent for execution. The Unit also kept individual prisoners' files with photographs and biographies, maintained records of the location of each prisoner in the compound, and transcribed and summarised confessions.
 - (4) the **Photography Unit**, headed by Nim Kimsreang who reported to Chan and **Duch**. The functions of this Unit were to photograph incoming prisoners and develop photographs to be attached to the prisoners' biographies. The unit did not photograph senior cadres, as this was done by the special unit. It did, however, develop the pictures of corpses taken by the special unit to prove the killing of certain prisoners.
 - (5) the **Medical Unit**, headed by Try (or alternatively headed by Hor or Pao) who reported to **Duch**. The unit's initial role was to provide treatment for S-21 cadres. The unit also examined and provided basic treatment to prisoners who had undergone torture in order to prevent them from dying prior to the completion of their interrogations. It also extracted blood from prisoners against their will, led surgical studies and experimentations on prisoners, and buried prisoners who died in their cells at S-21.
 - (6) the **Couriers Unit**, which reported to Phal and included **Duch's** personal courier, Chhen, who carried his correspondence to senior CPK leaders.
 - (7) the **Children's Unit**, under Chan's supervision, which raised rabbits and chickens.
 - (8) the **Cooking or Economics Unit**, which reported to Hor and whose function

was to prepare food for the staff at S-21.

(9) the **Logistics Unit**, reporting to Hor, was responsible for communications, telephones, telegrams, weapons, vehicles, water and electricity.

345. A General Staff table from April 1977 indicates that more than 2,300 staff worked at S-21. The initial personnel came from Division 703. Some of the Interrogation Unit staff came from the M-13 security office, where **Duch** had previously been Chairman. **Duch** also recruited children and adolescents from rural backgrounds as additional staff. Finally, staff were frequently selected from the Children's Unit.

Communication of CPK Policy

346. S-21 was a central component of the politico-military structure of the CPK, and the CPK official policy of "smashing" all enemies was repeatedly imparted to its staff, and in particular the interrogators: they were told their task was to implement "what the Party requires" in order to "defend the leadership apparatus of the CPK."

347. The S-21 cadres were told they were "an instrument of the Party's Proletarian dictatorship." CPK policy experts Chandler and Etcheson gave extensive evidence at trial in Case 001 of the CPK policy of purging enemies and its propagation at S-21.

348. **Duch** and his staff were "proud of their thoroughness, modernity, and sophistication" and "saw themselves as professional security experts." At the same time S-21 acted in accordance with the policies set by the CPK leadership, including the policy of absolute implementation of the revolutionary line. The guilt of those brought to S-21 had already been established by the decision to arrest them and there was no mechanism through which they could challenge the evidence which brought them under suspicion. Once arrested, each prisoner was destined to die at the hands of S-21's staff.

349. **Duch** selected children or young men for his staff because they were "like a blank piece of paper on which one could write whatever one wanted." Infusing them with a "stance against the enemy," he ensured they were effective torturers and interrogators. Political indoctrination supplied the interrogators with psychological weaponry which they used in the course of torturing and interrogating prisoners at S-21. This was achieved through regular training conducted by **Duch**, in the form of political education sessions lasting several days, and weekly or fortnightly sessions on

interrogation and torture techniques. The cadres also attended sessions convened by senior CPK officials to discuss the need to “smash” enemies, and political and agricultural production planning meetings organised by the Party Centre. Policies regarding unlawful killings were discussed at annual meetings and smaller meetings of S-21 sub-units. Training of cadres was such a crucial aspect of S-21’s operations that a separate building was designated for this purpose.

350. The purposes of training included ensuring that the staff took an absolute class stance and were absolute in eliciting enemies' confessions. Evidence of sustained indoctrination has survived in, *inter alia*, cadre notebooks which recorded instructions given to senior interrogators from early 1976 to late 1978. For example, the Chan Notebook and the “Statistics List of Special Branch” state that interrogators should concentrate on interrogating enemies for the good of the Party. The Statistics List characterises such interrogation as “a task of intense struggle” between the enemies and the DK regime, and “a national defence task composed of tense class struggle, constantly hot.” The Pon-Tuy notebook records the following instruction: “Screening out the internal traitors is most necessary. We must do this without fail.”
351. While the Party lines were broadly disseminated to the cadres, so too were the specific means of implementing them. For example, the Pon-Tuy Notebook records two of the Party’s aims to be carried out by CPK interrogators: finding the Yuon (“a big victory”), and not finding the Yuon, but arresting additional traitors (“a small victory”). In order to achieve these goals, cadres were trained in interrogation techniques to “only ask the points that the Party instructs [you] to ask because the Party grasps the situation” and, among other things, to “search for details,” “find connections...have them talk about the trips and routes... the hiding of weapons and bunkers,” “interrogate to get the maximum in clear documents,” and to “analyse enemy connections and take firm actions.”
352. In the training sessions, the interrogators were instructed to be secret about the reasons for the interrogation, and to “interrogate until it is seen [what] is important.” Specific instructions were also given in relation to use of torture. For example, as recorded in the Statistics List, the interrogators were told:
- “If Ankgar instructs not to beat [prisoners], then absolutely do not beat them. 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.”

353. The direct and unmistakable relationship between the torture being inflicted at S-21 and the criminal directives of the Party Centre was confirmed by **Duch** in the course of the training sessions. He instructed his subordinates:
- “You must rid yourselves of the view that beating the prisoners is cruel. Kindness is misplaced in such cases. You must beat them for national reasons, class reasons, and international reasons.”
354. Once enemies of the regime were identified / confirmed by the Party, this was relayed to the interrogators at S-21. **Duch** introduced the terms “KGB,” “CIA” and “Vietnamese enemies' network” and instructed the interrogators to obtain the information regarding the “network of a detainee.” S-21 interrogators were taught that the CPK does “not distinguish whether the enemies are active or not.” Enemies were identified “according to party principles.”
355. The Party line was also reinforced to S-21 cadres through *Revolutionary Flag* and *Revolutionary Youth* magazines, which made staff aware of their role in implementing the policies. Through statements published in the *Revolutionary Flag* in early 1976, Pol Pot warned against people with “systematically complicated biographies,” a message that was heeded at S-21, where training was used to “cross-check...revolutionary biographies.” The Party Centre propagated instructions with respect to the “problem” of people implicated in responses. The interrogators were told: “when the enemy answers, don’t go to your comrades. [You] must report to upper level instead.”
356. Prior to 15 August 1977, **Duch** sent the confessions to Son Sen, who sent them to **Nuon Chea** and / or the organisational head of the interrogated prisoner. After August 1977, **Duch** sent the confessions directly to **Nuon Chea**, who gave instructions for further action to be taken and forwarded copies to the relevant organisation head. In this way S-21 influenced the development of CPK policy: confessions sent to the Party Centre, and the conspiracy theories they fuelled, informed the decisions by the CPK senior leaders on the nature and scope of the purges (as evidenced, for example, by the large second wave of purges in 1977 and 1978).

UNLAWFUL ARREST AND DETENTION

Composition of Prisoners

S-21 Central Compound

357. Consistent with S-21's mission of targeting the worst enemies of the CPK, its prisoners included senior members of the RAK, CPK and DK government, zone, sector and district cadres, as well as Vietnamese prisoners of war and civilians, and other foreigners. The immediate relationship between S-21 and the CPK's criminal policies on a country-wide scale can be seen when the composition of S-21's prisoners (and the crimes they were forced to confess to) is juxtaposed against the public pronouncements and orders issued by the CPK senior leaders: prisoners' backgrounds and / or regions from which they were brought into S-21, and the underlying crimes they confessed to, inevitably reflected whatever "enemy" the CPK leaders were concerned about. This is discussed further in the Participation in the Purges Section below.
358. The Revised S-21 Prisoner List (Revised Prisoner List) contains the names and identifying information of 12,273 prisoners. The actual number of victims stands higher than this, and the vast majority were Cambodian. While S-21 imprisoned and executed prisoners from various backgrounds (including former Khmer Republic soldiers and officials, Vietnamese soldiers and civilians, intellectuals, Cambodians who returned from overseas and foreigners) the two largest groups were RAK and DK officials: 5,609 recorded prisoners are listed as members of the RAK, while 4,371 prisoners are described as working in DK government offices.
359. S-21 was initially limited to holding "important" prisoners, but later received prisoners from the countryside as well. The number of prisoners held within the main compound varied, but the prison's maximum capacity was approximately 1,500. The Revised Prisoner List contains 5,994 entries that are identified as men, 1,698 as women, and 89 as children. Again, these numbers do not reflect the totals, considering for example that children were not usually recorded in the prisoner lists. Overall, 77 percent of the prisoners whose gender was recorded were men, 21.8 percent were women, and 1.1 percent were children.
360. Virtually every DK government office was represented within S-21's prisoner population. The Revised Prisoner List indicates that workers from at least the following ministries and government offices were incarcerated:

Foreign Affairs	Public Works
Social Action	Office 870
Education	S-71
Industry	Beoung Trabek (B-32)
Propaganda	Clothes Making
Commerce	Water Transport
Energy	Land Transport
Railways	Electricity
Agriculture	State Warehouse

361. At least 69 cadres from other security offices throughout the country were sent to S-21.
362. As **Duch** ran the prison with the strictest discipline, large numbers of his staff found themselves arrested and executed at S-21 for various breaches of the rules of conduct: 155 prisoners are described as having worked at S-21 prior to their arrest, but the actual number is significantly higher. At least 47 prisoners transferred to S-21 from S-24 were identified as former S-24 staff.
363. Other identifiable categories of prisoners were also sent to S-21. 328 former Khmer Republic soldiers are identified on the Revised Prisoner List. The List includes 279 intellectuals (teachers, professors, students, doctors, lawyers, and engineers). 345 people are described as Vietnamese, including 122 Vietnamese soldiers, 144 spies, and 79 civilians. New People represented 215 entries. The List contains the names of 876 relatives of other imprisoned individuals, including 583 wives, 31 husbands, 112 daughters, and 107 sons.

S-24 (Prey Sar)

364. At any one time several hundred people were detained at S-24. They generally fell into two categories: the first were former cadres (including members of the RAK Divisions and various ministries / government offices, as well as S-21 staff who had been sent for tempering); the second group were family members, including children, of these prisoners. It appears the second group formed the majority of prisoners.

Ordinary people classified as traitors (for example relatives of former Khmer Republic soldiers), were also imprisoned at S-24.

365. Many S-24 prisoners were subsequently transferred to S-21: the Revised Prisoner List contains at least 590 such entries. Of these, 342 appear to have undergone tempering at S-24. As noted above, 47 were S-24 staff, while the status of 201 (S-24 prisoners or staff) is not indicated. Hundreds of people at individual S-24 worksites, thousands of people in total, both male and female, were detained.
366. Prisoners at S-24 were divided into three categories: (1) those accused of minor “mistakes” and who worked hard at S-24 and otherwise behaved themselves; (2) an intermediate category, whose members could rise to category 1 through good performance or fall to category 3 through various failings; and (3) those who were judged incorrigible and were almost invariably executed at S-24, or sent to S-21 or Choeng Ek for execution. It was far more likely that prisoners from category 1 fell to categories 2 and 3, rather than the opposite.
367. The detainees at S-24 were referred to as the “element units,” which indicated their uncertain status pending the decision as to whether “re-education” was possible, or whether they were to be “smashed.”

Process of Arrests

368. Suspects who would be targeted for arrest and imprisonment at S-21 were usually identified by **Duch** based on his analyses of confessions of existing prisoners. These analyses and recommendations enabled the CPK leaders to direct, approve or authorise arrests of additional suspected enemies and traitors. Within the prison, only **Duch** was authorised to report to, and communicate with, the upper echelon. He reported directly to members of the Standing Committee, as noted above, initially Son Sen, with whom he alleges he maintained daily contact, and, from August 1977, **Nuon Chea**.
369. While S-21 operated strictly within the policies defined by the Party Centre, the person or organisation that made the actual decision on individual arrests appears to have varied depending on the suspect’s seniority and role. While **Duch** could propose arrests, he asserts that only the Standing Committee could authorise them. Redacted. He has also testified that the Standing Committee, and specifically **Nuon Chea**,

communicated with the zones, sectors, or districts in relation to arrests in the regions.

370. The process of arrival of new prisoners at S-21 occurred in a number of ways. Some arrests and / or transfers were conducted by S-21 staff outside Phnom Penh, for which they were issued a specific laissez-passer by Son Sen. In such cases, an S-21 special unit was sent out to the zones to arrest or collect prisoners. While **Duch** claimed that those to be picked up had already been arrested, he also appears to have implicitly acknowledged that S-21 in fact carried out arrests: for example, he has stated that Hor “had his own execution team” that from “time to time” arrested and brought prisoners to S-21. This is consistent with evidence given by Him Huy, who indicates that both **Duch** and Hor led numerous arrests outside S-21. Him Huy also recalled being sent out with a letter of authorisation from **Duch** to conduct arrests in the provinces of Battambang, Kampong Som, Kandal, Svay Rieng, and Takeo in 1977-1978. On such occasions, two guards were assigned to accompany each prisoner.
371. Sometimes prisoners that had already been arrested were transferred to S-21 staff outside the compound, including in Battambang and in Phnom Penh. Such arrests were carried out by DK units including S-71 and the MFA and prisoners were subsequently transferred to S-21. Many prisoners were sent directly to S-21 by the RAK forces in the North Zone, with accompanying sealed envelopes addressed to **Duch**.
372. Arrests of several high-ranking CPK cadres were closely coordinated by **Duch** employing trickery. They included Koy Thoun (former Secretary of the North Zone and Minister of Commerce), Chhim Sam-Ok *alias* Peng (former head of Office S-71 and a subordinate of **Khieu Samphan**) and Ney Saran *alias* Men San *alias* Ya (Secretary of the Northeast Zone). For example, Ney Saran was told he was being taken to a medical examination but was instead arrested and taken to S-21. **Duch** personally prepared a dossier containing confession excerpts regarding Sector 24 Secretary Suos Neou *alias* Chhouk, and made copies of the dossier for consideration by the members of the Standing Committee. After Chhouk’s arrest at K-7, **Duch** transferred him to S-21 with **Nuon Chea** observing the process.
373. The majority of prisoners entering S-21 were handcuffed and blindfolded, and transferred in covered trucks. Sometimes they were transported in large groups, with the trucks so full that prisoners could not sit down. These prisoners were

accompanied by armed guards.

374. As noted above, large numbers of former S-21 and S-24 staff were arrested and executed at S-21: **Duch** had the authority to order disciplinary action against S-21 staff, for example by sending them to S-24 for tempering or initiating their arrest and imprisonment at S-21. **Duch** ordered such arrests “if cadre had involvements and tendencies,” or if they failed to reform themselves after being accused of not working well.
375. Regardless of how prisoners found themselves inside S-21, they were usually not informed of the grounds for their arrest, nor were they entitled to challenge their arrest through any judicial mechanism. **Duch** has acknowledged the prisoners’ innocence by stating that many of those arrested were “arrested wrongly” and “it was wrong to arrest them.”
376. During their transfer to S-21, prisoners were first received at a house on Street 360. They were then bound together and walked in lines into the main compound, for registration in Building E. Children were generally not recorded. Special prisoners, such as foreigners or senior military or government officials, were processed separately at the special prison. **Duch** was usually notified of the arrival of important prisoners in advance and processed them personally.
377. Incoming prisoners remained blindfolded or handcuffed as they conveyed biographical information to Suos Thy, including their names, birthplaces, and occupations. Hor brought important prisoners to Thy to be added to the prisoner list, but the latter did not take their biographies. Subsequently, staff of the Photography Unit photographed the incoming prisoners. Suos Thy then recorded the building and cell assignments for each prisoner. Following this, the prisoners were escorted by the guards to their cells.

PARTICIPATION IN THE PURGES

378. The classifications of prisoners in the Revised Prisoner List indicate that S-21 took part in CPK’s purges throughout Cambodia. These included:
- (1) the zone purges, where the Revised Prisoner List reflects the trends of purges initiated by the Party Centre:

- (a) 360 prisoners were arrested from the Old North Zone/Central Zone, with arrests peaking in the second quarter of 1977.
 - (b) 1,211 prisoners came from the Northwest Zone, with arrests peaking between the third quarter of 1977 and the first quarter of 1978.
 - (c) 1,165 prisoners were from the East Zone, with arrests peaking in the second quarter of 1978.
- (2) purges within the DK military - RAK members were the single largest group of prisoners at S-21, and S-21 had a direct and active involvement in the purges within the RAK. For example:
- (a) in September 1976, **Duch** met with Son Sen, Comrade Tal and Seat Chhae (Deputy Head of the General Staff) to discuss purges of Divisions 290 and 170, and resolved with them that 29 additional individuals should be brought to S-21 - their names having been decided in concert between S-21 and the Divisions. A total of three persons from Division 290 and 67 from Division 170 were arrested by S-21 in September 1976.
 - (b) in March 1977 RAK Division secretaries reported they were using S-21 to conduct internal purges.
 - (c) a striking example of S-21's coordination of arrests with DK units is found in the evidence relating to the purge of RAK Division 502. Sou Met, the commander of the Division, and **Duch** exchanged at least nine letters between 1 April and 4 October 1977. The letters show, *inter alia*, the two men relying on each other's information and cooperating: **Duch** supervised interrogations of soldiers arrested by Sou Met; he then provided additional names, based on the confessions of the tortured soldiers, to Sou Met, thus identifying further suspects to be arrested. At least 273 soldiers from Division 502 were ultimately imprisoned and executed by S-21.
 - (d) S-21 ultimately arrested and executed at least 650 cadres and soldiers from Division 310, at least 775 cadres and soldiers from Division 450, at least 271 cadres and soldiers from Division 703, and at least 256

cadres and soldiers from Division 920.

- (3) purges of DK ministries: at least 2,552 staff from Central ministries and 1,595 staff from Zone ministries were arrested and sent to S-21. Central ministries which were heavily targeted included **Ieng Thirith's** MSA (at least 120 victims), **Ieng Sary's** MFA (at least 195 victims), the Ministry of Public Works (at least 532 victims), the Ministry of Commerce (at least 386 victims), the Ministry of Energy (at least 268 victims), and the Ministry of Railways (at least 251 victims).
- (4) high-level internal purges: arrests of senior cadres were usually preceded by arrests of their subordinates (particularly security cadres charged with protecting them) who, once tortured and interrogated, would inevitably give confessions confirming their superiors' culpability. **Duch** described this practice as follows: "before cutting the bamboo, one must trim the thorns."

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

S-21 Central Compound

379. Prisoners at S-21 were subjected to extremely inhumane conditions to the point where they felt that they were no longer human beings. **Duch** has admitted that "inhumane detention and living conditions" were among the crimes committed at S-21. Most prisoners were held in large common cells, with between 20-60 prisoners per cell, lined up in rows. They were usually jointly secured by iron bars, which were 60-70 centimetres long, while others were shackled together at the ankle. Males were sometimes chained in rows of 10 to 15. If a prisoner appeared to be stronger, his both legs were shackled. Numerous prisoners were also blindfolded during their detention.
380. Prisoners held in smaller cells were not provided with mosquito nets, pillows, or blankets. They slept on well-worn mats or the bare tiled floor. Individual cells usually housed newly arrived prisoners and important prisoners such as high ranking DK government cadres.
381. All male prisoners were restrained 24 hours a day under armed guard. They remained shackled while being moved, eating, sleeping, and while being hosed down, photographed, or taken to and from interrogation. They had to alert guards even if

they wanted to change their sleeping positions. S-21's prisoner regulations were strictly imposed: the prisoners were not allowed to leave their cells or exercise; if they made any noise in their sleep they would be beaten; they were also not allowed to talk to the guards

382. Women and children were usually locked in rooms together. A number of pregnant women were imprisoned and some gave birth with the assistance of medics. Babies were forcibly taken away from the mothers. One woman prisoner, who was a former S-21 medic, was electrocuted, forcibly undressed and then raped in her cell by an S-21 guard.
383. Prisoners' clothing at S-21 was inadequate. Male detainees were ordered to undress down to their underwear or shorts, which they wore until the end of their imprisonment. Male prisoners were forbidden from wearing trousers as a precaution against using such clothing to commit suicide. Even during cold months, male prisoners were only allowed to wear shorts and a shirt, while female prisoners could wear their ordinary clothes.
384. Prisoners at S-21 were subjected to starvation despite the fact that surplus food produced at S-24 was being delivered to the Central Committee. **Duch** has confirmed witnesses' accounts of insufficient food rations. Two small rations were provided each day, in the morning and evening, consisting usually of rice and soup, or gruel. The prisoners' meagre food rations caused weight loss, bodily deterioration and death. Food deprivation was also sometimes used as punishment. Important prisoners and guards received better food.
385. Drinking water was also scarce at S-21. Prisoners had to ask guards for it, but only some were given water. One detainee indicated that given his fear of the guards, he would never ask for extra water.
386. Hygiene conditions at S-21 were appalling. There were no toilet facilities; instead the prisoners were forced to relieve themselves in ammunition cases or water containers inside their cells which were passed from prisoner to prisoner. These receptacles were collected by "light" prisoners daily. The cells themselves were not regularly cleaned, but only if deemed necessary, such as when the stench became intolerable. Prisoners were hosed down by the guards when the cells were being washed: this was done by the guards standing outside each cell. The prisoners remained shackled, were

not allowed to wash themselves and no soap was provided. The frequency of bathing varied, with reports of twice a day, every two days, every four days, or every “four to ten days.” As a result of infrequent bathing of prisoners, a foul stench was present in all the cells.

387. Many prisoners fell seriously ill as a result of these conditions. They developed skin rashes and were infested with skin lice. Common sicknesses included diarrhoea, fever, and headaches. Prisoners also died from various diseases (including dysentery) and malnutrition, in addition to excessive torture. Some corpses were buried in the compound. Redacted.
388. These illnesses were exacerbated by a lack of proper medical care. To the extent that medical care was available, it was only administered for the purpose of keeping the prisoners alive to continue the interrogations. At the same time, the limited medical care that was available was frequently denied to prisoners who had undergone torture, and some prisoners disappeared before being given any treatment. By contrast, guards received a much higher standard of medical treatment.
389. While medics were present at S-21, they were inadequately trained, inadequately equipped, and only treated fevers and cleaned wounds from torture (including bruises and open wounds on the prisoners’ backs, arms, legs, and ears, as well as skin lesions, and injuries resulting from pulled toenails and fingernails) with iodine. Many adult medics were themselves arrested and executed, and by the time the DK regime fell, only child medics remained.
390. Prisoners were usually treated in their cells, regardless of their state of illness. Medicines were in short supply, and often consisted of ineffective locally produced products such as rabbit pellets.
391. Many S-21 prisoners were also the victims of various medical experiments, including surgical training, with **Duch** marking the names of those who would be experimented on in the prisoner lists. Redacted.
392. Prisoners were also subjected to forcible blood drawing in order to provide blood supplies for the treatment of injured combatants. The blood drawing resulted in numerous deaths as prisoners were left to die after massive blood quantities were extracted from them. It is not clear what happened to the blood that was extracted

from the prisoners. While it was likely destined for hospitals outside of S-21, it is not clear whether this always occurred. **Duch** claims the blood was not sent to the Monivong Hospital or 17 April Hospital, because S-21 had its own hospital, Hospital 98, which was under Son Sen's control. Blood was preserved at a place called Srak Srong, to the east of S-21. On one occasion 30-40 "bad" or "unused" blood bags were discarded.

393. The inhumane conditions, the constant physical abuse and fear of beatings and other mistreatment stripped S-21 prisoners of all dignity. Prisoners constantly heard other prisoners being tortured and saw them returning to their cells with injuries. The prisoners' state of complete despair resulted in numerous suicide attempts. For example, **Duch** recalled that one prisoner at S-21 attempted to commit suicide by swallowing a screw, and was subsequently operated on so that his interrogation could continue. Guards were instructed to be vigilant in this regard and were punished if a prisoner succeeded in committing suicide. Despite these measures some prisoners successfully killed themselves. One prisoner shot himself with a guard's weapon he managed to acquire, which **Duch** cited as an example to the guards that they had to remain vigilant. Other prisoners hung themselves or used nails to kill themselves. Even the guards suffered from constant fear, and sometimes committed suicide to avoid facing imprisonment at S-21.

S-24 (Prey Sar)

394. Inhumane conditions also prevailed at S-24. The gravity of these inhumane conditions generally reflected the level at which prisoners were classified, with prisoners in the third category enduring the worst conditions. Prisoners were not allowed to move about freely and were strictly guarded. Spies were used to seek out suspected traitors. Prisoners were only allowed to speak to those in their units. At night, prisoners were locked up in communal buildings. Some were also held in closed cells, with up to twelve other people. Some prisoners were shackled at night and while working.
395. As noted above, surplus food produced at S-24 was delivered to the Central Committee. At the same time, starvation was rampant at S-24. All three categories of prisoners suffered from insufficient food rations, particularly given the hard manual labour to which they were subjected. Rations varied among prisoners depending on

the unit: those in category 3 received only gruel while prisoners in categories 1 and 2 received somewhat better rations. As with S-21, food rations were withheld as punishment. Three or four children perished from starvation.

396. S-24's sanitary conditions and quality of medical care varied but were inadequate overall. Prisoners had to defecate into ammunition cases in their cells at night. Medical services were often denied to injured prisoners and category 3 prisoners received the worst treatment. A medic who underwent tempering at S-24 recalled that only a single bag of medicines was provided "for everyone." Prisoners whose work was slow because of illness were blamed for being lazy.

Forced Labour

397. S-24 itself was used for "tempering" and "re-education," which included forced labour. However, the purpose of forced labour at S-24 was not only "tempering" and "re-education," but also to provide support to S-21. The work which prisoners were assigned largely depended on which of the three categories they were in. For example, prisoners in category 3 experienced the most difficult tasks, including clearing land by hand. Some category 2 prisoners were forced to be human draft animals. Those in category 1 were assigned lighter tasks.
398. Working conditions generally were appalling. All work was completed manually, and often proper tools were not provided. The forms of labour included rice paddy farming, harvesting, fishing, animal rearing, weaving mats, construction, and digging ditches and canals. All prisoners at S-24 were forced to perform manual labour, including women and children. They were not allowed to move around or speak to others while working.
399. Work usually began early in the morning, sometimes around 3 am, and ended late in the evening, sometimes as late as midnight. Prisoners could rest and eat for two hours. Otherwise, they were not allowed to rest until the tasks were completed. Many died of exhaustion and starvation. Punishments for not working hard enough included whippings and beatings, torture, reductions in food rations, and execution. Moreover, prisoners were required to attend evening study sessions in which they were instructed on Party lines and warned not to steal food. They were also forced to undertake self-criticism.

INTERROGATION AND TORTURE

Purpose

400. As noted in the Location and Operation Section, identifying enemies of the DK regime was one of the primary purposes of S-21. In order to achieve this objective, most S-21 prisoners underwent systematic interrogation, resulting in detailed “confessions.” The importance of the confessions is evidenced by the fact that the interrogators themselves were threatened with punishment if the prisoner died before a satisfactory confession was extracted.
401. Confessions contained four main sections: the prisoner’s detailed biography, a history of his or her “treasonous activities,” a projected set of plans for further sabotage, and the prisoner’s “strings of traitors.” In the course of their confessions, the prisoners usually denounced themselves and others as traitors serving foreign powers or agencies (usually the CIA, KGB and Vietnamese Communist Party).
402. The confessions served two main purposes: first, by confessing to having “links” to the CIA, KGB or the Vietnamese, the prisoner confirmed the purported justification for his or her arrest and execution; second, the “strings of traitors” contained in the confessions, together with information about the prisoner’s subversive activities, were used to identify further suspects who were subsequently arrested and brought to S-21. Confessions extracted by S-21 were also used as propaganda material by the CPK. They were regularly broadcast on the radio and read aloud at meetings and CPK study sessions.
403. Torture was a primary technique used to extract confessions. It was inflicted or threatened if the prisoner did not confess or failed to name other traitors. In fact, several witnesses assert that all interrogations at S-21 involved severe torture. Confessions were sent by interrogators to **Duch** for analysis and further instructions. **Duch** analysed and annotated the confessions, discussed them with his immediate superiors, and provided advice to the Standing Committee on further arrests.

Methods and Forms

404. Interrogation often commenced as soon as the prisoner arrived at S-21. While some special prisoners were interrogated in Building A of the central compound, most prisoners were interrogated and tortured in houses surrounding the central compound.

Prisoners to be interrogated were identified in lists containing the names of those scheduled for interrogation. Blindfolded and handcuffed, prisoners were collected from their cells by the guards and escorted to interrogation rooms where they would usually be shackled to a table. The handcuffs and blindfolds were then removed for questioning and torture. There was usually one interrogator and one detainee per interrogation session.

405. Interrogation sessions occurred repeatedly and for long durations, usually in three sessions per day: from 7 to 11am, 2 to 5pm and 7 to 11pm. A prisoner's interrogation would end only when his / her confession was deemed complete.
406. As noted in the Inhumane Conditions section above, in the case of prisoners who were in danger of dying under torture, S-21 personnel administered medical treatment in order to keep them alive and make it possible for the interrogations to be completed. Prisoner responses and confessions were meticulously recorded: they were either typed during the interrogation or handwritten and later typed. In late 1978 interrogations were tape-recorded to monitor both the prisoners and the interrogators.
407. The interrogation teams applied the three methods of interrogation / torture described in the Authority Section above. Overall, the torture methods employed at S-21 were similar to those used at M-13, S-21's predecessor. Interrogation instructions were recorded in the three S-21 staff notebooks. On the issue of torture, the Statistical List stated:
 408. "The purpose of torturing is to get [detainees'] answers...we must make them painful so that they will respond quicker. Therefore, beat them to make scared but not to make them die. When torturing, one must check their [detainees'] health and inspect the whip. Do not be too quick, that will make them die and we will lose the information."
409. As described in the Implementation of CPK Policy Section, S-21 staff were continuously educated on torture methods in study sessions led by **Duch** and senior interrogators. On occasion, prisoners were brought into these sessions, and the trainees took notes while the experienced interrogators interrogated the prisoners. **Duch** applied a so-called "fast attack/fast success" training method, as part of which interrogators who attended training sessions in the morning were sent to apply the lessons learnt by interrogating prisoners later on the same day.

410. **Duch** explained that “four types of torture were used at S-21 with the approval of Son Sen: 1, beating with a stick; 2, electroshocks; 3, covering the head with a plastic bag to suffocate; and 4, covering the mouth and face with a towel and pour[ing] cold water from a kettle.” However, numerous additional methods of torture were applied, including: burning with cigarettes and electric lamps; freezing with cold water and electric fans; puncturing or ripping out fingernails and toenails; simulated drowning; tearing flesh with pliers; forcing prisoners to beat each other; hanging upside down; force-feeding of excrement and urine; forcing a stick into female genitals; and forcing prisoners to pay homage to a wall, a table or a chair, or to images of dogs.
411. Beating by bars, weapons, electrical cable, whips, guava branches or rattan sticks was the predominant torture method, as it was conceived to be the most efficient. Electrocutation and water torture methods were also favoured by the interrogators. Electric shocks were administered by attaching electric wires to prisoners’ ears and genitals. Prisoners were sometimes shocked to the point of unconsciousness or death. Although **Duch** prohibited interrogators from letting prisoners die during torture, as the severity of torture and beatings increased, death occurred on numerous occasions.
412. Former prisoner Bou Meng has described being repeatedly tortured during interrogations that lasted several days. He was beaten, whipped and electrocuted with wires attached on his inner thighs near his genitals. The beatings about his face and head caused him permanent hearing loss. The interrogators inserted sticks and gravel into the wounds on his back, causing permanent scarring. Chum Mey was interrogated and tortured for 12 days and nights. He was also beaten and electrocuted. On one particular occasion interrogator Seng ripped a toenail from his foot. Vann Nath witnessed a prisoner being “suspended with a cord and then his head plunged into a full water jar.”
413. The practice of torture was known among staff members not participating in interrogations and among prisoners at S-21. Numerous witnesses have confirmed that prisoners had visible marks from torture, including wounds, missing nails, split skulls, whip marks, bruises and ulcers all over their bodies. Screams, including those of children, were heard throughout S-21.

UNLAWFUL KILLINGS

414. **Duch** explained that, “every person incarcerated in S-21 was supposed to be eliminated.” Redacted. Even prisoners who were arrested by mistake were executed in order to preserve the secrecy of S-21. Thus, execution was the ultimate outcome for all prisoners, with the exception of those who were deemed to be useful for their skills (such as Vann Nath, Chum Mey and Bou Meng) and escaped death at the time of the Vietnamese invasion.
415. In line with S-21’s highly secretive operations, executions and burials initially took place inside the main compound and in its immediate vicinity. As noted in the Location and Operation Section, in 1976, in order to prevent the spread of disease from the increasing number of corpses in and around the compound, **Duch** decided to relocate the executions operation to Choeng Ek. Preparations at the Choeng Ek site were completed by early 1977. In addition to victims from the central S-21 detention compound, S-24 also transferred prisoners to Choeng Ek.
416. Although the Revised Prisoner List shows that at least 12,273 prisoners were killed at S-21 the actual number of deaths at S-21 is higher and may exceed 14,000 victims. The highest numbers of victims were killed at Choeng Ek, which contained mass graves with the remains of more than 9,000 men, women, and children. A document recording the results of exhumations at Choeng Ek prior to 1989 shows that 8,985 bodies had been exhumed up to that point from 86 out of a total of 129 mass graves. Photographs of the mass graves unearthed at Choeng Ek also confirm the mass scale of killings that took place on the site. Some of these remains are stored in a stupa at Choeng Ek.
417. Like interrogations, executions at S-21 were highly organised and systematic. Prisoners were usually killed only after their full confession was recorded. However, on at least three occasions, evident from **Duch’s** written orders, groups of prisoners were sent directly for execution without interrogation. Trucks full of prisoners bound for S-21 were diverted directly to Choeng Ek where they were executed without interrogation when S-21 was at full capacity or if incoming prisoners were considered “unimportant.”
418. Within **S-21**, from the moment of his appointment as Secretary, only **Duch** had the authority to decide which prisoners would be executed. Typically, Sous Thy, under Hor’s orders, prepared a list of prisoners to be smashed. This list was then presented

to **Duch** for his comments and approval. **Duch** would then write the word “smash” next to the names of those who were to be killed, while indicating also which prisoners were to be kept to complete their confessions. These lists were then given to the guards who retrieved the prisoners from their cells, handcuffed and blindfolded them, and delivered them to the outside guards. If the designated killing site was Choeng Ek, the prisoners were loaded onto trucks and transported away.

S-21 Central Compound

419. A sizable portion of victims were killed or died within or around the main compound. Important prisoners, who were usually photographed before burial, like Koy Thuon, Vorn Vet, Chhay Kim Hour and Nath were executed at S-21 and buried in various areas in the prison’s vicinity. Other prisoners such as high ranking CPK members, foreigners (primarily the Vietnamese), victims of interrogation and forced blood-taking, S-21 staff, and children were also executed and buried in or around the main compound.
420. It is estimated that no fewer than one thousand prisoners perished from having excessive quantities of blood drawn from their bodies. Subsequent to the completion of interrogations, Hor and the medics selected reasonably healthy prisoners and delivered them to the S-21 infirmary. After the medics finished draining all the blood from victims into blood bags, Hor instructed Sous Thy to add their names to the lists of those who had been “smashed.”
421. Executions at S-21 occurred at night. The victims were generally beaten to death with a metal bar and often had their throats slit open. A few prisoners in the immediate vicinity of S-21 were burnt alive.
422. Many children were executed at S-21 as well, following the arrest and detention of their parents. In some cases they were killed by being dropped from a third story window onto the concrete below. The children were buried about 100 meters north of the central compound.
423. Victims executed at S-21 were usually buried in or around the compound. During excavation of mass graves in the area, human remains were unearthed along with nylon strings, ropes, shackles, blindfolding cloth, monks’ yellow robes, clothing, and army uniforms.

424. In January 1979, **Nuon Chea** ordered the execution of the entire remaining S-21 prisoner population. Several days before 7 January 1979, large numbers of prisoners were killed, some at S-21 and others at Choeng Ek. An interrogator named Nan used a bayonet to execute the last remaining prisoners in Building A, decapitating two of them.

Choeng Ek

425. On average, sixty to one hundred prisoners were transported two to three times per month from S-21 to Choeng Ek for execution. In addition, mass executions were carried out at Choeng Ek on several occasions, including 30 May 1978 and in December 1978, when 300 victims from the East Zone were purged without interrogation. Mass executions of children also occurred at Choeng Ek, including the killing of 160 children on a single day in July 1977.
426. Prisoners were usually transported to Choeng Ek in trucks while handcuffed, shackled and blindfolded. The transfers took place at night, with prisoners arriving at Choeng Ek between 7 and 9 pm. Upon arrival, the prisoners were held in a wooden house from which they were led, one at a time, to be killed at the pits. Once escorted to the edge of a pit, each prisoner was forced to kneel in front of the pit, and was then struck on the back of the neck with a steel club, cart axle or a water pipe, following which his / her throat was slit. The guards then removed the prisoner's remaining clothes and cuffs, and threw the corpse into the pit. Each pit was filled with more than ten bodies, some containing up to forty victims.

KOH KYANG SECURITY OFFICE

LOCATION AND OPERATION

427. Koh Kyang Security Office ("Koh Kyang") was located in Koh Kyang village, O Chrov commune, Prey Nup District, Kampong Som province, and part of Sector 37 of the Western Zone. Koh Kyang operated between at least late 1976 and mid 1978, when many of the prisoners held at Koh Kyang were transferred to Ta Ney prison in Prey Nup district.
428. Koh Kyang was a large security office that was divided between two locations. The primary facility was a prison consisting of several detention buildings and an interrogation house, and was used for imprisoning and interrogating serious offence

prisoners. The secondary facility was a re-education camp used for hard labour and tempering of light offence prisoners.

AUTHORITY STRUCTURE

Above the Security Office

429. Koh Kyang was the sector-level security office for Sector 37 of the Western Zone during the DK regime. In December 1976, Division 1 was transferred from the Southwest to Western Zone, and assumed responsibility for security in Sector 37 and the entire Western Zone. The Division 1 Commander, who also became a member of the Zone Committee, was Paet Soeung. Soeung, who commanded over 7,000 soldiers and was stationed in Prey Nup District, occasionally visited the security office and in 1977 participated in a large meeting of one hundred CPK cadres held at Koh Kyang. The Deputy Commander of Division 1, [Redacted], was stationed in Koh Kong province in Sector 37. [Redacted].
430. In December 1976, at or around the same time that Division 1 assumed responsibility for security in the Western Zone, the Secretary of Sector 37 Sao Kâng *alias* Nhoek was arrested and taken to S-21, and Sector 11 was merged into Sector 37. These events, which were directed and coordinated by the Party Centre, marked the beginning of an intensive purge of the Western Zone that lasted over one year. [Redacted]
431. The Secretary of the Western Zone, until his arrest in March 1978, was Chou Chet *alias* Sy. While Chou Chet was officially replaced as zone secretary by Ta Mok, it is likely that Deputy Secretary [Redacted] assumed the day-to-day responsibility for West Zone affairs. The West Zone office, also known as Mo-401, was located in Chbar Morn, Kampong Speu province. The Zone office sent regular written reports to Office 870 that, among other things, described in detail the “internal enemy situation” in Sector 37 and measures taken “to apply the Party’s assignment line to routinely remove, screen and sweep clean” such enemies.

Within the Security Office

432. Koh Kyang was directly supervised and guarded by Division 1 soldiers primarily from Kampong Chhnang. The first known chairman of the security office was Vooun. His deputy, [Redacted], was a lead interrogator and became the chairman after Vooun

committed suicide.

Communication of CPK Policy

433. Communication between Koh Kyang and higher levels of the DK hierarchy occurred through regular reporting of information up and down the chain of command. Information extracted from interrogations was shared between Koh Kyang, the West Zone office, and the Party Centre. Meetings between local and regional CPK cadres also occurred, and information about the arrest and detention of traitors and enemies was discussed.
434. Further specific directions were provided to Zone cadres by Party Centre representatives at the annual Western Zone Conference. At the conference held on 3-7 June 1976, the primary focus of the speech given by the “comrade representing the Party Organization” – believed to be either Pol Pot or **Nuon Chea** – was on efforts to increase rice production and achieve the Party’s goal of 3 tons per hectare. The following year, however, the speech given by the “Party Organization Representative” – believed to be **Nuon Chea** – focused almost exclusively on the ongoing purge of the West Zone.
435. In that speech, which was delivered on 25 July 1977 and published in the August 1977 *Revolutionary Flag*, Zone cadres were told that Sector 37 was “more complicated than Sectors 31 and 32 because there are many new elements and it has a bad history.” The speaker specifically discussed the “contemptible Nheuk’s group,” a reference to the purged former Secretary of Sector 37 Sao Kâng *alias* Nhoek, which group was “built into Party members, into cadre, into the Army.”
436. The Party Centre representative also complained that many cooperatives in the West Zone were controlled by former Khmer Republic soldiers, and directed Zone cadres to look for “embedded enemies” by reviewing the background and class composition of cooperative committees, to “attack and smash the enemy and the no-good elements embedded inside and controlling the cooperatives,” and to ensure that at least 50% of the cooperatives in the Zone were controlled by poor or lower-middle peasants by year-end.

UNLAWFUL ARREST AND DETENTION

437. Pursuant to the directions provided by the Party Centre, many people in Sector 37

were arrested and detained at the Koh Kyang security office during the purge of the West Zone that began with the arrest of the Sector 37 Secretary in December 1976 and was not completed until the arrest of the Zone Secretary in March 1978. During that purge, a large meeting of CPK cadres, including Division 1 Commander [Redacted], took place at Koh Kyang. People in this area were told “not to worry if cooperative leaders or members of the district committee disappeared,” as they were “traitors” and the remaining “hidden agents” needed to be searched for and “exterminated.”

438. The security office held between 100 and 200 prisoners at any given time. Approximately 5 to 10 prisoners arrived every day. The main detention buildings each contained 20 to 30 prisoners. Many prisoners were also held in the separate re-education camp.
439. Most of the prisoners at Koh Kyang were CPK cadres from districts, communes and cooperatives in Sector 37 who were accused of being traitors. The local CPK cadres arrested and detained at this security office included the Prey Nup District Secretary Pen Phluong *alias* Plang, the Srae Ambel commune chief Ta Proeung, and numerous cooperative chiefs. On one occasion, “a full truckload” of arrested “village and cooperative chairmen” was seen on National Highway 4, two days after the members of the commune committees and cooperative chairmen had been called to a meeting at the Prey Nup District Office.
440. New People and former Khmer Republic soldiers were also detained at this prison. In 1977, large groups of ethnic Vietnamese and Khmer Krom, who had been identified in lists sent from villages to the district office, were arrested and taken to Koh Kyang. Other people detained at Koh Kyang were accused of stealing food to eat, providing food to the White Khmer or other conduct that made them an enemy of Angkar.
441. Some prisoners were first detained and questioned at other local offices or sites, including the District Office in Bot Se Moan village, before being transferred to Koh Kyang. Arrests were generally conducted by Division 1 soldiers. Most detainees were transported to Koh Kyang by truck. [Redacted]. A number of the arrested Sector 37 cadres were eventually sent to S-21.
442. The arrest and detention of persons identified as internal enemies was communicated

to the Party Centre by the West Zone Office (M-401) in weekly and monthly reports. For example, a 20 May 1977 report identified by name alleged “traitors within the ranks throughout the Zone” who had been “swept clean,” including 17 purged cadres from Sector 37 and another group who were “suspected of paralysis or treason, but in a minor way” and hence were being held in one location for “surveillance and education.”

443. The monthly report for July 1978 stated that “elements of the 17 April including former civil servants, and some Chinese and Yuon aliens” had been “screened out from various units and military,” and proposed as “measures” for ongoing enemy activity to continue “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.” The same report also indicated that purges of local cadres continued, stating that “2 cooperative cadre, a secretary and a member of the cooperative, have been removed and sent to the security [office] because they were bad elements” who had been “monitored for a long time” and “were in the traitorous network.”

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

444. The conditions of detention at Koh Kyang were deplorable. Prisoners were shackled at all times when not working. The largest detention house contained 8 rows of shackles, with between 3 and 10 prisoners in each shackle. Prisoners were starved or given insufficient food. Prisoners accused of serious offences were provided smaller food rations, with meals sometimes limited to one spoonful of gruel. In the detention house used for person accused of serious offences, prisoners were shackled on the ground, forced to lay in their own excrement, and were heavily bitten by insects as they were not given mosquito nets. In another building, prisoners were required to defecate into sugar palm jars, ammunition boxes and jugs while still shackled. Prison conditions were unsanitary, and prisoners had lice all over their bodies. Prisoners regularly died of starvation, malaria, diarrhoea and other diseases as a consequence.

Forced Labour

445. Prisoners held in the re-education camp were unshackled during the day and forced to

perform hard labour, such as digging up sweet potatoes and building a nearby dam. In the re-education camp, prisoners who worked received insufficient food, sometimes only a small bowl of rice. Prisoners who were caught eating the potatoes were beaten.

INTERROGATION AND TORTURE

446. Prisoners at Koh Kyang were systematically interrogated and tortured. The purpose of the interrogation and torture was to discover whether prisoners were former Khmer Republic soldiers, CIA spies, collaborators with White Khmer or other enemies, and to force prisoners to identify other people in their network of traitors. Specific torture methods included beatings, electrocution and suffocation. Prisoners were heard screaming in pain during such interrogations. Prisoners were usually interrogated multiple times.
447. Interrogations were conducted by teams of guards, one of whom would prepare a written record of the interrogation. Prisoners' biographies and interrogation reports were sent from the security office to the upper-echelon, and several days later when those documents returned, prisoners were taken away to be killed. Reports sent by the Zone office to the Party Centre included information obtained from interrogations of detainees. In some cases, copies of entire written confessions were sent by the Zone to Angkar.

UNLAWFUL KILLINGS

448. Decisions as to which prisoners were to be released, and which executed, were communicated to the security centre by the Sector 37 Committee and Division 1 Commanders. Every week, soldiers would arrive with a list of 10-20 names of those to be executed. Purged CPK cadres and prisoners identified as former Khmer Republic soldiers were considered "serious" offenders and were usually executed soon after their arrival at Koh Kyang.
449. Some executions at Koh Kyang were conducted openly in front of other prisoners. On one occasion, a prisoner was ordered by a guard to kill a fellow prisoner, and did so. In most cases, however, prisoners were taken away and executed at nearby mass grave sites. During transport, prisoners were blindfolded and their hands were tied, and once at the grave site, they were ordered to squat and then hit on the back of the head. Prisoners were usually taken out for execution at night in groups of at least 10-

20 people, around the same time that new groups of prisoners would arrive. Other prisoners were assigned to dig grave pits and to collect the clothes of the executed prisoners. An exhumation conducted in 1979 of only two to three graves recovered 233 bodies.

450. Executions in Sector 37 were regularly reported by the Zone Office to the Party Centre. A 20 May 1977 report identified for Angkar “a large number of contemptible traitors” who had been “swept clean and smashed,” including 17 purged cadres from Sector 37. A report dated 23 July 1978 indicated that Sector 37 had been “conducting searches for Yuon spies.” Less than two weeks later, the Zone reported to the Party Centre that the persons “smashed” in Sector 37 in July 1978 included “100 ethnic Yuons includ[ing] small and big, adults and children” and 60 CIA agents “who were hiding in the units and cooperatives,” and that “measures” were needed for three “Yuon combatants.” Multiple witnesses have confirmed that large groups of Vietnamese families were arrested, taken to Koh Kyang and killed.

PREY DAMREI SROT SECURITY OFFICE

LOCATION AND OPERATION

451. Prey Damrei Srot Security Office (“Damrei Srot”) was located in Chrâk Sângkè village, Svay Chuk commune, Samaki Meanchey district, Kampong Chhnang province, and part of District 12, Sector 31, West Zone during the DK period. Damrei Srot operated between 1976 and January 1979, and replaced two other security offices. The first operated between 1973 and 1975, and served as the Sector-level security office in Chum Teav Chreng village, Kraing Lvea commune. It included killing sites at Trapeang Ampil and Trapeang Krèng, which continued to be used after 1975. The second served as the district-level security office at Trapeang Pring Dam, and was closed when its staff was transferred to Damrei Srot in 1976.
452. Damrei Srot was the largest prison in District 12 of Sector 31 of the West Zone. The prison was located in the forest outside of Damrei Srot, and consisted of at least two detention buildings, one long building and one square building of approximately 10 by 10 metres. To the west was a row of five houses where the prison chief lived and worked. A grave site where prisoners were executed and buried under palm trees was located approximately 600 metres northwest of the security office. There are no physical remains of Damrei Srot and the area has been overgrown by vegetation.

AUTHORITY STRUCTURE

Above the Security Office

453. As Damrei Srot was run by a DK military unit, its chairman reported to the commander of his Company who in turn reported to the district committee. The District 12 military leaders included District Military Chief [Redacted], Company 308 Commander [Redacted], and Company 48 Deputy Commander [Redacted]. The Secretaries of District 12 were [Redacted], followed by [Redacted].
454. The Secretary of Sector 31 to whom they reported was [Redacted]. [Redacted] was transferred to the Northwest Zone in mid-1978, becoming the Secretary of Sectors 2 and 7 and a member of that Zone Committee. [Redacted] was succeeded as Sector 31 Secretary by [Redacted], who had previously served both as District Secretary and Sector Deputy Secretary under [Redacted]. [Redacted] and district military commanders [Redacted] visited Damrei Srot.
455. The Secretary of the West Zone, until his arrest in March 1978, was Chou Chet *alias* Sy. The West Zone office, also known as Mo-401, was located in Chbar Morn, Kampong Speu province.

Within the Security Office

456. A District 12 military unit, Platoon 403, was assigned to operate Damrei Srot. The Commander of Platoon 403, [Redacted] served as the chairman of the security office. Chairman [Redacted] sent monthly written reports to the district committee evaluating each prisoner; he received orders from the district secretary and attended meetings at the district headquarters. [Redacted] was the deputy chairman of the prison, and was the prison cadre primarily responsible for interrogations and he was frequently involved in torture. Other prison cadres who have been identified are [Redacted] who was a guard and executioner, [Redacted] who was a messenger, [Redacted] a medic and [Redacted] a guard.

Communication of CPK Policy

457. The West Zone office sent regular weekly and monthly written reports to Office 870 that, among other things, described in detail the “internal enemy situation” in Sector 31 and measures taken “to apply the Party’s assignment line to routinely remove,

screen and sweep clean” such enemies. CPK cadres at the district and sector levels in the West Zone received instructions from the Party Centre on the policies and lines to be applied relating to enemies at annual Zone conferences and political education sessions.

458. The Party Centre paid close attention to and exercised control over activities in District 12. On 30 June 1977, at the same time that an extensive purge of West Zone cadres was underway elsewhere, Kampong Tralach Leu was one of three districts awarded an Honorary Red Flag by the CPK Central Committee, identifying it as a “model” for the rest of the country for, among other things, “waging strong and profound class struggle within the entire district, especially inside the Party.”
459. Less than one month later, Sector 37, Sector 32 and Districts 16 (Kampong Leng) and 18 (Kampong Tralach Kraom) of Sector 31 were heavily criticised by **Nuon Chea** at the July 1977 West Zone Cadre Conference, while District 12 (Kampong Tralach Leu) was praised as a model district to be emulated. As a result of the Party Centre’s review and assessment of these regions, very few cadres in District 12 were purged, while heavy purges took place in Sector 37 (as discussed in the Koh Kyang Security Office Subsection).

UNLAWFUL ARREST AND DETENTION

460. At Damrei Srot, many types of CPK enemies and traitors were detained after being arrested from local areas or by DK military divisions. The security office’s purpose was just that: to imprison light and heavy prisoners from throughout District 12 as well as purged individuals perceived to be political opponents. Estimates of the number of detainees held at Damrei Srot varied from as low as 10 and 30 prisoners at any given time to as many as 300 detainees at the prison. Yet, the prison was always full with new detainees regularly brought in as the old prisoners were taken away and killed.
461. Prisoners were arrested and detained at Damrei Srot for a variety of reasons. “Light” offenders were accused of planting the wrong variety of rice, letting cattle eat rice, providing food to New People or travelling without authorisation and stealing. “Heavy” offenders were former Khmer Republic officials or persons with alleged connections to the Khmer Republic regime, Khmer Sâ and other actual or perceived opponents of the DK regime. Others detained at Damrei Srot were accused of

committing “moral offences,” being Yuon or sabotaging projects, such as breaking farming equipment. Entire families including children were detained at the prison.

462. Decisions to arrest were generally made at the district level, based on reports from the communes and the base. Specifically, the Damrei Srot Chairman would receive reports from the district office identifying the prisoners to be arrested and their offences. The arrests were usually conducted by district militia. Occasionally, the district provided instructions to communes and units to conduct arrests and to report back to the district. In one district level meeting, the District 12 Secretary instructed commune cadres to send “the enemy” for re-education.
463. The arrest and detention of internal enemies was reported to the Party Centre by the Zone office in weekly and monthly reports. For example, a 25 June 1977 Zone report to Angkar, copied to **Pol Pot**, **Nuon Chea** and **Ieng Sary**, reported the arrest of 24 persons in Kampong Chhnang Sector who had fled from Prey Chhor District in the Central Zone and requested direction from Angkar on the “measures” to be taken. The 23 July 1978 Zone office report for Sector 31 described the arrest and detention of various enemies in “re-education camps” in Districts 10, 14, 16 and 18, including New People, Yuon and former soldiers and students.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

464. The prison conditions made life unbearable at Damrei Srot. Detainees were brought to the security office with their hands tied, and once they arrived were immediately shackled by their ankles. Detainees were divided into “light” and “heavy” offenders. “Heavy” offenders were shackled all day long. “Light” prisoners were unshackled during the day to work, but were re-shackled at night. Prisoners were shackled in long rows by an iron bar inserted into wooden shackles with grooves. Families were separated with women and men shackled separately.
465. Prisoners were forced to work long hours without sufficient food. Standard rations consisted of only two servings of gruel per day. Many prisoners were emaciated. Bedbugs were commonplace. Prisoners were beaten for no apparent reason by the guards, sometimes with a whip. A medic was on site, but was only authorised to provide medical treatment to the prison staff and not the prisoners. Prisoners regularly

died from starvation and disease. There was a climate of fear amongst the prisoners that if they attempted to flee they would be killed.

Forced Labour

466. When not detained, prisoners were forced to work long hours doing difficult manual labour. Women were made to carry water, and were kicked and knocked down if they did not work fast enough. “Light” offenders were allocated tasks such as digging tree stumps and weeding rice, while “heavy” offenders were assigned tasks such as carrying earth, with the required quota ranging from three to six cubic metres per day. Children detained at Damrei Srot were also forced to work and were punished if they did not fulfil their tasks. Some prisoners were forced to begin work at 3 a.m., and others were forced to work at night, sometimes as late as midnight. Prisoners were overworked to the point of physical exhaustion and illness.

INTERROGATION AND TORTURE

467. Prisoners at Damrei Srot were interrogated and tortured on a regular basis. The purpose of the interrogation and torture was to discover former Khmer Republic soldiers and officials, Vietnamese spies or CIA agents. Chairman Ol was heavily involved in interrogations and torture, specifically taking notes during interrogations and ordering his subordinates to torture prisoners. Specific torture methods included suffocation with plastic bags, nails being pulled out, fingers being broken, beatings with whips and clubs and electrocution. Interrogations were often prolonged or repeated over several days. Prisoners who did not confess were beaten and sometimes killed. Damrei Srot interrogators employed torture on the order of the security office’s chairman.
468. Written reports of interrogations and confessions were prepared. Reports were sent to the Party Centre via the Zone Office which included the names of alleged “enemies” that had been extracted from prisoners during such interrogations. In some cases, copies of confessions were sent to Angkar as well. For example, on 16 July 1978, the Zone office reported on the ongoing interrogation of a former teacher and second lieutenant in District 16 of Sector 31, stating that “after we finish the interrogation, we will send him as well as his confessions to Angkar.”

UNLAWFUL KILLINGS

469. After receiving the report on a prisoner from Damrei Srot's Chairman, the district committee would, in some cases, decide to keep prisoners detained until they died of starvation or malaria. For others, prisoners were executed once an order for execution from the sector level was forwarded down to Damrei Srot. Some prisoners, such as those accused of being Khmer Sâ, were killed very shortly after they were brought to the prison. [Redacted]. Both [Redacted] and [Redacted] participated in executions.
470. Executions generally took place at night when prisoners were taken away and never seen again. Prisoners were blindfolded with their hands tied behind their backs, taken to execution locations close to the prison and typically killed by a blow to the back of the head with a bamboo club. Women were sometimes raped prior to being killed by security office cadres. Damrei Srot personnel participated in "many" executions, sometimes killing as many as 5 to 10 prisoners at a time. The Zone office reported to the Party Centre on enemies who had been "smashed" or "swept clean," and requested direction from Angkar on "measures" to take with certain prisoners.
471. In pits that both prisoners and guards dug ahead of time, corpses were buried near the security office and coconut trees were planted on top of those pits. The bodies of victims were sometimes cut in two before being buried in the pits. There were at least 8 to 10 pits located near the prison that were used as mass graves, each of which contained 10 to 15 bodies. Other estimates of Damrei Srot grave sites state that as many as 100 graves exist under the coconut trees near the security office.

KRAING TA CHAN SECURITY OFFICE

LOCATION AND OPERATION

472. Kraing Ta Chan Security Office, or "Re-education Office 105," was located in Kraing Ta Chan Village, Kus Subdistrict, Takeo province, and part of District 105, Sector 13, Southwest Zone during the DK period. Kraing Ta Chan operated between either 1972 or 1973 and January 1979.
473. Kraing Ta Chan was a large facility consisting of two compounds, one within the other. The outer Kraing Ta Chan compound was approximately 500 metres by 500-800 metres and surrounded by a barbed wire boundary fence. The inner compound was approximately 50-100 metres by 75-100 metres and also surrounded by a barbed wire fence, as well as a secondary boundary fence positioned 50 metres beyond the

entrance to the inner compound. The inner compound consisted of a series of wooden buildings fortified with barbed wire. Two to four of these buildings were used for detaining prisoners, while the others were used by prison staff for housing, eating, and interrogating prisoners. Mass graves were located inside and outside the security office. One large mass grave within the compound was 30 metres by 20 metres, and 2 metres deep. Diagrams on the Case File provide visual details of the Kraing Ta Chan compound during its time of operation. There are no physical remains of Kraing Ta Chan.

AUTHORITY STRUCTURE

Above the Security Office

474. Kraing Ta Chan was a district-level security office under the authority of the District 105 committee, also known as Tram Kok district. Sector 13, or T 13, supervised Kraing Ta Chan's activities and authorised executions and the commission of other crimes at Kraing Ta Chan. Starting in 1975, numerous cadres held the position of District 105 Secretary, namely [Redacted]. The Sector 13 Secretary in 1975 was [Redacted], who was replaced in late 1976 by Sek Sat *alias* Prak, who was arrested and sent to S-21 on 13 May 1978. Above Sector 13 was the Southwest Zone, which was led by Secretary Ta Mok. DK national, regional, and local leaders, including **Nuon Chea**, Ta Mok, [Redacted], were seen at Kraing Ta Chan.

Within the Security Office

475. [Redacted] From mid-1975 until 1979, the chairmanship of Kraing Ta Chan was given to [Redacted], who also interrogated prisoners, with [Redacted] taking over the deputy chairman role. Kraing Ta Chan staff totalled 10 to 12, and was divided into a leadership section that interrogated the prisoners and a guard section. Within the personnel, [Redacted] was a record keeper and senior interrogator, and a staff member also named [Redacted] participated in interrogations and typed out confessions. [Redacted] were the principal interrogators, torturers and executioners.

Communication of CPK Policy

476. As evident from the large set of recovered District 105 Documents, a fundamental principle of DK communication was that information – predominately about the

purported traitorous activities of individuals – was always sent up the chain of command in order to “inform” the next hierarchical level, even if the matter was already or partly resolved. Logistically, messengers were used to send handwritten and typewritten reports, confessions and orders from Kraing Ta Chan throughout the Southwest Zone chain of command. For instance, sealed Kraing Ta Chan reports and confessions would be sent to the District 105 committee who would send the sealed material to Sector 13, and a few days later, the material would be returned to the District 105 committee with a written order on it ready to be implemented at Kraing Ta Chan, such as to execute or release a prisoner(s). Monthly written reports about the implementation of “work plan(s)” were written by District 105 officials and sent to Sector 13. Similarly, Sector 13 would brief Southwest Zone Secretary Ta Mok about activities at Kraing Ta Chan.

477. Information was also exchanged and orders were given through scheduled meetings between different levels of the Southwest Zone hierarchy, such as between districts and sector leadership or sectors and zone leadership. Scheduled meetings between zone and sector committees happened every three to six months, with meetings between the sector committee and the various district committees following afterwards. At the meetings with the sector secretary, district and sub-district CPK cadres were read “extracts of advice from Office 870,” which included direction to “find enemies.” DK propaganda was also distributed and discussed at similar meetings of district cadres.
478. A large amount of District 105 recovered documents are from local communes informing District 105 level cadres or higher level CPK cadres about certain suspicious activities –including stealing food, not working hard enough, pretending to be sick, scheming against “Angkar,” or planning to flee – and requesting the “Party” for orders. Likewise, Kraing Ta Chan itself would request advice or help on particular matters from superior cadres. Reports from the communes would also accompany individual(s) who were transferred to the district for processing, and the District 105 committee would in turn decide whether or not to send the person(s) to Kraing Ta Chan, while simultaneously informing the sector office about the situation.
479. Reports and confessions from Kraing Ta Chan or communes were transmitted to the district level, where the matter was “discussed,” the sector level consulted, and orders

received by the district for Kraing Ta Chan to implement. Reports from the commune level were responded to by the district or sector with an order to arrest, interrogate and / or “smash” the cited individual, an instruction to Kraing Ta Chan to implement their decision or notice to Kraing Ta Chan of the individual’s imminent arrest and transfer to Kraing Ta Chan. Communes would send reports to Kraing Ta Chan informing them of the “upper party’s” or “district’s” decision to send “traitor(s)” to Kraing Ta Chan, and a written report of their subversive activities would accompany or follow their transfer. An example of this process is seen in a series of reports from the Kus Commune reporting on enemy activity in that area and requesting direction from superiors. This process often resulted in the interrogation, torture and execution of the arrested individuals.

480. A report from the Southwest Zone Office also demonstrates how security, labour, health, and food information gathered from communes and districts was reported to the upper echelon, including information about specific instances of enemy activity, traitorous plans and networks, the content of confessions, the progress of forced labour projects, food shortages, and death from sickness.

UNLAWFUL ARREST AND DETENTION

481. Kraing Ta Chan’s purpose was to hold those arrested as enemies and traitors. From its beginning, Kraing Ta Chan was created to “re-educate” political prisoners from District 105, and individuals who opposed the CPK or violated CPK’s rules, such as committing immoral acts. At any given moment, Kraing Ta Chan detained 20 to 40 prisoners in each detention building, or 40 to 160 prisoners at Kraing Ta Chan in total. The amount of new inmates brought for detention at Kraing Ta Chan ranged from a handful to 30 prisoners which came nearly every day.
482. During the DK regime, Kraing Ta Chan continued to detain those arrested for being enemy spies, New People connected to the Khmer Republic regime, Chinese, Cham, Vietnamese or for having connections to Vietnam, for stealing food or complaining about a lack of food, for committing sexually immoral acts or for deserting the DK military ranks. In addition, Kraing Ta Chan detained purged CPK cadres as well as men, women and children.
483. People were usually arrested throughout District 105 by village, commune or sub-district militia members, but sometimes Kraing Ta Chan guards made arrests. Almost

daily, new detainees were brought to Kraing Ta Chan during the day and at night, bound individually and tied together and processed. Upon arrival, chhlop would ring a bell at the main gate that would alert Kraing Ta Chan guards to the arrival of new prisoners and custody of the prisoners was transferred at the gate.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

484. For those detained at Kraing Ta Chan, they faced gruesome conditions. All adult prisoners at Kraing Ta Chan were shackled by their ankles and / or arms with metal bracelets to a long iron bar that was secured to the wall, two bars in each detention building, and approximately 20-25 prisoners to each bar. Male and female prisoners were shackled together in this manner all day and night unless forced to work. Food rations were insufficient, with prisoners being fed small portions twice daily of rice and / or gruel potentially mixed with vegetables. While shackled together, male and female prisoners were forced to urinate and defecate into coconut shells or other crude receptacles and when finished the waste stayed in the cells. The detention facility did not have any facilities for washing or bathing and bathing outside the facility was not permitted for prisoners.
485. Prisoners lived under harsh rules of detention, such as a prohibition on noise or movement while sleeping and beatings by guards would result if these rules were violated. Guards were under orders to kill any prisoners who attempted to escape and they followed through on such orders. Rape and sexual humiliation of female prisoners by Kraing Ta Chan guards occurred often as well. Additionally there was no medical staff or supplies available to the prisoners. For those that survived all of these conditions, their length of detention ranged from three months to the duration of the DK regime. As a result of these extreme conditions of detention, prisoners died regularly due to beatings, attempts at fleeing, disease and starvation.

Forced Labour

486. Kraing Ta Chan prisoners were forced to perform hard physical labour such as tilling rice fields, carrying water, chopping wood and tobacco, digging out and moving soil from mounds and ponds for farming purposes, growing other crops, making sugar palm leaf mats and cooking for the prisoners. Prisoners were forced to work starting

at 7 to 8 until 10:30 to 11 in the morning, and resume work at 1 to 2 until 3 to 4 in the afternoon.

INTERROGATION AND TORTURE

487. Kraing Ta Chan prisoners underwent severe interrogation and torture. The purpose of interrogation and torture was to discover former Khmer Republic soldiers and officials, agents from Vietnam, the CIA or the KGB, as well as traitorous activities such as allegedly stealing food, failing to work hard, sexual immorality, faking sickness, complaining about the DK Regime, inciting rebellion or planning to flee DK. Specific torture methods included “cold methods” such as “pleading, coaxing, trickery/ruses” as well as “hot methods” such as severe beatings with whips and rattan sticks, hanging prisoners up with rope by their arms, feet and / or necks for extended periods of time, use of pincers to pull off noses and nails, and suffocation with plastic bags. Three women were brutally disfigured with pincers, had acid thrown on them, were dragged naked, and eventually had their livers fried. Prisoners regularly died as a result of torture.
488. Interrogation and torture was a regular occurrence and often based on reports from the sub-districts from where prisoners had come. Kraing Ta Chan interrogators were trained by sector and district CPK cadres to use “cold methods” before employing “hot methods” if unsuccessful in getting the desired answers. Interrogations took place at a separate building on the Kraing Ta Chan compound 20 to 30 metres away from the detention buildings. During interrogations two to three security office officials were present, with one or two asking questions and / or employing torture and another cadre recording the prisoner’s confession in writing, later to be typed. A security office cadre would also stand guard outside during interrogations. Often the Kraing Ta Chan chairman would be seen walking around the interrogation site with a club, wiping his head with a scarf, and entering into the interrogations. A District 105 committee member, Redacted, was seen interrogating and torturing at Kraing Ta Chan.

UNLAWFUL KILLINGS

489. Execution was the ultimate outcome for thousands of prisoners at Kraing Ta Chan and the killing of enemies of the DK regime was encouraged and instructed at every level of the District 105 and Kraing Ta Chan hierarchy. CPK officials in District 105 were

given specific directions to locate and kill enemies by Ta Mok at local meetings. District 105 documents exhibit the mindset of local CPK officials to search out and “smash” enemies of the Revolution. Other contemporaneous DK documents contain specific orders from the Sector 13 Secretary to the Kraing Ta Chan Chairman to “smash” prisoners.

490. The process of execution started when a District 105 messenger brought execution orders either from the DK district or sector level cadres to the Kraing Ta Chan Chairman, with the orders coming in the form of red ink annotations written on a prisoner(s) confession or a returned list of prisoners with the names of those to be killed crossed out in red ink. Staff were alerted to scheduled killings at meetings when the chairman organised staff to collect and execute the selected prisoners. Prisoners’ names were read out and then unshackled, taken to the interrogation site where they were blindfolded and bound and led to the killing site. As some staff stood guard outside the Kraing Ta Chan compound, other staff escorted prisoners, one staff member per prisoner, to the pit where they were instructed to sit, and told “do not hold any grudge against Angkar” and then executed.
491. Male and female prisoners were executed with a blow to the base of the neck with a wooden club or ox cart handle, and their throats cut afterwards with a sword or knife. Child prisoners were beaten to death by swinging them into trees. During executions, firewood was chopped and / or loudspeakers were played to mask the noise of executions and the screams of prisoners. Executions took place every day to a few times a month depending on need, at different times of the day from dawn until night, and between a few prisoners to hundreds were killed at any one time. After executions were finished, Kraing Ta Chan prisoners lists were annotated and signed by the Kraing Ta Chan Chairman “decide to smash” and converted to typewritten reports.
492. The execution of prisoners took place at mass graves within the main Kraing Ta Chan compound and directly outside of it. The large inner compound mass grave was abandoned when room ran out in 1977-78 and mass graves were dug outside the compound. Prisoners were forced to dig mass grave pits from daily to three times a month. These pits were 2 metres wide, 3 metres long, 1-1.5 metres deep and each held 30 to 60 bodies. The Kraing Ta Chan Chairman also assigned prison staff to dig pits.
493. After the fall of the DK regime, covered and uncovered mass graves were found by

villagers. In the early 1980s, exhumations of these graves were done by local officials, journalists and Oxfam International and an unofficial count of bodies recovered varied from between 10,045 to 17,000. A contemporaneous report signed by Kraing Ta Chan Chairman [Redacted] reads “[t]he Re-education Centre 105. Up to date we have smashed the enemy of 15,000 persons. Please, the Party, be informed. [Redacted].” In 2002 -2003, a stupa was built to house the bones of Kraing Ta Chan victims, and 10,011 bodies were counted at that time. Many graves still remain untouched today.

SANG SECURITY OFFICE

Location and Operation

494. Sang Security Office (“Sang”), or Kuk Sang, was located 500 metres east of Trapeang Sva village, Trea commune, Kandal Stung District, Kandal Province, and part of District 154, Sector 25, Southwest Zone during the DK period. Sang operated between late 1976 or early 1977 and January 1979.
495. Sang, which was built on the grounds of a teacher training college, was a large security office covering two hectares, with two facilities. The primary facility was the prison, with a compound approximately 200 to 300 metres by 100 to 300 metres in size and consisted of two to four concrete detention buildings, an interrogation house, a kitchen, several huts where prison staff lived, and a house for Sang’s chairman. The first detention unit was 8 by 20 metres and housed female prisoners; the second unit, known as the “dungeon,” was one by seven metres and divided into several one by one metre cells for housing CPK cadres accused of serious offences. There are no physical remnants of Sang. The location of the mass execution site was 200 to 500 metres to the east of the prison compound.

AUTHORITY STRUCTURE

Above the Security Office

496. Sang was a district-level security office under the authority of District 154, while Sector 25 had its own security office, Koh Kor, codenamed Office 15. The chairman of Sang reported to [Redacted], and attended regular meetings at the district office in Kantuot. [Redacted] visited the security office every few months, and Southwest Zone Secretary Ta Mok visited occasionally. The Secretaries of Sector 25 during the DK

period were [Redacted].

Within the Security Office

497. The initial Chairman of Sang was Mong. While under his chairmanship, Mong handled security matters, such as interrogating prisoners, reading confessions and determining who enemies were. The Deputy Chairman was [Redacted] (who also interrogated prisoners) and the Sang Committee Member was [Redacted]. In late 1977 or 1978, Mong was arrested and replaced by a cadre known as [Redacted]. The prison had a staff of approximately twenty persons. The staff was divided into a guard section for females, a guard section for males, and an interrogation unit. [Redacted] was responsible for keeping records of the prisoners, including interrogation reports, and also interrogating prisoners. [Redacted] were the principal executioners.

Communication of CPK Policy

498. While Chairman of Sang, Mong attended meetings at the District 154 office in Kantout between twice weekly and twice monthly. Mong would also communicate with other security offices, often sending his messenger to deliver letters to Koh Kor, the Sector 25 security office.

UNLAWFUL ARREST AND DETENTION

499. Prisoners were arrested and detained at Sang for being political enemies, for violating CPK policies, or for acts of theft that were deemed politically traitorous. Many of the detainees were former Khmer Republic soldiers, CPK cadres accused of being traitors, along with their spouses and children, or New People from Phnom Penh. A total of at least one hundred prisoners were held at Sang at any given time. New inmates came in groups of various sizes, some as large as 70 people. When the Vietnamese seized the security office, Sang detained about 80 prisoners.

500. New prisoners arrived at Sang on a regular basis primarily from District 154, and they were generally arrested and brought on foot, by bicycle, or by ox cart to the security office by the chief and / or militia of their unit, village or sub-district. Upon their arrival, new prisoners were registered by name. Additional people were sought out for arrest and detention based upon implications arising out of the confessions from Sang detainees.

501. Files on prisoners detained at Sang were prepared by the prison chairman Mong and delivered by a messenger named Redacted to co-operative chiefs, communes, mobile units and several outside security offices. The general purpose of these communications was to inform the recipients of the contents of the prisoners' confessions, in particular the names of implicated individuals located in their organisations, so as to facilitate the identification and arrest of further suspected enemy networks.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

502. Sang prisoners suffered cruel conditions. Men and women were separately detained, with the men shackled at the ankles by long iron bars with 20 to a rod. Male prisoners were kept shackled at night, while women generally were not. Purged CPK cadres were held in the "dark prison," which consisted of five dungeon cells, each only one metre square. The prisoners in those small cells had to lay curled up and naked. While still shackled, all prisoners were forced to urinate and defecate in gasoline cans placed in their cells.
503. Food was insufficient. Meals were given once or twice a day and consisted of one to three ladles of gruel per person. Prisoners starved to death regularly, averaging around three deaths per day. Only detainees that could work were given medicine, while others who were physically unable to work were denied medical attention. Death by disease and lack of treatment occurred regularly. The conditions were of such a severity that the Sang Chairman recognised that items such as clothing should be kept from detainees in order to prevent detainees from hanging themselves.

Forced Labour

504. The forced labour at Sang was strenuous. Some prisoners were forced to work while still shackled, depending on the seriousness of their offence, with the work including digging, rice farming, making potato beds and clearing bushes and tree stumps. A pregnant prisoner was forced to haul 50-70 buckets of water from a lake on her shoulders each day to water jack fruit trees. While under guard, prisoners were forced to work from 5 to 6 am until 12 pm, and resumed work from 1 to 2 pm until 5 to 6 pm. Prisoners were escorted to and from worksites by guards and were constantly

monitored for fear of their escape. As a result of the work conditions, it was not uncommon for prisoners to die from exhaustion.

505. Severe physical abuse was a common facet of the forced labour at Sang. While walking to work, detainees were often clubbed and whipped. One prisoner was beaten for spilling rice while working and was accused of trying to harm the economy. Another prisoner was beaten to death with a palm leaf stem for arguing with the guards while another was beaten with a piece of bamboo for picking up a cigarette butt to smoke.

INTERROGATION AND TORTURE

506. Sang interrogators employed brutal torture during interrogations. The purpose of interrogation and torture was to discover the enemies of the CPK, particularly those with connections to the former Khmer Republic regime, capitalists, feudalists, those suspected of sexual immorality, and agents of the CIA and KGB. Specific torture methods used included beatings with a rattan stick or covering prisoners' heads with a plastic bag until they suffocated and fell unconscious. When prisoners gave the "wrong answers," they were beaten and sent to lie amongst the dead or dying. Female detainees complained that they were raped during interrogation. As a consequence, death from torture occurred at Sang.
507. Some interrogations lasted through the evening and until late at night. Confessions were written down by a secretary, and then turned into typed documents that were reviewed and signed by the Chairman of Sang. Lists containing the names of the persons implicated in the confessions were delivered by the chairman's messenger to co-operative and mobile unit chiefs throughout the district, "in order to search out networks." Those implicated in confessions would be arrested and sent to Sang for interrogation within days.

UNLAWFUL KILLINGS

508. Perceived enemies to the CPK revolution in District 154 and the surrounding sub-district areas were systematically executed at Sang, as its purpose was to "imprison[] the enemies... then kill[] them." Lists were received by the Sang authorities indicating which prisoners were to be executed and which prisoners were to be transferred to other locations. Sang maintained both an "In-prisoner list" and an "Out-

prisoner list,” and execution lists were “strictly confidential” documents. The word “smashed” could be seen on these prisoner lists.

509. Executions usually occurred at night when large numbers of prisoners were taken away to be killed in the nearby bamboo forest. At least 30 prisoners would be taken away on each such occasion. The number to be executed exceeded 80 detainees on other occasions. Sometimes detainees were marched to the execution site, but most of the time they were transported by truck. These trucks “went in and out, back and forth.”
510. The detainees who were selected for execution were released from their shackles, tied up, walked to the front of the detention building, counted, then walked or trucked to the execution location. The guards used deception by telling the detainees they were being transferred to co-operatives. Once at the execution site, the detainees were stripped of their clothing, instructed to squat at the edge of the pit, and were killed by a blow to the back of their neck, slitting their throats, cutting open their abdomen and throwing them into an open pit. Metal clubs were found at the rim of the pits. Gall bladders were removed and left out to dry, and sometimes consumed by local CPK cadres. Adults and children were executed at these locations with the children swung against trees until they died. All the bodies were put into large mass graves, which varied in dimensions, but were roughly two to three metres by three to five metres and one to two metres deep.
511. About 5,000 prisoners were killed, matching the death toll recorded in the government statistics of Kandal Stueng District compiled in late 1979. Exhumations of the pits located approximately half a kilometre from Sang recovered 2,000 - 2,780 sets of remains from 112 mass graves, and the bones were placed into a memorial hall. Some graves were small and contained a few victims, but the majority of the graves exhumed were larger and contained between 20 and 100 bodies in each pit. When the original memorial fell into disrepair, the remains were moved to a new memorial stupa. Other undisturbed mass grave pits are still yet to be exhumed.

KOK KDUOCH SECURITY OFFICE

LOCATION AND OPERATION

512. Kok Kduoch Security Office (“Kok Kduoch”) was located in Kèng Prasat Village,

Sâmbaur Subdistrict, Sâmbaur District, Kratie Province, and part of Sector 505 during the DK period. The facility operated between 1975 and 1979 and has been dated to operate as early as 1970.

513. Kok Kduoch was a large security office with numerous individual facilities, including the primary site at Kok Kduoch, the Sre Thnoat woman's prison, Ahar District Security Office, Koh Sâm Tauch, and the Prasral and Trâch work camps. Kok Kduoch was located on a 50 square metre piece of land on a hill 1.5 km from the Mekong River, between Sambuor and Kratie. The primary site consisted of between one and three large buildings for housing prisoners, and several smaller buildings, including a guard house, a blacksmith's shop, a warehouse and a kitchen. It served as a prison, interrogation centre and execution site, as well as headquarters for the satellite facilities. Prisoners were interrogated at Kok Kduoch, and prisoners were transferred between the secondary sites. Transfers occurred between these facilities based on the severity of their alleged offence, to accommodate capacities at each site, to work, to be interrogated, or potentially to Kok Kduoch for execution.
514. Prasral consisted of between one and three large prisoner barracks and numerous smaller huts for families. Koh Sâm Tauch was located on an 800 metre by 500 metre island in the Mekong River and contained two small buildings, which housed both guards and prisoners.

AUTHORITY STRUCTURE

Above the Security Office

515. Kok Kduoch was under the authority of [Redacted], and part of Security Unit 32. The Secretary of Sâmbo District from 1971 to 1976, when he was arrested and disappeared, was Chhoem Young *alias* Cheth, the district security chief was Ny and his deputy was Ung Samon. From 1976 to early 1978, the District Secretary was Ny and the District Security Chief was Phoeun, both of whom were arrested in early 1978 as part of a massive purge of Sector 505. [Redacted]
516. Sâmbo District was part of Sector 505, an autonomous sector that reported directly to the Party Centre. The Secretary of Sector 505 prior to 1976 was [Redacted], and the Secretary from 1976 until March 1978 was Baun Nan *alias* Yi. In late 1977 and early 1978, Yi and numerous other sector and district cadres, including the Sector Deputy

Secretary Sann Bun Hei *alias* Kuon and the Sector Security Chief Ban Saroeun *alias* Kâng, were arrested and sent to S-21 as part of the purge of Sector 505. (Other local cadres who were purged were sent to the sector security office in Kratie town or to B-3, a security office used to detain cadres prisoners from mid-1977 to mid-1978.) Yi was replaced as sector secretary by [Redacted], a cadre from the Southwest Zone. [Redacted].

Within the Security Office

517. The leadership of Kok Kduoch and its satellite facilities frequently rotated. The principal known Chairmen of the Kok Kduoch security office during the DK period were [Redacted].
518. [Redacted]. Leading cadres at Kok Kduoch supervised these satellite facilities, making visits and receiving reports which were stored at the primary facility.
519. There were between 10 and 12 guards at Kok Kduoch, 15 guards at Prasral, and between three and six guards at Koh Sâm Tauch.

Communication of CPK Policy

520. [Redacted] frequently visited Kok Kduoch and its satellite facilities in order to supervise staff, warn of prisoner escapes and internal enemies, and participate in interrogations. [Redacted]. The security office sent monthly reports [Redacted], which included updates on guards and prisoners, supply shortages and reports on “enemy tracing activities,” and would report “immediately” on matters of more urgent importance. [Redacted]
521. The *Revolutionary Flag* was distributed [Redacted] to the communes to be studied and followed. As explained by [Redacted], if the contents of those publications were followed literally, “many people would be killed because the guidelines in the magazines were illustrated in a very sharp way and if a person would not adapt himself or herself to that, then this person automatically would be considered as an enemy.”
522. [Redacted] attended meetings [Redacted] twice a month, at which they reported on food, health and security issues. At these meetings, decisions were made on “who was to be killed and who was not.”

523. [Redacted] **Nuon Chea** was the CPK leader from the Party Centre responsible for Sector 505, and often came to visit the region. [Redacted] received letters from Office 870 sent by Pol Pot or **Nuon Chea**.

UNLAWFUL ARREST AND DETENTION

524. Enemies of the CPK, such as Vietnamese, traitors within the CPK ranks and “immoral” individuals were arrested and detained at Kok Kduoch and associated detention facilities. Between 1975 and 1979, the prison population fluctuated at any given time. In 1976, there were 100 prisoners; in 1977 and 1978, there were between 100 and 300 prisoners, of which 50 were serious offence prisoners; in late 1978, there were 250; and in the period right before the fall of DK government, there were 50 East Zone soldiers. Prasral held between 50 and 200 inmates. Koh Sâm Tauch imprisoned 12 to 30 light offence prisoners or 50 to 60 serious offence prisoners. New prisoners were brought to Kok Kduoch every two or three days in groups of one or two. After 1977, prisoners accused of conspiring with Vietnam were brought every day. On occasion, ethnic minorities were arrested *en masse* for opposing CPK policies.
525. Individuals detained at Kok Kduoch included purged cadres from Sâmbo District in 1977 and 1978; East Zone and Sector 505 soldiers arrested in late 1978; those accused of acting against the party; villagers fleeing from advancing Vietnamese troops; ethnic minorities, including Phnorng, Kraol and Khmuon; ethnic Vietnamese living in Cambodia; those linked to traitorous networks, including most inhabitants of Sambo village; those with family connections to Vietnam; those accused of sexual immorality; those accused of eating or stealing forbidden food; those accused of destroying property belonging to the cooperative; those accused of laziness; the family members of Kok Kduoch inmates; New People from Phnom Penh and Kratie; and Khmer Sâ.
526. Prisoners were arrested by co-operative chiefs, security units from Kok Kduoch or told to report to Kok Kduoch. Such arrests by co-operative chiefs and Kok Kduoch staff were made on orders from the district or sector level. Co-operative chiefs met district officials beforehand to receive guidance prior to any arrest. Prisoners were presented to Kok Kduoch cadres with letters of accusation from the co-operative chief, specifying that the prisoner be interrogated and re-educated. The original of the

letter was sent to the district office and a copy kept at Kok Kduoch.

527. Communes sent reports to the district, who then reported to the sector. The district office had weekly meetings with commune chiefs to discuss the enemy situation, production and the health of the people, during which commune chiefs reported any people “who had any activity against the revolution,” and “accusation letters” requiring the interrogation and re-education of such persons were approved. The persons so identified by the communes were subsequently arrested by district or commune militia.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

528. Prisoners at Kok Kduoch were treated according to their status as serious or light offenders, but all endured inhumane conditions. On arrival, all prisoners were handcuffed and shackled to others. While light offence prisoners were eventually unshackled, serious level prisoners were permanently shackled and handcuffed, including while eating, and only released to use the pit latrine. Serious level prisoners were shackled in two rows, with their feet touching. Some light offence prisoners were required to build their own shelter, or slept in the facility’s rice barn.
529. Prisoners were fed gruel and occasionally rice. Prisoners were not allowed to forage for food, and those who stole food were shackled for up to three days. Prisoners could not bathe. There was no established procedure for treating sick prisoners at Kok Kduoch. If seriously ill, prisoners were given traditional medicines. Prisoners on a work detail were given pills and searched for herbal cures while labouring. Malaria and diarrhoea were common and fatal, as was malnutrition.
530. At the Prasral work camp, male prisoners were shackled and handcuffed at night in two rows. Families were permitted to live together, but were required to build their own shelter. Gruel was the basic ration at Prasral. The food was insufficient, and prisoners starved to death. Prisoners who foraged or took extra food were beaten or shackled for up to three days. Prisoners were punished for not properly respecting staff as well. Neither medical treatment nor medicines were provided to prisoners. Deaths from various diseases, including malaria, were common.
531. At Koh Sâm Tauch, serious offence prisoners were shackled together at night, and

perhaps during the day. Light offence prisoners were not shackled. Prisoners received gruel twice a day. Serious offence prisoners were unshackled to relieve themselves. There were no medical staff, and ill prisoners were given herbal medicines. As a result, prisoners regularly died due to the conditions at Koh Sâm Tauch.

Forced Labour

532. All prisoners at Kok Kduoch and associated worksites and detention facilities had to perform arduous manual labour. At Kok Kduoch, prisoners farmed, cleared land, and operated waterwheels to ensure adequate water supply to rice paddies. Work shifts began as early as 4 am and went until at least noon, and restarted at 1 pm and continued until dusk or sometimes until night. There were no rest breaks, and prisoners died from overwork and exhaustion.
533. At Prasral, prisoners farmed, cleared land, built dams and dug canals. Work shifts began as early as 3 am and went until at least noon, and restarted at 1 pm and continued until dusk or sometimes until night. Those who missed work had their food rations reduced by 25% and 50% for missing two days. Prisoners died from overwork and exhaustion. After one particular incident, prisoners were assembled and threatened with death for resisting authority or breaking solidarity.
534. At Koh Sâm Tauch, prisoners farmed, milled and threshed rice, cleared land, built fish traps and built a dam. Work shifts began as early as 3 am and went until at least noon, and restarted at 1 pm and continued until dusk or sometimes until night.

INTERROGATION AND TORTURE

535. Prisoners faced lengthy interrogation and harsh torture at Kok Kduoch, Prasral, Koh Sâm Tauch and Ahar. The purpose of interrogation and torture was to extract prisoner biographies, and their links to Vietnamese networks, and specific crimes including aiding the Vietnamese, sexual immorality, destroying communal property and attacking local officials. Specific torture methods included beatings with rattan whips, electrocution, batterings to hands and feet, and / or kicks. Some prisoners were beaten with guns. Some prisoners were tortured until they lost consciousness or control of their bladder or bowels. Light offence prisoners who confessed were unshackled. Those who refused to confess were threatened with death.
536. At Kok Kduoch, all arrivals were interrogated after four days. Light offence

prisoners were interrogated up to ten times a month with rotating interrogators. Interrogations lasted up to one and a half hours. Interrogations and torture were often conducted by Kok Kduoch cadres, including the chairman. Interrogators often carried a gun. Prisoners at Kok Kduoch were either interrogated in the guards' office or in the compound itself. Alternatively, they were taken to Ahar at night, from where prisoners returned bloodied and visibly beaten. At Prasral, Meng An interrogated prisoners and took notes. Prisoners at Koh Sâm Tauch were also interrogated.

537. Interrogations were recorded and documented. All notes taken by the interrogators were sent to [Redacted] as was the prisoner's written confession. In special cases, confessions were sent to [Redacted]. Copies of confessions were kept at Kok Kduoch. Interrogations at Kok Kduoch were conducted by staff and supervisors including [Redacted] also tortured prisoners.

UNLAWFUL KILLINGS

538. [Redacted] were present for the removal and execution of serious level offenders from Kok Kduoch. [Redacted]. Small groups of two to five prisoners were taken away four times a month, while larger groups of 10-15 prisoners were removed less frequently. There are three burial pits in the immediate vicinity of Kok Kduoch, each measuring approximately two metres by five metres. An unknown number of prisoners were also taken away by truck at night to another location for execution and burial.
539. Prisoners at Prasral were also subjected to unlawful killing. One year, 89 prisoners died at Prasral, and in other years, the death toll was higher. Prisoners died from starvation, disease, exhaustion, torture and execution, and were buried in the facility by an ângehey tree. Prisoners were also taken from Koh Sâm Tauch and presumably killed.
540. Confessions of prisoners who were "difficult to solve at a district level," such as "heavy prisoner[s]" who were "accused of acting against the Party," were forwarded to the sector. Those prisoners were often taken away for execution by district or sector cadres, some of whom arrived with execution lists.

PHNOM KRAOL SECURITY OFFICE

LOCATION AND OPERATION

541. Phnom Kraol Security Office (“Phnom Kraol”) was in Sre Sangkum commune, Koh Nhek District, Mondulhiri province, and part of Sector 105, Northeast Zone during the DK period. Phnom Kraol operated between April 1975 and January 1979.
542. Phnom Kraol could detain several hundred prisoners at once. The facility was located at the Battalion 2 base near the Phnom Kraol dam, and consisted of a single detention building with a bamboo floor, no walls, wooden pillars and a thatched roof. A second security office, called K-11, was located less than one kilometre from Phnom Kraol, at the Sector 105 military office. Office K-11 was used primarily as a temporary detention facility, from which prisoners were sent either to Phnom Kraol, local worksites for tempering, or, in some cases, S-21.

AUTHORITY STRUCTURE

Above the Security Office

543. Office K-11 and Phnom Kraol were sector-level security offices that reported to the Secretary of Sector 105. Ta Hâm *alias* Laing was the Sector Secretary until October 1977, when he was killed in Phnom Penh after being called to an urgent meeting by **Nuon Chea**. Laing was replaced by [Redacted].

Within the Security Office

544. The Sector 105 Military Chief Huot Kè *alias* Sophea commanded two battalions of soldiers, was responsible for security in the sector, and was the Chairman of Office K-11. [Redacted] was a supervisor at the K-11 security office, participating in interrogations and arrests. In late December 1978, following a meeting with Pol Pot, **Nuon Chea** and Son Sen in which he was asked to stay in Phnom Penh to “work on military affairs,” Ta Sophea was arrested and taken to S-21.
545. The Phnom Kraol Dam was supervised by the Commander of Battalion 2, Khven Ngok *alias* Lēng, who reported to Ta Sophea. The Commander of Battalion 1 was [Redacted]. Ta Lēng’s deputy was [Redacted], and the member was [Redacted]. When Ta Lēng was arrested and disappeared in early 1978, [Redacted] became the Commander of Battalion 2 and Chief of the Phnom Kraol security office. [Redacted] was a company chief in Battalion 2 under Ta Lēng and [Redacted], who was stationed at the Phnom Kraol security office.

Communication of CPK Policy

546. On matters of security, the Sector 105 office reported directly to **Nuon Chea** and the Party Centre, and received regular instructions back from **Nuon Chea** and Pol Pot. These instructions from the Party Centre informed Sector 105 officials about ‘imbedded enemies’ and ‘traitors’ who were to be tracked down and arrested. The sector leaders travelled to Phnom Penh for meetings with the Party Centre, and held monthly meetings with the sector military and district committees to pass on instructions received from the Party Centre, [Redacted].
547. [Redacted] sent regular written reports and telegrams to Office 870 concerning both general issues and specific security matters involving internal enemies. [Redacted] received reports from district offices on dam construction, crop production, healthcare, “good or bad elements” and “traitorous” elements. [Redacted] provided instructions back to the districts, and assembled such information into a “district performance report” that was sent to the Party Centre on a daily basis.

UNLAWFUL ARREST AND DETENTION

548. Phnom Kraol arrested and detained enemies of the DK regime, in particular purged cadres. The number of prisoners held at Phnom Kraol ranged from 80 to 385 at any given time. Especially during the purges of Division 920 cadres, the numbers detained at Phnom Kraol swelled. For instance, from September 1977 to April 1978, the “number of people held in that prison reached 385, the majority of whom were soldiers from Division 920.” On “many” occasions, prisoners from Division 920 would be “transported in during the morning,” and “taken away” at night. The arrests of Division 920 cadres were referenced in a 20 May 1977 telegram [Redacted] to Office 870, which reported that even though the sector had been making “arrest after arrest” of “unit 920s,” enemy “activities continue one after the other.” [Redacted] blamed the enemy activities on “henchmen” of the “contemptible Chhin,” a reference to the former Secretary of Division 920 Men Meng *alias* Chhin, who had been arrested on 21 February 1977 and sent to S-21 on 16 March 1977.
549. The purge of Division 920 soldiers continued through March 1978, during which time over four hundred Division 920 soldiers were arrested, detained for a short period at Phnom Kraol, and then transferred to S-21. During that time period, Sector 105

Military Chief Ta Sopheha received from the Party Centre copies of S-21 confessions of Division 920 soldiers [Redacted].

550. Office K-11 was a temporary detention facility, holding only 20 to 30 prisoners who were transported in and out every two or three days. Detainees at K-11 who were considered “correctible” were generally sent to a tempering worksite called Nang Khilik, while those considered “heavy prisoners” were sent to Phnom Kraol. For a brief period in late 1977 following the death of Laing, some prisoners were detained at K-17, the Sector Secretary’s Office, which was described as a two-story building in which the higher-ranking prisoners were held on the 2nd floor.
551. The prisoners arrested and detained at K-11 and Phnom Kraol included former soldiers, policemen and their families, Vietnamese and those with connections with Vietnam, and persons accused of being CIA agents or traitors. People were also arrested for committing “immoral offences,” stealing, evading work, beating cattle, misspeaking and practising black magic. Instructions were provided by [Redacted] to the districts that persons accused of their first or second offences were to be re-educated at their base, while those accused of their third offence were to be sent to Phnom Kraol.
552. Arrests were conducted by Battalion 2 soldiers, pursuant to orders provided by Sector Military Chief Sopheha based on “report[s] from the base.” Arrests of local cadres were usually conducted by Division 920, one of the Party Centre’s military divisions [Redacted]. In other cases, arrests were conducted by security cadres from Office K-11. People were usually arrested in groups and transported to the security office by truck, with their arms tied behind their back.
553. [Redacted] were ordered by the Party Centre to arrest “imbedded enemies” and “traitors” implicated in S-21 confessions of Sector 105 cadres or otherwise connected to purged cadres. For example, in November 1977, more than 80 people connected to former Sector Deputy Secretary Khăm Phoun were rounded up, arrested and detained at Phnom Kraol, K-11 and K-17. Khăm Phoun had been denounced as a traitor by the “upper level” following his death in late October 1977, prompting the purge of his “network.”
554. One of the local cadres connected to Khăm Phoun who was arrested at that time was

Phan Khôn *alias* Chuon, a Member of the Sector 105 Commerce Committee. Chuon was initially detained on the second floor of Office K-17, and thereafter transferred to Phnom Penh, where he entered S-21 on 23 November 1977 and signed two confessions in the following weeks. More than one hundred and thirty other Sector 105 and Division 920 cadres were also taken to S-21 on 23 November 1977, the same day as Chuon. As was the standard practice with regional cadres interrogated at S-21, [Redacted] was informed of the persons implicated in Chuon's confession, receiving either a copy of the confession or a list of the names contained therein.

555. [Redacted].

556. [Redacted].

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

557. Phnom Kraol prisoners lived in appalling conditions. Detainees in the Phnom Kraol were shackled together in wooden shackles, with between four and 20 people in each row. At the K-11 security office, prisoners were detained in long shackles made of iron and wood, in rows of five prisoners per shackle. All detainees were shackled while they slept, and heavy prisoners were shackled permanently. Some prisoners reported being hung upside down in shackles for long periods of time. Prisoners were forbidden from talking to one another or speaking in ethnic minority languages.
558. Detainees had insufficient food, only receiving gruel once or twice a day. Prisoners were weak and thin from a lack of food, and when they fell sick as a result, there was no medical care provided. Consequently, some prisoners died from malnutrition. Detainees were required to urinate and defecate into an ammunition case. The lack of hygiene caused the prison cells to smell horribly. The bamboo floor at Phnom Kraol was flea infested. Those who fell ill from these conditions were accused of pretending to be sick and subsequently disappeared.

Forced Labour

559. For those compelled to work, the labour was rigorous. Heavy prisoners remained shackled 24 hours per day, while light prisoners were unshackled during the day and forced to work. The light offence prisoners worked under guard inside and outside the

prison compound, sawing wood to make furniture, beating juice seeds, planting rice and building dams. Prisoners worked from 6.30 am until 4.30 pm, with a short break for lunch.

INTERROGATION AND TORTURE

560. Detainees were interrogated and tortured at Phnom Kraol and K-11 routinely. The purpose of the interrogation and torture was to discover whether the prisoner had connections to Vietnam, planned to flee the country, and / or worked for the CIA. Prisoners who were arrested because of their relationship to a perceived traitor were questioned about that person's betrayal of the Party. Everyone brought to Phnom Kraol was required to prepare a biography. One prisoner was interrogated while shackled and repeatedly hit with a ½ metre long wooden club until he fell unconscious.
561. Both Ta Sophea and Ta Lēng personally conducted interrogations. [Redacted]. The interrogations were recorded and information reported to Office 870 [Redacted]. [Redacted].

UNLAWFUL KILLINGS

562. Prisoners to be executed were taken away to Trapeang Pring, the primary killing site in the area – also referred to as Tuol Khmaoch, Trapeang Toeun or Au Krieng – which was located about four kilometres from Phnom Kraol. Prisoners subject to execution included soldiers from Division 920, other purged CPK cadres and their families, and persons who were soldiers, policemen, civil servants or commune chiefs in the prior regimes. Entire families were eliminated, for example, eight siblings and nephews of Kham Phoun were taken away for execution. Starting in 1977, many of the victims executed were persons accused of being spies or supporters of the Vietnamese, White Khmer and KGB. CPK cadres were told that all people in one district (Keo Seima) were to be considered “Vietnamese heads on Khmer bodies” who had “betrayed Angkar,” and many people from that district were killed in July 1977.
563. Large groups of Phnom Kraol prisoners were taken away at night, and transported by trucks for execution. If only a few people were to be executed, they were not taken to Trapeang Pring, but instead were killed in the immediate vicinity of the prison. Prisoners were clubbed to death, and their bodies were thrown into pits and covered

with dirt by a tractor. Exhumations found 200 bodies in a large dirt pit. A two by six metre covered mound, with hoes and knives, was found as well. An additional four burial pits were identified in this area.

564. Reports sent from Sector 105 to the Party Centre confirmed the “smashing” of enemies. For example, a 20 May 1977 telegram from the Sector Secretary to Office 870 refers to the smashing of Vietnamese and notes that “the problem of these contemptible Yuon has already been decided.” [Redacted]. [Redacted].
565. In addition to executions taking place at Phnom Kraol, numerous local cadres disappeared after either being called to Phnom Penh by **Nuon Chea** and Pol Pot or arrested by Division 920, including Sector Military Chief Huot Kae *alias* Sophea, Battalion 2 Commander Ban Boy *alias* Ta Lēng, Sector Deputy Secretary for Political Affairs SO Kim An *alias* Mey, Division 920 Commander Maen Mèng *alias* Chhin and his Deputy Commanders Ear Cheu *alias* Ta Sây and Suon Ol *alias* Ta Kim.

WAT TLORK SECURITY OFFICE

LOCATION AND OPERATION

566. Wat Tlork Security Office (“Wat Tlork”) was located in and around Wat Tlork in Thlork village, Svay Chrum district, Svay Rieng Province, approximately 28 km northwest of Svay Rieng, and part of the East Zone during the DK period. Wat Tlork operated between May 1975 and mid 1978, and replaced the existing Meun Say Security Office. Between May 1975 and mid-1978, the CPK housed security cadres at Wat Tlork.
567. Wat Tlork was created after an administrative reorganisation which divided Svay Rieng District from Meanchey Thmei District. Wat Tlork consisted of two facilities and a nearby execution site. The primary site was located in the Wat Tlork pagoda complex. The secondary site was the district security headquarters, located 500 metres away on two hectares of land. The district security headquarters consisted of three seven by eight metre tile-roofed buildings, which were used to process and interrogate prisoners. The execution site was adjacent to the east side of the pagoda complex and included mass graves. At present, all the buildings associated with the security office and the district security headquarters have disappeared. Presently, this location is the Cambodian People’s Party Office, situated opposite the Thlork Primary School.

AUTHORITY STRUCTURE

Above the Security Office

568. Wat Tlork was located in Meanchey Thmei District, Sector 23 of the Eastern Zone. The known Secretaries of Meanchey Thmei District during the DK period were Phoeng Son *alias* Say, who was arrested and taken to S-21 on 27 March 1978 as part of the East Zone purge, and [Redacted]. The Deputy Secretary of the District until his arrest on 8 March 1978 was Sous Phon *alias* Chheang Sy. His successor, district security chief Vuong Aor *alias* Ta Ao, was arrested and sent to S-21 on 5 May 1978.
569. The Secretary of Sector 23, until his removal in February 1978 and arrest on 17 March 1978, was Ouk Savann *alias* So. He was replaced as Sector 23 Secretary by East Zone Deputy Secretary Meas Senghong *alias* Chan. The other members of the Sector 23 Committee who were also purged at this time were: Deputy Secretary Maen Diek *alias* Nuon was arrested and entered S-21 on 20 March 1978; Member Neou Saly *alias* Saliv on 28 March 1978; and Sector Security Chief Nam Soth *alias* Sam on 15 April 1978.
570. Until his suicide on or about 3 June 1978, East Zone Secretary Sao Phim, also a member of the CPK Standing Committee, was in charge of all matters in the East Zone. After Phim's death, a written announcement signed by Ke Pauk was circulated stating that Sao Phim was a traitor, and the new zone secretary was to be Vorn Vet, and Meas Seng Hong *alias* Chan remained Zone Deputy Secretary. Several months later, Chan was "called to Phnom Penh" and disappeared, and was replaced by Southwest military commander Ren.

Within the Security Office

571. Wat Tlork was a district-level facility under the direct control of the district security headquarters. Suos Phon *alias* Chheang Sy, the Deputy Secretary of Meanchey Thmei District, served as the Chairman of Wat Tlork, and Vuong Aor *alias* Ta Ao was a member of the prison committee. The deputy chairman of the security office was [Redacted]. When Chheang was arrested on 8 March 1978, district security chief Ta Ao was left in control, only to be arrested himself two months later.
572. Approximately 20 to 30 security personnel worked in the district security headquarters and Wat Tlork security office. These security personnel included

[Redacted], [Redacted] were assigned to arrest prisoners in various sub-districts, and carried out executions. By mid-1978, the entire East Zone chain of command for Wat Tlork was either dead or imprisoned at S-21, and the Wat Tlork security office ceased operations.

Communication of CPK Policy

573. During the period that the Wat Tlork was in operation, the East Zone Office sent regular reports to Office 870 on the military conflict with Vietnam, arrests, interrogations and executions of enemies and food supply problems, and received instructions and guidance back from the CPK senior leaders.

UNLAWFUL ARREST AND DETENTION

574. Hundreds and likely thousands of people were arrested and detained at Wat Tlork, which was in line with its primary purpose to detain arrested enemies sent there from district security headquarters. In May 1975, the prisoners previously detained at the Meun Say Security Office were moved to Wat Tlork. Around 200 to 300 prisoners were at the security office at any one time. After this transfer, the prisoners at Wat Tlork came from surrounding villages and communes. The prisoners were ordinary people; there were no teachers or students. The prisoners included both men and women. Some prisoners were released to drive carts; however, they were always followed and guarded by security personnel. The majority of them were arrested because they had stolen food, chickens or had been 'immoral'. During its operation, approximately five or six newly arrested prisoners were walked in each day. Arriving prisoners were walked to the security office with their arms tied and a security cadre riding a bicycle would hit them with a whip.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

575. Serious offence prisoners had both legs bound by wooden shackles. The prisoners were weak and pale. Prisoners could be heard screaming from outside the security office. Prisoners were beaten as they were marched between the detention area and the interrogation area.

Forced Labour

576. Some of the Wat Tlork prisoners had to perform lengthy hours of manual labour. The work included repairing paddy dykes, pulling carts, dragging fishing nets or collecting buffalo manure. Those detained for committing light offences were forced to work, whereas serious offence prisoners were permanently detained in their cells. The worksites were at three locations: one to the south of the security office, one to the north, and a third where cadres took prisoners to be executed. Prisoners worked from 6 or 7 am until 11 am, before stopping to be fed gruel and forced back to work from 1 until 6 pm. Some prisoners carried hoes on their shoulders, and armed cadres followed behind. Beatings would occur if the prisoners did not work well.

INTERROGATION AND TORTURE

577. Prisoners at Wat Tlork were interrogated and tortured. Specific torture methods included beatings. Screams were heard during interrogations. After being tortured, prisoners were taken away to be buried even though they were still alive. Interrogations were conducted in the pagoda building.

UNLAWFUL KILLINGS

578. Before blindfolded and bound prisoners were escorted to the execution location, security cadres ordered other prisoners to dig pits. Sometimes, however, prisoners were required to dig their own graves, and told that they were to be used as fertiliser. About five CPK security cadres dressed in black and armed with AK rifles walked the prisoners to the executions. While waiting to be killed, the prisoners were made to kneel near the pits, with their hands tied and faces covered.

579. Prisoners were killed one at a time. Two security cadres took turns in killing the prisoners, and five other cadres stood and guarded the prisoners waiting three or four metres from the edge of the pits. The security cadres used hoes and long iron crowbars to hit the prisoners two or three times, sometimes at the nape of the neck or at the rear of the skull, before kicking the prisoners into the pits. Screams could be heard when the security cadres struck and killed the prisoners. Some prisoners were thrown, however, into the mass grave even though they were not yet dead. Other prisoners tried to escape, but were caught by the security cadres and shot. After the killings were finished, the security cadres forced other prisoners to fill the pits. On three occasions, 30 to 40 prisoners were executed *en masse* at a location east of the security office. These killings were carried out on successive days in late 1975. The

majority of those killed were men, 20 or more years old.

580. In addition to the organised killing of prisoners, there were other forms of killing occurring in and around Wat Tlork. Young women of mixed races including Chinese, Vietnamese, and Khmer were rounded up by the CPK security cadres to work where the cadres lived. Subsequently, the cadres raped the women, cut off their sexual organs and hung them to dry under a krasaing tree, then killed the women. Also, a night horseback patrol would monitor people in the local commune, and if anything wrong was said, they would take the victims away and kill them.
581. Exhumations in 1980-82 located between 41 and 45 large mass graves east of the pagoda. Between 506 and 932 sets of human skeletal remains were recovered. These exhumed remains are currently interred in a stupa at the entrance to Thlork village. An estimated 200 or more covered smaller graves scattered in the area are believed to contain two or three sets of remains each. After the exhumation of the bodies at this location, it was estimated that the total number of victims buried in the vicinity of Wat Tlork was approximately 1,500.

O KANSENG SECURITY OFFICE (PHUM 3)

LOCATION AND OPERATION

582. O Kanseng Security Office (“O Kanseng”) was located in La Ban Siek Commune, Banlung District, Ratanakiri Province, and part of the Northeast Zone during the DK period. O Kanseng operated between late 1976 or early 1977 and January 1979.
583. O Kanseng has been referred to by several names including the Boeng Kânsèng Security Office, O Kanseng Security Office, O Kânsèng Prison, and Division 801 or 810 Re-education School and Corrections, Phum 3 Security Office, and Phum 6 Security Office. At its largest, the security office covered more than three hectares, and consisted of four detention buildings for male and female prisoners, two detention buildings for serious offence prisoners, housing for security personnel, as well as an interrogation site in the nearby forest. As the number of prisoners increased, three more detention buildings were constructed. Detention facilities were constructed of bamboo and thatched roofs, and were each approximately four by six metres. The prison was enclosed by bamboo spikes. Execution sites were located as close as 50 metres from O Kanseng.

AUTHORITY STRUCTURE

Above the Security Office

584. O Kanseng functioned as a division level prison and was subordinate to Division 801. The chairman of the security office reported to Division 801 Commander Saur Saroeun *alias* Ta 05, whose office was originally located in Banlung and later in Veunsai. Prison Chairman Chhaom Sè attended meetings with Saroeun once every three to four months, in addition to any urgent meetings required. Division 801 Commander Saroeun supervised the activities of O Kanseng, ordered the execution of prisoners, and also visited the security office on different occasions.
585. O Kanseng was also under the authority of the Chairman of the Northeast Zone, who was Mèn San *alias* Ya until his arrest in September 1976, Vi until 1978, and Saur Saroeun for the remainder of the DK period. During a short transition period after Zone Chairman Ya was arrested, **Nuon Chea** served as the acting Northeast Zone Chairman. On numerous occasions, Northeast Zone Deputy Secretary Ta Lav and / or Chairman of the Northeast Zone Saroeun sent executions orders for prisoners at O Kanseng.

Within the Security Office

586. During the operation of O Kanseng, [Redacted] was responsible for the overall leadership of and general political affairs within the security office. [Redacted] took part in the interrogation of prisoners and prepared prisoner records. [Redacted], the Committee Member, dealt with security and supervised the guards. Additional staff included nine security personnel.

Communication of CPK Policy

587. Reports detailing prisoner activities were sent daily from O Kanseng to the division level. Summary reports of interrogations were sent upwards to [Redacted], and then forwarded to Division Commander Saroeun. The coded messages were translated in the telegram unit at Division 801. Later, Division Commander Saroeun sent back his related orders to O Kanseng by a messenger. Lateral communications also took place between O Kanseng and Re-education and Corrections Office 809 – another divisional security office under Division 801 that detained minor suspected offenders – when several light offenders were sent there from O Kanseng.

588. Based on the information received from O Kanseng and other sources, Division 801 formulated reports that were sent to Son Sen. These reports mentioned the existence of enemy links in various regiments, and stated their commitment to a policy of arresting “anyone suspected of being an enemy.” Such communications also outlined how those who failed to be re-educated should be “placed in concentration for surveillance.” Additional communications from the Division 801 Committee requested decisions on whether to remove certain cadres for failing to implement the Party line properly. The General Office was required to forward to Angkar all such reports received by Son Sen from Division 801.
589. The general activities occurring within the Northeast Zone were reported to the Party Centre in telegrams addressed to Angkar. Regional security of the Northeast Zone, specifically pertaining to Sector 101, was the subject of communication between senior CPK cadres.

UNLAWFUL ARREST AND DETENTION

590. O Kanseng held many kinds of arrested CPK enemies, but was primarily “created during the situation of the internal enemy movement,” “to hold prisoners who were Division 801 soldiers.” During its operation, the number of detainees at O Kanseng varied, but the compound could hold up to and exceeding 200 detainees at any given time. During 1976, there were around 40 prisoners; in 1977, there were between 70 and 200 prisoners, and by 1978 there were at least 100 prisoners. However, O Kanseng could also accommodate large intakes of prisoners, as occurred when 100 - 200 ethnic Jarai were briefly detained at the security office before being executed.
591. The arrested soldiers were labelled as “free elements,” and were suspected of having made critical comments that allegedly resulted in a negative impact on the party. O Kanseng prison population expanded over time to include workers from co-operatives and rubber plantations from within Sector 101 who were first arrested by their co-operative or union chairmen. However, O Kanseng continued to be used as a tool for purging Division 801 military cadres. Other detainees included the Jarai ethnic minority and foreign citizens such as Vietnamese soldiers.
592. Decisions surrounding who would be arrested were derived from implications arising from confessions, especially ones from Phnom Penh. Arrival of new inmates took place daily, and the arrests of Division 801 soldiers were carried out by soldiers

within the individual units. Non-military prisoners were first arrested by co-operative or union chairmen. On one occasion, a large group of ethnic Jarai who had been arrested *en masse* by Division 801 soldiers was detained at O Kanseng. Prisoners were also arbitrarily arrested and detained for offences such as being a suspected political enemy, working in a CIA network, or stealing fruit from their own residence.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

593. O Kanseng prisoners were detained in terrible living conditions. The detention cells were four by six metres and were overpopulated. Detainees who committed serious offences were shackled to a rod by their ankles with up to 10 prisoners per rod. Certain prisoners were chained for as long as three months and were not allowed to stand, walk, or exercise. Light offenders were allowed, however, to bathe in a nearby stream under the supervision of guards. Detainees slept on bare bamboo floors and their shackles made sleeping conditions even more difficult.
594. The food rations were inadequate. One instance of cannibalism took place at O Kanseng where a prisoner used a bamboo stick to cut a dead prisoner's flesh for sustenance. Many prisoners were emaciated and died from starvation and resulting diseases. Other detainees died from inadequate monitoring of diseases, such as a glucose deficiency, that could have easily been prevented with proper nourishment. Prisoners were forced to urinate in a bamboo tube, and to defecate in ash-filled pots that remained in the cells at all times. Dysentery was common among the prisoners yet the prisoners received no medicine or treatment for this or other ailments. The constant shackling caused prisoners ailments such as numbness and swollen legs. Consequently, the lack of medical care at O Kanseng resulted in prisoners dying from preventable and treatable diseases. All of these desperate conditions led several prisoners to commit suicide by hanging themselves.

Forced Labour

595. Backbreaking labour was forced upon O Kanseng prisoners. Detainees were forced to carry heavy wood, work in a rice paddy, build dams and dykes, grow potatoes, and farm other vegetables. Prisoners worked seven days a week from 7am to 5pm with a one hour break for lunch. While working, detainees were always supervised by armed

guards. Despite lacking proper equipment to protect them from being cut by thorns and getting swollen hands from overwork, detainees feared complaining about the working conditions. Exercising freedom of speech was effectively prohibited.

INTERROGATION AND TORTURE

596. Prisoners at O Kanseng were systematically interrogated and tortured. The purpose of interrogation and torture was to discover any internal or external enemies. During interrogation session prisoners were questioned about their biographies and the circumstances of their arrest. Torture was utilised if interrogators suspected prisoners were not responding truthfully or were hiding relevant information. Specific torture methods included beatings by clubs and whips, and electrocution. Prisoners returned with visible blood stains and scars. Some prisoners witnessed interrogations and others heard prisoners' screams.
597. Shortly after arriving at O Kanseng prisoners were interrogated. Interrogation and torture were conducted in a building located in a forest within the main compound by an interrogator and assisted by a guard. Reports were drafted by the principal interrogator and sent to the head of the security office, who in turn sent them to the Division Commander when an internal enemy was discovered.
598. [Redacted] personally transferred confessions extracted in Phnom Penh to O Kanseng. [Redacted] was an interrogator from [Redacted] authorised to participate in the interrogation and torture of O Kanseng prisoners. In addition, confessions from Phnom Penh were sent to Division Commander Saroeun, who then forwarded them to the units of the implicated individuals. Those confessions contained annotated instructions in red ink identifying the implicated cadres who were to be arrested and "examined because they were the agents in the network." Once arrested, the individuals were brought to O Kanseng, along with the confessions, by the military brigade that carried out the arrest.
599. The Party Centre's participation in and control of arrests of local cadres is established by various contemporaneous documents. Bou Khav, the Secretary of Kok Lak District in Sector 101, was arrested and taken to S-21 on 5 March 1977. Documents establish that Son Sen communicated with S-21 Chairman **Duch** regarding Bou Khav on 20 February 1977, two weeks prior to his arrest. After his arrest, [Redacted] held a

meeting of local cadres, told them that Bou Khav had communicated with Vietnam and that if they acted like him, they would be killed. In the following weeks, persons “linked” to Bou Khav were arrested and interrogated in Sector 101 (presumably at O Kanseng), and the results reported to the Party Centre. The Division 801 Secretary reported that they were “following up” on persons who had been “incriminated by the enemy” and those who were in “opposition to the Party’s line.”

UNLAWFUL KILLINGS

600. After sending requests for decisions on particular prisoners, the chairman would receive authorisation from the division commander or the deputy zone secretary to execute the prisoner. Guards were then ordered to carry out the “smashing” of the prisoners deemed to be enemies. The prisoners selected for execution were taken away with their hands tied and / or blindfolded. Executions were carried out at nearby killing and grave sites located in 10 existing B-52 craters and former military trenches. These sites were located as close as 150 metres from one of the prisoner work sites, and an additional pit was located in the security office compound near the southeast end.
601. Once at the execution site, detainees were killed by either a blow to the back of the head with a hoe or a gunshot. At times, remaining prisoners were ordered to bury those executed. The execution of prisoners was constant with old prisoners disappearing at the same time new prisoners arrived daily. Executions also involved mass numbers of prisoners, such as over a hundred ethnic Jarai detainees.
602. Killing of prisoners took place in other ways at O Kanseng. Guards had the ability to execute any prisoners breaking the rules, such as attempting to escape or for stealing food. A female prisoner had her back hacked open and her gall bladder removed and hung in the kitchen to frighten other prisoners. Some estimates of the number killed at O Kanseng were in the hundreds, whereas the mass killing of at least a hundred ethnic Jarai on one occasion indicates more. At least two suspected grave sites were identified, and several other suspected grave sites that contained evidence of human remains were found near O Kanseng.
603. The incident in which hundreds of Jarai soldiers from Vietnam were arrested *en masse* was reported to the Party Centre, who then authorised their execution. A 15 June 1977 telegram addressed to Pol Pot, **Nuon Chea** and **Ieng Sary** from Redacted

detailed how Division 801 had captured and detained 209 Yuon soldiers, all of whom were Jarai and 9 of whom were women, and requested orders on what action to take after the prisoners were interrogated. Based on [Redacted], it appears that this same large group of Jarai prisoners was taken to O Kanseng after their interrogation and executed. The execution orders came from the Zone office, were discussed between Deputy Zone Secretary Ta Lav and Division Commander Saroeun, and then conveyed to by Saroeun. The mass execution of these Jarai prisoners took place at night at approximately three B-52 craters, and included men, women and children who were taken away blindfolded with their hands tied.

WAT KIRIRUM SECURITY OFFICE

604. This section provides an analysis of the evidence relating to Wat Kirirum, a security office and execution site, as well as the following related sets of factual allegations:
- (1) The use of Chanloh Kdaong, an area near Wat Kirirum, as an execution and burial site, and a detention facility; and
 - (2) The actions of Ta Chham, a District Deputy Secretary responsible for the area, who allegedly communicated, implemented and enforced the CPK criminal policies, including the policy of smashing suspected enemies.

LOCATION AND OPERATION

Wat Kirirum Security Office / Execution Site

605. This security office was located in Wat Kirirum, Phnom Sampeou Subdistrict, Phnom Sampeou District (today the Banan District, Battambang Province), Sector 3, Northwest Zone. While the office functioned until the final days of the DK regime, witness accounts differ as to whether it commenced operations in 1975 or 1976.
606. The office was situated at the top of the Kirirum Mountain, at the site of a pagoda, which had housed some 50 monks and 70 nuns. The site was accessible by a set of “white stairs.” Adjacent to the top of the stairs, there are three distinctive caves (Teng Khluon, Lakhaon and Kang Kep).

Chanloh Kdaong Security Office

607. This security office was built between 1977 and early 1978 in the valley between Phnom Sampeou and Phnom Kdaong, some 300 metres from the base of the Wat

Kirirum mountain. According to witnesses who observed the site from the outside, the centre had approximately 10 guards and its grounds were surrounded by a wire fence. Within the grounds, prisoners were held in a hall resembling a warehouse, with a zinc roof.

AUTHORITY STRUCTURE

Above the Security Office

608. In 1976 and 1977, Wat Kirirum was controlled by Ta Chham, who although believed by many in the area at the time to be the Phnom Sampeou District Secretary, was in fact the Deputy Secretary of Phnom Sampeou Knong District. Hoeun was the Secretary of Phnom Sampeou Knong District, which was a special district within Phnom Sampeou Krao District. As a result of a purge of the Northwest Zone carried out by Southwest cadres in 1977-78, Hoeun and Chham were arrested and sent to S-21 in late 1977 and early 1978. Around the same time, the Secretary of Phnom Sampeou Krao District Koeut Prum *alias* Hear was arrested and replaced by his deputy Hem Mi, who was subsequently purged himself in June 1978.
609. The Phnom Sampeou Subdistrict Committee consisted of [Redacted]. [Redacted]. [Redacted] was one of Ta Chham's deputies. [Redacted]. [Redacted] was involved in at least one of the public executions conducted by Ta Chham.
610. The Phnom Sampeou District Committee reported to Sector 3. Phok Sary *alias* Tom was the Secretary of Sector 3 until he was arrested and sent to S-21 on 29 June 1978 in the final stages of the Northwest Zone purge.

Within the Security Office

611. As the judicial investigation did not identify surviving prisoners, soldiers or cadres within Wat Kirirum or Chanloh Kdaong, the authority structure within the sites remains unknown.

Communication of CPK Policy

612. During his tenure, Chham frequently visited worksites and workshops in the district, and held numerous public meetings attended by his subordinates, [Redacted], in order to disseminate directions set out by the CPK, such as being "absolute toward Angkar," and smashing enemies and traitors boring from within. Some meetings were

followed by “discovery” of enemies. Meetings were also held by [Redacted] who indicated that those who did not obey Angkar would be smashed.

613. Angkar’s directives were also communicated to lower-levels of the CPK hierarchy. At the Subdistrict level, [Redacted] supervised village chiefs and worksite supervisors, for example, instructing a witness to monitor people in his worksite team and report concealed enemies to him. Unit and team leaders were required to study the *Revolutionary Flag* magazine and disseminate policies to ordinary cadres, such as calling for absolute sacrifices for the revolution. Self-criticism meetings were also held for workers where the message was reinforced that “lazy” and “immoral” people and those who were “sick a lot” would be smashed.
614. At higher levels of the DK government, the Northwest Zone received reports from Sector 3 and submitted written reports to the Party Centre describing, among other things, the identification and screening out of internal enemies by local cadres. Ros Nhim, the Northwest Zone Secretary, visited the subdistrict and district to speak to cadres on numerous occasions, and held public meetings to disseminate CPK policies. In April 1977, at a public meeting attended by senior cadres such as [Redacted], Ta Chham and [Redacted], he praised the upper level Angkar and called for the smashing of enemies. In May 1978, following a “meeting with Angkar,” Ros Nhim reported that he was trying to implement “the recommendations of 870” by being “more highly vigilant” in efforts to “smash invasive enemies” and “successfully sweep all destructive elements.”

UNLAWFUL ARREST AND DETENTION

Wat Kirirum

615. It appears that the Wat Kirirum site was reserved for prisoners accused of more serious “offences.” A witness indicated that members of the local population accused of offences such as not respecting Angkar were arrested and taken to the security office from which they never returned. This individual witnessed two such arrests and further indicated that evacuees on local forced labour sites were threatened with arrest and being taken up the “white stairs.”
616. Several witnesses saw groups of prisoners being led up the white stairs by armed guards. Another witness saw prisoners from the Chanloh Kdaong prison (including

adults and children) being led up to Wat Kirirum on six separate occasions. Witnesses also saw prisoners being brought down the mountain to bathe in a canal near the Chanloh Kdaong prison.

Chanloh Kdaong

617. It appears Chanloh Kdaong was a prison site reserved mainly for individuals accused of light offences. Those found to be more serious “offenders” following investigation were transferred to the Wat Kirirum Security Office. Prisoners at Chanloh Kdaong included men, women and children. Some witnesses have seen prisoners arrive by truck carrying three to four people or as many as 14 individuals. Witnesses gave different estimates of numbers of persons detained at different times, from around 10 to 20 to between 50 and 60, and 200.

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions – Wat Kirirum

618. There is no direct evidence about the conditions in which prisoners were held at the Wat Kirirum Security Office. However, the physical evidence discovered on the site, as described in the Interrogation and Torture Subsection below, indicates that prisoners were held in inhumane conditions and subjected to torture and cruel treatment prior to being executed.

Inhumane Conditions and Forced Labour – Chanloh Kdaong

619. According to an eye witness account, Chanloh Kdaong prisoners looked skinny and seemed to suffer but appear not to have been shackled in the hall in which they were kept. Witnesses recalled seeing the prisoners perform construction work, digging canals, building fences, and raising pigs and cattle.
620. From time to time the prisoners were taken by militia to bathe in a nearby ditch. A witness recalled seeing guards and their children beating and kicking the prisoners. Another witness overheard prisoners talking about their hopelessness. Some of the prisoners were sick. One witness saw an incident where a prisoner who was attempting to escape from Chanloh Kdaong was chased down and killed by the guards.

INTERROGATION AND TORTURE

621. The investigation yielded no direct evidence relating specifically to interrogations and torture at either site. However, one witness recalled hearing screams of victims coming down from Wat Kirirum during the security office's operation. After January 1979, numerous torture and / or execution tools were found on the site, such as long pieces of iron, steel bars, clubs, knives, hatchets, barbed wire and leg shackles. Some of these implements were still bloodstained.

UNLAWFUL KILLINGS

Wat Kirirum

622. It appears to have been widely known in the period in question that Wat Kirirum was a prison site and a site where prisoners were extrajudicially executed.
623. In addition to the evidence referred to in the Interrogation and Torture Subsection, physical evidence found by witnesses on the site after the fall of the DK regime included: holes drilled in the temple's south wall, which had apparently been used as a drain gutter and was stained from blood flow; human bodies in various stages of decay massed throughout the caves and in their immediate vicinity; and additional bodies in a reservoir or strung on barbed wire. In the case of least one body the victim's hands were tied behind his / her back.
624. The bodies were those of men, women and children. A number of witnesses saw bodies of children stuck on tree branches along the road down the Lakhaon cave. While the exact number of bodies left behind within the entire site is unknown, based on witness accounts, it can easily be estimated to run into many hundreds. Even the last of the prisoners seem to have been killed in early 1979, prior to the departure of the Khmer Rouge soldiers from Wat Kirirum.

Chanloh Kdaong

625. Chanloh Kdaong was a mass killing and burial site in the District, before the creation of the Wat Kirirum Security Office and the Chanloh Kdaong Security Office. As a result, when the words "Chanloh Kdaong" were used at meetings in the District, they were synonymous with killing.
626. It appears that during the operation of the Chanloh Kdaong Security Office, its prisoners were taken to Wat Kirirum for execution: a witness has described seeing, on six occasions, groups of prisoners being taken by soldiers to Wat Kirirum, with none

of the prisoners returning. Such events are corroborated by another eye witness's statement.

Ta Chham – Killings within the District

627. In or around April 1975 Ta Chham sought out and killed hundreds of former Lon Nol regime officials and soldiers. During his tenure he fiercely enforced the policy of “smashing” perceived enemies, carrying out numerous arrests, interrogating and killing suspected cadres, and disposing of victims' bodies at Chanloh Kdaong.
628. Chham personally participated in public killings of “countless” numbers of persons, including: a father and son who were identified as enemies of Angkar and killed during a large meeting at the Phnom Sampeou school (the location of the District Office); four females and four males accused of being traitors at a public meeting in 1976; ten people accused of being “immoral” at a meeting; four female workers at the Kamping Puoy worksite accused of being “enemies of the revolution;” and a 20-year old woman from the Kamping Puoy worksite (accused of being a Khmer Republic soldier), whom Chham personally raped and killed. One witness testified to seeing Chham kill 50 to 60 people on different occasions.
629. Three former Khmer Republic soldiers were killed in the Boeng Roluou rice fields, pursuant to orders of [Redacted]. Additionally, on at least two occasions, [Redacted] called public meetings at which she declared arrested individuals enemies and asked members to resolve to “smash” them, following which they were killed in front of the members.
630. It appears that killings for, *inter alia*, “immoral” offences continued even after Chham's removal or departure following the Northwest Zone purge, [Redacted] holding a public meeting to condemn a man and a woman who were arrested because they had committed adultery.

SIEM REAP SECURITY OFFICE

LOCATION AND OPERATION

631. Siem Reap Security Office was located in Siem Reap, and was part of the New North Zone during the DK period. It operated from at least January 1977 until January 1979.

632. The security office was situated in a former French colonial prison, at the junction of National Road and Sivantha Boulevard, and also used ancillary facilities described below. The security office itself consisted of eight buildings, enclosed by tall concrete walls and topped with barbed wire. Building I, located in the middle of the complex, received and housed new prisoners until they were transferred to other parts of the prison. It was also used to hold light-offence prisoners over-night. Buildings II and III, bordering the east and the west walls respectively, housed up to 300 serious offence prisoners each. These detention buildings were “tightly sealed” with doors double locked. Building IV was a gathering place for light offence prisoners before and after they were sent to work outside the prison. Building V, was initially used as a kitchen, but later converted into a repair workshop. Building VI and VII housed light-offence prisoners and women. Building VIII was used as a kitchen.
633. Wat Dharmayudhi, also known as Wat Kesararma or Wat Thaomyuth, was located west of the security office and was used for interrogations and torture. Immediately to the west of Wat Dharmayudhi is the Kesaram Primary School where bodies of prisoners who died at the security office were buried. The buildings housing the security office no longer exist, and today the Sokha Angkor hotel stands on the site.

AUTHORITY STRUCTURE

Above the Security Office

634. The Siem Reap Security Office was a zone-level prison. The new North Zone was formed in mid-1977, and officially announced by **Nuon Chea** in late 1977 at the Sector 103 office in Preah Vihear. The new North Zone included Preah Vihear province (Sector 103) and Siem Reap and Oddar Meanchey provinces (Sector 106).
635. CHAN Sam *alias* Kang Chap *alias* Se was the first Secretary of the new North Zone. He had previously been the Deputy Secretary of the Southwest Zone and Secretary of Sector 35, and had left that post in February 1977 to organise the new North Zone. Kang Chap was sent by the Party Centre to Siem Reap after the former chairman of the Siem Reap Sector, Pa Phal *alias* Sot, was arrested and sent to S-21. Saroeun from the Southwest Zone was Zone Deputy Secretary from late 1977 until his arrest in mid-1978. Redacted was the Member of the Zone Committee in charge of the military. Kang Chap’s sons, Nan and Pheap, visited the North Zone office and, according to two witnesses, exercised considerable authority over it.

636. In August 1978, Kang Chap was arrested and replaced by Paet Soeung, who prior to that time had been the Commander of Division One of the West Zone and a Member of the West Zone Committee. Soeung was “nominated” as the new Zone Chairman at a meeting in Siem Reap attended by Pol Pot and Ta Mok. Kang Chap was executed at S-21 on 31 October 1978.

Within the Security Office

637. The Siem Reap Security Office was headed by Chairman Run and his deputy Mao. Run was replaced by Ta Song in 1978, and Mao was replaced by Im. Subsequently, Im was imprisoned and disappeared. [Redacted] a senior interrogator who was also in charge of registering the prisoners. [Redacted] was assisted by his deputy [Redacted] and a team of interrogators comprised of [Redacted]. The interrogators were trained in interrogation tactics by [Redacted]. Prison guards included [Redacted]. [Redacted] was the truck driver who transported victims for executions. Although there were no female guards at the prison, the wives of some guards worked as cooks. In total, the office had around 60 staff members.

Communication of CPK Policy

638. The North Zone office, also known as M-801, sent regular reports to the Party Centre reporting on the situation in the Zone, including the arrest, interrogation and smashing of enemies. The arrests and transfers of prisoners from other sectors to the Siem Reap SO were reported to the “upper echelon.”
639. Both **Nuon Chea** and **Khieu Samphan** visited and supervised the North Zone. In late 1977, **Nuon Chea** held a closed meeting with Zone Secretary Sè and Deputy Secretary Saroeun, following which there was a series of arrests in the region, including Sector 103 Secretary Hâng and “other people in Sector 103.”
640. Zone Secretary Kang Chap also implemented CPK policies and Party lines throughout the region. For example, in August 1977 he was directed by the Party to work in Sector 103 to disseminate “the Party’s political lines.” Over a ten day period, he held congresses in 5 districts, attended by the district and commune committees and various offices, at which he instructed the local cadres on the “political line to continue to wage socialist revolution” and the “line on the increase of production.” On 23 August 1977, the zone secretary reported in writing to Office 870 on the results of

those congresses, stating that it was “imperative to purify the cadre step by step at the district and community levels” and to continue “the storming attack to sweep clean the enemy.”

UNLAWFUL ARREST AND DETENTION

641. While the total number of individuals who were imprisoned at the Siem Reap Security Office is not known, at any given time, it held over 500 prisoners. The security office received those accused of serious offences from several smaller security offices across the North Zone, including Pongro, Phnom Trung Bat Security Offices in Kralanh District, the Sangvaey subdistrict security house, the Samraong District Security Office, and the Phsar Damdek District Security Office. Prisoners were also regularly transferred out of the security office and assigned to various work sites such as the Spean Memay Dam.
642. Reasons for arrests and imprisonment included accusations of betrayal, immorality, or linkages with the CIA. Among the prisoners were Base People, New People, CPK cadres and soldiers, as well as former Khmer Republic government officials and their families. The prisoners, who included men, women and children, arrived frequently from various provinces, districts and co-operatives, including Preah Vihear, Oddar Meanchey and Svay Leu.
643. Among the security office’s prison population were a number of high ranking CPK cadres, including: [Redacted]; and Soth [Redacted] of Sector 106. [Redacted] was also eventually imprisoned at the security office.
644. Prisoners were transported to the security office by truck, each transfer consisting of around ten persons, handcuffed with their hands behind their backs. As many as two to three trucks came per night. The prisoners were usually accompanied by soldiers who had carried out the arrests.
645. The massive purge of Sector 103, which took place from late 1977 to mid-1978, was regularly reported on by North Zone Secretary Sè to the Party Centre. The purged cadres were usually sent to either the Siem Reap Security Office or S-21.
646. [Redacted].
647. [Redacted].

INHUMANE CONDITIONS AND FORCED LABOUR

Inhumane Conditions

648. Prisoners were held in dreadful conditions at the Siem Reap Security Office. With men and women separately detained, all the male prisoners were shackled at night and slept in rows of thirty, foot to foot. Those accused of non-serious “offences” were allowed to work in the day without shackles. Female prisoners were not shackled and children were allowed to stay with their mothers. Prisoners were provided two meals of rice gruel per day and were rarely given water. There were numerous deaths from starvation, averaging around ten or more per day.
649. Prison rooms, in which up to a hundred prisoners were crammed at a time, were kept in extremely unhygienic conditions and stank badly. Prisoners were infested with bugs and lice as they were not allowed to bathe or change their clothes. They urinated and defecated into metal helmets which were emptied into a crate placed at the end of each row. Some prisoners were forced to use the same helmets for eating and relieving themselves.
650. Many prisoners died from diseases. Bodies of those who died during night hours were not removed until midday the following day, and as a result were bloated and emitted a foul stench.
651. All prisoners were arbitrarily mistreated and beaten. In one instance, a three year old daughter of one of the prisoners was beaten with a key ring for crying out for her mother. The child eventually died. As punishment for holding a potato in her hand, a female prisoner was struck at the base of her neck so severely that she fell unconscious. A male prisoner was struck on his leg with an axe for scratching his ear. Another male prisoner was beaten with a square club for taking ten seeds of a jackfruit discarded by a prison guard. Any form of medical care or treatment was restricted to guards and staff members only.

Forced Labour

652. Prisoners were forced to perform physical labour. Those charged with minor “offences” were forced to work from seven in the morning to five in the evening under the surveillance of four to five guards. They performed work outside the prison grounds, including harvesting rice, growing vegetables and digging ponds. Male

prisoners were also forced to dig graves for prisoners who had died in the prison. Skilled male prisoners were assigned to workshops for repair of cars, machines and other equipment. Female prisoners were primarily given the task of collecting vegetables and cooking food for all the prisoners.

INTERROGATION AND TORTURE

653. Siem Reap Security Office prisoners experienced horrific torture during interrogation. The purpose of interrogation and torture was to examine the reason for each prisoner's arrest, coerce prisoners into confessing, punish them, or discover connections with the CIA. Torture methods included suffocation, electrocution, pulling out of toe nails, as well as threats and beatings. In one case, a prisoner lost consciousness due to torture during at least two separate interrogations sessions. In another instance, when one of the prisoners refused to answer, the guards tied his arms and legs and threw him into a bonfire. To prevent him from escaping the guards put a two metre long board on top of him. One prisoner's ear was cut off and burnt. A recaptured prisoner was tortured and beaten in front of the other prisoners to make an example out of him. His feet were nailed to a board using ten centimetre long nails, and he was then ordered to spread his hands and sing. Numerous witnesses recalled hearing the cries of prisoners who were being tortured.
654. Prisoners were interrogated twice a day, once in the morning at seven or eight and once in the afternoon at one or two. Interrogation sessions lasted around three hours and each prisoner was usually interrogated three or four times in total. Eight to ten prisoners were led away for each interrogation session. There were four to five interrogators per session and written records of the interrogations were maintained.

UNLAWFUL KILLINGS

655. Prisoners singled out for execution were regularly transported by trucks at midday to the Trinh Vanh orchard for executions. During transportation their hands were tied. The method of killing resembled that used in other security offices and execution sites throughout DK: "The prisoners were executed by chopping with an axe or a knife and then their bodies were dumped into old trenches." On just one regular occasion, 60 prisoners were killed in this manner. The Trinh Vanh orchard plantation still contains a network of trenches where the victims were executed.

656. Prisoners were also killed for minor infractions at the security office itself. One prisoner was killed for picking up sugar cane residue to eat. A young female cook was raped by the guards: Redacted. Bodies of the victims killed within the compound and in Wat Dharamayudhi were buried at the Wat and at the Kesaram primary school.
657. During the construction of a new chamber in 1980-81 at Wat Dharamayudhi many bones held together by handcuffs, chains and nylon cords were found. The remains of around fifty victims are stored within the compound.
658. During exhumations in Siem Reap from 1980-1988 some 5,000-6,000 corpses were collected in the area and stored at Wat Thmei. The exhumed bodies had black clothing, some with spoons tied around their waists, or with arms tied behind them with nylon and hammock ropes. Some skulls showed crack marks, and the remains included those of children. Although a large number of the remains stored at Wat Thmei came from the Trinh Vine plantations, and some from Wat Dharamayudhi, the investigation has not revealed whether all belonged to the victims of the security office.

PURGE OF THE NORTH ZONE

INTRODUCTION

659. Central Committee member Koy Thuon *alias* Khuon *alias* Thuch was one of the most senior leaders of the CPK revolution, and had spent many years personally working with other CPK leaders from across the country, originally as the Secretary of the North Zone and later as the Minister of Commerce. In early April 1976, however, he was placed under house arrest by the Standing Committee, and in January 1977 sent to S-21, where he was personally interrogated by **Duch** and tortured by his subordinate Pon. In his confessions Koy Thuon implicated numerous senior CPK cadres. Based on this information, the Standing Committee launched a series of massive purges. By the time these purges came to a conclusion in 1978, the leadership of numerous Zones, RAK divisions and DK ministries had been removed and executed. The CPK Standing Committee, including **Nuon Chea**, **Ieng Sary** and *de facto* member **Khieu Samphan**, ordered the arrest of Koy Thuon and approved the subsequent mass purges of the North Zone, Ministry of Commerce and other DK organisations that followed thereafter.

ARREST AND CONFESSION OF KOY THUON

660. On 24 or 25 February 1976, a series of explosions at an ammunitions dump in Siem Reap city caused at least 15 and as many as 100 deaths. Two weeks later, on 8 March 1976, Sector 106 Secretary Pa Phâl *alias* Sot, Sector 103 Secretary Bou Phat *alias* Hâng and North Zone Deputy Secretary Chor Chhan *alias* Sreng were summoned to Phnom Penh to report to the CPK Standing Committee on the “situation” in that region. Sector 106 Secretary Sot reported to Pol Pot, **Nuon Chea** and **Khieu Samphan** that “no clear roots of the events in Siem Reap on 24 February have been discovered.” Absent from this very sensitive meeting was the former North Zone Secretary Koy Thuon.

661. Koy Thuon had regularly attended CPK Standing Committee meetings up until this time. He attended his last such meeting on 13 March 1976, at which time he received a nominal appointment as chairman of a committee to prepare for the purchase of merchandise from China. By March 1976, Koy Thuon had become suspect in the eyes of the Standing Committee as a result of the Siem Reap explosion and allegations of

sexual misconduct. After a grenade exploded behind the Royal Palace on 2 April 1976, Koy Thuon was placed under house arrest at K-1, so that his activities could be monitored by the Party Centre. On 25 January 1977, he was taken to S-21 for interrogation.

662. Koy Thuon's first two confessions were personally extracted by **Duch**, under orders from Son Sen to use only "cold" methods, that is, to interrogate without the use of torture. The first of the confessions was obtained by **Duch** on 29 January 1977. Instead of adding his usual annotations to the confession, **Duch** immediately delivered it to Son Sen. Two days later, **Duch** was informed by Son Sen that a mass arrest of cadres from the North Zone had been ordered, based on Koy Thuon's confession.
663. Son Sen subsequently assigned Pon to interrogate Koy Thuon further, this time with methods including torture. Pon's application of severe torture induced Koy Thuon to confess to an elaborate anti-Party plot going back as far as 1958, before the Party even existed. Suspicion fell on: the Ministry of Commerce, whose staff Koy Thuon had recruited; the North Zone, where Koy Thuon had been Zone Secretary; and the three military divisions of the North Zone - 174, 310 and 450 - which had been established by Koy Thuon. In the course of the purges that followed, thousands of cadres and combatants would be sent to S-21, with many thousands more consigned to "re-education" camps, including S-24.
664. This first mass purge of CPK cadres, however, spread far beyond Thuon's immediate network. Under torture, Thuon confessed to a massive conspiracy implicating leaders in numerous DK zones, ministries and military divisions. The plot purportedly involved the establishment of a rival political party headed by the former Northeast Zone Secretary Men San *alias* Ney Saran *alias* Ya, with Koy Thuon as his deputy. It supposedly involved numerous senior cadres, including: Seua Vasi *alias* Deuan, Chairman of Office 870; Commerce Committee Deputy Chair Tit Son *alias* Nhaem; North Zone Deputy Secretary Sreng; Northeast Zone Secretary Um Neng *alias* Vi (Ya's successor) and Deputy Secretary Lav; Sector 105 Secretary Hâm *alias* Laing; Sector 505 Secretary Baun Nan *alias* Yi; Sector 106 Secretary Sot; East Zone Sector 24 Secretary Suos Neou *alias* Chhouk *alias* Men; Minister of Propaganda Hu Nim *alias* Phoas; Minister of Agriculture Non Suon *alias* Chey Suon *alias* Saen; Division 170 Secretary Chan Chakrei *alias* Nov Mean; Division 310 Secretary Sbauv Him

alias Oeun; and Division 450 Secretary Chea Non *alias* Suong.

665. While **Duch** did not believe the information relating to the supposed plot, it was nevertheless sufficient for the Party Centre to order further arrests. Later on, the CPK senior leaders would use Koy Thuon's confessions at political study sessions and in the Party journal *Revolutionary Flag*, in order to justify the ongoing purges, convince cadres that the Party had been infiltrated by internal enemies, and encourage cadres to search out and smash such enemies.
666. Several cadres on Koy Thuon's list of alleged traitors had already been interrogated and executed at S-21, including Division 170 Secretary Chakrei, Sector 24 Secretary Chhouk, Northeast Zone Secretary Ya and Minister of Agriculture Saen. Most of the rest were arrested and executed shortly after being implicated by Koy Thuon. The Party Centre then turned its attention to purging the subordinates of these senior leaders.

DIVISION 310

667. Division 310 was one of the three military divisions established by Koy Thuon, and its Secretary Sbauv Him *alias* Oeun was number 14 on Thuon's list of alleged traitors. Oeun was initially detained in the Division 310 security office at Wat Phnom in Phnom Penh, and was transferred to S-21 on 19 February 1977. Over the course of the ensuing year, the remaining leaders of 310 were systematically sent to S-21, including the staff of the division headquarters, and the committees (i.e. secretaries, deputies and members) of the regiments, battalions, companies and platoons. The rank and file soldiers of Division 310 were rounded up and sent to forced labour "re-education" sites, including the Kampong Chhnang Airport Construction Site and Prey Sar (S-24). The Division 310 hospital was also purged.

DIVISION 450

668. Chea Non *alias* Suong, the Secretary of Division 450 (another of the military divisions established by Koy Thuon), was sent to S-21 at the same time as Oeun. He was number 19 on Thuon's list. His deputy, Ier Chhay *alias* Yean, had been arrested two days earlier, on 17 February 1977. The Member of the Division 450 committee, Meas Sok *alias* Sim, was apprehended on 5 May 1977 and executed two days later. The secretaries, deputies and members of regiment and battalion committees within

Division 450 were sent to S-21 one after another: on 5 and 6 March alone, nine battalion secretaries arrived at S-21. After eliminating the senior cadres, the purge continued down the ranks to the companies, platoons and squads.

DIVISION 174

669. North Zone Division 174 was established by Koy Thuon as an armoury unit, specialising in the manufacture of munitions for the revolution. It was the last of the military units founded by Thuon to be purged, with arrests peaking in September-November 1977. Cadres on the committees of Battalions 701, 702, 704, 705 and 706 from Division 174's 601st Regiment were progressively arrested and brought to S-21. These units were purged repeatedly: for example, Battalion 702 Secretary Sak Man *alias* Voeun was arrested on 20 September 1977, and his successor Un Im was arrested on 14 March 1978.

MINISTRY OF COMMERCE

670. After Koy Thuon was arrested, senior Commerce cadre Van Rith assumed his responsibilities, and oversaw a major purge of the Ministry of Commerce, beginning with the senior staff. Van Rith identified and denounced alleged "traitors," "wreckers," and other "enemies" or suspect elements in the Ministry of Commerce for arrest, torture and execution. These cadres included the Deputy Secretary Tann Try *alias* Chhoeurn, the subsequent Deputy Secretary Nget You *alias* Hong, and high-ranking cadres such as So Chea *alias* So *alias* So Choun. Tit Son *alias* Nhaem, who was number 17 on Thuon's list, was arrested following Thuon's placement under house arrest. He had been appointed as the Deputy Chief of the State Commerce Committee on 19 April 1976, but by the end of November 1976, was being interrogated at S-21. Before his execution, he endured 13 months of heavy torture from Pon, and prepared at least 40 confessions totalling nearly 500 pages. Additional purged "enemies" included Svay Lonh *alias* Khort, the Vice chairman of the Poipet gate who was sent to S-21 on 7 February 1977, and Im On *alias* Thor, Chairman of Battambang gate, who was sent to S-21 on 4 March 1977. In December 1978, Van Rith ordered the return of Ing Sok and his wife Phal Va *alias* Ho Nat from Hong Kong, where they were functionaries with the Ren Fung Company. Upon their arrival, the two were arrested and incarcerated at S-21, and subsequently executed.

671. Van Rith stated, in the midst of his 1977-1978 purge of the Ministry of Commerce, that “screening was being carried out to keep only the good ones, even if it meant only one good person was left.” He chaired work meetings within the Ministry of Commerce and its sub-offices, in which he spoke in support of the CPK policies towards enemies and other suspects, and purportedly justified previous arrests. He denounced the alleged “treason” of Koy Thuon and others arrested in 1977, and announced that persons accused of being connected to Sao Phim’s political tendencies were being sent away for “re-education.” The constant arrests and disappearances of cadres within the Ministry of Commerce created a climate of fear and intimidation. Van Rith ordered the arrest of the wives and children of denounced cadres who were taken to S-21 and executed. The messengers of Koy Thuon and Tit Son *alias* Nhaem were likewise arrested. Over a protracted period the denounced cadres, along with lower-ranking cadres from a wide range of units within the Ministry of Commerce, were detained and sent to S-21 directly or in some occasions through S-24 (Prey Sar).
672. In total, from 6 August 1975 until 25 January 1977, the date of Koy Thuon’s arrest, at least 62 persons from the Ministry of Commerce or related facilities were taken to S-21. From 25 January 1977 until the end of the DK regime, at least 425 additional persons were removed from the Ministry of Commerce and detained at S-21. At least 97 of these prisoners had confessions extracted from them, usually under torture. Between the arrest of Koy Thuon on 25 January 1977 and the end of that year, 164 arrests were made in the Ministry of Commerce, 60 in the State Warehouses and 113 at the Kampong Som Port. In 1978, there were at least 22 arrests from the Ministry of Commerce, 16 arrests from the State Warehouses and 50 arrests from the Kampong Som Port. Many more staff from the Ministry of Commerce were sent to re-education and forced labour sites, including Pich Nil on National Route 4, a railway construction camp north of Pochentong Airport, the Kampong Chhnang Airport Construction Site and Srae Ambel in Sector 37 of the West Zone, where some were executed and others died.

CENTRAL (OLD NORTH) ZONE

673. Through April 1975, Koy Thuon controlled a huge “North Zone” composed of Sectors 41, 42, 43, 103 and 106. When Thuon became the Minister of Commerce in May 1975, his deputy Ke Pauk was promoted to Secretary of a North Zone that

included Sectors 41, 42 and 43, while Sectors 103 and 106 were designated as Autonomous Sectors reporting directly to the Standing Committee. In mid-1977, a new North Zone comprising Sectors 103 and 106 was established, and the old North Zone became known as the Central Zone.

674. Central Zone Secretary Ke Pauk was called to Phnom Penh in early 1977 by Pol Pot and **Nuon Chea** to help plan the purge of his Zone. Pauk himself has provided a compelling description of subsequent events in the Central Zone:

“In February 77, a security vehicle from Phnom Penh came to arrest the ministry secretaries, including the ministers of agriculture, industry, commerce and public works. ... Also in 77, a security vehicle from Phnom Penh came and arrested 5 or 6 people from the Dambon 41 committee, 5 or 6 from the Dambon 42 committees, and 5 or 6 from Dambon 43. After the Dambon committee members were all arrested, they arrested the heads of the dambon level ministries, since each dambon had its own ministries. A little later, a security vehicle came from Phnom Penh to arrest the zone military staff committee. In summary, the dambon and ministry cadre totalled 50 to 60 persons. ... A little later, in May 77, a security vehicle from Phnom Penh came to arrest the district committees as well, two or 3 from each and every district. And then they arrested some commune chiefs (not from all communes). By June 1977, the first round of arrest was complete. Then there was only me left.”

675. As recalled by Ke Pauk, the Central Zone’s Sector leaders and fellow Zone Committee members were mostly arrested and taken to S-21 between mid-February and March 1977. These included Zone Deputy Secretary Chor Chhan *alias* Sreng (number 10 on Koy Thuon’s list) and Sector 41 Secretary Chun Chhum *alias* Taing, both of whom entered S-21 on 18 February 1977, as well as Sector 42 Secretary and Zone Committee Member Chan Mon *alias* Töl, who entered S-21 on the following day. On those same two days, the Chairmen of the Zone Commerce, Agriculture, Hospital and Public Works Committees and the Member of the Zone Industry Committee were also arrested and sent to S-21. Additional Zone ministry and military leaders were arrested in March 1977, with further purges in October 1977 and the following year. The Zone’s district level leadership was subject to mass arrests in late February and March 1977, with a second round of arrests occurring between August and November 1977.
676. During the purge of the Zone, hundreds of cadres from the village, cooperative, district, sector and zone echelons were sent to S-21 for torture and execution. One prisoner list alone identifies 84 Central Zone leadership cadres who were arrested and

taken to S-21 in February and March 1977. When the purge was finished, Central Zone Secretary Ke Pauk complained that he was the only surviving original cadre. Another former Zone cadre could recall only four main cadres from the Central Zone who survived the purge. When Ke Pauk complained to **Ieng Sary** about the mass arrests of his underlings, **Ieng Sary** noted that the same problems had occurred in the Chinese revolution.

677. More than 200 Southwest Zone cadres were sent in to replace the purged Central Zone personnel, under the leadership of the former Sector 35 Secretary Chan Sam *alias* Kang Chap *alias* Sè (who went on to Siem Reap to head the New North Zone) Redacted. The Southwest Zone cadres who took over the Central Zone expanded the scope of the purge all the way down to the village level. The leadership of the Wat Baray Choan Dek Security Office, for instance, was purged four consecutive times. Many of the purged cadres were executed at Zone, Sector and District security offices within the Central Zone, such as Wat Baray Choan Dek, instead of S-21.

NEW NORTH ZONE

678. Koy Thuon's S-21 confessions specifically identified 19 alleged traitors in his old base area, Sector 106, who were said to be on an "anti-revolutionary committee." Those cadres, all of whom were arrested and sent to S-21, included: Sector 106 Secretary and number 11 on Thuon's list, Pa Phâl *alias* Sot (21 February 1977); Secretary of Saut Nikum District Nhem Nouen *alias* Khouen (2 March 1977); Secretary of Puok District Prak Sâm *alias* Beng (2 March 1977); Sector 106 Commerce Member Top Sakum *alias* San (28 February 1977); Chief of Sector 106 Security Yang Pov (March 1977); Secretary of Division 335 of Sector 106, and number 18 on Koy Thuon's list, Nou Chhan *alias* Hean (1 March 1977); and Division 335 Deputy Secretary Chan Thol *alias* Paul (26 February 1977). Once these leaders of Sector 106 had been detained at S-21, the purge proceeded through the lower echelons, including squad leaders and village chiefs.
679. The purged officials were replaced with cadres from the Southwest Zone. Kang Chap *alias* Sè had left Sector 35 in February 1977 with a large group of Southwest cadres, arrived in Siem Reap in late March or early April 1977, and was thereafter appointed as the Secretary of the new North Zone. He continued the purge of the Zone, reporting directly to the Party Centre, including **Nuon Chea** and **Ieng Sary**. For example, on 23

August 1977, Kang Chap reported to Office 870 on the results of congresses he held in five districts in Sector 103, stating that it was “imperative to purify the cadre step by step at the district and community levels” and to continue “the storming attack to sweep clean the enemy.” Both **Nuon Chea** and **Khieu Samphan** visited and supervised the North Zone.

680. In late 1977, **Nuon Chea** held a closed meeting with Zone Secretary Kang Chap and Deputy Secretary Saroeun, following which there was a series of arrests in the region, including Sector 103 Secretary Bou Phat *alias* Hâng (who entered S-21 on 3 January 1978) and “other people in Sector 103.” Hâng was replaced as Sector Secretary by Ta Khim, a cadre from the Southwest Zone. On 10 January 1978, one week after the arrest of Sector 103 Secretary Hâng, Kang Chap reported to the Standing Committee (including **Nuon Chea** and **Ieng Sary**) that enemies had infiltrated “from the sector, district to the commune,” and that he would be going to work at Sector 103 and would “send more crocodiles to the organization.” Two months later, a report from Kang Chap to the Party Centre stated that they had “systematically purged” enemies associated with former “policemen, soldiers and government officials” and “New People,” and that they planned “to arrest more people.” On 10 April 1978, Kang Chap referred to the prior arrests of Secretary “Hâng and all of his henchmen in Chaom Ksan district and in Sector 103 military,” and reported that they were “continuing to purge the remaining group continuously, including those who oppose our revolution.” Many of the purged cadres from Sectors 103 and 106 were sent to the Zone security office in Siem Reap, rather than S-21. [Redacted]. Her arrest was specifically reported to Office 870 [Redacted].
681. The final wave of North Zone purges occurred in mid-1978. Zone Secretary Kang Chap was himself arrested on 15 August 1978 and replaced by Paet Soeung, who prior to that time had been the Commander of Division 1 of the West Zone and a Member of the West Zone Committee. Soeung was “nominated” as the new Zone Chairman at a meeting in Siem Reap attended by Pol Pot and Ta Mok. Also in August 1978, Sector 103 Secretary Khim was arrested and sent to Siem Reap, [Redacted]. Kang Chap was executed at S-21 on 31 October 1978.

OTHER DIVISIONS AND MINISTRIES IMPLICATED BY KOY THUON

682. In addition to Divisions 310, 450 and 174, the Ministry of Commerce, the Central

Zone and the North Zone, all of which Koy Thuon had founded and / or led, numerous other Divisions, Ministries, Zones and autonomous Sectors were implicated by his confessions and hence subjected to purges directed by the Party Centre.

683. The purge of Division 170 had first begun with the arrest on 19 May 1976 of Division Secretary Chan Chakrei, who was number nine on Koy Thuon's list of purported co-conspirators. The Deputy Secretary of the Division, Ly Vay *alias* Sophan, produced the first of at least forty-one S-21 confessions on 29 May 1976. More than 100 combatants and senior cadres of Division 170 would pass through S-21 between July and December 1976, and at least another 110 were delivered to S-21 in 1977. The purge of Division 170 continued on into the next year, and Chan Chakrei's successor as Secretary, Kae San *alias* Sok, was arrested on 4 March 1978.
684. Minister of Agriculture Non Suon, number four on Koy Thuon's list, had also been implicated in the confessions of Chakrei and Chhouk, and hence was arrested on 1 November 1976. In a note to Non Suon dated 15 November 1976, S-21 interrogator Pon explained his dire situation: "Your detention was decided on by the Standing Committee of the Party Centre and not by some other level or part of the Party." The Deputy Secretary of the Agriculture Committee, Duong Thoeun *alias* Seng *alias* Neng, was executed at S-21 on 3 July 1977, and the Member of the Agriculture Committee, Bin Chheang *alias* Ly, was executed on 8 July 1977. After the arrest of the leaders of the Agriculture Committee, the purge spread inexorably through the ranks of the Ministry of Agriculture.
685. Sua Vasi *alias* Deuan was a Member of the CPK Central Committee and a key functionary of the Party Centre, who in October 1975 had been appointed "Chairman, Political Office of 870." Together with **Khieu Samphan**, he formed the Office 870 Committee. He was number 3 on Koy Thuon's list of traitors, and was arrested on 13 February 1977. Other cadres at 870, such as Phok Chhay *alias* Touch, quickly followed Deuan into S-21. As Deuan continued to name his "links," the perceived threat to the core of the Party Organisation extended directly into Pol Pot's personal headquarters. The head of Office K-1, Ket Chau *alias* Ket Thor *alias* Sem, was induced under "strong torture" by Pon to confess a purported plot to kill Pol Pot and **Nuon Chea**. More staff at K-1 and K-3 were purged following these allegations.
686. The Minister of Propaganda, Hu Nim *alias* Phoas, was number 13 on Koy Thuon's

list. After being watched for a period, Phoas was arrested on 10 April 1977. His deputy, Tiv Ol *alias* Penh, was arrested by S-21 soon thereafter. Two of Hu Nim's close associates, Tauch Phoeun *alias* Phin, number 12 on Koy Thuon's list, and Phok Chhay *alias* Touch, had been previously arrested. There followed a long and thorough purge of cadres from the Ministry of Propaganda. Some cadres were dispatched to forced labour at S-24, but managed to survive.

PURGE OF THE EAST ZONE

INTRODUCTION

687. The purge of the East Zone claimed somewhere between 100,000 and 250,000 lives. It was the most complex killing operation orchestrated by the Party Centre, unfolding over the course of more than a year, from mid-1977 through the end of 1978. Those who were not killed were forcibly transferred to cooperatives in other zones, such as Pursat province in the Northwest Zone, or to work sites such as Kampong Chhnang Airport.
688. This section discusses the following aspects of that purge: (1) the arrest and execution of Eastern Zone cadres, which began with a purge of Sector 22 in mid-1977 and peaked in late May 1978, at which time widespread arrests were carried out throughout the Zone; (2) the mass execution of an entire village of East Zone residents from Ponhea Krek District at Stung Tauch in early June 1978; (3) the forced transfer of the remaining residents of the Eastern Zone to other regions of the country; and (4) the mass execution of East Zone evacuees in Pursat province of the Northwest Zone in late 1978.

ARRESTS & EXECUTIONS OF EAST ZONE CADRES

689. The June 1977 issue of *Revolutionary Flag* exhorted cadres to be “absolute” in continuing the purging of the Party: “We purged the Party well internally at every echelon, in every section, from top to bottom. ... But in tandem with this, the embedded enemies are not yet all gone at all. The veteran forces that the enemies bored holes into are not totally gone. Not many remain, but some do still remain scattered in the base areas in various units, ministries, and offices. ... It is imperative to take absolute measures, making no compromise, making no allowances, without hesitation or holding back at all.”
690. The Party Centre was preparing a plan for sweeping clean some “veteran forces” that had been identified as enemies. Suos Nov *alias* Chhouk, Secretary of Sector 24, had been arrested on 28 August 1976 and replaced by Seng Hong *alias* Chan. Chan was also appointed the Deputy Secretary of the East Zone and a Member of the CPK Central Committee; Southwest Zone cadres were brought in to replace all of the purged district secretaries in Sector 24. The S-21 confessions of Chhouk, along with

those of Chakrei (August 1976), Ya (September 1976), and Tum (June 1977), appeared to persuade the Party Centre that the East Zone was riddled with traitors. By mid-September 1977, the staff of S-21 was carrying out intensive research into the structure of East Zone leadership.

691. In July 1977, the Party Centre decreed that two special new military commands would be created, to be known as the “Highway 1 Front” and the “Highway 7 Front.” The Highway 1 Front ran along Route 1 through the southern tier of the East Zone from Neak Loeng on the Mekong at Sector 24 to the Vietnamese border at Svay Rieng in Sector 23. This Front was under the direct command of Deputy Prime Minister for Defence and Chief of the RAK General Staff, Son Sen. The Highway 7 Front ran along Route 7 across the northern tier of the East Zone, from the east side of the Mekong at Kampong Cham City across Sectors 20 and 21 up into the Northeast Zone through Sector 505. This Front was putatively under the command of East Zone Secretary Sao Phim, with Central Zone Secretary Ke Pauk as the deputy. This move had the effect of marginalising the authority of the East Zone General Staff.
692. The Party Centre also initiated other new policies which had the effect of isolating the East Zone. In mid-1977, the Party ordered East Zone military forces to deploy along the Vietnamese border, and then sent Centre military forces to dig in behind them. As a result, one East Zone combatant was shot from behind by Central Zone forces at the border. At the same time, some 60,000 villagers living directly adjacent to the Vietnamese border were moved back away from the border, creating a *cordon sanitaire*, which was then heavily mined. The Party Centre also eliminated the *laissez-passer* system, which had previously allowed cadres to travel in other Zones on passes issued by their own Zone Secretary. As a result, East Zone personnel could no longer move north into Sector 505, west into the Central Zone, or south into the Southwest Zone, without facing arrest.
693. The S-21 confessions of Seat Chhae *alias* Tum set in motion a process which would result in the purge of the entire East Zone. Tum, the former Secretary of Sector 22, was arrested on 30 April 1977. The extraction of Tum’s S-21 confession, dated 5 June 1977, was immediately followed by a major purge of Sector 22. That sector was of particular concern to the Party Centre, as it was directly adjacent to Phnom Penh across the Mekong River. Between 8 June and the end of September 1977, all of the

District Secretaries in Sector 22 were systematically sent to S-21, one after the other.

694. Hoeng Oeurn, the chief of East Zone security, was arrested on 23 July 1977. Koy Huot *alias* Thea, the Secretary of the Sector 22 Office, entered S-21 on 7 October 1977. Several of the District Secretaries selected to replace purged Sector 22 cadres would themselves be arrested before the purge of the East Zone was complete, including the Secretaries of Lovea Em District (Uy Sath *alias* Kun or Kim, arrested 3 March 1978), O Reang Ov District (Keo San *alias* Sok, arrested 3 May 1978), and Mukh Kampul District (Chhim Sreng *alias* Syan, arrested 6 May 1978), as was the new Sector 22 Secretary, Mean Chhuon *alias* Voek or Chhean (arrested 12 June 1978).
695. In mid-August 1977, Son Sen moved from Phnom Penh to take direct command of the Highway 1 Front. Son Sen established a base at Neak Loueng, with a forward base in Svay Rieng City which was under the command of [Redacted]. Son Sen himself operated from a mobile command post that moved up and down Route 1.
696. In late 1977, the Party Centre intensified its planning for the purge of the East Zone. Ta Mok convened a meeting of his senior military commanders in the Southwest Zone, informing them of the coming operation against the East Zone. [Redacted]. These instructions were later reiterated by **Nuon Chea** in a meeting of military commanders in Phnom Penh: [Redacted]. Ke Pauk initially prepared his troops in and around Kampong Cham City. Son Sen reinforced his forces in Prey Veng and Svay Rieng.
697. In March 1978, the Party Centre purged Sector 23 of the East Zone, in a similar manner to its purge of Sector 22 the previous year. Sector 23 Secretary Ouk Savann *alias* Sin So was dismissed in February 1978, with East Zone Deputy Secretary Chan taking over from him in early March. This gave Chan control of what came to be known as the “Twin Sectors,” Sectors 23 and 24. In March 1978, Chan helped Son Sen coordinate a major attack on the political and military leadership of Sector 23.
698. Son Sen and Chan systematically purged the districts of Sector 23, beginning with the Deputy Secretaries of Samrong, Chantrea, Meanchey Thmei, Svay Rieng and Romeas Hek Districts, all of whom were arrested between 8 March and 24 March 1978. They then turned their attention to the District Secretaries of Sector 23: Kampong Ro

District Secretary So Saphorn was arrested on 14 March 1978; Samrong District Secretary Sok Yun *alias* Sau Saret, Meanchey Thmei District Secretary Phoeng Son *alias* Say and Chantrea District Secretary Praeng Aok *alias* Sam An were all arrested on 27 March 1978; and Svay Rieng District Secretary An Yon *alias* Ousa was arrested on 28 March 1978.

699. While the forces of the Party Centre were dispatching the Sector 23 District Secretaries to S-21, they also moved against Chan's predecessor, arresting former Sector 23 Secretary Ouk Savann on 17 March 1978. On 4 April 1978 alone, more than 50 cadres from Sector 23 entered S-21, most of whom were executed within a week. Over the following seven weeks, more than 700 people from Sector 23 were arrested and sent to S-21, as the purge of the Sector was extended down to the commune level and below.
700. The East Zone's 3rd Division was stationed in Sector 23 and based at Svay Rieng City. Division 3 was composed of three regiments – the 112th, 116th and 130th – as well as an artillery battalion and a special forces battalion. During the last week of March 1978, the secretaries of all three regiments were arrested and taken to S-21. For example, on 25 March 1978, Regiment 116 Secretary Va Mean was arrested, followed the next day by the Member of the Regiment 116 Committee Pok Chhon and later on by the Deputy Secretary Cheth Chhim. On 4 April 1978, Division 3 Secretary Paen Chhouen was sent to S-21. Over the next four days, virtually the entire remaining leadership of the division was arrested and taken to S-21, including the commanders of Battalions 68, 73 and 77 of Regiment 112, Battalions 23, 75 and 93 of Regiment 116 and Battalions 37, 46 and 90 of Regiment 130, as well as Division 3's special forces unit Battalion 9 and its artillery battalion. The purge of Division 3 is summarised in Annex 4.
701. Centre Division 703 was a key unit employed in the purge of Sector 23. During pre-mission briefings in Phnom Penh for military commanders assigned to implement the East Zone purge, **Nuon Chea** spoke of "cleansing the Party ranks" and provided detailed information on plans to arrest and remove cadres of the East Zone. Division 703 was ordered to deploy in Neak Loeung for a couple of weeks before establishing a forward presence in Svay Rieng City. Division 703's 402nd Regiment [Redacted] was sent to Samraong Commune of Chantrea District to arrest 1,000 troops of East Zone

- Division 3. [Redacted]. [Redacted] purge of all nine battalions of East Zone Division 3, during which operation a total of 5,000 troops were arrested. So many East Zone military officers were sent to S-21 that, at one point, **Nuon Chea** ordered **Duch** to execute 300 of them without conducting the standard interrogations.
702. By the second week of April 1978, the East Zone military leadership in Sector 23 had all been sent to S-21, while Division 703 and other cooperating units continued to round up the rank and file troops and ship them to the Kampong Chhnang airport construction site. The Party Centre carried out this massive purge of Sector 23 primarily because of the Vietnamese military incursion into that Sector in December 1977, which it concluded meant that internal enemies had infiltrated the Party in that region. As Pol Pot told CPK cadres in a mid-April 1978 speech: “The Yuon were able to enter Svay Rieng because they had their inside door latches. They entered Svay Rieng in December. We arrested those door latches.” With this beachhead in the southern-most tier of the East Zone, Son Sen and Ta Mok’s Southwest Zone forces had established a base of operations that would allow Ke Pauk’s Central Zone forces to come down from the north and complete the purge of the Zone in the following two months.
703. The purge of the East Zone leadership climaxed in May 1978, beginning with the arrest of the Deputy Secretaries of Divisions 3 and 280 and the Secretaries of Divisions 4, 5 and 290, along with the Secretaries of Regiments 153, 158, 182, 269, 488 and 512. The Chief of East Zone Headquarters, Sok Knal, was arrested on 6 May 1978, and the Chief of the East Zone General Staff, Meas Mon, was sent to S-21 on 23 May 1978. In the three weeks between 23 May and 12 June 1978, the Deputy Secretary of Sector 20 was arrested, along with the Secretaries of Sectors 20, 21 and 22. Sectors 23 and 24 were already under the control of Zone Deputy Secretary Chan. Zone Secretary Sao Phim died as Son Sen’s forces attempted to seize him on the 3rd of June. The 120 senior East Zone cadres executed at S-21 in the course of this purge are listed in Annex 3.
704. Division 502 aircraft supported the Centre military units attacking East Zone forces. Meanwhile, other aircraft under the command of Division 502 dropped leaflets across the East Zone declaring Sao Phim a traitor and imploring East Zone troops to surrender to the forces of the Party Centre. All who did were either immediately

arrested and killed, or sent to Division 502's airport construction site in Kampong Chhnang, where they were worked to death or executed.

705. East Zone Division 4 was headquartered in the vicinity of the Ponhea Krek District Office in Bak Ay, on Route 7 at the junction of what is today known as Route 24. The Division 4 hospital was located nearby, about 200 metres further down Route 7. On 25 May 1978, Division 4 Secretary Koy Chhoeun was called to a meeting by Ke Pauk and arrested. When he and other officers of the division had not returned five or six days later, the troops of Division 4 abandoned their headquarters and hospital, and fled. Numerous other East Zone cadres were also called to meetings on 25 May 1978, and either arrested or summarily executed on the spot.
706. On 24 May 1978, Centre troops had begun deploying down Routes 1 and 7. Along Route 7, Centre divisions spread out from their bases along the Vietnamese border and from Central Zone Secretary Ke Pauk's base at Wat Sras near Kong Kang. By the end of the month, Division 280 troops under Pauk's command moved into the Mai Sak/Bak Ay area on Route 7, seizing Division 4 headquarters as well as the Ponhea Krek District Office. Having established control of this strategic crossroads, Division 280 moved to complete the purge of East Zone cadres and troops in Sectors 20 and 21. The movement of the various Divisions in relation to Routes 1 and 7 is depicted in Annex 1.
707. Ke Pauk supervised operations in the northern tier of the East Zone from his base at Wat Sras, while Son Sen managed operations in the southern tier from his mobile command post along Route 1. Within a little more than two weeks, all the sector secretaries of the East Zone – except for Chan of the Twin Sectors – had been sent to S-21.
708. With the East Zone largely stripped of its military leadership from the battalion level up and its political leadership from the district committee up, Centre forces concentrated on the leadership of zone ministries, communes, cooperatives, and villages. In Thlorik Village of Ponhea Krek District's Kak Commune, for example, the old village chief Peng was arrested, along with his wife Moeun, Ta Tin was appointed in his place, and then arrested, Peou was appointed in his place, and then arrested, and after this, anyone still alive was evacuated to Kampong Thom Province.
709. In this phase of the purge, some local cadres were simply taken to the outskirts of

their village and executed on the spot. Many commune and cooperative officials were told they were being sent for political study, but then trucked to Kandal Chrum and executed. Wives and children of cadres were not spared in the purge. [Redacted]. In one instance, 300 East Zone troops were kept alive for labour at Wat Kandal Chrum during the rainy season, before being executed north of Kranhoung. Similar executions took place in other sectors.

STUNG TAUCH EXECUTION SITE

LOCATION

710. Bos Village, also known as Tanup or Tumnob, was located in Eastern Doun Tei Commune, Ponhea Krek District, Kampong Cham Province, and part of Sector 20 of the Eastern Zone. It was situated approximately 40 kilometres east of Kampong Cham City and 10 kilometres south of Route 7. During the DK regime, Bos Village was home to between 150 and 300 families, totalling as many as 500 persons. It was a civilian village, with no military function or facilities.
711. Bos Village was a CPK base area as early as 1961. During the 1960s, the village sheltered CPK leaders including **Pol Pot**, **Nuon Chea**, **Ieng Thirith** and Yun Yat. **Nuon Chea** visited in 1962, 1963 and 1967. The importance of Bos Village continued after 1975. It was a model village, with homes suitable for exhibiting to visiting dignitaries. East Zone Secretary Sao Phim maintained a headquarters nearby during the DK regime, about 1.5 kilometres away. **Ieng Sary** and Central Zone Secretary Ke Pauk made visits, and **Nuon Chea** showed the village to foreign guests.

UNLAWFUL KILLINGS

712. As an area considered loyal to Sao Phim, who lived there during the 1960s and maintained a nearby office during the DK period, Bos Village was targeted by the Party Centre as part of the massive purge of the East Zone carried out in mid-1978. [Redacted], Bos Village had been Sao Phim's "main resist[ance] base and residence" since 1961, and the "people in Bos village were his eyes and ears."
713. On or about 4 June 1978, a squad of Central Zone troops arrived in Bos Village. The troops assembled the villagers and informed them that they were to be relocated to the rubber plantation at Suong, where they would have access to better housing and food rations. The villagers were instructed that they had to depart immediately, and that

there was no need to bring any personal belongings. Most of the village's residents willingly boarded the waiting trucks, with at least 160 people leaving in the first convoy at roughly 4 p.m.

714. Upon reaching Route 7, the trucks drove east, eventually turning off Route 7 and continuing down Route 24, which runs 20 kilometres to the Vietnamese border. The road was little more than a cart track traversing a dense teak forest known as Stung Tauch. After continuing on for approximately 7.5 kilometres, the trucks came to a stop. It was approximately 6 p.m. A group of between 30 and 50 soldiers in combat gear from Division 280 emerged from the forest, surrounded the trucks and aimed their weapons at the civilians. The troops ordered the men to dismount, whereupon they were immediately tied up. The process was repeated for the women. Young children were not bound. At this time, the troops shouted that the villagers were CIA operatives and "the contemptible Phim's children."
715. Beginning with the males, the Bos villagers were gathered in groups of five to eight, tied together with rope, and marched into the forest to previously dug pits. The victims were then untied and brought to the edge of a pit one at a time. They were then clubbed on the head, and pushed into the pit. Those who showed signs of life were stabbed with a bayonet. From time to time, one of the executioners climbed into the pit and arranged the corpses in order to maximise space. Soldiers remained in the area until at least 8 June 1978. They eventually left a 50 metre stretch along the dirt track littered with mosquito nets, blankets, baskets, clothing, children's toys and lime containers. The area reeked for days after the killings.
716. There are several known survivors of the mass execution at Stung Tauch. Redacted watched as villagers were killed for much of the night. Redacted. In all, only 11 of those people survived the mass killing.
717. Redacted.
718. There are several reports of other killings in Ponhea Krek District, including sightings of mass graves and roughly thirty corpses in the compound of the Ponhea Krek District Office. Investigations of these mass graves have revealed human remains. Mass killings or deportations in this area also occurred at Bos Roka Village, Ponley Village in Kak Commune, and Samraong Village.

EVACUATION OF THE EASTERN ZONE

719. The final phase of the Purge of the East Zone was to remove the remaining people, who were judged to have “Khmer bodies but Vietnamese heads.” Virtually the entire population of the East Zone was subjected to a forced transfer in this period. Many of those people were summarily executed immediately upon arrival in other zones, while others were first imprisoned and later killed.
720. Survivors of the East Zone purge in mid-1978 were given a blue *krama*, or scarf, during their transport to new zones. These scarves became a “killing sign.” [Redacted] when they reached Neak Luong and were waiting to board a boat en route to the Northwest Zone, [Redacted] was given a pile of blue *kramas* and instructed to distribute one to each person in his group. People in the Northwest came to recognise those who had arrived from the East Zone by virtue of these distinctive blue *kramas*. [Redacted] describes discovering corpses [Redacted]. The blue cloth had been specially imported from abroad for the precise purpose of marking the victims of forced transfer from the East Zone for later execution, and all people transferred from the East Zone were required to wear those *krama*.
721. The people of Sector 20 were widely dispersed during the forced transfer of the East Zone’s population. Any who resisted were shot dead. Those from the southern end of Sector 20 were closer to Route 1, such as the residents of Mesang and Prey Veng Districts, so many of them were marched to Neak Luong, put on boats, and then transferred at Chbar Ampeou to trains bound for Pursat and Battambang in the Northwest Zone. Those from the northern end of Sector 20 were closer to Route 7, such as the residents of Ponhea Krek and Kamchay Mear Districts, so they were put on trucks and driven to Sectors 41, 42 and 43 of the Central Zone, or points further north in the new North or Northeast Zones. A few, particularly East Zone soldiers, ended up in the West or Southwest Zones. Many were taken directly to security offices for execution. At the Wat Batheay Security Office in Sector 41, for example, in mid-1978 truckloads of East Zone personnel arrived regularly, were taken directly to the interrogation centre, and then killed.
722. From Sectors 21 and 22, East Zone residents were forcibly transferred to the north. Some were sent to Sector 43 of the Central Zone. Others were taken to Stung Treng in Sector 103 of the New North Zone or Sector 104 of Northeast Zone. Depictions of

where people were forcibly transferred from the East Zone can be seen in Annex 2.

723. Most of the people in Sectors 23 and 24 were forcibly transferred towards the west, ending up in the Southwest, West or Northwest Zones. In one village, New People were evacuated first and sent to the Northwest Zone, then a month later Base People were sent to the Southwest Zone, where they were questioned about their links to the Vietnamese. Many of those who were sent to the Northwest Zone were moved by boat and train, but some were transferred in trucks. The principal destinations in the Northwest Zone were Sectors 2 and 7 of Pursat Province. Conditions in these sectors were such that many of the new arrivals died of starvation or disease. Many others were arrested and executed, as discussed further below. Those sent to the Southwest Zone principally ended up in Sectors 13 and 25. Rank and file East Zone soldiers from Sectors 23 and 24, along with a small number of civilians, were sent to the West Zone.
724. The purge extended even to former residents who were no longer physically located in the East Zone. Ordinary workers from ministry offices in Phnom Penh who could be connected to the East were also marked for purging. At the MSA, **Ieng Thirith** announced in a Party meeting that East Zone Secretary Sao Phim was a traitor. In the Ministry's Ph-2 pharmaceutical factory, 120 people from the East Zone were subsequently removed and sent to re-education facilities for tempering, such as breaking rocks at Veal Renh. At the Ministry of Commerce, one month after Sao Phim was accused of treason, "East Zone traitor networks" were purged and sent to be killed, up to one hundred people at a time. Following those killings, other Commerce Ministry staff were sent for tempering at Pich Nil.
725. The Party Centre was proud of its work in the East Zone. The May-June 1978 issue of *Revolutionary Flag* trumpeted: "We have smashed the traitorous leading apparati throughout the country together with their faction; concretely, the traitorous forces in the East, Northwest and West Zones, in Phnom Penh, in 103, in Kratie and in Sector 25." By the end of this purge, the East Zone was 'empty of civilians.'

MASS EXECUTIONS OF EAST ZONE EVACUEES

726. As noted above, many of the people evacuated from the Eastern Zone in 1978 were forcibly transferred to Sectors 2 and 7 of Pursat province in the Northwest Zone. The

persons brought to that area came from Kampong Cham, Svay Rieng and Prey Veng provinces, and arrived wearing blue *krama* and sandals made from car tires which marked them as East Zone deportees. They were primarily transported by train, and brought some property with them such as plates, rice pots, chickens and ducks. Some died along the way; those who resisted were shot dead. Upon their arrival in Pursat, they were met by local CPK officials, [Redacted] and transported from the Boeng Khnar train station to cooperatives and worksites by 200 to 300 ox-carts. At these cooperatives and worksites, deportees were forced to dig canals and farm rice.

727. At a meeting held at the former cinema in Pursat in the second half of 1978, after the time Ros Nhim had been purged as Northwest Zone Secretary by Southwest forces, CPK Standing Committee member Ta Mok informed local cadres that Nhim and Sao Phim were traitors [Redacted]. After the East Zone deportees were sent to cooperatives, their biographies were screened to identify former village chiefs, commune chiefs, deputies, teachers, policemen and soldiers, which persons were subject to immediate arrest and execution. Many of the East Zone evacuees were detained and executed in security offices in the region.
728. In late 1978, shortly before the arrival of Vietnamese forces, the surviving East Zone deportees were rounded up at a number of locations in Pursat province and killed in mass executions. In Sre Sdok commune of Kandieng District (part of Sector 7), after a meeting of cooperative and district cadres, the Phla Ampil cooperative committee ordered its ox-cart unit to transport all East Zone deportees to Veal Bak Chunching, a site located roughly ten kilometres west of Tuol Po Chrey. Thousands of persons were transported to this site over a 3 to 4 day period, using 30 ox-carts. Upon their arrival at Veal Bak Chunching, CPK militia walked the victims to a pond 100 metres away, and shot them to death. The bodies were then dumped in the pond.
729. Also in late 1978, in Rumlech commune of Bakan District (also part of Sector 7), hundreds of East Zone evacuees were taken to the Chänreangsei pagoda in Rumlech and shot. The next morning, the corpses were transported six at a time by ox-cart and buried in mass graves and a well at Kaun Thnaot or Cham village in Rumlech commune. Blue *krama* and skeletal remains were found when those grave pits were dug up after 1979. The estimated number of victims killed in this mass execution was between 300 and 640 people.

730. Redacted.

CRIMES AGAINST BUDDHISTS

INTRODUCTION

731. Both Buddhist monks and Buddhist lay believers were subjected to systematic persecution by the CPK during the DK regime. Monks were forcibly defrocked, with those who refused being executed, and the defrocked monks were forced into forbidden occupations, such as soldiery. All forms of Buddhist ritual performance were banned by the CPK, especially the giving of alms to monks by believers, a practice which was necessary in order for the monks to survive. Buddhist places of worship were universally either destroyed or converted to non-religious and often profane uses, such as pig sties, abattoirs, and torture centres. Sacred artefacts such as texts, statues and ritual objects were burned, smashed, or thrown into rivers or ponds. In summary, Buddhism as an institution and as a practice was annihilated by the CPK. Anyone who protested this state of affairs was liable to summary execution. These developments deeply disrupted the crucial relationship ordinary people had with the spirit world and resulted in severe negative psychological consequences for many.

ORIGINS OF BUDDHISM IN CAMBODIA

732. Theravada Buddhism was and is the predominant religion in Cambodia and its adherents an identifiable religious group. It is a distinctive religion with its own ceremonies, modes of thought and symbolism. Most Cambodian people converted to the Theravada variant of Buddhism in the 13th Century. The Khmer, the dominant ethnic group in Cambodia, are very devout, and the central focus of village life has always been the Buddhist temple or wat. Most Cambodians consider themselves Buddhist, whether they worship at home or in the pagoda. Buddhism is “so ingrained in the Cambodian culture” as to affect “the language, the yearly calendar, the food, dance, and art, and people’s attitude toward most facets of life.” Prior to the DK period, Buddhism was the state religion, and it was estimated that at least 85 percent of the population were practitioners.

733. Monks are a distinct group within Theravada Buddhism who reside in pagodas, subscribe to the strict teachings and traditions of the Buddhist faith, and can be identified by their saffron robes. From 1955 to 1967, the monastic population in Cambodia increased by 72 percent from 37,553 to 61,014 monks, including many

young men who joined the Sangha, or monkhood.

CPK POLICY TARGETING BUDDHISTS AND BUDDHISM

734. A basic tenant of the CPK was the abolition of all religions. Buddhism in particular was contrary to CPK ideology and policy, as the principle of karma justified the existence of “natural” or social inequalities, and under the rules of Theravada Buddhism monks were not allowed to farm, but instead supported themselves by begging for alms from the people. For this reason, the CPK branded Buddhist monks as “leeches,” “blood sucking parasitic worms” and “feudalists who sucked the blood of the people.” In areas that were controlled by the CPK prior to 17 April 1975, temples were closed and monks forced to disrobe.
735. On 20 May 1975, approximately one month after seizing power, the CPK leaders held a conference in Phnom Penh attended by the Secretaries of every District, Sector and Zone in the country, as well as representatives of all military units. The CPK cadres at the conference were instructed by **Nuon Chea** and Pol Pot on the Party lines and policies that they were to implement in their regions, which included closing all pagodas and defrocking all monks. **Nuon Chea** and Pol Pot specifically instructed the CPK cadres in attendance that monks were a “special class” that was to be “wiped out,” and that wats would not be allowed. Following this meeting, District and Sector Secretaries returned to their respective regions throughout the country and informed local cadres and monks of the Party Centre policy requiring the monks to disrobe and leave their pagodas.
736. The successful implementation of this policy was referenced in a number of contemporaneous publications, directives or statements by the CPK leadership. For example, a 22 September 1975 Party circular noted that most monks had left the monkhood, that “[p]agodas which are the core foundations for the existence of the monkhood were abandoned,” that people no longer went to pagodas or offered alms to the monks and that religious practice had “disappeared.” The Party concluded that, based on this trend, “90 to 95 percent of the monks and Buddhist practices will no longer exist” and “this special layer [of the society] will no longer cause any worry.” In the June 1977 issue of *Revolutionary Flag* former monks were identified as the part of the “petty bourgeoisie” most likely to be enemies of the CPK. In April 1978, **Ieng Thirith** told a visiting Yugoslavian delegation that “Buddhism was incompatible with

the revolution,” and that this “problem” was no longer an issue because “Buddhism is dead.”

CPK IMPLEMENTATION OF POLICY TO ABOLISH BUDDHISM

737. The CPK policy to close pagodas, disrobe monks and abolish the practice of the Buddhist religion was implemented throughout DK. Soon after the CPK takeover on 17 April 1975, “high-level” Buddhist monks that made up the religion’s hierarchy were summarily executed in Phnom Penh. In the ensuing months, monks across the country were forcibly defrocked, without following the Buddhist ceremony traditionally required of a monk wishing to leave the Sangha. After being disrobed, many monks were ordered to farm rice paddies, build dams or dig canals, which required the monks to perform acts that were forbidden by the Theravada Buddhist rules of monastic discipline (*vinaya*), such as digging the ground. Other monks were forced to join the RAK, notwithstanding the Buddhist precepts of pacifism and non-injury (*ahimsā*). Some monks were forced to marry, in violation of their vow of celibacy. Buddhist wats were either closed or used by the CPK as security offices, dining halls, warehouses or pigsties. Many wats were dismantled by the CPK, and Buddhist statues and other religious items destroyed.
738. By 1977, the application of the CPK’s policy towards Buddhism resulted in the widespread closure of pagodas, and the destruction of the physical artifacts of Buddhist worship. Although a significant number of Buddhist pagodas had been destroyed in combat during the 1970-75 war, the CPK itself claimed to have destroyed 90 percent of all Buddhist monasteries.
739. The following examples of persecution highlight the CPK’s general policy and practice towards Buddhism and Buddhists.

WAT SAMRONG KNONG (BATTAMBANG)

740. Wat Samrong Knong was located in Samrong Knong Village and Commune, Ek Phnom District, Battambang Province. Shortly after 17 April 1975, approximately 300 monks were evacuated from various pagodas in Battambang Province and moved to Samrong Knong pagoda. There they received orders from [Redacted] affiliated with the CPK, and were instructed on how to grow vegetables and farm paddies. The 300 monks were later divided into two groups, one of which was assigned to build dams

and canals in Sangkae District, the other to farm rice paddies and plantations. These monks were criticised by the CPK for being part of an “oppressive class” that lived off other people’s food, and were no longer allowed to beg for alms.

741. In April 1976, about 40 monks were summoned by local CPK cadres to a meeting at Undaung Thnaot, Svay Thom village, Samrong Knong Commune. During that meeting, [Redacted] announced that the Party Centre had abolished the monkhood and Buddhism. While 30 monks refused to disrobe at that time, they later complied after being told by [Redacted] that they would be executed if they did not. By the end of April 1976, no monks remained at Wat Samrong Knong.
742. At the CPK’s direction, the pagoda was transformed into a security office. Prisoners detained at Wat Samrong were interrogated in a building behind the pagoda, and executed and buried in nearby pits. The pagoda grounds were also used for a commune office and a warehouse to store rice and other food. Fifteen of the monasteries within Wat Samrong Knong were destroyed by the CPK, while those remaining were used to house the militia. The small statues in the vicinity of the pagoda were smashed. When the CPK fled Wat Samrong Knong in January 1979, they left live prisoners shackled in the pagoda. Blood stains, clothes and shackles were found in the monastery buildings, and many graves and dead bodies were discovered nearby the temple.

WAT DAMNAK TRAYEUNG (KAMPOT)

743. Wat Damnak Trayeung was located in Damnak Trayeung Village, Samrong Leu Commune, Banteay Meas District, Kampot Province. It was one of the oldest places of worship in the region. The area was occupied and controlled by the CPK prior to 1975. At a meeting called by the CPK District Committee, all monks were told that they had to leave the monkhood and either work or become soldiers. By mid-1975, only the head monk of Wat Damnak Trayeung had refused to disrobe. He eventually fled, but was captured by a CPK women’s unit and never seen again. After the head monk’s disappearance, the local CPK cadres called a meeting and condemned him as “evil.”
744. At the CPK’s direction, the sanctuary and most of the monks’ residences at Wat Damnak Trayeung were dismantled, and the wood and pillars used to build a kitchen

and dining hall. CPK cadres lived in the one remaining monastery, and the pagoda site was used for an office. Within the Wat, large Buddha images were destroyed outright, and small Buddha images were broken off and thrown into a pond in front of the temple. Water buffalo and cattle were killed by CPK cadres on the pagoda grounds.

WAT ANTUNG VIEN (KRATIE)

745. Wat Antung Vien, which was also referred to as Wat Mony Vanaram, was located in Antung Vien Village, Kantuot Commune, Kratie District, Kratie Province. During the DK period, six of the seven monks at Antung Vien pagoda disrobed under pressure from the CPK. The last monk, the [Redacted], was forcibly defrocked in 1976 by [Redacted], and forced to work in a cooperative. Other monks in the area were executed for refusing to disrobe. In early 1976, four monks were brought to Wat Antung Vien by the Kantuot Commune militia, detained for three days, and executed.
746. At the CPK's direction, the Antung Vien pagoda was transformed into a communal eating hall. Over a ten day period in early 1977, members of the commune mobile unit [Redacted] destroyed the main temple, and collected the steel rods from the debris for use in building a commune dam. The 14 Buddha statues in the temple were smashed and thrown into the river south of the pagoda. In the end there was nothing left of the temple.

WAT CHEY MONGKUL (STUNG TRENG)

747. Wat Chey Mongkul was located in Kamphun Village and Commune, Se San District, Stung Treng Province. Monks in this area were forcibly disrobed, under threat of death. The senior monk of Stung Treng Province, Reverence Sin, was taken away by CPK forces and executed for refusing to disrobe. Once defrocked, the monks were sent to work building dams and digging canals.
748. At the CPK's direction, the main temple of Wat Chey Mongkul was destroyed, and the Buddha statues were dropped into the Se San River in front of the Pagoda. The monks' houses in the compound were also dismantled, and their timber was used to build rice warehouses, communal dining halls, and pigsties.

WAT CHAMBAK THOM (SVAY RIENG)

749. Wat Chambak Thom was located in Dei Kraham Village, Me Sa Thngak Commune, Chantrea District, Svay Rieng Province, approximately 5 kilometres from the Vietnamese border. As of 1965, about 80 monks lived in the pagoda. In 1970, the region was occupied by the CPK, and Wat Chambak Thom was used as a meeting place to indoctrinate locals and monks with revolutionary communist policy. As early as 1973, the CPK began to disrobe monks in the pagoda, claiming that monks depended on others for living and eating and must be disrobed in order to join the resistance. In response, many of the monks fled to Vietnam. However, out of fear of the CPK, most of the 30 remaining monks voluntarily left the monkhood, including head monk Saom Sem. Those who refused to disrobe voluntarily were forced to by the CPK in 1973.
750. At the CPK's direction, Wat Chambak Thom was converted into a crafts workshop. Eventually the CPK destroyed the Wat, including the temple, dining hall, monasteries, and Buddhist statues. The debris was scattered all over the pagoda, and trenches were dug by the CPK in the pagoda compound.

WAT TA KOAT MONGKUL (KANDAL)

751. Wat Ta Koat Mongkul was located in Prek Thmey Village, Chey Thom Commune, Ksach Kandal District, Kandal Province. In 1964, there were approximately 100 monks in the pagoda. The area came under the control of the CPK before the fall of Phnom Penh, and all the monks were forced to disrobe prior to 17 April 1975. The CPK prohibited alms giving and Buddhist ceremonies. CPK unit, village and commune chiefs announced that religious beliefs were not permitted, and declared that monks were "petty bourgeoisie," "feudalists who sucked the blood of the people" and "enemies" of the CPK. Those who attempted to practice the Buddhist religion were pressured, threatened and sometimes killed.
752. At the CPK's direction, members of the District Committee lived at the pagoda. One monastery at the pagoda was used as a warehouse to store rice, and another as a detention office. A former worship house was used as a pigsty. Buddhist statues were removed from the temple and thrown in a nearby pond.

CRIMES AGAINST CHAMS

INTRODUCTION

753. Over the course of the DK period, the CPK determined to completely destroy the Cham ethnic and religious group in Kampong Cham province, the historical base of the Cham population in Cambodia. The CPK's plan succeeded in physically destroying a significant portion of the Cham population, solely because of their ethnic and religious background. This effort included removing Cham women and children from the group and placing them in Khmer communities, forcing Cham to marry outside their ethnic group, and banning all cultural aspects traditionally identified with that group, such as their religious practices, their distinctive diet and modes of dress, and their language. The CPK continued their persecution by breaking up Cham villages and dispersing those communities among other ethnic groups, and by systematically targeting the leadership of the Cham group for execution. This campaign culminated in 1977 and 1978 with organised mass executions of entire Cham communities conducted by CPK cadres in multiple DK zones.

ORIGINS OF CHAMS IN CAMBODIA

754. The Cham people are a separate and distinct ethnic and religious group within Cambodia. They are Muslims and descendants of the Kingdom of Champa who later settled primarily along the Mekong River in Cambodia, the largest migration occurring in the late 1790's. Before the CPK assumed power, the Cham spoke their own language, lived in their own villages, practiced their own religion and dressed in their own traditional clothing. One of the principal concentrations of Cham people in Cambodia was located in Kampong Cham Province, and most Cham villages were located along the Mekong river in the Central (old North) and East Zones, although scattered communities existed elsewhere.

CPK POLICY TARGETING CHAMS

755. The Cham communities in Cambodia were subject to persecution and targeted by the CPK from the moment the CPK took control of their areas, which in some locations occurred prior to April 1975. The CPK considered the Cham to be "even lower than 17 April people," and CPK Secretary Pol Pot made statements calling for the persecution and destruction of the Cham people.

756. Beginning in late 1975, the CPK forcibly moved many of the Cham people from their

home villages and dispersed them throughout predominantly Khmer villages. Tens of thousands of Cham were forcibly moved to the North and Northwest Zones as part of a CPK policy designed to “break up” over 100,000 Muslims living in the East Zone. Cham men were often separated from the Cham women and children, and moved to different areas as part of mobile work brigades. This took place in a number of locations including Kang Meas, Kroch Chhmar and Koh Sotin districts of Kampong Cham Province.

757. On 20 May 1975, approximately one month after seizing power, the CPK leaders held a conference in Phnom Penh attended by the Secretaries of every district, sector and zone in the country, as well as representatives of all military units. The CPK cadres at the conference were instructed by **Nuon Chea** and Pol Pot on the Party lines and policies that they were to implement in their regions. Amongst this instruction was an eight point plan, the fifth point of which was to “Eliminate religions, as they are all reactionary.” Pol Pot specifically instructed CPK cadres that they were to force the Cham to raise pigs and eat pork, and anyone who resisted was to be killed. “Circulars” regarding persecutory action against the Cham were also distributed. The DK Constitution adopted in 1976 formally banned “reactionary” religions, which as applied by the CPK included Islam.
758. Cham were forbidden to partake in any Islamic duty (*vachip*) such as praying (*sambahyang*), fasting, alms giving or any other religious ceremony or funeral. They were banned from possessing Islamic texts, which were collected and burnt by armed Khmer Rouge militia acting under the supervision of commune chairmen or other more senior cadres. One witness whose house was searched was told that he would be killed if a Koran was found. Many mosques were damaged or destroyed, or converted to CPK offices, communal dining halls, storehouses, or pigsties, as was other Cham cultural property. The CPK targeted Cham religious and political leaders for execution, as well as those Cham who refused to renounce their religion. Cham who continued to practice Islam were threatened with being “taken to become ‘fertiliser.’”
759. The CPK's policy prohibited the Cham language, the wearing of traditional Cham attire (the *sarong*, *fez* and *makhna*, a long prayer garment for women) and using Cham names. Individuals were threatened with death if they spoke Cham. As a result, by

1979, Cham children no longer spoke their mother tongue. The Cham were forced to commit acts strictly forbidden by their faith such as eating pork and raising pigs. Cham women were forced to cut their hair short, and were not allowed to use the traditional head coverings. Cham were told that they would have to marry non-Cham. In relation to Cham burial practices, CPK cadres were told by Pol Pot that “how the body was buried was up to the revolution.” Failure to follow CPK rules could result in execution, and a persistent fear of this existed.

CPK IMPLEMENTATION OF POLICY TO DESTROY CHAMS

760. In 1977 and 1978, entire Cham communities were gathered up and taken to security offices and execution sites to be killed, in a concerted effort to physically eliminate all the remaining Cham in those areas. These genocidal acts were part of a pattern of conduct that took place in Cham villages in both the Central Zone and the East Zone. The occurrence of these acts in multiple zones, coupled with communications from the Party Centre regarding persecution of Cham and orders communicated down the chain of command to gather the Cham for mass executions, evidence that these crimes were planned, coordinated and specifically intended by the CPK senior leaders in Phnom Penh.

WITHIN KANG MEAS DISTRICT (CENTRAL ZONE)

761. On one day, security forces in Peam Chi Kang Commune in Kang Meas District of Kampong Cham Province gathered every Cham person in the commune, and brought them to the district prison at Wat O Trau Kuon. About 300 Cham were arrested that day, coming from either Sambour Meas Kâ, Sambour Meas Khâ and Sach Sau villages. They were arrested by a unit called the Long Sword Militia, which had been formed by Southwest Zone cadres after the purge of the Central Zone earlier in 1977. The prison’s executioners were seen and heard killing the Cham prisoners until early in the morning in the plantation adjacent to the prison. Young children were killed by being smashed against trees. [Redacted] [Redacted].

762. Around the same time, all the remaining Cham from another commune in Kang Meas District, Angkor Ban, were similarly gathered up and delivered to Wat O Trau Kuon prison. The Cham taken from one of the villages in Angkor Ban were all women and children, as the men had been separated previously from their families and relocated

to mobile work brigades. The Cham from these villages were reportedly hardworking and had committed no violations of CPK policy, and “were arrested only because they were Cham.”

763. In Roka Koi Commune of Kang Meas District, while Cham men were sent away to cut bamboo in Kampong Thom, Cham women and children were rounded up and killed.
764. The mass execution of the Cham community of Kang Meas District at Wat O Trau Kuon occurred following a series of meetings held in that area [Redacted]. At one of those meetings, which took place approximately 10 days before the mass arrests and executions, [Redacted] ordered the unit chiefs at a worksite to gather up the remaining Cham “so they could be taken to their local bases,” which was understood to mean that they were to be taken to the security offices in their district. The unit chiefs had previously compiled lists of the names of the Cham people in their units, pursuant to written instructions from the Deputy Secretary of the District. The order to arrest the Cham people was conveyed to the militia by [Redacted], who reported to [Redacted].
765. During the period of mass executions that began in 1977, Cham were not interrogated before being executed, as was the standard practice for ethnic Khmer taken to security offices. It did not matter if the Cham had made a mistake or not, they were arrested and killed regardless. Cham people who were arrested and taken to Wat O Trau Kuon “were not detained for long,” but rather “were just brought up and then sent to the killing pits.”
766. Remains were discovered at Wat O Trau Kuon in 1979 in a series of pits that covered an area of almost 1 hectare, and included at least 200 large pits (five by four metres wide and two metres deep) and as many as 1,000 small pits. No such pits existed in that area before the Wat was turned into a security centre by the CPK. Thousands of skulls were found and the walls of the Wat were blood stained. The remains from burial pits that were dug up by scavengers, which still exist in a stupa at the Wat, represent only a small portion of the total bodies buried in this area.

WITHIN KROCH CHHMAR DISTRICT (EAST ZONE)

767. Executions of entire Cham communities also occurred on the other side of the Mekong River in Kroch Chhmar District, part of Sector 21 of the East Zone, which

has been described as the “heartland of Cambodia’s Cham Muslims.”

768. In Kroch Chhmar Commune, hundreds of Cham people were gathered at Wat Khsach Praches. Older people and children from 80 families were taken away by boat, and never seen again. The young unmarried females, numbering between 40 and 200, were taken to the Kroch Chhmar District headquarters in Trea II Village, where they were tied up, asked if they were “Khmer or Cham” and separated accordingly. Those who said they were Cham were taken away and executed. Some were raped before being killed. The females who identified themselves as Khmer were detained for days, during which time they were tested by being served pork soup. The persons who conducted these executions were CPK cadres from the Southwest or Central Zone, including Redacted.
769. Cham from other parts of Kroch Chhmar District were also taken to Trea Village for mass executions. In 1978, CPK cadres from the Southwest Zone ordered the Cham people to return to their home villages. Several days later, the remaining Cham families of Ampil village were ordered by their commune chief to go to Trea Village. Along the way, they met Cham from other villages who had also been ordered to travel to Trea. When they arrived, the men were separated, detained in houses with other Cham men, and the next day dragged into the Mekong river by boats and drowned.
770. In late 1978, Central Zone Secretary Ke Pauk spoke at a conference in Sandan District of Kampong Thom Province attended by District Secretaries from the East and Central Zones. At this meeting, Ke Pauk asked Redacted “what percentage” of the “plan set out by the Party” had been completed, adding “You must destroy the Cham [in the] mobile forces first; they are all traitors.”
771. Two days after this meeting, the Cham people of Chumnik Commune in Kroch Chhmar District were moved to Svay Damnak pagoda, and then sent by boat across the river to Stung Trang District in the Central Zone. Upon their arrival at Stung Trang, they were met by military cadres who tied them up, and announced that they were searching for traitors. Those who tried to escape were shot. Boats transported Cham to Boeng Prachaut Village (also called Boeng Deng) in Stung Trang District every day for a period of one week. The people who arrived left their belongings on the boat, were walked through the village, and were never seen again. Cham corpses,

including children whose heads were severed, were dumped in the Mekong. At least five mass graves have been located by the riverside in Trea II Village, with one larger grave containing bodies of Cham females. Many mass grave pits were discovered behind Boeng Prachaut Village in Stung Trang.

772. The Party Centre directed and had knowledge of the mass executions of Cham in Krauch Chhmar District. The killings themselves were carried out in part by a Special Intervention Unit of the Party Centre which reported directly to Son Sen. A report confirming that Cham from this district had been arrested by that unit, placed on boats, beheaded and dumped into the Mekong River was sent by Central Zone Secretary Ke Pauk to Office 870. Redacted.

WITHIN SECTOR 5 (NORTHWEST ZONE)

773. In May 1977, Cham from Phnom Penh protested against the meals served in a cooperative dining hall, arguing that this violated their religious requirements and the religious protections afforded by the DK Constitution. In response the Sector 5 committee took “special measures” to identify the Cham network and its leaders “in order to sweep them cleanly away.” The Sector 5 Committee reported its actions to the Party Centre.

INTENT TO DESTROY CHAMS

774. The following evidence, discussed in detail above, establishes that the mass executions of the Cham communities in Kang Meas and Kroch Chhmar districts were planned by the senior leaders of the CPK and committed with the intent to destroy, in whole or in part, the Cham ethnic and religious group in those areas:
- (1) Pol Pot told Party cadres that Chams and other minority groups were to be “all killed.” Those killings began slowly, but by 1978 had become a “furious” “offensive.”
 - (2) Members of the CPK Central Committee, including Central Zone Secretary Ke Pauk, directed CPK cadres in the Central and East Zones to carry out the “plan set out by the Party” and “destroy the Cham.” Several former cadres have testified that they were aware of the policy against the Cham or witnessed it in action. Redacted.

- (3) Witnesses have also testified regarding CPK documents that referenced the decision to eliminate the Cham people, including a letter from the Sector 21 leadership to a company commander and commune chief ordering that all the Cham be gathered up and a document stating that the “Cham is the biggest enemy who must be totally smashed before 1980.”
- (4) Mass executions of the Cham in Kroch Chhmar District were committed by a Special Intervention Unit of the Party Centre, under the command of Son Sen. Son Sen, a member of the CPK Standing Committee and the Chief of the General Staff, reported to **Nuon Chea** and the other members of the Standing Committee. A report confirming that Cham from that district had been arrested, placed on boats, beheaded and dumped into the Mekong River between Kroch Chhmar and Stung Trang districts was sent by Central Zone Secretary Ke Pauk to Office 870.
- (5) Organised mass executions of entire Cham communities occurred in both the Central and East Zones, as set forth above, evidencing that these were not unauthorised, random crimes committed by local rogue cadres, but rather part of an organised effort intentionally directed by the Party Centre.
- (6) The areas that were selected by the CPK for mass executions were the heartland of the Cham population in Cambodia – the Cham villages located along the Mekong River in Kroch Chhmar and Kang Meas districts of Kampong Cham Province – further evidencing the CPK intent to destroy the Cham group.
- (7) The genocidal acts described above were not isolated killings, but rather mass executions of entire Cham communities organised by the CPK District Secretary responsible for those areas. In Kang Meas District, every Cham person from every Cham village was arrested, taken to Wat O Trau Kuon security centre and executed. The arrests were ordered by Redacted, and occurred following meetings held by the Central Zone Deputy Secretary in which unit chiefs were ordered to gather up the Cham people so they could be returned to their local bases.
- (8) In Kroch Chhmar District, entire Cham communities were sent either by land to Trea village or by boat to Stung Trang, and executed *en masse*. People

were asked whether they were Khmer or Cham, and those who identified themselves as Cham were summarily executed. These genocidal acts were committed by district security cadres directed by Redacted and a Special Intervention Unit directed by Son Sen.

- (9) Cham persons were arrested during the 1977-78 time period regardless of whether they had committed “mistakes” or been implicated by others, and instead of being detained and interrogated, Cham were executed immediately or shortly after their arrest. The only reasonable inference from these facts is that the CPK were not seeking to eliminate only those Cham who had suspect connections to the Khmer Republic, or those who belonged to the feudalist or capitalist classes, or those who were CIA, KGB or Yuon agents, but rather all Cham people. By contrast, the Cham who were arrested in 1975 following the Koh Phal rebellion were interrogated in order to determine their networks. The CPK’s determination that all Cham were “enemies” who had to be smashed was thus a policy that evolved over time, in response to Koh Phal and other events.
- (10) In addition to executing entire Cham villages, the CPK eradicated the Cham culture and way of life, banning the use of their language and traditional names and destroying Korans and mosques.
- (11) Other CPK policies formed by the Party Centre also specifically targeted the Cham people, including the DK Constitution’s ban of “reactionary” religions and the November 1975 plan to “break up” the Cham by forcibly relocating at least 50,000 “Islamic people” from the East Zone. That plan was confirmed in a 30 November 1975 telegram from the East Zone Secretary to Pol Pot, copied to **Nuon Chea**, which referenced prior “discussions” with Angkar in which the CPK leaders provided “instructions” that the Cham had to be moved to the North and Northwest Zones “in order to split up Islamic people and separate them” from their home base on the Mekong River. The reference in the telegram to the need to “ameliorate the atmosphere” in the Cham villages indicates that the forced transfer was in direct response to the Koh Phal rebellion in Kroch Chhmar District, which had occurred earlier that month.

DESTRUCTION OF CHAMS

775. The end result of these mass killings was the elimination of a substantial part of the Cham population of Kampong Cham. Of the Cham people who lived in the four known Cham villages of Kang Meas District during the DK period, only two survived. The Cham who had been evacuated from those villages to other areas at the outset of the DK period also appear to have been killed. In one of the four villages, Antung Sal, also known as Angkor Ban 1, of the over 600 Cham families who lived there in 1975, none remained at the end of the DK regime and only 30 families returned thereafter. In Sach So Village, of the 400 Cham families who were located there before the Khmer Rouge, only 50 survived the period and returned. Only 20 of the 200 Cham families in Pongro Village, Roka Koi Commune survived. As many as 10,000 Cham were executed at Wat O Trau Kuon Security Centre alone.
776. In Kroch Chhmar District, only 180 of the 1,864 Cham persons who lived in Koh Phal Village in 1975 survived the DK period, only 120 of the 1,240 Cham families from Svay Khleang survived, and only 500 of the 1,000 Cham families from Trea Village survived.
777. Of the over 158,000 people who were believed to have been killed in Kampong Cham Province during the DK period, approximately 74,000 of those people (almost 50% of the total deaths) were identified as “ethnic minorities.”

CRIMES AGAINST THE VIETNAMESE

INTRODUCTION

778. The following section examines the evidence relating to crimes committed against the Vietnamese ethnic group in Cambodia (and specifically within the provinces of Prey Veng and Svay Rieng), as well as to crimes committed against Vietnamese civilians and prisoners of war in the context of RAK / DK forces' incursions into Vietnam.
779. The Case File contains extensive evidence of the creation and implementation, from 1977 onward, of the CPK policy to annihilate all ethnic Vietnamese inhabitants in Cambodia. This policy followed mass forced deportations of ethnic Vietnamese from Cambodia, which the CPK leadership ordered and enforced as soon as they took power. These forced deportations resulted in a drastic reduction of Cambodia's Vietnamese population from approximately 200,000 to some 20,000. The policy of eliminating the remaining Vietnamese inhabitants led to an almost complete extermination of this ethnic group in Cambodia by the time CPK were removed from power. The crimes which took place in Prey Veng and Svay Rieng in pursuance of this policy followed the patterns taking place in other parts of the country, and involved mass killings of Vietnamese civilians who were sought out solely on the basis of their ethnicity.
780. The crimes committed by the RAK / DK forces during their incursions into Vietnam from 1975 onwards involved killings of civilians, including women and children, and extensive destruction of private property. In addition, hundreds of Vietnamese encountered during these incursions, including prisoners of war and civilians, were conveyed to S-21 where they were illegally imprisoned, tortured into confessing to crimes against the CPK regime, and executed.

ORIGINS OF THE VIETNAMESE ETHNIC GROUP IN CAMBODIA

781. The Vietnamese first emerged as an ethnic group in the Guangdong Province and Red River Delta areas of southern China thousands of years ago. Following a century of autonomy under the first Vietnamese kingdom (Nam Viet, emerging around 208 B.C), the Vietnamese were occupied by the Chinese Han dynasty for one thousand years. They founded an independent dynasty in 939 AD, attained full independence from the Chinese in 1427, and then retained their sovereignty until the French conquest in the

mid-1800s.

782. The Vietnamese gradually expanded their empire to the south of the so-called Indochina Peninsula, by taking control of new areas starting in the 15th century. These areas encompassed the region of today's Central Vietnam (previously part of the Champa kingdom), and, from the 17th century onward, large swathes of territory which had formed part of the Khmer empire. The latter included the Mekong Delta area in today's Southern Vietnam (home to the ethnic Khmer inhabitants known as Khmer Krom), as well as Prey Nokor (Ho Chi Min City / Saigon). This expansion was accompanied by a movement of Vietnamese colonists into the area.
783. The arrival of the Vietnamese in Cambodia itself is intertwined with periods of dominance over the country by both Vietnam and France in the 19th century. In the first half of the century, the Vietnamese maintained continued presence in Cambodia, at times exercising a significant degree of control over Cambodia's kings. A program of attempted Vietnamisation of Cambodia instituted by the emperor Minh Mang in the period 1834-1840 entailed further colonising of the country with Vietnamese immigrants.
784. The French established a protectorate in Cambodia in 1863. The new colonial administration discriminated against the ethnic Khmer population by providing economic and labour incentives as well as legal protections to ethnic Vietnamese, believing them to be more technically skilled. This culminated in a further influx of ethnic Vietnamese into Cambodia to fill positions in the colonial administration and provide manual labour.

THE VIETNAMESE AS A DISTINCT ETHNIC / NATIONAL GROUP IN CAMBODIA

785. The Vietnamese are a separate ethnic group in Cambodia, distinguished from other groups by traits such as physical features, language and customs. They have a lighter skin pigment and different facial features and body build from the ethnic Khmer. Their distinct cultural features include the Vietnamese language, a historical heritage and faith (Mahayana Buddhism) different from that of the Khmer group, as well as a different traditional dress and foods. Many Vietnamese groups in Cambodia are geographically concentrated, especially in floating villages around the Tonle Sap lake and in the areas bordering Vietnam, such as Prey Veng and Svay Rieng. In the

majority of villages with a substantial Vietnamese population there still exist separate Vietnamese schools staffed by Vietnamese-speaking teachers. Finally, from their original arrival in the country, and to the present day, the Vietnamese community has identified itself as a distinct ethnic group in Cambodia, and has been recognised as such by the mainstream Khmer society.

786. While there are no exact figures with respect to the size of ethnic minorities in the country at the beginning of the 1970s, the ethnic Vietnamese population in Cambodia as at 1970 has been estimated at around 400,000-450,000. The Khmer Republic government perceived Cambodia's Vietnamese as a security threat, massacring "many thousands," and deporting some 200,000. A further 34,000 ethnic Vietnamese resettled in Thailand during this period. In May 1975, within a month of taking power, the CPK leadership instituted a similar policy, ordering deportations of Vietnamese inhabitants which resulted in some 150,000 being deported to Vietnam by September 1975.
787. In the Kampong Chhnang province, around April 1975, the CPK military authorities relocated ethnic Vietnamese residing in towns and villages around the Tonle Sap River to various communes within Kampong Leaeng District, including Prey Kry, Peam Chhkauk, Kampong Haov, Brolay Meas, Plov Tuouk, Tro Ngerl, Svay Rompear, Dos Darl (Dar), Chranouk, Sam Rong Sen, and Pou Communes.
788. Then, from on or about June to September 1975, several thousand ethnic Vietnamese, who were initially transferred to communes in Kampong Leaeng District, were transferred to Vietnam. The first transfer, involving 400 Vietnamese families, occurred around mid-July 1975. Further deportations occurred after negotiation between the CPK and SRV authorities where ethnic Vietnamese persons were exchanged for salt and rice. In some instances, Vietnamese officials gave 20 kilograms of rice and 20 kilograms of salt to the CPK for each ethnic Vietnamese person who left Cambodia. At Chronlong Village, Dar Commune, the resistance of some Vietnamese to being deported to Vietnam resulted in the mass execution of 200-300 ethnic Vietnamese families.
789. Very few Vietnamese remained in Kampong Chhnang, mainly people in mixed Khmer-Vietnamese marriages. Those who remained in Kampong Chhnang in 1976 were subjected to a mixed marriage policy, designed to "eliminate the Vietnamese

root from the Cambodian population.” Under this policy, Khmer partners in mixed marriages were ordered to kill their ethnic Vietnamese spouses and any offspring from that marriage or face the death of their entire family.

790. The number of ethnic Vietnamese deported during CPK rule has been estimated at 150,000-200,000. Whilst precise demographic data about the remaining Vietnamese population in Cambodia following these events is not available, the best estimate of the size of the group as at the last quarter of 1975 is 20,000, the vast majority of whom the CPK exterminated by 1979.

CPK’S POLICY OF EXTERMINATING THE VIETNAMESE

791. The CPK’s policy of exterminating the Vietnamese in Cambodia evolved from the regime’s intense fear of Vietnamese domination of Cambodia, and its racist view of the Vietnamese people as a whole, as described below.
792. The leadership of the CPK argued that the expansion of the former Vietnamese empire, its domination of Cambodia in the 19th century, and the policies of Vietnamese communists in the 20th century all showed a consistent pattern of expansionist conduct on the part of the Vietnamese towards Cambodia. The CPK saw the establishment of the ICP, with a platform to create an Indochinese federation, as a mechanism to implement Vietnam’s centuries-old aim of taking complete control of the region and subjugating its peoples (including the Khmer race) to its authority. A crucial aspect of this supposed plan, as it related to Cambodia, was drastically increasing the number of Vietnamese inhabitants in the country. This resulted, according to the CPK, in the Vietnamese ethnic group making up 90% of the population in the Peam Chor District, Prey Veng Province. Citing Vietnamese attempts to populate areas along the Mekong and Bassac rivers, the CPK/DK official publication *Black Paper* claims that “[i]f measures had not been taken, they would have totally annexed the districts of Saang and Koh Thom.” As noted above, the CPK began arresting and deporting the Vietnamese living in Cambodia after taking power in 1975. By 1976, the CPK declared: “[T]he great typhoon of our democratic revolution swept hundreds of thousands of...foreigners clean and expelled them from our country, got them permanently out of our territory.”
793. The CPK argued that the mere existence of the Vietnamese ethnic group in Cambodia

represented a threat to the survival of the country and the Khmer race, to which the Party was determined to respond in the most severe manner. Departing from its earlier approach of primarily deporting the Vietnamese, from 1977 the CPK instituted a policy designed to completely annihilate the group within the country. The evidence of the ongoing process of seeking out and executing the Vietnamese throughout the country from this period onward confirms the determination on the part of the CPK to completely eradicate them.

794. To justify its policies, and radicalise cadres whom it used to execute these crimes, the CPK invented or exploited a range of cultural myths, racist stereotypes and derogatory labels associated with the Vietnamese – a process which has been described as “manufacturing difference.” Some of the myths and stereotypes were rooted in actual or perceived historical injustices, such as the mistreatment of the Khmer people and subjugation of Khmer rulers by the Vietnamese, Khmer rebellions against the Vietnamese, and emperor Minh Mang’s unsuccessful attempt to Vietnamise Cambodia (which, in addition to colonising Cambodia with the Vietnamese, sought to “civilise” the Khmer race and required Cambodians to adopt Vietnamese social, political and cultural norms).
795. The CPK imposed a view of the Khmer race as superior to the Vietnamese, and oversaw the extermination of the Vietnamese in Cambodia as a form of racial purification. As discussed below, this entailed, *inter alia*, killings of ethnic Vietnamese members of mixed families. So extreme was the intent to destroy any trace of the Vietnamese ethnicity in Cambodia that the regime even targeted members of the Khmer Krom group due to their association with Vietnam.
796. The CPK leadership also sought to dehumanise the Vietnamese, portray them as an evil “other,” and encourage intense hatred towards them. Using labels similar to those exploited to justify the targeting of Jews in the Nazi Germany, the CPK contrasted the pure Khmer revolutionary with the perfidious, deceptive and treacherous Vietnamese. It accused the Vietnamese ethnic group of having engaged in various types of violent, deceitful or immoral conduct against Cambodians, including:
- (1) raping Cambodian girls, arresting and killing Cambodian communist cadres, and committing mass atrocities such as burning Cambodian civilians alive

- (2) selling Vietnamese girls in order to achieve their annexationist ambitions, and sending their men to acquire Cambodia's lands through corruption
- (3) looting goods and food belonging to the Cambodian population
- (4) building their properties on Cambodian soil and gradually taking over Cambodian land
- (5) acting as masters "even worse than the French colonialists;" and
- (6) orchestrating assassination and coup d'état attempts against the CPK leadership.

797. In official CPK correspondence, the political training of its cadres, and in the regime's official statements from 1977 onward, the Vietnamese are referred to as "Yuon," a pejorative label which the regime claimed "is the name given by Kampuchea's people to the Vietnamese since the epoch of Angkor and [which] means 'savage.'" The CPK consistently described the Vietnamese as arrogant, aggressors, annexationists, expansionists, mouth-watering land swallows, a people "more ungrateful than crocodiles," and a nation against whom the Cambodian people foster a deep hatred.

IMPLEMENTATION OF THE VIETNAMESE POLICY

798. CPK internal communications, meeting minutes, propaganda, and other official documents contain consistent evidence of the creation and evolution of the regime's criminal policy referred to above. As noted in the Introduction, this policy evolved from one of deporting the Vietnamese in 1975-1977, to one of completely exterminating them in 1977-1979. The April 1977 issue of the *Revolutionary Flag* clearly reflects this shift: referring to the "territory-swallowing Yuon," the CPK leadership announced that "it is imperative to whip up the people to sweep more of them clean and make things permanently clean." By April 1978, the leaders were boasting about the campaign's successes: "And now, how about the Yuon? There are no Yuon in Kampuchean territory. Formerly there were nearly 1,000,000 of them. Now there is not one seed of them." The mass arrests and killings, however, continued, and the leadership kept close track of them: for example, an August 1978 monthly report from the Western Zone states: "[S]mashed 100 ethnic Yuons included small and big, adults and children."

799. There is evidence on the Case File of statistics of Vietnamese residents being compiled at village and district level, and of reports of arrests of the Vietnamese being prepared for the upper echelons. For example, a village deputy chief at Prey Nob Village in the Preah Sihanouk (Kampong Som) Province, who was in charge of compiling statistics, indicated that there were approximately 30 Vietnamese families living in his village. These statistics were sent to the District level, and in 1977, all of the recorded Vietnamese were arrested and executed at the Koh Khyang Security Office. A second witness from Kampong Som confirmed that statistics of Vietnamese residents living in the area were kept and used by the CPK to identify and arrest them.
800. Beyond the provinces under investigation (Prey Veng and Svay Rieng), the Case File also contains evidence of the arrests and executions of the Vietnamese in the Provinces of Kratie, Battambang, Kampong Chhnang, Kampot, Kampong Cham, Kampong Thom, Kandal, Pursat, and Siem Reap.
801. Killings of the ethnic Vietnamese in the Siem Reap Province were particularly extensive. A significant killing site in 1978 was Wat Khsach in Khsach Village, Sangveuy Subdistrict, Chikreng District. Vietnamese victims were transported to this site from other villages by ox cart and imprisoned in the pagoda's ceremonial hall. Before they were killed, soldiers would ask them if they were "Yuong" or Chinese. Redacted between 600 and 700 ethnic Vietnamese were killed at Wat Khsach in November 1978. On one occasion, between 70 and 80 Vietnamese were killed over the span of one hour by ten to twelve soldiers at this site. Another witness saw the killing of 100 Vietnamese over three or four different occasions, with 25 men, women, and children killed in one hour-long evening session. The adults were beaten to death with one meter long bamboo clubs, while the children were swung and beaten against a coconut tree. During these killings, the victims' gall bladders were removed, and hung out to dry. The victims were then thrown into a pit adjacent to Wat Khsach. Another nearby killing site was located at Tamban Andaung Nuon in the Chak Village. Ethnic Vietnamese were also arrested and killed at the Prey Pras Dam worksite.
802. Evidence of killings in other provinces includes the following:
- (1) killing of some 20 Vietnamese members of a work battalion in the Battambang

Province in 1976

- (2) killing of 30 Vietnamese families who lived in the Krapeu Tbaung Village, Battambang Province
 - (3) killing of 24 Vietnamese at Wat Kandal in the Battambang Province
 - (4) killings of numerous ethnic Vietnamese in the Kratie Province, including 37 members of one family, at the Koh Sraka Security Office; and
 - (5) use of Andaung Chroh in the Pursat Province as an execution centre for the Vietnamese.
803. The evolution of the regime's policy towards the Vietnamese was also reflected in DK's internal purges. For example, from 1977, S-21 gradually shifted its focus to supposed Vietnamese spies and sympathisers, so that most cadres who were tortured and executed at S-21 in 1978 were accused of collusion with Vietnam.
804. The Vietnamese were also the largest non-Khmer ethnic group among the victims of S-21, with some 345 prisoners identified as Vietnamese. The notebook of Mam Nai, S-21's interrogator who specialised in the torture and interrogation of Vietnamese prisoners, recalls the need to systematically interrogate "enemies" in order to find Vietnamese individuals and networks within the country.
805. As described in Purge of the East Zone Section, the massive purge of the East Zone in 1978 was driven, to a large extent, by the suspicion that the Zone leadership and senior cadres had been sympathetic towards, or colluded with, the Vietnamese. The cadres and population of the East Zone were described as having "Khmer bodies but Vietnamese minds," which, in the regime's eyes, justified their extermination.
806. The CPK policy towards the Vietnamese is also evidenced by their treatment of the Khmer Krom community in Bakan District, Pursat Province, part of Sector 7 of the Northwest Zone. A number of villages in Bakan district were inhabited predominantly by Khmer Krom, such as Rumlech village (then called Prey Chheu Teal) in Rumlech commune and Bak Mek village (then called Ses Nhoev) in Khnar Totung commune. During the DK period, many Khmer Krom were arrested and detained in security centres in this area, at which they were tortured, interrogated as to whether they were Vietnamese spies, and executed. In 1977 and 1978, mass executions of Khmer Krom

took place at various sites in Rumlech and Khnar Totung communes, including the Tuol Seh Nhauv pits and the Prey Krabau killing fields. Executions were conducted under the supervision and orders of [Redacted], after [Redacted] and [Redacted] had “instructed all cooperative chiefs in Bakan District to collect Khmer Kampuchea Krom people and [take them] to Khnar Toteung Cooperative.” The Khmer Krom in Bakan District were accused by the CPK of being a “Khmer body with a Vietnamese head” and killed because of their connection to the “Yuon.”

KILLINGS IN PREY VENG AND SVAY RIENG

807. Although there is substantial circumstantial evidence of systematic killings of the Vietnamese in the two provinces, as well as the devastating effect of that policy on the population, at the level of the crime base the judicial investigation has collected evidence of over twenty families being directly affected by the arrests, disappearances and killings in Prey Veng. As for Svay Rieng, evidence has been collected of four mixed race families with Cambodian fathers and Vietnamese mothers (or vice versa) being arrested and taken away.

PREY VENG

808. In 1975 and 1976, people of Vietnamese ancestry living in the Prey Veng Province were being forced to move to Vietnam. By late 1977 and the beginning of 1978, Vietnamese villagers including women and children of Vietnamese descent were arrested, collected and taken away to be killed.
809. The arrests and killings of Vietnamese families in Prey Veng were driven by the victims’ perceived ethnicity, as was the case in other provinces discussed above. The practices relating to killings of members of mixed families in Prey Veng illustrate this: “[I]f the mother was Vietnamese and the father was Cambodian, both mother and children would be taken away to be killed. Exception was made only to the father. If the mother was Cambodian and the father was Vietnamese, only the father was taken away to be killed. Exception was made to the mother and her children.” As described below, the same policy was implemented in Svay Rieng. Again, targeting of mixed families took place in other parts of the country: the North West Zone Secretary Ros Nhim wrote to Office 870 in May 1978, seeking Angkar’s instructions regarding “Yuon elements who have Cambodian husbands, Cambodian elements who have

Yuon wives, and the mixed race Yuon children.”

810. In one Prey Veng case a pregnant ethnic Vietnamese woman and her six children were taken away in a boat and killed, while her Khmer husband was spared. This is consistent with other accounts of arrests and killings of Vietnamese women and children, including cases in which all Vietnamese female members of mixed families and their children were arrested and transported to Veal Tauch (Prey Veng District), where they are believed to have been killed. In some cases, Khmer men married to Vietnamese women were themselves arrested and detained. The Case File also contains evidence of several cases of arrest and disappearance of ethnic Vietnamese husbands and fathers.
811. The effect of these arrests and disappearances on Khmer relatives is illustrated in several statements in which witnesses describe being afraid to express any emotions when their family members of Vietnamese origin were being arrested and taken away. In one case a man who showed compassion for his nephews who were taken away because of their partial Vietnamese ancestry was subjected to tempering and instructed not to show pity.
812. These arrests were made on the orders of the upper echelon and “reported from lower-level upward.” They were carried out by village militiamen or “people from the upper echelon” in co-operation with the village chief and the Prey Veng District Committee. To ensure that no villager accused of being a Vietnamese could be hidden, senior cadres remained in the villages for long periods of time. Some witnesses have also stated that the arrests were made subsequent to village meetings and registration of the Vietnamese populace.
813. The villagers believed to be Vietnamese were also taken away on the pretext of cutting “rattan vines” or “transplanting.” They were usually transported by boat or on a horse cart, the latter to Veal Touch, a killing field south of the security office at Wat Au Kandaol. Wat Au Kandaol was located between Au Kandol and Trapeang Pring villages in the Prey Veng District. Veal Tauch, located south of Wat Au Kandaol, was used as a killing field. One witness indicated that more than 900 bodies were exhumed from mass graves at Veal Tauch after 1979, and have been placed inside “Wat Veal Tauch.” It is not clear, however, whether all of these victims were Vietnamese as witnesses indicated that victims taken away to be killed at Veal Tauch

“were accused of treason, being Khmer Republic soldiers or Vietnamese.”

SVAY RIENG

814. At about the same time as these events in the Prey Veng Province occurred, ethnic Vietnamese were being arrested and killed in Svay Rieng. Redacted indicated that “[a]ny ethnic Vietnamese who had refused to go or who had disguised themselves as ethnic Khmer were arrested, taken away, and killed.” Just as in Prey Veng, there was a public announcement of the directive of killing Vietnamese husbands or Vietnamese wives and children in ethnically mixed families.

CRIMES COMMITTED IN THE ARMED CONFLICT WITH VIETNAM

OVERVIEW OF THE CRIMES

815. The Armed Conflict Section of this submission examines the evidence relating to the existence of an international armed conflict between DK and SRV. The following section deals with the evidence relating to the crimes against civilians and prisoners of war, as well as destruction of property, committed by DK forces during their incursions into Vietnamese territory.
816. On 4 May 1975, the Khmer Rouge attacked Phu Quoc Island (Kol Tral), and within days, the Tho Chu Island (Poulo Panjang or Koh Krachak Ses) in Vietnam. During the attack on Tho Chu, they evacuated five hundred Vietnamese inhabitants at gunpoint. These civilians were never seen again. Khmer Rouge soldiers also destroyed residences and killed a number of inhabitants in the course of this attack.
817. Starting in January 1977, and throughout 1977, DK forces carried out numerous incursions into Vietnam during which they committed extensive crimes against the local civilian population. In April 1977, division-sized RAK forces were sent to Ha Tien town, Kien Giang province, and to Chau Doc town, An Giang province, where they burnt houses and killed a substantial number of civilians. In May 1977, both towns were evacuated by the Vietnamese for a period of time as a safety precaution. In his 2007 book, **Khieu Samphan** confirms the evidence relating to these attacks, stating “[o]n 30 April, Khmer Rouge forces accompanied with artillery support entered Vietnamese territory, killed people, and heavy-handedly smashed villages.” Also, in this period, RAK attacked numerous villages across the border between Ha Tien and Chau Doc, including Tinh Bien (An Giang province), where one hundred

civilians were killed.

818. Shortly before the middle of 1977, DK troops massacred two hundred civilians, both Vietnamese and ethnic Khmers, in Prey Tameang village. They then attacked Ap Sase village (Kien Giang province), where they burnt down houses and killed approximately twenty people who were unable to escape. RAK carried out further attacks in September 1977, killing hundreds of civilians in Tay Ninh Province. Cambodian forces mobilised from locations such as the Kampong Chhnang Airport construction site advanced into Tay Ninh Province with the orders to kill every Vietnamese they encountered, military and civilian.
819. From January until March 1978, DK forces continued the incursions into Vietnam, with reports of attacks on Ha Tien, Naxia and Kylo in Kien Giang province. In March 1978, Prey Svay village in the Bay Nui mountain region in An Giang province, was burnt to the ground and only 30 percent of the population escaped forced transfer to DK. Buddhist monks from twenty Wats were kidnapped and forcibly defrocked. A month later, DK forces occupied Svay Chek village, An Giang province, and forced the three hundred Khmer families living in the village back into Cambodia. Attacks on areas of Vietnam, including Ha Tien in Kien Giang province, Hong Ngu in the Dong Thap Province, and the Seven Mountains area in An Giang Province, continued until the end of 1978.
820. Hundreds of Vietnamese civilians and soldiers were captured by DK forces during these incursions. They were transferred to S-21 for interrogation and eventual execution, as discussed in the S-21 Security Office Subsection. The S-21 Revised Prisoners List shows that, concurrently with the escalation of the conflict between DK and SRV, significant numbers of Vietnamese prisoners of war were brought to S-21. The 345 recorded Vietnamese victims at S-21 included 122 individuals recorded as prisoners of war and 70 civilians. The Vietnamese prisoners at S-21 were tortured and forced to confess to Vietnam's expansionist plans. Their confessions were then broadcast by the DK's propaganda machine and used as "evidence" confirming Vietnam's aggression against Cambodia.
821. While not part of the mass killing campaign inside Cambodia, the extensive atrocities against Vietnamese civilians do reinforce the evidence of the CPK's determination to exterminate as many Vietnamese as possible. In discussing the armed conflict, the

CPK leadership advocated a policy of destroying the entire Vietnamese nation by applying its “one against 30” principle: “In terms of numbers, one of us must kill 30 Vietnamese...We need only 2,000,000 troops to crush the 50,000,000 Vietnamese...We absolutely must implement the slogan of one against 30...This matter does not concern the armed forces alone.”

822. Evidence of the atrocities is also contained in an official report issued by the Vietnamese Army. According to the report, “[d]uring a period of almost two years, 1977-1978, [DK forces] committed massacres of villages all along [the] border that left more than 30,000 people dead or missing, and left 400,000 people homeless. [...]” The report describes a number of attacks, including one in which DK forces killed 1,000 civilians, “disembowelling them and cutting out their livers,” and another in which 9,000 civilians were killed in Tan Bien District (Tay Ninh province). For the period April 1975 until mid-1977, the report alleges that more than 2,000 RAK attacks were carried out against Vietnamese towns and villages.

EYE WITNESS EVIDENCE

823. Journalists visiting the areas in Vietnam which had been targeted in the above attacks were able to see the evidence of DK atrocities first hand. In early 1978, Nayan Chanda, who testified as an expert witness in Case 001, visited a number of towns and villages affected by the attacks. In the town of Tinh Bien, An Giang Province, where killings of at least 100 civilians by the DK forces had been documented, Chanda was able to see “scores of dead bodies” in open sight. He also visited An Phu village, An Giang province, where he saw destroyed houses and unburied bodies of men, women and children who had been killed “most brutally.”
824. In Tan Lap village, Tay Ninh province, Chanda observed rows of charred mud huts and interviewed a woman who had witnessed the Khmer Rouge executing large numbers of civilians. Seven of this woman’s eight family members had been killed. She and her brother survived by pretending to be dead under a pile of bodies. When he visited My Duc Commune, Kien Giang Province, Chanda saw 15 bodies of men, women and children and the staves which had been used to beat them to death. Describing the sight in his book, he stated: “One stave was stuck between the legs of a spread-eagled naked woman. Her children had been cut to pieces. A few bodies were headless; some were disembowelled.”

825. Another journalist visiting the Ha Tien area in March 1978 described incursions across the border by DK forces and reported seeing 35 bodies of dead civilians, noting that “women and children, including small babies, had been decapitated [and] [m]any had been tortured. Men had been castrated and poles were protruding from the bodies of women.”
826. [Redacted] testified that DK soldiers were ordered to burn houses down. [Redacted] indicated that, in accordance with the Brigade commander’s orders to “destroy and burn up everything,” DK troops burnt houses and military hospitals some 15-20 kilometres inside Vietnamese territory. They also captured Vietnamese men and women (mostly the latter) who were sent to Phnom Penh. [Redacted] described reports of Khmer Rouge soldiers grabbing children, throwing them into the air, and stabbing them to death with bayonets.

REPORTS OF CRIMES SUBMITTED TO CPK PARTY CENTRE, AND INTERNATIONAL REPORTING

827. As described in the Armed Conflict Section, the CPK Party Centre exercised command over the DK troops during the conflict with Vietnam and received regular reports from them. Several surviving RAK communications addressed to the senior leaders in Phnom Penh confirm the Army’s receipt of the Party Centre’s instructions to destroy the Vietnamese and / or report the capture, killing and slaughtering of the Vietnamese, as well as torching of Vietnamese residences. For example:
- (1) On 19 January 1978, Sao Phim reported that DK forces had penetrated two kilometres inside SRV where they had, *inter alia*, destroyed military barracks and civilian residences and killed people and “enemies.”
 - (2) On 14 February 1978, Son Sen sent a telegram to the Party Centre reporting the capture of “2 Yuon heads, ages 17 and 27” who were sent to S-21.
 - (3) On 8 April 1978, Son Sen reported that DK forces had carried out incursions into Vietnam’s Dong Thap Province where they had engaged in killing, looting and burning in the villages of Trapeang Pream and Than Chau.
828. The CPK Party Centre also received reports of the crimes being committed by its forces from the DK embassy in Hanoi. On 15 June 1977, the SRV government lodged a protest with Heng Sokh-Kheng *alias* Chhean, the DK Ambassador to Hanoi, in relation to DK attacks which had taken place on 14 June 1977. According to the

Vietnamese, DK forces had “carried out a coordinated storming attack against [Vietnamese] security posts, slaughtering and torching residences, bringing about enormous casualties.” Chhean further reported that “[t]he fact that the Kampuchean army committed such transgressions, slaughtering (sic), burning and smashing, is not something they are raising according to reports, but something for which there can be clear and irrefutable evidence. If I wanted to look at the photographs, he could make them available for me to view.”

829. On 20 July 1977, Chhean reported allegations of artillery barrages fired by DK forces into Vietnam’s An Giang Province between 16 and 18 July 1977 in which 30 people had been killed with 50 wounded and a large number of buildings destroyed. On 4 August, Chhean reported that a story was circulating amongst the diplomatic community in Hanoi that RAK was responsible for the killing of 1,000 civilians at Ha Tien, Kien Giang province. On 30 August 1977, Chhean reported allegations of incursions into An Giang, Kien Giang, Long An and Tay Ninh Provinces in Vietnam, in which DK troops had killed civilians and torched property including dwellings and food stocks.
830. In a telegram apparently sent in December 1977, the embassy in Hanoi reported further allegations of DK incursions into SRV territory which had taken place in September 1977. These incursions involved an attack in the Tay Ninh Province where more than 1,000 people were killed. The telegram also referred to allegations that DK forces were six kilometres inside SRV territory in Ben Hoa Province, and had carried out incursions into Kien Giang, Gia Lai, and Kon Tum Provinces.
831. Between 4 and 11 January 1978, international press reported that DK forces had mounted attacks into SRV in areas from Kontum Province in the north to An Giang Province in the south, with two divisions being involved in an attack on An Giang Province alone. The Hanoi Home Service reported that on 18 January 1978 the DK forces opened fire on Ha Tien and nearby villages.
832. In January 1978, international media also reported Hanoi’s claims that thousands of Vietnamese were killed and wounded in the RAK attacks, while thousands of others had been forced to leave their homes which had been destroyed. In April 1978, international media reported a statement by Vietnam’s Ambassador to Sri Lanka that, as a result of RAK attacks, “[w]omen [were] raped and old men and children [were]

beheaded and barbarous atrocities [were] committed against innocent Vietnamese civilians,” by the Cambodian soldiers.

833. Vietnam’s attempts to prevent the conflict from escalating and find a political solution to it were ultimately unsuccessful due to the extent of the atrocities committed by DK’s forces in Vietnam and the local population’s demands for protection.

E. KNOWLEDGE OF CRIMES

OVERVIEW

834. The Charged Persons' knowledge of the Crimes arising out of the Criminal Events alleged in this Submission is evidenced by their participation in a well planned and highly organised joint criminal enterprise to commit them. However, additional evidence of their knowledge of these Crimes occurring before, during and after their commission can be seen in continuous and contemporaneous reporting of these Crimes in documents produced within DK and internationally. *DK documents* providing notice of these Crimes include public statements made by the Charged Persons or CPK authorities on their behalf, regular reports through which the senior leaders of the regime were informed about crimes taking place throughout the country, and reports of Charged Persons' visits to various parts of the country and meetings with other leaders. *International documents* providing notice of these Crimes include governmental, intergovernmental and non-governmental organisations reports and international media reports. These organisations reports included media reports which were regularly monitored by the CPK leaders. In many cases, the regime responded to those reports, further confirming the CPK senior leaders' knowledge of these Crimes.
835. As will be further argued in the Legal Characterisation Chapter of this Submission, such continuous, credible and consistent receipt of information about the criminal events taking place contemporaneously throughout the country put the Charged Persons on notice of the crimes, and placed them under an obligation to take further steps to investigate. Examples of the various types of documents that put the Charged Persons on notice of the crimes are described below.

DK DOCUMENTS

INTRA-GOVERNMENTAL COMMUNICATIONS

REPORTS FROM ZONES, MILITARY DIVISIONS AND MINISTRIES

836. Contrary to assertions made to this Court and in other public statements, the senior leaders of the CPK received regular detailed reports from DK government and military units throughout the country on security, economic and health issues,

including the arrest, detention, interrogation and smashing of external and internal enemies, rice production, food and medicine shortages and the construction of dams, canals and reservoirs. There were three principal methods by which the Party Centre was informed of the events taking place throughout DK, including the crimes that are the subject of Case 002: (1) meetings, primarily held at the senior leaders' offices in Phnom Penh; (2) weekly and monthly written reports; and (3) daily telegrams.

MEETINGS

837. The Party Centre held regular meetings with Zone and Sector leaders to discuss the situation in their regions. Those meetings were usually held at either K-1 or K-3, and attended by Pol Pot, **Nuon Chea**, **Ieng Sary** and **Khieu Samphan**. In addition, zone secretaries were also invited to regular meetings of the Council of Ministers chaired by Pol Pot to justify their actions and be given "instructions." Also, the senior CPK leaders located in Phnom Penh frequently travelled to the provinces to meet with Zone and Sector leaders and observe conditions in their regions.
838. One such meeting at which regional CPK leaders reported to the Party Centre was the 8 March 1976 Standing Committee meeting on "base work," which was attended by Pol Pot, **Nuon Chea** and **Khieu Samphan**. The meeting included a report from Sectors 103 and 106 and the North Zone, represented by Comrades Sreng (Deputy Secretary of the North Zone), Sot (Sector 106 Secretary) and Hâng (Sector 103 Secretary), on the "enemy situation" and arrests of various persons in the region (including one group of 34 persons arrested by Zone military), rice harvests and the status of "major work sites." The Standing Committee was informed that in Sector 106, many people were sick and there had been outbreaks of cholera and chicken pox, resulting in "a loss of 40 percent of the labour force." Sector 103 also reported that many of the people at its work sites were ill and had fevers, and that over 100 people had been arrested in the Sector since January. Instructions were requested from Angkar on what to do with a group of five to six people who had attempted to flee to Vietnam. In response, the Standing Committee instructed that those persons were to be detained at one site and interrogated, and the results "report[ed] to upper echelon along with a case file."

WEEKLY AND MONTHLY REPORTS

839. At the same 8 March 1976 Standing Committee meeting discussed above, the CPK

senior leaders proposed “reporting to the Standing Committee every week” on the rice and dyke situation, including “general reports,” “reports through various spearheads” and “short reports by telegram,” so that “the Standing Committee knows the situation in order to provide timely instructions.” Later that month, the CPK Central Committee established a “regime of weekly reporting to Office 870,” one of the purposes of which was to “follow-up on plans closely and resolve problems in a timely manner in the goal of three tons per hectare.”

840. Pursuant to this directive, Zone offices prepared weekly and monthly reports to Office 870 on the situations in their regions. These reports included detailed information down to the sub-district level, as CPK commune leaders would submit written reports to their District Secretary, who would assemble that information and report to the Sector Secretary, who would then report to the Zone Secretary. An example of a Zone office’s use of information obtained from Sector reports can be seen in the Northwest Zone monthly report for May 1977, which directly incorporates information that was reported to the Zone Office by Sector 5 in a 21 May 1977 written report. Matters relating to security offices were included in such reports, including copies of confessions. A standard section in most reports described the “enemy situation” for both external and internal enemies (sometimes referred to as “hidden enemies burrowing from within”), reporting on enemy activities and the arrest, detention, interrogation and smashing of such enemies. Written reports from the Zones were delivered to K-7, the messenger office for the Party Centre, and then circulated to Pol Pot, **Nuon Chea**, **Khieu Samphan** and **Ieng Sary**.
841. Notwithstanding the widespread destruction of documentary evidence by the CPK, the Case File still includes examples of such reports to the Party Centre from the West Zone (M-401), Southwest Zone, Central (old North) Zone, new North Zone (M-801), Northeast Zone, Northwest Zone (M-560), East Zone and Sectors 105 and 505 (autonomous sectors that reported directly to the Standing Committee).
842. The military divisions of the RAK also submitted regular reports to Son Sen *alias* Khieu *alias* Brother 89, a member of the Standing Committee who served as Chief of the General Staff. The Case File includes examples of such reports from Divisions 164, 170, 310, 450, 502, 703, 801 and 920, and Regiments 152 and 488. Son Sen regularly sent documents and telegrams to Pol Pot and **Nuon Chea**, including copies

of reports Son Sen had received from the military divisions that reported to him. Son Sen also reported on these matters at meetings of the CPK Standing Committee. The General Staff cadre in charge of communications with the divisions has testified that Son Sen went to K-1 every day to work with the other CPK leaders, and that “every matter” reported to Son Sen and the General Staff was reported to Angkar.

843. Office 870 received similar written reports from the heads of DK Ministries and other government units, and the senior cadres at such Ministries would also meet with the CPK Standing Committee to report on the situation at their ministry. The Case File includes examples of such reports to Angkar from the Ministry of Commerce and the Sea Fishery Section.

TELEGRAMS

844. Telegrams were used to transmit shorter reports and to notify the Party Centre of matters of more immediate importance. The subjects of telegrams included reports on military encounters with Vietnamese forces, requests for supplies or “internal matters” such as “problems with the people or the army,” which sought “directives” from the CPK leaders and “measures” to deal with enemy situations. Telegrams from the Zone offices to Office 870 were sent each day at regularly scheduled times, using a standard format established by the Party Centre.
845. Coded telegrams received from the Zones were first sent to the translation section at K-1 to be decoded, and then were typed and delivered to the senior CPK leaders. Pon and The, who were in charge of the telegram section, would annotate or type on the documents which CPK leaders were to receive copies of the telegram. In general, “telegrams had to be copied to all leaders,” that is all members of the Standing Committee, though in some cases the telegram would only be sent to “the relevant persons who were responsible for making a response.” Carbon paper was used to type four to five copies of each telegram. Telegrams were delivered from the telegraph office to Pol Pot at K-1 two or three times a day. After they were read by Pol Pot, the telegrams were delivered to **Nuon Chea**. Copies of telegrams were also sent by messenger to **Ieng Sary** and **Khieu Samphan**’s offices. Copies to “Documentation” or “Archive” were kept at Pon’s telegram office at K-1 and filed in bookcases with different drawers for Sectors and Zones, while copies to “Office” were kept by Office 870 at **Khieu Samphan**’s office.

846. Telegrams were also a regular method used by the Party Centre to send directives or instructions to the Zones and Sectors.

SUBJECT MATTERS REPORTED TO CPK SENIOR LEADERS

847. Through the reports and telegrams sent to Office 870 or members of the Standing Committee, the senior leaders of the CPK were kept regularly informed of the following matters taking place throughout the country:
848. Arrests and detention of alleged “enemies” by Zones, Sectors, Districts and Military Divisions. Reports to the CPK leaders specifically discussed “enemy activities” in that region (or unit) and the “measures” taken to deal with those matters, including the arrest and detention of such persons in security or re-education offices. For example, a 2 April 1976 report from the Central Zone Secretary to Pol Pot, copied to **Nuon Chea**, discussed the activities of “former soldiers in combination with the Cham and former cooperative team chairmen,” and reported that the Zone had taken measures and “instructed the Sectors to concentrate on tracking down these activities,” that some “elements” had been captured and that additional measures would be taken to identify their “agents imbedded inside.” A 25 November 1976 report from Division 801 to Son Sen reported on a purported network of enemies in Regiment 83, whose activities primarily consisted of criticising the CPK revolution, and proposed as “organisational measures” that it was “absolutely imperative to arrest anyone suspected of being an enemy,” and that any persons with “political tendencies” who were either “in opposition” to the revolution or “inactive” were to be “removed and placed in concentration.” On 20 May 1977, the West Zone reported on “actions to sweep clean contemptible traitors within the ranks,” identifying specific Sector cadres who had been sent to S-21 and other “elements that are suspected of paralysis or treason, but in a minor way,” who were being detained “in one location for surveillance and education.” A 6 November 1977 report from the Northwest Zone, copied to **Nuon Chea** and **Ieng Sary**, described various enemy situations and stated that the Sectors were “going all out to find more enemy apparatuses.”
849. On 10 January 1978, one week after the arrest of Sector 103 Secretary Hâng, the North Zone Secretary reported to Committee 870 (including **Nuon Chea** and **Ieng Sary**) that enemies had infiltrated “from the sector, district to the commune,” and that he would be going to work at Sector 103 and would “send more crocodiles to the

organization.” Two months later, a report from the North Zone Secretary stated that they had “systematically purged” enemies associated with former “policemen, soldiers and government officials” and “New People,” and that they planned “to arrest more people.” On 10 April 1978, the North Zone Secretary referred to the prior arrests of Secretary “Hâng and all of his henchmen in Chaom Ksan district and in Sector 103 military,” and reported that they were “continuing to purge the remaining group continuously, including those who oppose our revolution.”

850. Interrogations of detained persons. Communications to the Party Centre frequently referred to interrogations of detainees and the information that had been obtained from their confessions or “responses,” including the identification of other implicated persons. A 3 March 1976 report from the Secretary of Division 920 to Son Sen, copied to **Ieng Sary**, stated that “five people with bad elements” had been arrested and were being interrogated, and that a “file” on the case would be sent later. A 21 March 1976 telegram from the East Zone to Pol Pot, copied to **Nuon Chea** and **Ieng Sary**, described the capture and interrogation of an “agent” who had thrown a grenade into a paddy dyke: “we beat him up during interrogation about his organisational links and got on to more than 20 more of them in the grassroots of Preah Sdach district.” A 24 March 1977 report on the Northeast Zone described in detail the results of the interrogation of a local cadre connected to a District Secretary who had recently been detained at S-21. In cases in which the interrogated person was being transferred to the Party Centre or S-21, copies of their confession would be sent to K-7 along with the detainee.
851. Executions – i.e. “smashing” or “sweeping cleanly away” enemies and traitors. An 18 July 1976 telegram from Sector 103 Secretary Hâng to Pol Pot, copied to **Nuon Chea** and **Ieng Sary**, discussed a group who had “attacked the Communist regime for eliminating tradition, for non-stop work, and for rationing rice,” and reported that these persons were “links” of two traitors “who were already smashed, as previously reported.” A 29 March 1977 report on the Northeast Zone from the Division 801 Secretary stated that enemies who had been arrested by the military unit and delivered to Sector 101 were being killed “right away without interrogating properly before hand, in order to find out the enemy network.” On 19 March 1978, Sector 22 reported to Office 870 regarding a group of 30 armed people in Mukh Kampul District who had been stealing food. Office 870 responded the following day, authorising the

regional cadres to “take any measure” to deal with those enemies. In its monthly report for July 1978, the West Zone reported that in Sector 37 it had “smashed 100 ethnic Yuons includ[ing] small and big, adults and children” and 60 persons who were CIA “hiding in the units and cooperatives.” These actions were taken in furtherance of “the Party’s assignment line to routinely remove, screen, and sweep clean” enemies of Angkar.

852. Rice production and food shortages. The May 1977 report from the Northwest Zone advised Angkar that “most” of the Base People were only receiving “thin rice soup” (gruel), and that the people in Sectors 1, 2, 4, 6 and 7 were “the most needy.” One year later, the food supply situation in the Northwest Zone had not improved, as the Zone Office reported on 11 May 1978 that rice supplied to Sector 5 had already run out and that Sectors 1 and 4 would be out of rice by the following month. A 24 December 1977 telegram from the East Zone Secretary to Pol Pot, copied to **Nuon Chea** and **Ieng Sary**, “urgently” requested Angkar to provide rice as their “daily food rations [were] totally expended.” A similar telegram on 31 December 1977 reported that a “large number of cooperative people and workers” in Chhlong and Krouch Chhmar were facing food shortages because of the military situation in that area.
853. Poor health conditions and shortages of medicine. On 3 June 1977, the Southwest Zone reported that “in Kampot, Kampong Speu and Takeo Province, the people have got cholera, and some people died.” A 17 May 1978 report from the Northwest Zone Secretary stated that he could not receive treatment for a condition because “the medic is a young one who has only studied how to monitor blood pressure and give injections.” On 16 July 1978, the West Zone reported that people in some bases had “fever, diarrhoea and swelling,” and that in Sector 37 more people were sick than the prior month because they had been required to “work harder every day” under heavy rain, transplanting rice.
854. Construction of dams, canals and reservoirs. The Zones regularly reported on the status of the dams, dykes and other large-scale forced labour projects that had been directed by the Party Centre. For example, a 2 April 1976 report from the Central Zone stated that “brothers and sisters throughout the Zone, both young and old, are vigorously on the offensive building the new rice field dyke system according to the goals set by Angkar.” However, the report also stated that there was widespread

“fever and diarrhoea” due to people “working and overheating,” hence the Zone Secretary raised the possibility of “reducing work hours.” A 10 April 1978 report from the North Zone, copied to **Nuon Chea** and **Ieng Sary**, indicated that at dam worksites “productivity is 2 to 3 times faster than that in 77,” though “many people” had “become sick since this season is too hot.”

855. Efforts to increase the population by forced marriages. On 16 July 1978, the West Zone office reported to Angkar that “10 new families have been created in District 26, Sector 32.” Information was not then available on Sectors 31 and 37. In its monthly report for July 1978, the West Zone reported that in Sector 32 that month, 185 persons were born, 121 had died, and 42 couples were married.
856. Armed conflict with Vietnam. A 6 November 1977 report from the East Zone indicated that a meeting of “all military cadre from all zones, sectors and districts” had been held the day before to disseminate instructions from Angkar “on the attack against the enemy invasion into our territory,” and reported that the subsequent military operation near Trapeang Phlong had been successful.

CPK PUBLICATIONS AND RADIO BROADCASTS

857. The CPK’s monthly publications *Revolutionary Flag* and *Revolutionary Youth* also contained statements confirming the CPK senior leaders’ knowledge of crimes. For example, the July 1975 issue of *Revolutionary Youth* described the evacuation of Phnom Penh as necessary to “prevent uncontrollable ideological contamination of the revolutionary ranks.” The publications regularly discussed the use of huge amounts of manpower to produce three to six tons of rice per hectare and to develop reservoirs, canals, and paddy dyke systems. They referred to the use of child and elderly labour, the reliance on manual labour as opposed to mechanisation and on working days and nights. Numerous issues acknowledged the existence of food and water shortages. The publications made direct references to previous purges and purification of the Party structure, and directed cadres to smash and sweep clean the Yuon enemy.
858. Radio broadcasts by the DK regime over its radio station, Phnom Penh Domestic Service (also referred to as Phnom Penh Home Service) also demonstrate the DK senior leaders’ awareness of various crimes. For example, numerous “confessions” of Vietnamese prisoners of war who had been subjected to torture and executed at S-21

were broadcast via the Phnom Penh Domestic Service.

SPEECHES AND INTERVIEWS

859. Numerous speeches by, and interviews with, senior leaders of the regime indicate their direct knowledge of the crimes, including the forced evacuation of the cities and confinement of civilians to cooperatives and worksites, the use of forced labour, and the policy of purging enemies, which was being vigorously implemented at all levels and in all parts of the country on the Party Centre's instructions.
860. For example, in a 1977 interview, **Ieng Sary** confirmed that all major population centres in Cambodia had been evacuated in 1975, and acknowledged that at least 2,000 to 3,000 people died in the evacuation of Phnom Penh alone. **Khieu Samphan** acknowledged in 1977 that in 1975 there were food shortages and that the civilian population suffered various hardships. He also acknowledged that, as part of the regime's massive construction projects, no machines were being used, and that human power was solely relied upon. He indicated that "as many as 10,000, 20,000 or even 30,000 workers," were being used to build reservoirs, dams, and canals.
861. **Ieng Thirith** delivered speeches in 1975 to party cadres during political indoctrination sessions in which she fully endorsed and justified the evacuation of the cities, the establishment of cooperatives in the countryside to receive the evacuees, and the abolition of money as a tool against the capitalists, imperialists, individualists and against agents attempting to carry out sabotage endangering the new power. In 1977, **Ieng Thirith** also delivered speeches to foreign delegations during which she notably described the Cambodian women as collectivist workers participating to build field embankment networks, dams, irrigation canals, ditches and reservoirs and praised Cambodian people and RAK for having "countered many enemy tricks, [and] destroyed their espionage network."
862. The leaders' speeches also confirmed their awareness of the organised efforts to purge and eliminate all enemies of the CPK. The speeches stressed, for example, the importance of strengthening internal defences at all costs by enhancing revolutionary vigilance and crushing enemies of all kinds, and the need for re-education and reorientation within the party. In the 1977 speech referred to above, **Khieu Samphan** stated: "we must wipe out the enemy in our capacity as masters of the situation,

following the lines of domestic policy, foreign policy and military policy of our revolutionary organization,” and that this task “must be done neatly and thoroughly.” In an interview with the Belgium Cambodia Association published by the Phnom Penh Domestic Service, Pol Pot acknowledged that security organisations and agencies existed, and that they were assisted by the army.

863. These are examples of high-level statements of a Party Centre policy that was being implemented in security offices, worksites, and military and administrative units throughout the country. This policy was being implemented, for example, at S-21, where it was used as part of the political training of the cadres who carried out torture and executions of the regime’s “enemies.”

INTERNATIONAL DOCUMENTS

GOVERNMENTS, INTERGOVERNMENTAL AND NONGOVERNMENTAL ORGANISATIONS

864. Foreign governments, intergovernmental organisations, and nongovernmental organisations issued numerous public condemnations of the DK regime’s crimes during the period under investigation. As early as May 1975, United States President Gerald Ford was “deeply bothered” by the evidence of mass executions by the DK regime, particularly the executions of former government officials, including their wives. Secretary of State Henry Kissinger stated in May 1975 that the United States would not immediately recognise the DK regime because “we know that in Cambodia very tragic and inhuman and impoverished things are going on.” He also voiced his concerns about the widespread exodus from Phnom Penh and other cities, starvation within the country, and executions by the DK regime. United States President Jimmy Carter dubbed the DK regime as the “worst violator of human rights,” disapproving of the regime’s “reign of terror,” referring to a slaughter of some one million Cambodians. United States Deputy Secretary of State Warren Christopher in early 1978 accused Cambodia’s government of perpetrating one of the “most flagrant and massive abuses of human rights to be found in the world today.” Even Lon Nol’s reactions to the DK regime’s crimes, including mass killings and the execution of his own brother, and pleas for military intervention, were published by the media.
865. Numerous diplomatic measures were taken against the DK regime between 1975 and

1979. In mid-1977, the World Bank restricted loans to DK due to its flagrant human rights violations. Burma and the United States restricted development aid to Cambodia for the same reasons, the United States labelling Pol Pot as “a despot who has inflicted death and misery and...a brutal ruler.” On 24 October 1977 the United Kingdom notified the DK regime of its refusal to appoint an ambassador to Cambodia because the events there were “as serious as Stalin’s repression of the kulaks and Hitler’s liquidation of the Jews,” further indicating these abuses would likely be raised at the upcoming UN Human Rights Commission. In 1978, some 80 United States Senators rallied for an international military coalition to topple the DK regime, also appealing to the UN Security Council on the legal question of genocide and military intervention. In 1977 the Canadian Parliament passed a resolution condemning the deaths of two million people in Cambodia.

866. The situation in Cambodia was extensively discussed at the UN, particularly at the 31st Session of the Human Rights Council’s Sub-Commission on the Prevention of Discrimination and Protection of Minorities, during which numerous countries submitted their reports on events in Cambodia. The United States’ submission disclosed interviews with numerous Cambodian refugees in Thailand, who described life under the DK regime, including allegations of forced movement and labour, executions of families, and purges of members of the former Khmer Republic regime. Canada’s submission, which also presented refugee accounts, reported the DK regime’s violation of the Universal Declaration of Human Rights through practices of arrests, torture, executions, purges of former Khmer Republic regime officials, and religious persecution, among other violations. The United Kingdom’s submission detailed forced movements from Phnom Penh, executions, and purges of former Khmer Republic regime officials, and gave detailed refugee accounts of forced labour, arrests, and inhumane living conditions within the country. The submission of the Government of Norway presented accounts of refugees and experts, alleging, *inter alia*, arrests, the existence of security centres, killings, forced movement, forced labour, inhumane living conditions including starvation and disease, purges, and destruction of cultural property.
867. **Ieng Sary**, representing the DK regime, responded to these allegations in a note to the UN Secretary General, which was disseminated to the UN and all Member States, describing these complaints against the DK regime as “slander and denigration of

Democratic Kampuchea” by the “propaganda machine of the imperialists, expansionists and annexationists.”

868. Amnesty International (‘AI’) reported widespread executions in Cambodia, including those of the seven “super-traitors” from the former Khmer Republic regime, as early as 1976. As indicated in a letter dated 28 February 1977, AI had sent an initial letter to the DK regime on 11 May 1976, expressing its concerns about allegations of crimes taking place in the country. The regime failed to reply to the initial letter. In the 28 February 1977 letter addressed to **Khieu Samphan**, the organisation called on the regime to comment on the human rights situation in the country, and in particular on a case involving 26 refugees sent from Thailand back to Cambodia. This letter also sought to bring to the attention of the regime continuous reports of threats of brutality by DK authorities and of suspected “enemies” being transferred to undisclosed locations, as well as evidence of summary executions, and inhumane conditions, including starvation and lack of medicine. Like the first letter, this letter went unanswered by the regime.
869. In 1978, AI again appealed to the DK regime to respond to allegations of large scale killings of more than 100,000 Cambodians, executions of former Khmer Republic officials, and forced movement. AI also wrote to the UN Human Rights Commission in August 1978, pointing out evidence of inhumane treatment, religious persecution, arrests, disappearances, executions and purges of CPK cadres, welcoming any steps by the DK regime to allow independent observers to investigate human rights abuses, and to set up mechanisms aimed at protecting human rights in Cambodia. This report also cited various statements by the DK regime, including a September 1977 statement by Pol Pot that reactionary elements, comprising one to two percent of the population, should be educated, neutralised, or eradicated.

INTERNATIONAL MEDIA

870. The Case File contains evidence of continuous coverage of the events in Cambodia in 1975 – 1979 by various news organisations, particularly those from the United States, such as the *New York Times*, the *Los Angeles Times*, the *Washington Post*, the *Chicago Tribune*, and *Newsweek*. Other foreign and international media sources that covered events in Cambodia included the British Broadcasting Corporation, *Le Monde*, Reuters, the *Far Eastern Economic Review*, the *Bangkok Post*, the *Straits*

Times, and the *Hong Kong Standard*.

871. These publications reported evidence of various crimes committed by the DK regime, including killings of civilians and former Khmer Republic officials, purges of CPK cadres, arrests, torture, forced movement, forced labour, inhumane living conditions, and destruction of cultural property such as Buddhist temples. The *Wall Street Journal*, for example, reported in April 1976 that mistreatment of people through forced marches, labour, and widespread killings had resulted in 800,000 deaths. The *Washington Post* described the April 1975 forced marches out of Phnom Penh as “death marches.” A *Los Angeles Times* report from 1978 indicates that executions were the routine form of punishment for the most minor offenses, such as complaining or being late for work. A 1978 *Washington Post* article referred to the Cambodian revolution as the “bloodiest of the century.” The DK regime was commonly referred to as the worst violator of human rights in the world and barbarians, while the situation in Cambodia was repeatedly called a “bloodbath” and compared to the Jewish Holocaust in Nazi Germany. Cambodia was dubbed a “land of concentration camps.” The media also widely reported the existence of the international armed conflict with Vietnam in 1977 and 1978.
872. These news reports are consistent with media publications issued prior to April 1975, which evidenced patterns of CPK conduct consistent with those taking place on and after 17 April 1975. For example, a Lao newspaper article from 10 August 1974 indicates the Khmer Rouge forbade rural youth from obeying holy orders, and reported executions of those who continued to respect Prince Sihanouk. The Khmer Rouge’s consistent refusals to negotiate with the Khmer Republic regime during a civil war which claimed the lives or limbs of hundreds of thousands of people, turning half the country into refugees, was reported by the *New York Times* in December 1974. The Khmer Rouge’s continued rocket and shelling attacks on Phnom Penh were reported on 11 March 1975. Finally, a press summary dated 12 March 1975 indicated that, if they were resisted, the Khmer Rouge would make a bloodbath in Phnom Penh.

MONITORING OF MEDIA AND RESPONSES BY CPK

873. The evidence on the Case File shows that the leadership of the CPK, including the Charged Persons, was aware of the international reporting on the crimes taking place

in Cambodia. This is obvious both from the monitoring systems put in place by the regime, and from the regime's responses.

874. Within the regime, the Ministry of Propaganda was mandated with monitoring all outside news related to the DK regime at all hours. The purpose of this monitoring was to assist the DK regime in responding in a timely fashion. Meeting minutes of the Standing Committee indicated that these reports, including Ministry of Propaganda's analyses and suggestions for response, were to be delivered to the Standing Committee daily at 5:15 pm by a personal messenger of Angkar. The minutes indicate that particularly important news was to be reported immediately by telephone to the Standing Committee.
875. The CPK leadership responded to the international condemnation of its actions, challenging the sources' supposed imperialist motives, and claiming that other countries had no right to pass judgment on DK. In a speech before the UN General Assembly, **Ieng Sary** condemned "slander" against the DK regime by the "imperialists." Similarly, in a 1977 interview, he denied mass killings of members of the former Khmer Republic regime, but confirmed the abolition of money, personal property and newspapers, adding that "whatever is said about us abroad... 'does not count.'" Pol Pot denied the existence of forced labour in an interview published by the Phnom Penh Home Service. In a 30 June 1975 broadcast, the Domestic Service refuted allegations that two French citizens and one Australian citizen were killed by the CPK, as well as allegations of mass killings, reported by the international media.
876. The CPK leadership's reactions to external criticism were reported by the international media. For example, the *Los Angeles Times* reported that, according to the DK regime, the evacuation of the population from urban centres was planned in advance. Similarly, Reuters, *Le Monde*, and the *Los Angeles Times* reported in mid-1978 that, according to **Ieng Sary**, the CPK's decision to evacuate the cities was temporary. Other outlets reported the regime's denial of massive human rights violations, claiming these reports were false and created to defame the DK. The *Washington Post* and *Bangkok Post* reported **Ieng Sary**'s confirmation of the executions of two former Khmer Republic officials.
877. At least one article contains **Ieng Sary**'s acknowledgement that the DK regime ordered the forced movement from the cities, had knowledge of food shortages, and

of the closing of borders. A February 1977 report of London's *The Daily Telegraph* disclosed that the DK regime accepted responsibility for the massacre of 29 unarmed civilians, adding that "unquestionably mass slaughter has been the primary means chosen by the Cambodians to 'arrange internal affairs'" of the country. The *Hong Kong Standard* indicated that **Ieng Sary** refuted the 1977 human rights complaint made by Great Britain to the UN Human Rights Commission. The *Wall Street Journal* reported condemnation of the Vietnamese invasion by **Khieu Samphan** and **Ieng Sary**.

F. ROLE OF THE CHARGED PERSONS

NUON CHEA

OVERVIEW

878. The following section summarises **Nuon Chea's** participation in, and criminal responsibility for, the crimes under investigation.
879. **Nuon Chea** played an integral role in the development, direction and implementation of the joint criminal enterprise, having been part of the Khmer Rouge since its inception. Active in the communist movement since 1946, **Nuon Chea** was instrumental in the advancement of the KPRP, later known as the WPK and the CPK, and developed its strategic lines as the Deputy Secretary of the Party alongside Saloth Sar. From 1963 to 1970, he had primary responsibility for the Party's operations across most of Cambodia. He also took command of the Party headquarters in Ratanakiri between 1969 and 1970 in Saloth Sar's absence. **Nuon Chea's** prominence in the pre-DK CPK leadership was reflected by his appointment at the Third Party Congress in 1971 as Deputy Secretary and one of only four Standing Committee members.
880. **Nuon Chea** was the second-highest ranking cadre in the CPK, second only to Pol Pot. He retained his position as Deputy Secretary of the CPK Central and Standing Committees throughout the DK regime, resulting in his direct participation across the breadth of the CPK's activities. As the primary person charged with the responsibility for "Party affairs," **Nuon Chea** directed and participated in the indoctrination, punishment and purges of CPK cadres. He assumed significant responsibility for security matters across DK, with regional leaders and S-21 reporting directly to him. He was also a member of the CPK Military Committee and the Chairman of the Standing Committee of the CPK's purported legislative body, the PRA, and actively participated in the key meetings in which the CPK formulated its policies.
881. The acts upon which **Nuon Chea's** criminal responsibility for the crimes under investigation is based include (but are not limited to): attending and contributing to the meetings of the CPK Standing and Central Committee at which the joint criminal enterprise was discussed, reports on its progress received, and further directives issued; ordering and instigating the crimes through, *inter alia*, his public speeches,

political indoctrination and tempering of cadres and intellectuals; planning and participating in specific criminal acts such as the forced evacuation of Phnom Penh and the forced transfer to the Northwest Zone; approving and overseeing the enforcement of policies of forced labour and forced marriage in his role as a member of the CPK Standing Committee; advising on and ordering arrests and executions at S-21, and supervising S-21 and regional security centres; instigating, planning and directing the purges of the zones; and participating in the planning and ordering of the commission of crimes against Buddhists, Vietnamese and Chams.

882. Throughout the period under investigation, **Nuon Chea** was fully apprised of the crimes that were occurring across DK. He was provided with detailed information on the extent of the crimes through his position on the CPK Standing, Central and Military Committees, his regular meetings with and reports from Zone, Sector and District leaders and his frequent visits to worksites around DK. However, **Nuon Chea** used his significant position of influence within the CPK leadership to urge and facilitate the commission of crimes, instead of investigating and punishing their perpetrators. Under his instigation and leadership, the CPK's criminal policies were fully implemented and arrests and purges were orchestrated across the country.
883. **Nuon Chea** zealously maintained his commitment to the goals and policies of the CPK following its removal from power. Retaining his position as Deputy Secretary of the CPK and Chairman of the PRA Standing Committee, **Nuon Chea** was actively involved in the CPK military resistance, leading the movement until May 1994. He continued to support and work with Pol Pot until his death, refusing to hand Pol Pot over to the authorities. Since his surrender in 1998, **Nuon Chea** has persisted in justifying the CPK's policy of purging CPK cadres and other "enemies" and his involvement in its implementation. Instead of expressing remorse for his extensive participation in CPK crimes, **Nuon Chea** has unequivocally stated that he would repeat the DK revolution if given a second chance.

PRE-1975 ROLE

884. **Nuon Chea** was born as Lao Kim Lorn on 7 July 1926 in Voat Kor village and commune, Sangke district, Battambang province. In 1941, he moved to Bangkok to complete secondary school, and by 1948 was a law student at Thammasat University. While studying, **Nuon Chea** worked for three years with the Thai Ministry of

Finance, and later in the Indochina section of the Thai Ministry of Foreign Affairs. During that same period, **Nuon Chea** joined the Thai Communist Party, initially in 1946 as part of the youth league and later in 1950 as a full rights member.

885. In 1950, **Nuon Chea** moved to Pailin, transferred from the Thai Communist Party to the ICP, and became responsible for Communist propaganda in northwest Cambodia. As a member of the ICP, **Nuon Chea** was part of the Vietnamese-sponsored resistance in Battambang, and in 1952 he travelled to Vietnam to undergo political training. He continued in the resistance until the Geneva Agreement of 1954.
886. In 1955, **Nuon Chea** moved to Phnom Penh, and worked in secret organising the communist party in Cambodia, which since 1951 had been known as the KPRP. He was appointed Party Secretary of the Phnom Penh Committee, with Saloth Sar as one of the Committee members. The Party Secretary for the entire country at that time was **Nuon Chea**'s first cousin Siv Heng, and the Deputy Secretary was Tou Samuth. In 1958, when Siv Heng defected and joined the Sihanouk government, **Nuon Chea** became the Deputy Secretary of the Party in Kampuchea. He and Saloth Sar thereafter assumed "leading roles" in the Party, with Saloth Sar responsible for the city and **Nuon Chea** for the countryside.
887. In their new roles, Saloth Sar and **Nuon Chea** worked together to develop the Party's strategic lines, which **Nuon Chea** presented to the Vietnamese, and which were officially adopted by the WPK (the new Party name) at the First Party Congress held from 30 September to 2 October 1960. At this Congress, which was held in the living quarters of a railroad worker at the Phnom Penh station and attended by only twenty representatives, **Nuon Chea** was elected Deputy Secretary of the Party, with Tou Samuth as Secretary, Saloth Sar the third Member of the Party's Standing Committee, and **Ieng Sary** and Sao Phim as alternate members. One of the key strategic lines adopted by the Party at this Congress was the determination that armed violence would be used to attack and defeat the Party's enemies. After the Congress, **Nuon Chea** and the other Party leaders began to circulate a secret magazine called "*Revolutionary Flag*," which discussed the Party's revolutionary lines and theories.
888. In 1962, Party Secretary Tou Samuth was arrested. In February 1963, at the Second Party Congress, Saloth Sar became the new Secretary, while **Nuon Chea** remained Deputy Secretary. **Ieng Sary** and Sao Phim were elected full rights members of the

Standing Committee at this Congress. In March 1963, after their names were published on a list of 34 known “leftists,” Pol Pot, **Ieng Sary** and Son Sen were forced to leave Phnom Penh, and they worked out of a Vietnamese military base on the border until 1966 and in Ratanakiri province from 1966 to 1970. During this seven year period, **Nuon Chea**, whose identity had remained secret, was responsible for the Party’s operations in the rest of Cambodia.

889. In mid-1967, **Nuon Chea** and the other Standing Committee members decided to launch a general uprising in early 1968. Those attacks by CPK guerrilla forces began in Battambang on 17 January 1968, pursuant to orders provided by **Nuon Chea**, and thereafter spread throughout the country. While Saloth Sar was visiting Vietnam and China from late 1969 to mid-1970, **Nuon Chea** took command of the party's headquarters in Ratanakiri.
890. At the Third Party Congress in 1971, the Party officially ratified the CPK name that had first been adopted five years earlier, and approved the same four members on the Standing Committee: Saloth Sar as Party Secretary, **Nuon Chea** as Deputy Secretary, Sao Phim and **Ieng Sary** as full rights members.

DK POSITIONS AND AUTHORITY

891. Throughout the DK period, **Nuon Chea** remained the Deputy Secretary of the CPK Central and Standing Committees. The CPK Standing Committee was the most important and powerful body in the DK Government, establishing political lines and exercising effective decision making authority on all significant matters. As the second highest ranking cadre in the Party behind only Pol Pot, **Nuon Chea** was known as Brother Number Two. According to **Ieng Sary**, “everything went through Pol Pot and **Nuon Chea**,” all decisions were made by them and “if those two did not agree, it was impossible.” When Pol Pot briefly stepped down as DK Prime Minister between September and October 1976, it was **Nuon Chea** who was appointed acting Prime Minister. **Nuon Chea** also held the title of Chairman of the Standing Committee of the PRA.
892. In the 9 October 1975 Standing Committee meeting that divided specific functions amongst the senior CPK cadres, **Nuon Chea** was assigned specific responsibility for “Party Affairs, Social Action, Culture, Propaganda and Education.” In that role, he

was “in charge of educating cadres and party members” on Party lines and policies. His responsibility for “Party affairs” also made him the primary person in charge of the assignment, promotion, discipline, re-education, punishment and removal of Party cadres, including the extensive purges of CPK cadres that took place from 1976 through the end of the DK regime. In late 1978, **Nuon Chea** also assumed the position of Minister of Propaganda for a short period, replacing Yun Yat (Son Sen’s wife).

893. **Nuon Chea** had significant responsibility for security matters throughout DK. He was a member of the Party’s Military Committee, along with Pol Pot and Son Sen, which group was responsible for internal and external security, “relied on regional people for reporting on security,” made decisions on arrests and security matters, and reported to the Standing Committee. [Redacted].

894. **Nuon Chea** held regular meetings with Zone, Sector and District leaders, and received daily written reports from the regions. His general responsibility for security in the country has been consistently confirmed by other senior CPK leaders. Fellow Standing Committee member **Ieng Sary** has stated that **Nuon Chea** was “responsible in the party for security.” [Redacted]. **Ieng Thirith** has stated that it was **Nuon Chea** who was responsible for the arrest and execution of the medical students who worked for her. Southwest Zone Secretary and Standing Committee member Ta Mok told his cadres that **Nuon Chea** “was responsible for all aspects of security in the country.” [Redacted].

895. **Nuon Chea** resided and worked at K-1 and K-3 with Pol Pot, **Ieng Sary**, **Khieu Samphan** and other senior CPK leaders, and also maintained offices at the Preah Suramarith Buddhist school and Borei Keila. K-1 was located on the Tonle Bassac riverfront just south of the current location of the National Assembly, and K-3 was located west of the Royal Palace.

PARTICIPATION AND CONTRIBUTION

896. **Nuon Chea** has admitted that, as a DK leader, he was “responsible in spirit” for the deaths of millions of people. However, as demonstrated below, his responsibility, participation and contribution to the criminal acts that are the subject of Case 002 was in fact far more concrete and substantive.

GENERAL PARTICIPATION IN THE CRIMINAL PLAN

Meetings with Other CPK Senior Leaders

897. As Deputy Secretary of the Party and a member of the Standing and Central Committees since 1958, **Nuon Chea** regularly met and worked with the other CPK senior leaders to develop and implement the Party lines and policies that formed the CPK Common Criminal Plan. “Political lines” were the CPK’s long-term policies, rules and ideology, which were established at Party Congresses and implemented by the CPK Central and Standing Committees, and which all Party members were obligated to follow. As Deputy Secretary, **Nuon Chea** was present for all known Standing Committee meetings for which attendance records exist.
898. A key political line of the CPK in effect throughout the DK period was the use of violence to eliminate all persons and groups who were actual or perceived enemies of the CPK. This Party line was initially developed by **Nuon Chea** and Pol Pot, adopted by the WPK at the First Party Congress on 30 September 1960, and consistently reaffirmed at subsequent Party Congresses and meetings of the Central Committee, including a resolution approved by the Central Committee in January 1965, the 30 March 1976 decision of the Central Committee delegating the authority to “smash” enemies, and the June 1978 Central Committee circular revising the CPK policy on CIA, KGB and Yuon spies. At all such times, **Nuon Chea** was the Deputy Secretary of the Central and Standing Committees.
899. Similarly, **Nuon Chea** was a participant in the key meetings at which the CPK leaders developed their plan to evacuate the urban population of the country, including the First Party Congress in 1960, the June 1974 Central Committee meeting and the early April 1975 meeting of the Battlefield Committee, and the subsequent decisions of the Standing Committee in the fall of 1975 to forcibly move 500,000 additional people to the Northwest Zone and to disperse the Cham population from the East Zone. He was also part of the CPK senior leadership that planned and imposed agricultural collectivisation, set annual rice production quotas, abolished the practice of Buddhism, created forced labour sites such as the Kampong Chhnang airfield and made joint decisions on the arrests of high-level cadres.

Political Indoctrination and Study Sessions

900. [Redacted]. Numerous witnesses have confirmed that **Nuon Chea** regularly led political education or study sessions at Borei Keila and other locations that lasted days and weeks. Once a year, CPK district secretaries were required to travel to Phnom Penh for a month of political education conducted by **Nuon Chea** and Pol Pot. In 1978, the annual political study session for the leaders of S-21, the MSA and other government units in Phnom Penh was held at **Nuon Chea's** office at the Preah Suramarith Buddhist school, where the more than 100 participants were instructed by Pol Pot and **Nuon Chea**.
901. The subject matters discussed at these political study sessions included the identification and “smashing” of internal enemies, purges of alleged traitors, CPK policy on cooperatives and agricultural production, the importance of working hard to meet Party plans and defending against the Yuon. [Redacted]. **Nuon Chea's** effort throughout the DK period to ensure the implementation of CPK policies establishes that he was fully committed to, agreed with and shared the intent and goal of those policies, and wilfully contributed to their implementation.

Speeches

902. **Nuon Chea's** intent, state of mind and contribution to the CPK Common Criminal Plan is also evidenced by his speeches during the DK period, in particular his repeated assertions that the country was plagued by internal, hidden “enemies” whose presence made necessary widespread arrests and executions. For example, in a January 1978 speech made at a reception for People's Republic of China (‘PRC’) visitors, **Nuon Chea** referred to “acts of sabotage and subversion from within aimed at staging a coup d'état to topple Democratic Kampuchea.” On 30 July 1978, in a speech to a visiting delegation from the Communist Party of Denmark, **Nuon Chea** revealed the state of mind of the CPK senior leaders and their efforts to deal with alleged internal enemies:

“Since liberation, our experience relates to anti-party activities organized inside our party. They usually involve CIA, Vietnamese and KGB agents. Our experiences in this area are very recent, but it appears from what we have been able to learn that CIA, Vietnamese and KGB agents have been working inside the party for a long time... Where there were deviations to the left or to the right, we looked carefully into the backgrounds of the cadres... We have thus been able to uncover enemy agents step-by-step. ...

“Although we say plans have been crushed, we do not mean the enemy has given up.

We have to continue to build and to defend our party, and our leadership, and to apprehend the people who have infiltrated our party. We know the current plan involves not only Vietnamese agents, but has something to do with US imperialism and the KGB. All of them!”

903. Equally revealing was his statement in the same July 1978 speech that the “leadership apparatus” of the Party was to be “defended at any price”:

“There can be no comparison between losing two to three leading cadres and 200-300 members. Rather the latter than the former. Otherwise the party has no head and cannot lead the struggle.”

PARTICIPATION IN PARTICULAR CRIMINAL EVENTS

Forced Transfers

First Phase

904. The origins of the CPK policy that eventually led to the forced evacuation of the entire urban population of Cambodia in April 1975 began as early as September 1960 in the political lines that were developed and presented by **Nuon Chea** and Pol Pot to the First Party Congress, which included a determination that the cities were the “nerve-centre” of the Party’s enemies. In June 1974, the CPK Central Committee met to plan the final offensive to “liberate” Phnom Penh, at which time it was decided that Phnom Penh and all other Cambodian towns would be evacuated to rural areas once they were liberated, just as had been done with Kratie and Kampong Cham towns in 1973 and Oudong in March 1974, in order to destabilise the enemy forces in the urban population.
905. During the period leading up to 17 April 1975, Pol Pot, **Nuon Chea** and **Khieu Samphan** were located at Pol Pot’s headquarters in Taing Pôn village west of Udong, which office was known as B-5. The final plans for the evacuation of the population of Phnom Penh were made at a meeting of the Battlefield Committee held at B-5 in early April 1975. **Nuon Chea** was present at that meeting, stated his opinion and expressly agreed to the plan to evacuate the people. The evacuation orders were thereafter conveyed down through the chain of command from the Zone military commanders present at the meeting to their division and regiment commanders.
906. On 20 April 1975, **Nuon Chea** travelled to and entered Phnom Penh with Pol Pot, **Khieu Samphan**, Son Sen, Ta Mok, Vorn Vet, Ke Pauk and other zone and military

commanders. Approximately one month after the evacuation, during a large conference attended by all district, sector, zone and military leaders from 20 to 25 May 1975, **Nuon Chea** and Pol Pot instructed CPK cadres that the evacuation of people from the cities, previously announced as a temporary measure, was to continue.

907. **Nuon Chea** has admitted that the decision to evacuate the cities was made by the “Party Centre.” In early 1976, the CPK leaders reported in *Revolutionary Flag* that “after the liberation of the entire country, nearly 3,000,000 people had to exit the various cities empty-handed, without food supplies, without any means and tools at all to increase production,” which people had become a “very heavy burden” for the Party and base areas that had to feed them.
908. The CPK’s true reasons for permanently evacuating the urban areas of Cambodia are apparent from comments made by **Nuon Chea** in a July 1978 speech, when he noted that in the pre-liberation period there were “few enemies” in rural areas, but “many enemies” in the cities. In addition to ordering the executions of the top leadership of the Khmer Republic, the so-called seven “super-traitors,” the CPK leaders used the evacuation of Phnom Penh and other cities to identify, segregate and execute additional Khmer Republic officials and soldiers. Military commanders were ordered to “evacuate the civilian population from the city with the goal of assessing to see who were Lon Nol soldiers.” CPK district chiefs divided arriving evacuees into two categories: “ordinary people such as rice-farmers,” who were “kept for work,” and “non-ordinary people such as soldiers, civil servants of Lon Nol and capitalists,” who were subject to execution. At the 20 to 25 May 1975 conference, **Nuon Chea** confirmed the directive from the senior CPK leaders to eliminate the leadership of the former Khmer Republic.

To Northwest Zone

909. On 20 to 24 August 1975, the CPK Standing Committee visited the Northwest Zone and determined that, because the soil and land conditions in this region were favourable for rice production, an additional 500,000 workers were needed in that Zone. **Nuon Chea** and the Standing Committee made this decision knowing that the region was already experiencing food shortages with its existing population, and that the 17 April People previously moved to the region “lack[ed] both food and

medicine.”

910. This forced movement to the Northwest Zone took place from October 1975 to February or March 1976. As a result of that relocation, many areas in the Northwest Zone became overpopulated and did not have sufficient food to feed the New People moved into the area. For example, in Sector 5, Phnom Srok District had 20,000 local Base People and an additional 50,000 people relocated from Phnom Penh, while Preah Net Preah District had been populated by only 150 families prior to 17 April 1975, but had received 70,000 New People since that time. **Nuon Chea** and other Standing Committee members received reports from the Northwest Zone on the insufficient food and widespread starvation that occurred in this region, particularly in 1977 and 1978. A 27 June 1977 report indicated that 20,000 people had died of starvation in Preah Net Preah District in the previous year. Almost one year later, on 11 May 1978, the Northwest Zone Secretary reported to Office 870 that Sectors 1, 4 and 5 still had food shortages and would be out of rice by June 1978.

Forced Labour

911. As a member of the Standing Committee, **Nuon Chea** participated in the preparation of the Party’s annual economic plans establishing the year’s goals for rice and salt production and the construction of new dams, canals and dykes, and the communication of those plans to the zones. He participated in the decision to build a new military airfield at Kampong Chhnang. **Nuon Chea** informed the CPK regional leaders at the 20-25 May 1975 conference of the decision to build irrigation dams and canals throughout the country starting in 1976, and chaired meetings in Phnom Penh attended by hundreds of zone and sector cadres that specifically discussed strategies to increase agricultural production. He also regularly travelled to the provinces to talk to regional cadres about increasing rice production and building dams. He inspected the dam sites “very often” (multiple times each month) and, during such trips, saw the “hardship” of the people and “destitute” conditions.
912. The specific worksites that were inspected by **Nuon Chea** included: the Kampong Chhnang Airport Construction Site, where he observed the people working, instructed them to work “vigorously” and met with the site supervisor; the 1st January Dam worksite, where he observed workers and urged them to preserve water for rice planting; and the Srae Ambel salt fields, where in late 1977 he held a meeting with

workers in the middle of a salt field in which he instructed them to strive to work hard in order to make the Great Leap. **Nuon Chea** and the Standing Committee also received written reports on the construction of dams and water reservoirs, including the Trapeang Thma dam.

913. As **Nuon Chea** has acknowledged, the CPK's economic "goal of self-reliance" was an essential part of their plan and strategy "to attack the enemy." Accordingly, during the DK period, the senior CPK leaders instructed Party cadres that the rigorous work requirements imposed in relation to the construction of dams and production of rice were important to defeating the CPK's political enemies.
914. Through his visits to the provinces and the regular reports he received from the zone offices, **Nuon Chea** was aware that numerous persons at DK worksites and cooperatives lacked sufficient food and suffered from starvation. Notwithstanding this knowledge, **Nuon Chea** and the other senior leaders of the CPK continued to export rice and other foodstuff out of the country throughout the DK period. The Party's Four Year Plan stated that the purpose of such exports was "to obtain capital for the imports which we need," which capital could only come "from the export of various agricultural products – especially rice." The CPK leaders calculated that \$20 million could be obtained for every 100,000 tons of rice exported, and thus planned to increase rice exports from 1,304,800 tons in 1977 (\$277.6 million) to 1,628,900 tons in 1978 (\$325.1 million). Remarkably, they planned to obtain at least one-third of the rice for export from the Northwest Zone, a region in which tens of thousands of people had died from starvation that year.

Forced Marriage

915. **Nuon Chea** has admitted that the CPK had a Five Year Plan to increase the population of Cambodia to 15 million, which he considered necessary in order to protect the country from its enemies. The Party's plan to increase the population was communicated to CPK cadres throughout the country. For example, the September 1978 issue of *Revolutionary Flag* discussed the initial results of the CPK "policy to increase the population," noting that the rate of growth was "not yet sufficient when compared to the objective of the Party," which was to "increase the population to 15 to 20 million within ten to 15 years." CPK cadres were specifically instructed by Party Secretary Pol Pot that marriages were to be arranged in order to increase the

population.

916. Regional CPK cadres reported back to the Party Centre on the results of the Party's efforts to increase population through forced marriages. For example, the 16 July 1978 report from the Western Zone office (M-401) to Angkar advised that "10 new families have been created in District 26, Sector 32," and the monthly report included a chart reporting the number of births, deaths and marriages that month.

Security Offices

S-21 Security Office

917. The S-21 security office reported to the CPK Standing Committee in relation to security matters. [Redacted]. [Redacted]. **Nuon Chea's** participation in and responsibility for S-21 is well established by the following facts and evidence.
918. Prior to 15 August 1977, S-21 was directly supervised by Son Sen, who reported to **Nuon Chea** and the rest of the Standing Committee. During that period, **Nuon Chea** received S-21 confessions through Son Sen, reviewed and made annotations on such confessions, made decisions and conveyed orders back to S-21 Chairman **Duch** through Son Sen. For example, **Duch** was ordered by **Nuon Chea** (through Son Sen) to tell one prisoner, Mil Kavın *alias* Kdat, that Hu Nim had confessed all and gone home, and that he would also go home if he did the same. When that tactic proved ineffective, **Nuon Chea** ordered **Duch** to use torture. In late August 1976, **Nuon Chea** went to K-7 (the Party Centre's messenger office) to personally monitor the arrest of Sector 24 Secretary Suos Neou *alias* Chhouk, who was being transferred from the East Zone to S-21. The decision to arrest Chhouk had been jointly made by the entire Standing Committee, with **Duch** providing Son Sen seven copies of the confession excerpts implicating Chhouk, one for each member of the Standing Committee.
919. On 15 August 1977, **Duch** was called to a meeting with **Nuon Chea**, and informed that Son Sen had been assigned to the battlefield to lead one of the military fronts in the escalating conflict with Vietnam. From that date until the end of the DK regime, **Duch** reported directly to **Nuon Chea**. **Duch** met with **Nuon Chea** every three to five days to report on S-21 and receive orders, usually at his office located at the Preah Suramarith Buddhist School on Street 240, and occasionally at Borei Keila. When

Nuon Chea wanted to meet, his messenger would call **Duch** and tell him to meet either at the “water’s edge” (which meant Preah Suramarith) or “the hill” (Borei Keila). Every week or so, **Nuon Chea** would send written correspondence to **Duch** by messenger, which were usually short letters containing “brief, urgent orders.”

920. In some cases, **Nuon Chea** conveyed orders or otherwise communicated with **Duch** through Chhim Sâm Aok *alias* Pâng, the Secretary of S-71, or his deputy Khân Lin *alias* Kèn (who replaced Pâng after he was arrested in 1978). Among other functions, S-71 “monitor[ed] suspected members of the party for the standing committee,” and was responsible for arresting and transferring prisoners to S-21. Pâng and Lin were assigned by **Nuon Chea** to help with S-21’s work. They also supervised the K-7 office, which received prisoners being transferred from the zones to S-21 and other re-education or tempering sites.
921. [Redacted]. [Redacted]. Numerous such confessions have been identified that either bear **Nuon Chea**’s handwriting, or contain annotations by **Duch**, Son Sen or others indicating that the confession had been sent to **Nuon Chea**. **Duch** was required to obtain **Nuon Chea**’s approval for any confessions that implicated important cadres. [Redacted]. Confessions sent to **Nuon Chea** specifically stated that torture was used on the detainee in order to extract the confession to their traitorous activities.
922. **Nuon Chea** participated in decisions on who would be arrested and sent to S-21. As a member of the Standing Committee, he was one of the senior leaders who determined the arrests of important CPK cadres, such as members of the Central Committee, Zone, Ministry and Division leaders, and other cadres who reported to the Party Centre. As part of his S-21 responsibilities, **Nuon Chea** reviewed confessions provided by **Duch** for the names of persons who had been implicated therein, and forwarded such confessions to the relevant unit head so as to inform them of “enemy activities within that unit” and to allow them to “contemplate the arrest of implicated persons.” Thereafter, in consultation with that unit head, a decision would be made as to whether the implicated persons would be monitored, arrested or not subject to any action. For example, **Nuon Chea** made the decision to arrest Ri, a cadre from the Ministry of Industry, after consultation and reporting by Vorn Vet. In some cases, confessions were sent to the unit head with the names of the implicated cadres to be arrested already marked in red ink. Witnesses confirm that documents were delivered

between **Nuon Chea** and **Ieng Thirith**, **Khieu Samphan**, **Ieng Sary** and Zone leaders.

923. In addition, numerous S-21 confessions contain annotations by Son Sen, **Nuon Chea** or **Duch** indicating that copies had been forwarded to the heads of the organisations whose cadres had been implicated. For example, the confession of the chairman of the Pho-5 Anti-Malaria hospital, Mok Sam Ol *alias* Hong, implicated cadres from both the MSA and the East Zone, hence copies were sent by **Nuon Chea** to both Social Affairs and East Zone Deputy Secretary Seng Hong *alias* Chan. **Nuon Chea**'s annotations on that confession specifically referenced one implicated cadre from Sector 24 of the East Zone, Uy Sat *alias* Kim, who was arrested four days after the confession. In addition, six of the twenty persons from the MSA implicated in Mok Sam Ol's confession were sent to S-21.
924. While arrests of regional cadres could be decided by the Zone Committees, decisions on which prisoners would be transferred to S-21 were made by **Nuon Chea** and the Standing Committee. For some regional cadres who were to be arrested, **Nuon Chea** would send a telegram or letter to that cadre's office requesting that they travel to Phnom Penh for political studies or meetings. In other cases, regional cadres were arrested locally and transferred from their zone to S-21, with **Nuon Chea** monitoring the process and approving the transfer to S-21. For example, on 26 March 1978, Im Nen *alias* Ly, the Secretary of Udong District and wife of West Zone Secretary Chou Chet *alias* Sy, was arrested and sent to the K-7 messenger office in Phnom Penh. A short letter to Angkar was sent by West Zone Deputy Secretary Pal stating that Ly was being sent to Angkar via K-7. It was **Nuon Chea** who ordered Ly's transfer to S-21, as evidenced by his annotation on Pal's letter stating "S-21."
925. Some cadres located in Phnom Penh were summoned by **Nuon Chea** to his office at Preah Suramarith and, with him observing, were arrested and transferred to S-21. Persons arrested in this manner included Vin, the Chairwoman of the Ministry of Industry hospital and wife of Vorn Vet, and Phoas, the wife of Vorn Vet's deputy Chim An. In some cases, **Nuon Chea** made immediate decisions on arrests in **Duch**'s presence without first consulting Pol Pot and the Standing Committee, such as arrests of S-21 cadres. **Nuon Chea** had the authority to punish or discipline S-21 cadres, such as by discharging them from their duties or ordering their arrest. It was thus Son Sen,

and thereafter **Nuon Chea**, who decided and ordered the arrest, interrogation and execution of S-21 and Prey Sâr personnel, such as Nun Huy *alias* Huy Srè, in some cases based on reports by **Duch** to the Standing Committee.

926. **Nuon Chea** provided a general order to **Duch** that all persons sent to S-21 were to be killed. **Nuon Chea** also provided specific orders to **Duch** relating to mass executions or the treatment of certain prisoners. For example, **Nuon Chea** ordered that a group of foreigners held at S-21 be burned to death using vehicle tires. He ordered the execution of fellow Standing Committee member Vorn Vet, after receiving his confession from **Duch**. In December 1978, he ordered that 300 prisoners from the East Zone should not be interrogated, as per usual procedure, but instead were to be immediately taken for execution upon their arrival at S-21. On 2 or 3 January 1979, he gave an “absolute order” to **Duch** to kill all the remaining prisoners at S-21, a total of approximately 200 persons. The last persons executed pursuant to this order were the four Y-8 prisoners being interrogated regarding the death of Malcolm Caldwell, who were killed on their beds and left at S-21 when it was evacuated. The execution orders conveyed by **Nuon Chea** to **Duch** used terms such as “smash” and “purge.”
927. **Nuon Chea** requested and received photographs from **Duch** confirming the execution of important prisoners, such as Vorn Vet, and prisoners connected to S-21 personnel whom **Nuon Chea** was concerned might be released, such as Ly Phèl *alias* Phèn (a friend of Mam Nai). In late 1978, **Nuon Chea** instructed **Duch** to continue normal interrogation practices at S-21, notwithstanding the Party’s revised policy on CIA, KGB and Yuon agents that had been publicly announced and statements made a few days earlier by Pol Pot that the Party no longer authorised interrogations by security staff.
928. **Nuon Chea** also ordered the radio broadcast of confessions obtained at S-21 from Vietnamese prisoners. **Duch** was specifically informed about the arrival of Vietnamese prisoners either by **Nuon Chea** or S-71 Deputy Secretary Lin *alias* Kèn. Interrogations of Vietnamese prisoners of war were conducted with the purpose of obtaining “confessions showing that Vietnam had invaded Cambodia with a view to integrating it into an Indochinese federation.” At one point, the number of Vietnamese prisoners detained and interrogated at S-21 was large enough to allow radio broadcasts once or twice a week.

929. Before fleeing Phnom Penh, **Nuon Chea** destroyed all of his S-21 documents. Several years later, he blamed **Duch** for not doing the same.

Regional Security Offices

930. As Deputy Secretary of the CPK Standing and Central Committees, **Nuon Chea** was one of the senior CPK leaders who (a) established the Party line that all enemies were to be smashed, (b) authorised Zone leaders to smash enemies located in their regions, and (c) instructed CPK cadres, through the monthly *Revolutionary Flag* publication, circulars from Office 870, political study sessions and other direct communications, who were to be considered enemies of the CPK. Throughout DK, security offices were established at district, sector and zone levels, which reported directly to the Secretary of the CPK Committee at that level. In general, District Secretaries reported to Sector Secretaries, who reported to Zone Secretaries, who reported to the Standing Committee. The member of the CPK Standing Committee most responsible for regional security issues was **Nuon Chea**.
931. [Redacted] have confirmed that **Nuon Chea** was the representative of the Party Centre to whom they reported on security matters. **Nuon Chea** presided over large meetings held at Olympic Stadium and Borei Keila attended by zone and sector chiefs that addressed security issues, and participated in smaller meetings with zone and sector leaders held at K-1 and K-3. In early May 1975, he led the discussions with zone leaders regarding the CPK's post-liberation plans and policies, and he repeatedly emphasised the importance of "carefully screening internal agents" at the 20-25 May 1975 conference attended by the secretaries of every district, sector and zone in the country. **Nuon Chea** regularly travelled to the provinces "to meet with the cadres" in order to "disseminate and educate them [on] the [party] policy" on enemies and agriculture. On such trips, he would meet with Sao Phim in the East Zone, Northwest Zone Secretary Nhim in Battambang, Southwest Zone Secretary Ta Mok in Takeo and Central Zone Secretary Ke Pauk in Kampong Cham.
932. As set forth in full detail in the section of this submission regarding reports to Office 870, **Nuon Chea** received daily, weekly and monthly reports from the zones regarding internal enemies and other security issues. These reports included detailed information on alleged activities of internal enemies and proposed measures to deal with such activities. Any matter that involved "the internal situation and the violation

of moral codes” had to be directed to **Nuon Chea**, because he “was in charge of the people” and “the party internal affairs.” In response to these reports, Pol Pot and **Nuon Chea** sent telegrams and letters to the regional cadres providing written instructions or directives.

933. [Redacted] from the areas in which Case 002 security offices and execution sites were located [Redacted]:

- (1) [Redacted] reported to **Nuon Chea** on security-related issues. [Redacted] the telegrams he sent to Office 870, which reported on arrests, detention and interrogation of enemies and sought direction from Angkar, were responded to by either Pol Pot or **Nuon Chea**. [Redacted] authority from the Party Centre was required in order to release detainees [Redacted]. S-21 confessions [Redacted], or lists of the local cadres implicated in such confessions, were sent to the Sector office, which “monitored” the activities of such persons and conducted further arrests.
- (2) Similarly, cadres from [Redacted] have stated that **Nuon Chea** [Redacted] was responsible for the province. [Redacted].
- (3) In late 1977, **Nuon Chea** held a meeting at [Redacted] formally announcing the formation of the new North Zone and the appointment of Kang Chap *alias* Sè as Zone Secretary, in which he discussed the infiltration of the country by CIA and KGB and urged local cadres to “work harder” so as to increase rice production from 3 to 7 tons per hectare. Following the meeting, there was a “series of arrests,” including Sector 103 Secretary Hâng and “other people in Sector 103.” The massive purge of Sector 103, which took place from late 1977 to mid-1978, was regularly reported on by North Zone Secretary Sè to **Nuon Chea** and the other senior leaders of the CPK. The purged cadres were usually sent to either the North Zone Security Centre in Siem Reap or S-21. [Redacted]. Confessions of Sector 103 cadres obtained by North Zone security, which were sent by Zone Secretary Sè to Office 870 for “examination and as documents for researching imbedded traitor networks boring from within,” contain an annotation by **Nuon Chea** directing that they be “followed up.”
- (4) In 1976, **Nuon Chea** held meetings with Zone, Sector and District

Committees in the Northwest Zone to plan the purges of “internal enemies,” such as soldiers connected with the *Sangkum Reastr Niyum* and Khmer Republic regimes. In May 1978, following a “meeting with Angkar,” Northwest Zone Secretary Ros Nhim reported that he was trying to implement “the recommendations of 870” by being “more highly vigilant” in efforts to “smash invasive enemies” and “successfully sweep all destructive elements.”

- (5) In the West Zone, either **Nuon Chea** or Pol Pot would attend and speak at the annual zone congresses. At the West Zone Cadre Conference held on 25 July 1977, **Nuon Chea** discussed in detail the ongoing purge of that Zone, which speech was subsequently published in the August 1977 *Revolutionary Flag*. In that speech, **Nuon Chea** evidenced his knowledge, approval of and participation in the arrests and smashing of West Zone cadres that had occurred up to that time. For example, he discussed the “bad history” of Sector 37 and referred to purged cadres as “rotten flesh” that had been shed, citing as an example the “contemptible Nheuk’s group.” This was a reference to former Sector 37 Secretary Sao Kâng *alias* Nhoek, who had been arrested and taken to S-21 at the outset of the purge in December 1976, at which time a military division of 7,000 troops from the Southwest Zone had been transferred to the West Zone to take over security and carry out the purge. **Nuon Chea** also discussed a cadre named Hâm who had criticised “collective property” in his presence at a prior Zone Conference in May 1976, and who was thereafter discovered to be “an enemy embedded inside our Party.” In that case, the referenced cadre was Ou Pin *alias* Tep Hay *alias* Hâm, the former Deputy Secretary of Sector 32 of the West Zone, who was initially transferred to the MFA and thereafter arrested, detained and executed at S-21. The arrests of such cadres were directly reported to **Nuon Chea** and the Party Centre.
- (6) In the same 25 July 1977 speech, **Nuon Chea** instigated and directed further purges of West Zone cadres. He asserted that 50% of the West Zone was “not good,” and “15 to 20 percent [were] traitors. Specifically, he complained that many cooperatives in the Zone were still controlled by soldiers from the former regime and “Kampong Saom businessmen,” and directed Zone cadres to look for “embedded enemies” by reviewing the background and class composition of cooperative committees, to “attack and smash the enemy and

the no-good elements embedded inside and controlling the cooperatives,” and to ensure that at least 50% of the cooperatives in the Zone were controlled by poor or lower-middle peasants by year-end. Pursuant to this directive, numerous cooperative and commune chiefs were arrested, detained and executed at the Koh Kyang security centre in Sector 37 of the West Zone. On one occasion, cooperative chairmen and commune committees were called to a meeting at the Prey Nup District Office, and two days later a “full truckload” of “village and cooperative chairmen” were arrested and transported to the prison. Additional district, sector and zone cadres were arrested and taken to S-21 following **Nuon Chea**’s 25 July 1977 speech, including Sector 32 security chief Chab Nâm (29 July 1977), Prey Nup District Secretary Pen Phluong (29 July 1977), Zone Commerce chairman Sin Kim Eng *alias* Suon (28 August 1977), Kampong Leng District Secretary Chao Van *alias* Khâm (31 August 1977), Ang Snuol District Secretary Hang Nov (20 December 1977) and, ultimately, Zone Secretary Chou Chet *alias* Sy and his wife Im Nen *alias* Ly, the Secretary of Udong District (26 March 1978). **Nuon Chea**’s direct participation in these arrests is confirmed by the letter sent to Angkar by West Zone Deputy Secretary Pal that accompanied Im Nen and her deputy secretary when they were transported to K-7, which letter contains a handwritten note by **Nuon Chea** confirming their transfer to S-21.

- (7) **Nuon Chea** and the Standing Committee were kept informed of the West Zone’s efforts to apply “the Party’s assignment line to routinely remove, screen, and sweep clean” the enemies of Angkar. For example, the Zone’s monthly report for July 1978 stated that “elements of the 17 April including former civil servants, and some Chinese and Yuon aliens” had been “screened out from various units and military,” that Sector 37 had smashed 60 persons identified as CIA who were “hiding in the units and cooperatives,” and that “2 cooperative cadres, a secretary and a member of the cooperative have been removed and sent to the security because they were bad elements” who had been “monitored for a long time” and “were in the traitorous network.”
- (8) In the Southwest Zone, Sector Secretaries received security orders from Zone Secretary Ta Mok, Son Sen and **Nuon Chea**, who “were in charge of military and security affairs.”

- (9) In the Northeast Zone, **Nuon Chea** became the acting Zone Chairman for three or four months following the arrest of the prior Zone Secretary. At other times, security matters relating to the O Kanseng (Phum 3) security centre and the Northeast Zone were reported to **Nuon Chea** and the Standing Committee by the Zone Secretary and the Division 801 Chairman (who reported through Son Sen). One such report sent to Pol Pot, **Nuon Chea** and **Ieng Sary** by Zone Secretary Vi detailed how Division 801 had captured and detained 209 Yuon soldiers, all of whom were Jarai and nine of whom were women, and requested direction from the “highest level” on what action to take after those prisoners were interrogated and “tape-recorded.” Based on the testimony of the O Kanseng security office chairman, deputy and several detainees, it appears that this same large group of Jarai prisoners was taken to O Kanseng after their interrogation and executed, pursuant to orders conveyed by the Zone office.
- (10) The involvement of **Nuon Chea** and the Party Centre in arrests and purges of local cadres in the Northeast Zone is also established by various contemporaneous documents. Bou Khav, the Secretary of Kok Lak District in Sector 101, was arrested and taken to S-21 on 5 March 1977. Documents establish that Son Sen communicated with S-21 Chairman **Duch** regarding Bou Khav on 20 February 1977, two weeks prior to his arrest. After his arrest, Redacted held a meeting of local cadres, told them that Bou Khav had communicated with Vietnam and that if they acted like him, they would be killed. In the following weeks, persons “linked” to Bou Khav were arrested and interrogated in Sector 101 (presumably at O Kanseng), and the results reported to the Party Centre. The Division 801 Secretary reported that they were “following up” on persons who had been “incriminated by the enemy” and those who were in “opposition to the Party’s line.” Redacted local cadres became aware of the persons “incriminated by” or “linked” to S-21 detainees, Redacted confessions of Division 801 soldiers who had been interrogated in Phnom Penh were sent to the Division 801 Redacted, which confessions contained annotated instructions in red ink identifying implicated cadres who were to be arrested Redacted.

- (11) In the East Zone, **Nuon Chea** was responsible for approving the transfer of prisoners from S-79, the East Zone security centre, to S-21. In addition, the 1978 mass execution of Bos village in Ponhea Krek District was directly ordered by Pol Pot and the Party Centre, and carried out by troops from the Central Zone.

Purges of Zone Cadres

934. As a member of the Military and Standing Committees, and as the CPK senior leader responsible both for “Party Affairs” and for overseeing S-21, **Nuon Chea** directly participated in decisions to purge CPK cadres in zones, ministries and military divisions. [Redacted]. [Redacted]. Pol Pot himself once identified **Nuon Chea**, Son Sen and Ta Mok as “the people responsible for the executions” who reported to him “the names of the hidden enemies burrowing from within.” [Redacted]. **Nuon Chea**’s supervisory responsibility for the S-21 security office meant that he was directly involved in and responsible for purges throughout the country.

Purge of Central (old North) Zone

935. The purge of the Central (old North) Zone started with the decision of the CPK Standing Committee to place former Zone Secretary Koy Thuon *alias* Thuch under house arrest at K-1 in early April 1976, and to transfer him to S-21 for interrogation on 25 January 1977. **Khieu Samphan** has admitted that the decision to arrest Koy Thuon and send him to S-21 was made by the Standing Committee. The Standing Committee’s involvement is further evidenced by the fact that Koy Thuon was a regular participant in Standing Committee meetings through the end of February 1976, but disappeared from such meetings following his appointment on 13 March 1976 as the chairman of a committee to prepare for the purchase of merchandise from China. When Koy Thuon was sent to S-21 on 25 January 1977, **Duch** was requested by Son Sen to personally conduct his interrogation, and **Duch** obtained a first confession on 29 January 1977 that was immediately delivered to Son Sen. Two days later, **Duch** was informed by Son Sen that a mass arrest of cadres from the North Zone had been ordered, based on Koy Thuon’s confession.
936. In addition to **Nuon Chea**’s participation in the decisions made by the Standing Committee on these matters, **Nuon Chea** and Pol Pot called North Zone Secretary Ke

Pauk to a meeting in Phnom Penh in early 1977 to help plan the purge of his zone. **Nuon Chea** and Southwest Zone Secretary Ta Mok also went to Kampong Cham in the first part of 1977 to meet with Ke Pauk. **Nuon Chea** discussed Koy Thuon's treason and the purge of those connected to him at political study sessions held at Borei Keila.

937. The purge of Central (old North) Zone cadres began with the arrests of the Zone Deputy Secretary, the Secretaries of Sectors 41 and 42 and other high-level Zone and Sector cadres in mid-February 1977, and subsequently spread to cadres at the district, commune and village levels, all of whom were replaced by cadres from the Southwest Zone. In some cases, Central Zone cadres to be purged were "called by the upper echelon to Phnom Penh," or their names were marked with red ink in S-21 confessions sent to the Zone office, which would then order the persons to go to Phnom Penh. In other cases, security units of the Party Centre came to the Zone to conduct arrests. As discussed in the Purge of North Zone Section, the purges also included cadres who were connected to or implicated by Koy Thuon in the Ministry of Commerce, Military Divisions 310 and 450 and other DK organisations.

Purge of East Zone

938. The purge of the East Zone was also planned and directed by the Party Centre. In late 1977, Ta Mok convened a meeting of his senior military commanders in the Southwest Zone, informing them of the coming operation whose mission was to "fight the Vietnamese in Cambodia and sweep up the Vietnamese collaborators" and to "cleanse" the Eastern Zone. In early 1978, Pol Pot, **Nuon Chea**, Son Sen and Ta Mok held a special meeting of military commanders in Phnom Penh, in which they provided detailed information on plans to arrest and remove cadres of the East Zone. At that meeting, **Nuon Chea** spoke of "cleansing the Party ranks" and purging the "enemies that were the arms and legs of the Yuon," and directed the commanders to "purge the internal enemy and fight the Vietnamese invaders." Pol Pot later told CPK cadres during an April 1978 speech discussing the December 1977 Vietnamese incursion that: "The Yuon were able to enter Svay Rieng because they had their inside door latches. They entered Svay Rieng in December. We arrested those door latches."
939. On 25 May 1978, numerous East Zone cadres were called to meetings and arrested, including a group of over 40 cadres who were called to a meeting by Central Zone

Secretary Ke Pauk, arrested by Son Sen and 60 soldiers under his command and executed later that night. Most of the Sector Secretaries were taken to S-21 in late May or early June 1978. Military commanders were instructed by Son Sen that purged East Zone soldiers were to “be sent to build the airport in Kampong Chhnang,” while their commanders were to be sent to S-21. In order to undermine any resistance to the purge, the Party Centre dropped leaflets throughout the region accusing Zone Secretary Sao Phim of treason with Vietnam and urging East Zone soldiers to lay down their weapons.

940. In December 1978, **Nuon Chea** ordered that 300 prisoners from the East Zone who were being transferred to S-21 should not be interrogated, as was the usual procedure at S-21. Such interrogation was deemed unnecessary because, by this time, it was presumed that cadres from the Eastern Zone were disloyal to the CPK leadership. Instead, pursuant to **Nuon Chea**’s orders, the 300 prisoners were immediately taken away for execution upon their arrival at S-21.

Crimes Against Buddhists

941. Throughout the months immediately preceding and following 17 April 1975, **Nuon Chea** was located with Pol Pot, **Khieu Samphan** and other senior CPK leaders, and was part of the inner circle of CPK leaders who made decisions and oversaw their implementation. After entering Phnom Penh on 20 April 1975, **Nuon Chea**, Pol Pot, **Khieu Samphan** and the other CPK senior leaders stayed at the railway station initially and at the Silver Pagoda (Preah Kev Temple) in May 1975, after which they moved to their permanent headquarters at K-1 on the Tonle Bassac waterfront.
942. In early May 1975, the CPK senior leaders met for 10 days at the Preah Kev temple in Phnom Penh to discuss the post-liberation situation and “[set] a new direction.” The attendees at these high-level meetings included Sao Phim, Koy Thuon, Ta Mok, Ke Pauk, Vorn Vet, Ros Nhim, Ya, Chou Chet *alias* Sy, Laing, Yi, Doeun, Pâng, Koe and Heng Teav *alias* Kântol. In these meetings, Pol Pot presented the Party documents, and **Nuon Chea** led the discussions.
943. From the 20th to 25th of May 1975, the CPK leaders held a large conference in Phnom Penh that was attended by the Secretaries of every District, Sector and Zone in the country, as well as representatives of all military units. The CPK cadres at the conference were instructed by **Nuon Chea** and Pol Pot on the Party lines and policies

that they were to implement in their regions, which included closing all pagodas and defrocking all monks. **Nuon Chea** and Pol Pot specifically instructed the CPK cadres in attendance that monks were a “special class” that were to be “wiped out,” and that Wats would not be allowed. It was **Nuon Chea** who spoke the first day and who did most of the speaking throughout this key conference, instructing the CPK cadres on the Party policies and directives that were to be implemented throughout the country.

Crimes Against Chams and Vietnamese

944. At the conference attended by all zone, sector, district and military leaders from 20 to 25 May 1975, **Nuon Chea** and Pol Pot presented initial directions to CPK cadres on the treatment of the Vietnamese and other ethnic minorities in the country, including a directive to evacuate all Vietnamese people from Cambodia. All Vietnamese were to be deported, including Vietnamese wives of Khmer husbands. Pursuant to this directive, an estimated 150,000 to 200,000 Vietnamese people were deported by September 1975, leaving only 20,000 Vietnamese in the country, the vast majority of whom were subsequently exterminated. In relation to the Cham people, Pol Pot told cadres that the Cham and other minority groups were to be “all killed together.”
945. **Nuon Chea** was copied on the 30 November 1975 telegram to Pol Pot regarding the removal of 50,000 Cham from the East Zone pursuant to Angkar’s “instructions.” In that telegram, the East Zone Secretary referenced prior “discussions” with Angkar, in which the CPK leaders decided that the Cham had to be moved to the North and Northwest Zones “in order to split up Islamic people and separate them” from their home base on the Mekong River. A copy of that telegram was sent to **Nuon Chea** because it involved an “internal matter” that “related to the people,” [Redacted]. Mass executions of the Cham that subsequently took place in Krouch Chhmar District were carried out, in part, by a Special Intervention Unit of the Party Centre that reported to Son Sen.
946. The Party Centre’s policy regarding the Vietnamese was repeatedly communicated to CPK cadres in the monthly *Revolutionary Flag* publication. The April 1977 issue, which contained excerpts of a speech given by a “Party Representative” on the second anniversary of the 17 April victory, referred to the “territory-swallowing Yuon and their running dogs throughout the whole Party” and instructed cadres that “it is imperative to whip up the people to sweep more of them clean and make things

permanently clean.” In June 1978, the CPK leaders warned that the Party was being infiltrated by “cadres of the Yuon’s Kampuchea Labour Party” and instructed that “[t]he heads we must attack are CIA, Yuon and KGB,” amongst whom “the Yuon are the most noxious and acute” and “our direct life and death adversary.” And in July 1978, the CPK senior leaders announced that it was the “national duty of all” to eliminate the “genocidal Yuon enemy” who “stink to high heaven and are degradingly despised as nothing,” and commended the “quick-burning flames of national and class hatred” that had been “transformed into a great mass movement” to smash and sweep cleanly away the Yuon enemies boring from within.

947. The Party Centre’s control and direction of the genocide of the Vietnamese people is also confirmed by a 17 May 1978 report from Northwest Zone Secretary Ros Nhim to Office 870, which asked what “Angkar 870” had decided to do with “Yuon elements who have Cambodian husbands, the Cambodians who have Yuon wives, and the mixed-race Yuon children.”
948. **Nuon Chea** confirmed his state of mind and intent towards the Vietnamese in a July 1978 speech, stating that “some CIA agents [had] joined up with the Vietnamese in order to come to Kampuchea,” and that the Vietnamese did not “discriminate in choosing agents,” but rather would “accept anybody who fights the CPK.”

POST DK PERIOD

949. In so far as they show a consistent pattern of conduct, **Nuon Chea**’s actions after the CPK’s removal from power reinforce the evidence of his criminal participation and intent during the period under investigation. As described below, having fled Phnom Penh together with the other senior leaders of the CPK, **Nuon Chea** worked to re-establish the Party’s leadership apparatus, within which he continued to play a key role. He retained his position as the second highest ranking member of the Party, and worked with **Khieu Samphan** to gather support for CPK’s armed struggle to return to power. Even after he withdrew from active political life with Pol Pot and Ta Mok in 1989, he continued to command troops fighting against the Phnom Penh government. He also continued to involve himself in criminal activities such as purges of dissidents. He remained committed to, and worked closely allied with, Pol Pot until the late 1990s. While he expressed some regret for the deaths during the DK period at the point of his surrender to the authorities in 1998, he has remained essentially

committed to the CPK's criminal goals to the present day.

ACTIVITIES AND ROLE

950. On 6 or 7 January 1979, **Nuon Chea** and Pol Pot left Phnom Penh and met up with **Ieng Sary** and **Khieu Samphan** in Phnum Kravanh district, Pursat province. In February or March 1979, **Nuon Chea** and other CPK senior leaders attended the first Central Committee meeting held after the Vietnamese invasion, in which he urged Pol Pot to remain Party Secretary. **Nuon Chea** maintained his position as Deputy Secretary of the CPK Standing Committee.
951. From 15 to 17 December 1979, the Standing Committee of the PRA unanimously decided to maintain **Nuon Chea** as its Chairman. In that capacity, **Nuon Chea** hosted a conference with **Khieu Samphan** on 15 February 1981 attended by former members of the DK government and army, where it was decided to negotiate with the Khmer People's National Liberation Front led by Son Sann and the royalists headed by Norodom Sihanouk regarding the formation of a united front to combat the Vietnamese. **Nuon Chea** and **Khieu Samphan** also issued circular letters on behalf of the DK Representative Assembly that urged the military, civilians, and compatriots abroad to remain patriotic in their struggle against the Vietnamese.
952. **Nuon Chea** was actively involved in military operations. He toured Cambodia, distributed supplies to cadres and combatants, and in late April 1979 established a CPK resistance zone near the Thai border. In 1981, **Nuon Chea** was the head of the DK delegation to the Asian Parliamentarian Conference in Beijing, where he advocated the CPK side in the ongoing internal conflict in Cambodia.
953. In 1983, **Nuon Chea** revealed his knowledge of the crimes he had committed and his intent and efforts to destroy the evidence of such crimes, when he told **Duch** that he had "smashed" all of his own documents and blamed **Duch** for having failed to destroy the S-21 archives before the Vietnamese seized Phnom Penh. In late 1983 or early 1984, after the official dissolution of the CPK, **Nuon Chea** held a political education session in Samlaut, where he declared that "communism was only a means towards patriotism."
954. In July 1989, **Nuon Chea**, Pol Pot and Ta Mok were the three leaders asked to "retire" from their positions in order to allow peace negotiations to go forward in

Paris that month, and agreed to do so if Vietnamese troops withdrew from Cambodia. Notwithstanding their agreement and the pullout of the last Vietnamese troops in September 1989, **Nuon Chea** and Pol Pot continued to control separatist military regions in Cambodia. In late May 1992, Pol Pot, **Nuon Chea** and Ta Mok refused UN inspectors access to the areas they controlled, expressed their unwillingness to disarm their forces, and refused to negotiate with the “Vietnamese puppets” in Phnom Penh.

955. Throughout the 1990s, **Nuon Chea** gave lectures at Office 87, Pol Pot’s headquarters where study sessions were held for commanders of the National Army of Democratic Kampuchea. **Nuon Chea** continued to lead the resistance in May 1994, and in August 1996, **Nuon Chea**, Son Sen and Ta Mok led purges against a breakaway guerrilla faction in Pailin.
956. In July 1997, after Pol Pot had ordered the murder of Son Sen and his family, Ta Mok placed him under “house arrest” and conducted a show trial of Pol Pot for that murder. As of late 1997, **Nuon Chea** still remained with Pol Pot, refusing to hand him over to an international court or military trial. It was not until December 1998, more than 6 months after the death of Pol Pot, that **Nuon Chea** and **Khieu Samphan** finally agreed to end their armed struggle and surrendered to the Phnom Penh government. At a press conference held on that occasion, when asked if he felt any remorse for the killing that took place while he was in power, **Nuon Chea** quipped that he was “very sorry,” “not just for the lives of the people, but also for the lives of animals that suffered in the war,” and he and **Khieu Samphan** called on the world to “let bygones be bygones.”

ACKNOWLEDGEMENTS AND DENIALS OF CRIMES

957. Recent statements made by **Nuon Chea** have confirmed his intention during the DK period to purge all perceived enemies of the CPK at S-21 and other DK security offices. In a 2005 interview, **Nuon Chea** stated that “we killed only the bad people,” and that the reason the purges started was that “some of the people in charge of districts and provinces were our enemies...these traitors didn’t follow our policies.” In June 2006, he claimed that US and Vietnamese enemies were “hidden in the comrades” and “destroyed my regime by not following the policy.” He defended S-21 as an entity “established to search for the enemy of the country,” which was only used for “bad comrades.”

958. In October 2006, **Nuon Chea** asserted that there were “embedded” enemies, that the CPK revolution was “just, because it smashed and eliminated enemies,” and that the “highest” and “most important human right is the right to take up arms to fight an enemy.” Ironically, in that same interview, **Nuon Chea** quotes Albert Einstein as saying “if we do not change our ideas, we will not make it.”
959. Redacted.
960. To this day, **Nuon Chea** makes little apology and has shown no true remorse regarding the events in Cambodia during the DK period. To the contrary, when asked if he would make revolution again if he was reborn, his unequivocal response was to “Do it again, do it again.”

IENG SARY

OVERVIEW

961. The following section provides an overview of **Ieng Sary's** involvement in, and criminal responsibility for, the crimes under investigation.
962. **Ieng Sary** was part of a small group of leaders who in September 1960 founded the CPK and established its core Party lines. At that time, he was elected a member of the Central Committee and an alternate member of the Standing Committee, ranked fourth in the Party's hierarchy, and he became a full rights member of the Standing Committee in 1963. After 1971, **Ieng Sary** represented the CPK internationally, seeking to raise foreign support for the CPK and to maintain CPK control of the GRUNK and FUNK organisations.
963. From 17 April 1975 to 6 January 1979, **Ieng Sary** voluntarily assumed several positions of responsibility and influence in DK, including Deputy Prime Minister for Foreign Affairs. In that role he directed the MFA, liaised with foreign embassies and controlled a number of re-education sites. Externally, he represented DK before international bodies including the UN General Assembly, visited foreign States, delivered speeches and issued statements defending the DK regime and denying accusations of human rights violations. He continued to be a full rights member of the Standing and Central Committees, the CPK's highest decision making bodies, throughout the DK period, and lived and worked closely with the other CPK senior leaders as part of the inner-most circle of the Party's highest echelon.
964. The acts through which **Ieng Sary** bears criminal responsibility for the crimes under investigation include but are not limited to: (a) his participation in Party Congresses and meetings of the Standing and Central Committees at which the CPK Common Criminal Plan was devised, reports on its progress received and discussed, and further directives issued to ensure its implementation; (b) instigating crimes through, *inter alia*, his public statements, speeches and political education and tempering of cadres and intellectuals; (c) approving and substantially assisting in the purges of CPK cadres by receiving and reviewing confessions of arrested cadres, investigating and reporting on implicated cadres, and advising on and approving arrests and executions; (d) representing DK nationally and internationally, and affirmatively acting so as to

prevent discovery of the ongoing crimes being committed by the CPK; and (e) otherwise regularly meeting and working with the other senior members of the joint criminal enterprise, and exercising his authority to plan and aid the commission of crimes.

965. **Ieng Sary** planned, approved and participated in purges within the MFA, which led to as many as one quarter of all ministry officials being sent to S-21, at the same time using his authority to protect a small number of cadres with whom he had close relationships. **Ieng Sary** was also responsible for a number of “re-education” or tempering sites, such as Chraing Chamres and Boeng Trabek, at which students, intellectuals and former diplomats and GRUNK officials returning to Cambodia were subjected to forced labour and political indoctrination. As a member of the Central and Standing Committees, **Ieng Sary** exercised effective control over the various military, administrative and regional organisations of the CPK and DK involved in the commission of crimes and, despite his receipt of regular reports providing notice of the ongoing crimes being committed by those CPK cadres throughout DK, failed to prevent the commission of such crimes or to take any action to investigate and punish the direct perpetrators. To the contrary, in his capacity as Foreign Affairs Minister, he ignored or rejected international calls for investigations into the allegations of mass crimes in Cambodia.
966. From January 1979 until at least 1992, **Ieng Sary** continued to serve as a leader of the CPK, during which time he fought for the CPK’s return to power and represented it before foreign nations, international bodies and the media. **Ieng Sary’s** personal, professional and political associations with the other members of the joint criminal enterprise lasted over 40 years from the early 1950s until 1996, almost his entire academic and professional life.

PRE - 1975 ROLE

967. **Ieng Sary** was born as Kim Trang on 24 October 1925 in Tay Ninh province, a Khmer-speaking area in Southern Vietnam. His father died when he was young, and he was sent to live with relatives in Prey Veng, Cambodia. He changed his name to **Ieng Sary** during this time.
968. **Ieng Sary** began studying at the Sisowath High School in Phnom Penh in 1945. At

Sisowath, in 1946 he met **Ieng Thirith**, who had become politically active in the revolutionary movement against French colonialism. The following year, he also met another student at Sisowath named Saloth Sar *alias* Pol Pot. As a student, **Ieng Sary** became politically active and campaigned intensively for the Democratic Party in the first national elections in Cambodia in 1946. He also helped organise a student revolt that resulted in numerous arrests, including his own, when King Sihanouk suspended the National Assembly in 1948. During this time, **Ieng Sary** read and studied the *Communist Manifesto*.

969. **Ieng Sary** moved to Paris in November 1950 to study politics at the *Ecole Normale Supérieure*, where he joined many of his former classmates from Sisowath. Within a month of arriving, **Ieng Sary** began attending discussion groups with other Cambodian students in Paris and joined the French Communist Party. He also joined the Khmer Student Association ('AEK'), participating in a regular discussion group regarding the political future of Cambodia and serving as president of the AEK from 1953 to 1956. After attending a student conference in Berlin, **Ieng Sary** and other members of the AEK concluded that a communist revolution was needed for Cambodia to achieve true independence.
970. **Ieng Sary** then began campaigning for support among other Cambodian political groups operating in France and started a secret organisation, the Marxist-Leninist Circle, composed of independent cells that recruited individuals and worked to promote communist ideals as a means of achieving Cambodian independence. The Circle included Pol Pot, **Khieu Samphan**, **Ieng Thirith** and Khieu Ponnary.
971. While in France, **Ieng Sary** solidified many of the personal relationships that would eventually make up the CPK senior leadership. He developed a close friendship with Pol Pot, and on 19 May 1953 married **Ieng Thirith**. Pol Pot would later marry Khieu Ponnary, **Ieng Thirith's** sister.
972. **Ieng Sary** returned to Phnom Penh with **Ieng Thirith** in January 1957, leaving the Circle in the hands of **Khieu Samphan**. In Phnom Penh, **Ieng Sary** began working as a school teacher at the Sisowath High School. During that time, he continued to build support for the Cambodian communist movement by hosting discussion groups and joining the KPRP.
973. From 30 September to 2 October 1960, **Ieng Sary** was part of a small group of around

20 people, including Pol Pot, **Nuon Chea** and Sao Phim, who participated in the First Party Congress of the WPK, the new name of the KPRP and the predecessor of the CPK. At this Congress, **Ieng Sary** and the other participants adopted the initial political lines of the Party, which included the use of armed violence to eliminate the Party's enemies and the conclusion that the countryside would be the Party's base, because the cities were the "nerve centre" of the enemies. **Ieng Sary** was elected to the Central Committee and an alternate member of the Standing Committee, ranking fourth in the Party's hierarchy.

974. In 1960, **Ieng Sary** and other WPK members began travelling around the provinces holding rallies and speeches to build the rural base of the Party. At the Second Party Congress in February 1963, **Ieng Sary** was elected a full rights member of the Standing Committee. In April 1963, after his name was published by the Sihanouk regime on a list of 34 known "leftists," **Ieng Sary** left Phnom Penh and joined Pol Pot and Son Sen at a Vietnamese military base on the border, where they later established a new Party base called Office 100.
975. In October 1966, the Central Committee decided to move the Party headquarters to Ratanakiri and to begin preparations for armed struggle. **Ieng Sary** and other cadres were dispatched to Ratanakiri to organise the new Central Committee headquarters, and **Ieng Sary** was asked to be Northeast Zone Secretary. An uprising was launched in January 1968, and by that autumn the CPK controlled 31 out of 35 communes in Ratanakiri.
976. In late 1970, after the overthrow of Sihanouk earlier that year, **Ieng Sary** went to Hanoi to organise the 'Voice of the FUNK' radio station. From his base in Vietnam, **Ieng Sary** travelled to Beijing to meet with the Chinese Communist Party representatives, first arriving in Beijing in mid-1971 as "special emissary of the resistance movement." Later in 1971, he was given a permanent residence in Beijing with a direct line to Pol Pot's headquarters in Cambodia, and continuously acted as the CPK's main representative in China. **Ieng Sary**'s assignment while in Beijing was to raise foreign support for the CPK, to solidify Chinese support for the CPK's independence from the Vietnamese communist movement, to monitor and coordinate the activities of the GRUNK and FUNK and ensure they supported the CPK's goals, to convert some of their members to the CPK, and to keep an eye on Sihanouk.

977. **Ieng Sary** returned to Cambodia on at least two occasions during the period he was based in Beijing. In 1973, he toured the CPK liberated zone with Sihanouk. In 1974, he returned to attend meetings of the Central Committee, during which the final offensive to liberate and evacuate Phnom Penh was planned. During his 1974 trip, he also visited Kep with a Chinese delegation making a film, and spoke at a rally of rural civilians, urging them to “show solidarity to fight Lon Nol...[with] spikes and crossbows because [it was] the people’s war.”
978. **Ieng Sary** also continued visiting foreign countries as a special envoy. In 1971, he visited and attended official events in China and Vietnam; in 1972, China; in 1973, Senegal and Vietnam; in 1974, Vietnam, China, North Korea, Laos, Europe and Africa; and in 1975, Vietnam and China.
979. **Ieng Sary** entered Cambodia from Vietnam on 24 April 1975, about a week after the CPK victory on 17 April 1975. Before arriving, however, **Ieng Sary** stopped in Beijing to discuss Chinese assistance to help build up the CPK’s military power. During that trip, he negotiated a treaty with the Chinese in which the CPK would receive 13,300 tons of weaponry, as well as rice, fuel, and other goods.

DK POSITIONS AND AUTHORITY

980. **Ieng Sary** remained a full-rights member of the CPK Standing and Central Committees throughout the DK period. By virtue of being on the Standing Committee, the highest decision-making body in the country, **Ieng Sary** was one of the senior CPK leaders who established political lines and exercised decision making authority on all significant matters during the DK regime. The CPK Statute required leadership organisations such as the Standing and Central Committee to “implement collective leadership,” and provided that all “decisions of the Party must be made collectively.” It was expected that Standing Committee decisions would be “implement[ed] directly and well” by lower levels of the regime, and the Committee “monitor[ed]” the implementation of its policy.
981. In addition to his position on the CPK Standing Committee, **Ieng Sary** served as the DK Minister of Foreign Affairs. On 12 August 1975, a press release was issued by the GRUNK nominating **Ieng Sary** as the Deputy Prime Minister in charge of Foreign Affairs. In reality, it was the CPK Standing Committee, of which **Ieng Sary** was a

member, that assigned him responsibility for “Foreign Affairs work, both Party and State.” Similarly, when the DK State government officially took over from the GRUNK in 1976, it was the CPK Central Committee that actually appointed Ieng Sary as Deputy Prime Minister for Foreign Affairs on 30 March 1976. Two weeks later, the PRA met and purported to appoint the new DK Government, including **Ieng Sary** as “Deputy Prime Minister Responsible for Foreign Affairs,” that in fact had already been selected by the CPK leaders.

982. In this position, **Ieng Sary** was directly responsible for the MFA, code-named B-1, and the DK embassies abroad. **Ieng Sary** was in charge of the ministry’s internal work, its external responsibilities and the education of MFA personnel in CPK ideology and political lines. His foreign affairs duties included meeting foreign diplomats, accompanying foreign delegations on tours of the country, re-education and assignment of Cambodians returning from abroad, and issuing official statements on matters relating to DK domestic and foreign policies. **Ieng Sary** travelled to foreign countries, attending conferences and presenting at UN General Assembly meetings in New York. He regularly visited China. Between April 1975 and January 1979, **Ieng Sary** spent a majority of his time stationed in Cambodia. However, even while overseas, **Ieng Sary** communicated through Office 870 in order to stay informed and involved in matters at the MFA.
983. With respect to internal activities within the Ministry, **Ieng Sary** conducted political training session among MFA staff and “intellectuals,” supervised self-criticism sessions, discussed “enemies” and traitors of the regime, and disseminated directives and orders from the Party Centre. Additionally, **Ieng Sary** dealt with internal security matters relating to Ministry staff.
984. **Ieng Sary** also supervised and effectively controlled a number of forced labour re-education offices and camps. These camps included Ta Khmao, Prek Phneou, and Prek Pra, M-1 at Chraing Chamres, and the B30/B31/B32 complex in the Boeng Trabek area of Phnom Penh. Chraing Chamres (M-1), which was originally a Ministry of Commerce office, was transferred under the MFA’s control in 1976. Boeng Trabek was a K-office (K-17) that was controlled by **Ieng Sary** in his capacity as a member of the Standing Committee until May 1978, at which time it was directly placed under the MFA and became known as B30, B31 and B32. Boeng Trabek was divided into

three areas: former diplomats were held at B-32, people being prepared to work at the ministries were held at B-31, and students and other detainees were held at B-30. Both Chraing Chamres and Boeng Trabek were used to detain and re-educate former GRUNK and FUNK officials, students and intellectuals who returned to DK after the CPK “liberated” the country.

985. The MFA had a total staff of over 1,000, a small number of whom held office positions and the majority of whom were general labourers. The Ministry had the “right to choose its people directly” from Borei Keila, and **Ieng Sary** determined which persons were assigned to work at the MFA. [Redacted]. [Redacted].
986. The third ranking cadre at the Ministry was [Redacted]. Pursuant to Articles 9 and 10 of the CPK Statute, each Ministry office was required to have a Party Branch Committee, whose responsibilities included “screening” and re-education of Party members in the organisation. As the Secretary of the Party Branch, [Redacted] read *Revolutionary Flag* to the Party cadres and conducted daily “criticism and self-criticism” meetings. It was **Ieng Sary**, however, who was actually in charge of the Party Branch and “made all the decisions” relating to the Ministry.
987. [Redacted]. [Redacted]. The Ministry also had a “Civil Aviation” section, which was used for “loading luggage and catering people on board the planes.”
988. During the DK period, the MFA closed almost all of its foreign embassies, recalling the GRUNK diplomats and officials located in those countries. As discussed in detail below, upon their return to Cambodia, those persons were sent to re-education camps, and many were subsequently transferred to S-21 and executed. The Ministry maintained foreign embassies in only four countries: China, Vietnam, Laos and North Korea. **Ieng Sary** was also involved in matters relating to international trade, being assigned to serve as a member of Commerce and Banking Committees established by the Standing Committee to prepare for foreign trade.
989. **Ieng Sary** lived and worked at K-1 and K-3 with the other senior CPK leaders. He also maintained an office at the MFA, which was originally located on the riverside, but in 1976 moved to Russian Boulevard near the railway station at the present day location of the Council of Ministers. He and his wife **Ieng Thirith** may have had an additional residence at K-2, the MSA.

PARTICIPATION AND CONTRIBUTION

GENERAL PARTICIPATION IN THE CRIMINAL PLAN

Meetings with Other CPK Senior Leaders

990. As one of the twenty founding members at the First Party Congress in September 1960, **Ieng Sary** developed and approved the core political lines of the CPK, including the use of violence to eliminate enemies of the Party. As a member of the Central Committee and alternate member of the Standing Committee since the 1960 First Party Congress and a full rights member of the Standing Committee since the 1963 Second Party Congress, **Ieng Sary** was responsible along with the other CPK senior leaders for the establishment and implementation of CPK policies.
991. For the limited period of time for which any Standing Committee minutes were recovered (2 November 1975 to 1 June 1976), **Ieng Sary** was present for at least ten meetings. At these meetings, **Ieng Sary** and other members of the Standing Committee addressed and decided matters such as the arrests of cadres, sending adolescent children from the bases to work at the Ministry of Industry, increasing salt production quotas, distribution of rice supplies within the country, national defence issues such as the conflict with Vietnam, and diplomatic relations and international assistance. **Ieng Sary** led discussions on foreign affairs issues, for example reporting on 17 May 1976 that “[f]ormer ambassadors and their families had returned” to DK. The Standing Committee determined that such “old diplomats” could not be trusted enough to be used by the MFA or to leave the country, and instead would be “re-educated.” Redacted.
992. **Ieng Sary** was a member of the Central Committee that issued the 30 March 1976 decision authorising the Standing Committee, Central Office Committee, General Staff and Zone Committees to “smash” enemies “inside and outside the ranks,” and the 20 June 1978 circular revising the CPK policy on CIA, KGB and Yuon spies.
993. **Ieng Sary** lived and worked with the other CPK senior leaders at K-1 and K-3. Along with Pol Pot, **Nuon Chea** and **Khieu Samphan**, **Ieng Sary** participated in monthly meetings held at K-1 attended by Sector and Zone Committees. He has admitted that he received reports from the Zones and Sectors that mentioned executions and ill-treatment of prisoners, a fact corroborated by numerous other sources. These reports

are discussed in full detail in the Knowledge of Crimes (Intra-Governmental Communications) Section of this submission, and establish beyond any question that **Ieng Sary** and the other senior CPK leaders had full knowledge of the widespread arrests, interrogation, torture, executions and other crimes occurring throughout the country during the DK period.

994. In addition, in some cases confessions of detainees were sent by the zones to Standing Committee members to assist in “researching imbedded traitor networks boring from within.” For example, a 3 March 1976 report from the Secretary of Division 920 to Son Sen, copied to **Ieng Sary**, stated that “five people with bad elements” had been arrested and were being interrogated, and that a “file” on the case would be sent later.

Political Indoctrination and Study Sessions

995. Consistent with his history as a promoter of CPK policies, **Ieng Sary** was a leading ideologue during the DK regime who conducted extensive political indoctrination of CPK cadres and returning intellectuals in order to implement the policies and political lines of the CPK.
996. By virtue of being the Minister of Foreign Affairs, and more importantly as a Standing Committee member, **Ieng Sary** was the ultimate political and ideological authority at the MFA. He directed political meetings of Ministry staff where he taught CPK political lines and decided the fate of those who failed to follow these teachings. If the Standing Committee had any direct orders for the Ministry, **Ieng Sary** would call a meeting and disseminate the orders. He also led meetings of staff members regarding internal security in the Ministry, in which they were instructed how to prevent the “enemy from burrowing from within.” Education sessions of MFA staff addressed the CPK’s stance on critical foreign policy issues, such as the conflict with Vietnam, as well as the construction of dams and canals and “defending and building the country.” **Ieng Sary** led the monthly “life-view” meetings at the MFA, which were intended to ensure that Party cadres were properly “embedded with patriotism” and to counter “the enemy.” He also occasionally attended the daily self-criticism meetings of the MFA staff and “gave advice.”
997. In addition to indoctrinating staff, **Ieng Sary** conducted political training of returning intellectuals and former diplomats and GRUNK officials at Boeng Trabek, at which he referred to S-21 confessions of their fellow returning Cambodians. He also led

general political study sessions at locations such as Borei Keila and Olympic Stadium, instructing cadres on matters such as defending against the Yuon, achieving the Party's rice production quotas, solidarity and "not betraying one another."

Speeches

998. **Ieng Sary** contributed significantly to the dissemination of CPK policy both nationally and internationally, including at the UN. Through his speeches and public statements, he also knowingly spread misinformation in order to defend CPK policies and actions.
999. In a September 1975 interview with *Newsweek*, **Ieng Sary** stated that the reason for the evacuation of Phnom Penh was insufficient food and the discovery of a secret plan by the CIA and Khmer Republic regime, but that people were free to return to Phnom Penh if they wanted and 100,000 already had. He also claimed that the Buddhist pagodas in Cambodia remained open, asserting that the CPK "respect[ed] the religious beliefs of everybody." When asked about the fate of officers of the Khmer Republic regime, **Ieng Sary** replied that "today they participate in agricultural production."
1000. Similarly, in the October 1975 issue of the *Far Eastern Economic Review*, **Ieng Sary** defended the evacuation of Phnom Penh and other cities as part of a CPK strategy to thwart an American plan to destabilise the DK government, and because "our country's food problem left us no alternative."
1001. In a speech on 17 April 1976, **Ieng Sary** claimed that "the Cambodian people fully exercised their rights in electing the PRA, the supreme body of their revolutionary administration." Despite knowledge about the prevailing food shortages resulting in starvation deaths across Cambodia, **Ieng Sary** stated that "the food supply problem created by the war of destruction has basically been resolved."
1002. In a May 1977 interview with *Der Spiegel*, **Ieng Sary** claimed that DK would have a surplus of rice for export and that there was "no hunger anymore." He called "crazy" the accusation that 1 million people had died since 1975, admitting only that "2000 to 3000 people died during the evacuation and several thousands died at the paddy fields." And despite having both established and visited worksites, **Ieng Sary** denied the existence of forced labour and re-education centres, asking "[H]ow are the people

supposed to work when they are forced to?”

1003. In an address to the UN on 11 October 1977, **Ieng Sary** declared that “[o]ur people are very happy and are proud of this excellent state of affairs where they are truly the masters of their own destiny and of their own country.” Asserting that DK’s “bad image” came from “bad information,” **Ieng Sary** spent more than half his speech boasting about his government’s alleged achievements: the establishment of one clinic and one pharmacy for every hundred families; the construction of dams and waterways; the near eradication of malaria; and having “solved the problem of illiteracy.” He further claimed that, in 1976, Cambodia produced an average of 312 kilograms of rice per year per person, thus “meet[ing] the needs of the population.”
1004. On 12 October 1978, **Ieng Sary** addressed the 33rd Session of the UN General Assembly. He again represented to the world that the DK government had created a “new society where equality, justice, and genuine democracy prevail,” and “[c]orruption, depravation and debauchery have been totally eliminated.” He claimed that the DK regime had “successfully solved the heavy and important post-war problems, such as the problem of food,” such that “[e]veryone eats one’s fill, has decent clothes and shelters, has medicine, medical care and hospitals in each cooperative and trade-union.” Finally, **Ieng Sary** declared to the UN General Assembly that “[i]f this regime was not good and just, the finest speeches and propandas would not satisfy the people.”

PARTICIPATION IN PARTICULAR CRIMINAL EVENTS

Forced Transfers

1005. **Ieng Sary** was a participant in the Party Congresses and meetings of the Central and Standing Committees that established the CPK policy on the urban population of Cambodia and decided to evacuate the cities upon liberation; these meetings included the First Party Congress in late September 1960 and the June 1974 meeting of the Central Committee planning the final offensive to liberate Phnom Penh. His presence in China during the final meeting of the Battlefield Committee in early April 1975 does not absolve **Ieng Sary** from his prior approval of the CPK plan as one of the senior leaders of the Party.
1006. In addition, **Ieng Sary** supported the February 1975 decision of FUNK to execute

senior Khmer Republic officials, and admitted the execution of the Khmer Republic government officials who remained in Cambodia and were captured by the CPK. In a September 1975 interview with *Newsweek*, when asked what had happened to the officers of the defeated Khmer Republic regime, **Ieng Sary** claimed that they were participating in agricultural production and, if sincere, could participate in the Cambodian national life. In contrast, when next asked whether former Prime Minister Long Boret was alive or dead, **Ieng Sary** responded: “Dead or not dead, he is a traitor and was judged by the people and Congress.” In a 1 November 1975 press conference at the end of a five-day trip to Thailand, **Ieng Sary** publicly admitted that Long Boret and Sirik Matak had been executed after the CPK victory in April 1975.

1007. In regards to the forced transfer to the Northwest Zone that began in the fall of 1975, although it appears that **Ieng Sary** was absent from the country during the 20-24 August 1975 Standing Committee visit to the Northwest Zone, he had returned to Cambodia as of 26 September 1975 and was present in the country for almost the entire six-month period beginning in late September or early October 1975 during which the forced transfer of the 500,000 people took place.

Forced Labour

1008. In his capacity as a CPK senior leader and member of the Standing and Central Committees, **Ieng Sary** participated in the planning of the CPK’s economic policies and was responsible for the creation of forced labour worksites. The plans issued by the Party Centre called for massive irrigation projects and unrealistic rice and salt production quotas. He was also a participant in the Standing Committee meeting that decided to construct a military airfield at Kampong Chhnang. At MFA meetings, **Ieng Sary** discussed the importance of having work forces build dams and canals. He also made a public statement at the UN General Assembly acknowledging and supporting the DK government’s large scale work projects.
1009. **Ieng Sary** approved the operation of these forced labour sites with full knowledge of the inhumane conditions that prevailed at such sites. As a member of the Standing Committee, he received regular reports from zone offices on the construction of the dams and water reservoirs, including the Trapeang Thma dam. For example, a 10 April 1978 report from the North Zone, copied to **Ieng Sary**, indicated that at dam worksites “productivity is 2 to 3 times faster than that in 77,” though “many people”

had “become sick since this season is too hot.” He received reports on food shortages and the absence of sufficient medicine in the provinces. **Ieng Sary** has admitted that he was informed by his children in 1976 that people were “dying of hunger,” as they were eating only gruel and not rice, and claims that he confronted Pol Pot about this matter.

1010. **Ieng Sary** also visited dam sites at which he could observe the inhumane conditions and the hardship of the workers, including the Trapeang Thma Dam and the 1st January Dam. He inspected the Kampong Chhnang Airport Construction Site on at least two occasions, including a trip in early 1977 during which he and **Khieu Samphan** met with the site leaders. He also contributed to the operation of the Kampong Chhnang Airport Construction Site by assigning MFA personnel who had committed minor offences to work there.

Regional Security Offices

1011. As a member of the CPK Standing and Central Committees since the First Party Congress in 1960, **Ieng Sary** was one of the senior CPK leaders who (a) established the Party line that all enemies were to be smashed, (b) authorised zone leaders to smash enemies located in their regions, and (c) instructed CPK cadres, through the monthly *Revolutionary Flag* publication, circulars from Office 870, political study sessions and other direct communications, who were to be considered enemies of the CPK. Despite his knowledge of widespread crimes through the regular reports sent by the zones to Office 870, **Ieng Sary** failed to take any action to prevent the commission of such crimes or to take any action to investigate and punish the direct perpetrators. To the contrary, in his capacity as Foreign Affairs Minister, he publicly denied the reports of those crimes, and ignored or rejected international calls for investigations into the allegations of mass crimes in Cambodia.

Purges of MFA, Diplomats and Other Cadres (S-21)

MFA Cadres

1012. As the head of the organisation, **Ieng Sary** was ultimately responsible for all security matters at the MFA. As discussed below, his security responsibilities included both (a) the monitoring of cadres to identify “internal enemies” and (b) decisions on whether to re-educate or arrest cadres who were “implicated” as potential enemies.

1013. The identification of “enemies” within the Ministry was considered a “Party matter.” The CPK Statute, which **Ieng Sary** helped to create, required all organisations to maintain “high-level revolutionary vigilance toward all enemy activities.” Members of the Party were required to have “good class pedigree,” meaning a “worker class stance,” to be “good and clean politically” and never “involved with the enemy,” and to have a “clear personal history with a verified base of origin, place of residence, and work.” Branch units, such as ministry offices, were responsible for the “screening of Party members and core organisations,” as well as their re-education. In order to fulfil these tasks, the Ministry conducted daily “self-criticism” sessions, monthly “lifestyle” or “life-view” meetings and “biography meetings” every three months to collect personal biographies from cadres, all of which were used to identify potential “traitors” within the MFA.
1014. **Ieng Sary** personally participated in this process. He led the monthly lifestyle meetings, and occasionally attended the daily self-criticism sessions. He, or [Redacted], requested MFA cadres who had been implicated in S-21 confessions or otherwise accused of being enemies to complete biographies. [Redacted] was accused by **Ieng Sary** of having joined the CIA, and then ordered to write a biography that took him one year and was “as thick as a book.”
1015. After being implicated as a KGB or CIA agent in two S-21 confessions, [Redacted] was directed by **Ieng Sary** to prepare a biography. [Redacted], [Redacted]. A copy of that biography is in the Case File. It corroborates [Redacted] testimony regarding **Ieng Sary**’s role in the biography process, and provides a tangible example of how biographies were used by the CPK to attempt to identify persons who had suspect backgrounds or questionable allegiance to the Party. As a result of **Ieng Sary**’s protection, [Redacted] was not sent to S-21 [Redacted]. As discussed below, most of the MFA cadres implicated in S-21 confessions were not so fortunate.
1016. **Ieng Sary** held meetings with MFA staff about internal security matters such as the “enemy burrowing from within,” telling cadres that “internal purges” were needed “because secret agents of the enemy were inside.” Such meetings were held two or three times a year to brief MFA cadres [Redacted]. At the 10 July 1976 Ministry Congress, cadres were told that one to five percent of the country were “traitors” boring from within and instructed to investigate biographies, “carry out self-

criticism,” “monitor all activities” of personnel and “handle pests buried inside,” so that “spies cannot infiltrate into our Ministry.” A 12 September 1977 Ministry conference noted that they had “smashed and [swept] cleanly away the enemies who were CIA, KGB and Yuon territory-swallowers,” and called for continued efforts to “sweep cleanly away” the remaining enemies within the Ministry.

1017. **Ieng Sary** was directly responsible for the determination of which MFA cadres would be “smashed and swept cleanly away.” As the Secretary of the Ministry, his agreement was required before MFA cadres could be arrested. **Ieng Sary**’s authority and power relating to such arrests is confirmed by the fact that, in two cases, he was able to protect from arrest certain favoured cadres who had been implicated as CIA or KGB agents. In cases where MFA cadres were implicated in S-21 confessions, Son Sen or **Nuon Chea** would send a copy of that confession to **Ieng Sary**, so as to inform him of “enemy activities within that unit” and to allow him to “contemplate the arrest of implicated persons.” A joint decision would then be made as to whether the implicated persons would be monitored, sent to a worksite for tempering, arrested or not subject to any action.
1018. [Redacted], [Redacted], S-21 confessions have been identified that contain annotations by **Nuon Chea** or Son Sen indicating they were sent to **Ieng Sary**. On some occasions, **Ieng Sary** read from S-21 confessions to MFA cadres or Boeng Trabek detainees, or informed cadres that they had been implicated in such confessions.
1019. In some cases, suspect cadres were transferred to the MFA, where they could be monitored by the Party Centre and more readily arrested and sent to S-21. For example, In Nat and Teanh were transferred from the General Staff to the MFA “under the pretext of being appointed as ambassadors abroad.” Ou Pin *alias* Tep Hay *alias* Hâm, the Deputy Secretary of Sector 32 who was determined to be an enemy after criticising collective property at a West Zone conference, was initially transferred to the MFA and thereafter arrested, detained and executed at S-21. Kè Kim Huot *alias* Soth was a Sector Secretary who was nominated ambassador to Yugoslavia, but “disappeared before leaving” and was sent to S-21. **Ieng Sary** has admitted that he was aware the Ministry was used as “a holding centre for suspect cadre.” This practice was sufficiently common that **Nuon Chea** used the expression “to be sent as a diplomat” to refer to someone’s arrest and execution.

1020. All MFA cadres who were arrested were sent to S-21. Records were prepared that listed the MFA prisoners sent to S-21. MFA cadres were arrested and transported to S-21 usually by S-71 Chairman Pâng or Deputy Lin, but in some cases by MFA security personnel. For arrests that were to be conducted by S-71, **Ieng Sary** would coordinate the arrest by informing Pâng or Lin [Redacted]. As a member of the Standing Committee, **Ieng Sary** was aware of S-21's purpose and knew that anyone sent there was to be "smashed." He has admitted that the individuals sent to S-21 "didn't come back" and were arrested and detained there "without justification." During political training of his staff, **Ieng Sary** read out S-21 confessions as examples of those that violated the CPK political line and the resulting consequences.

Diplomats, Intellectuals and Students Returning to Cambodia

1021. In addition to MFA staff, **Ieng Sary** was responsible for diplomatic personnel, former GRUNK officials and intellectuals and students who returned to Cambodia after 17 April 1975.
1022. In late 1975 or early 1976, **Ieng Sary** sent telegrams to the embassies abroad recalling the GRUNK ambassadors and other diplomatic officials to Phnom Penh to attend ten days of political education and study. Some of those returning diplomats were met upon their arrival by **Ieng Sary**. Their political study sessions were led by **Ieng Sary** and [Redacted]. At their completion, a few of the participants were immediately assigned to the MFA, but most were sent to perform hard labour in the countryside, pursuant to a decision by **Ieng Sary** and the Standing Committee that former diplomats would be subject to re-education. [Redacted].
1023. On 17 May 1976, **Ieng Sary** reported to his fellow members of the Standing Committee that the only embassies left were in Beijing, North Korea, Vietnam and Laos, and that all other ambassadors and their families had returned. As of that date, the Standing Committee concluded that there was a "need to be careful" with the "old diplomats," and they would not yet be used for DK government assignments.
1024. The recall of diplomatic officials by the MFA continued in subsequent years, coordinated through the DK embassy in China. For example, on 11 April 1977, the DK Ambassador to China Pech Cheang recalled Ouk Ket (a diplomatic official in Senegal) to Cambodia for "education and study." [Redacted]. S-21 records indicate that

he was arrested on 15 June 1977. [Redacted].

1025. **Ieng Sary** was also responsible for convincing other Cambodian expatriates to return to the country. He “instructed” intellectuals in Bulgaria, Hungary and Yugoslavia to return to Cambodia, and at least one hundred did. Towards the end of 1975, the DK Ambassador in China ordered the Khmer students located there to return to Cambodia to help build the country. In late August 1975, on a stopover in Paris on his way to Peru, **Ieng Sary** called on Cambodians living abroad to return home. During such visits to Paris and other countries, **Ieng Sary** gave speeches “justifying the country’s policies,” asserting that “all was fine and that life in Cambodia was good,” which representations led many people to return to Cambodia. [Redacted] there were weekly flights from Beijing, China that mostly contained students and intellectuals returning to Cambodia. These returnees were met at the airport [Redacted], their passports were seized, their suitcases and clothes were taken and stored in a MFA warehouse, and they were put on trucks and taken to detention camps.
1026. **Ieng Sary** has admitted his critical role in the return of Cambodian expatriates, expressing regret for “the deaths of the intellectuals” and stating that he was “the one who gathered them to come to help build the country.”

Boeng Trabek and Chraing Chamres Re-education Sites

1027. As discussed in detail earlier in the Positions and Authority Subsection, **Ieng Sary** controlled and was responsible for several forced labour and re-education sites, including Chraing Chamres and Boeng Trabek.
1028. Many of the returning diplomats, intellectuals and students were detained at Chraing Chamres in 1976, and then transferred to Boeng Trabek in 1977. In February 1977, one group of former diplomats and GRUNK officials who had been detained at Chraing Chamres were taken to the MFA for a meeting with **Ieng Sary**, and then transferred to Boeng Trabek. [Redacted]. At these sites, the detainees faced long hours of forced labour, strict rules of movement, political indoctrination, “disappearances” and public executions. The detainees who were not successfully “re-educated” were sent to S-21 for execution.
1029. **Ieng Sary** was responsible for the re-education of the former diplomats and returning intellectuals and students, and for determining who would be promoted to the MFA,

who would remain at the sites and who would be sent to S-21. He personally conducted political training of intellectuals at Boeng Trabek, discussing the elimination of enemy networks and referring to the S-21 confessions of former detainees from the site.

Other CPK Cadres

1030. In his capacity as a member of the CPK Standing Committee, **Ieng Sary** participated in decisions on the purge and arrest of various high-level CPK cadres. For example, the decision to arrest Sector 24 Secretary Suos Neou *alias* Chhouk was jointly made by the entire Standing Committee, with S-21 Chairman **Duch** providing Son Sen seven copies of the confession excerpts implicating Chhouk, one for each member of the Standing Committee. **Ieng Sary** was present at the meeting at which the arrest of Vorn Vet was discussed and decided.

Estimated Number of Victims

1031. As a result of the acts described above, **Ieng Sary** was specifically responsible for the unlawful arrest, detention, torture and execution of approximately two hundred persons at S-21, including at least 82 MFA cadre, 26 former diplomats and GRUNK officials, 57 returning intellectuals and students and 30 spouses or families members of such persons.

Crimes Against Buddhists

1032. The decision to abolish Buddhism, close all temples and disrobe the Buddhist monks was a core policy of the CPK based in Marxist-Leninist ideology that was established by the senior leaders of the Party. According to the CPK, Buddhist monks were “leeches,” “blood sucking parasitic worms” and “feudalists who sucked the blood of the people.” The CPK leaders’ decision to consider Buddhist monks as a “special class” akin to Khmer Republic soldiers who should be defrocked was communicated to CPK cadres in 1974, and confirmed by Pol Pot and **Nuon Chea** at the nationwide conference of CPK cadres that began on 20 May 1975.

Crimes Against the Vietnamese

1033. As the Minister of Foreign Affairs and a member of the Standing Committee, **Ieng Sary** participated in the creation and implementation of CPK policy relating to the

international armed conflict with Vietnam, and approved and directed acts that constituted Grave Breaches of the 1949 Geneva Conventions.

1034. Military reports and telegrams sent during the DK period establish that **Ieng Sary** had express knowledge of the intentional killings of civilians and destruction of civilian targets by DK armed forces operating along the Vietnamese border and of the unlawful treatment of Vietnamese prisoners of war at S-21, and that he was one of the CPK senior leaders who ordered and supervised those crimes. For example, in March 1976, **Nuon Chea** and **Ieng Sary** received a telegram that detailed the capture, detention, interrogation and killing of Vietnamese soldiers. Between August 1977 and April 1978 alone, CPK documentation shows that **Ieng Sary** was aware of the killing of over one thousand Vietnamese civilians by DK armed forces in Vietnam.
1035. **Ieng Sary's** authority over the perpetrators who committed such crimes, and his participation in the decisions to order their commission, is exemplified by a 29 October 1977 telegram from the East Zone Secretary, copied to **Nuon Chea** and **Ieng Sary**, asking whether Office 870 wanted three captured Vietnamese who were being interrogated in Sector 23 to be sent to Phnom Penh. The MFA used Vietnamese confessions in official DK government publications, including statements of "Vietnamese agents who had infiltrated into the ranks of Kampuchea's revolution and were arrested in 1976." In December 1978, **Ieng Sary** wrote to Son Sen asking him to receive a delegation of Chinese Comrades in order "for them to see, *inter alia*, victorious achievements captured from the Yuon and Vietnamese dead bodies."

POST DK PERIOD

1036. In so far as they show a consistent pattern of conduct, **Ieng Sary's** actions after the CPK's removal from power reinforce the evidence of his criminal participation and intent during the period under investigation. As described below, when the CPK leadership reconstituted itself in 1979, **Ieng Sary** remained a senior leader of the Party, retained the position of Minister of Foreign Affairs, and participated in meetings and decisions of the Party's upper echelon. He continued to represent CPK's interests abroad, including in international fora such as the UN. Even as he was put on trial *in absentia* for his participation in DK's crimes, he was rallying international support for the CPK's return to power. He continued to act as one of the senior CPK leaders for at least 13 years after 1979 and emerged as the leader on a new party in

1996. Like the other senior leaders of the CPK, he continued to deny CPK's crimes for years, but has more recently acknowledged them while seeking to deny or minimise his own responsibility.

ACTIVITIES AND ROLE

1037. In the immediate aftermath of the fall of Phnom Penh, **Ieng Sary** met with Pol Pot and **Nuon Chea** near Battambang or Pursat, where it was decided that he should travel to the People's Republic of China to represent the CPK and seek aid from the Party's most important ally. Beginning on 12 January 1979, **Ieng Sary** met repeatedly with Chinese leaders Deng Xiaoping and Hua Geofeng, securing an immediate \$5 million aid package. **Ieng Sary** continued to serve as the "chief conduit" for Chinese aid to the CPK, and secured funding to the movement through mineral extraction and illegal logging after Chinese aid dropped off in the early 1990s.
1038. **Ieng Sary**'s continued leadership role in the CPK movement is confirmed by his regular participation in numerous internal and coalition meetings. In February or March 1979, he participated in the first Central Committee meeting held after the fall of the DK regime, which meeting also included Pol Pot, **Nuon Chea**, **Khieu Samphan** and Ta Mok. At the 15-17 December 1979 Democratic Kampuchea Congress, **Ieng Sary** was confirmed as Deputy Prime Minister in charge of Foreign Affairs. During 1979, the Foreign Minister of Singapore lobbied **Ieng Sary**, **Khieu Samphan** and **Ieng Thirith** to form a coalition with other nationalist groups opposing the Vietnamese invasion. On 8 July 1982, coalition talks were held by **Ieng Sary**, **Khieu Samphan** and **Ieng Thirith** with Norodom Sihanouk, and **Ieng Sary** was appointed chairman of the Coordination Committee on Finance and Economy. He participated in numerous coalition meetings throughout 1983 and 1984.
1039. Externally, **Ieng Sary** represented the CPK before a number of bodies, including the Sixth Non-Aligned Countries Summit in Havana in September 1979 and frequent appearances at the UN and UN-sponsored conferences. On behalf of the CPK, **Ieng Sary** regularly received foreign delegations and met with foreign journalists. He consistently represented himself and was identified by the international media as a leading member of the CPK.
1040. By August 1996, **Ieng Sary** enjoyed the loyalty of between four and six thousand former CPK cadres, which accounted for one third to two thirds of the remaining CPK

forces. On 28 August 1996, **Ieng Sary** announced the creation of a new party, the Democratic National United Movement. Several weeks later, on 9 September 1996, **Ieng Sary** announced ongoing formal ceasefire and surrender negotiations with the Cambodian government, but made amnesty a condition precedent for his talks with the Cambodian government. On 14 September 1996, Norodom Sihanouk issued a royal decree granting a pardon to **Ieng Sary** for the sentence of death imposed on him by the Peoples' Revolutionary Tribunal of 1979 and an amnesty for prosecution under the "Law [of 1994] to Outlaw the Democratic Kampuchea Group."

ACKNOWLEDGEMENTS AND DENIALS OF CRIMES

1041. Both during and after the DK regime, **Ieng Sary** consciously acted to prevent discovery of the crimes committed during the DK regime, affirmatively denying the existence of such crimes in international forums and media. Notwithstanding his admitted knowledge of such crimes through the regular reports he received as a member of the Standing Committee, **Ieng Sary** repeatedly denied these atrocities and discredited the information by branding it "untrue propaganda." In this manner, he deflected criticism from the illegal CPK policies by drawing attention to supposed interference by other States.
1042. More recently, **Ieng Sary** has reluctantly acknowledged DK crimes, but sought to minimise his personal responsibility and put the responsibility on other CPK leaders, in particular Pol Pot, **Nuon Chea** and Son Sen.

KHIEU SAMPHAN

OVERVIEW

1043. The following section provides an overview of **Khieu Samphan's** involvement in, and criminal responsibility for, the crimes under investigation.
1044. **Khieu Samphan** was a member of the small group of individuals at the helm of the CPK who conceived the joint criminal enterprise, and then directed and oversaw its implementation. A long-standing activist within the Cambodian communist movement, he held several senior positions within the Khmer Rouge, the GRUNK and FUNK for at least five years prior to the CPK's rise to power. In that period, he worked to ensure the CPK's victory and took part in the conception of the criminal plans which he and the other members of the joint criminal enterprise put into motion as soon they came to power.
1045. **Khieu Samphan** voluntarily assumed and held several positions of responsibility and influence within the CPK and DK, including those of the President of the State Presidium and the Head of Political Office 870. He was a member, *de jure* and / or *de facto*, of the CPK's highest decision making bodies, including the Standing Committee, the Central Committee, and Commerce and Banking Committees. Throughout the period, he lived and worked closely with the CPK's other senior leaders and remained a member of the Party's upper echelon. He presented himself domestically and abroad as a leader of DK, and was perceived as such by CPK / DK cadres, the population at large, and the international community.
1046. The acts through which **Khieu Samphan** bears criminal responsibility for the crimes under investigation include (but are not limited to): attending and contributing to the meetings of the CPK Standing Committee at which the joint criminal enterprise was devised, reports on its progress received and discussed, and further directives issued; working within and managing Political Office 870, thus issuing directives, receiving reports and overseeing the implementation of CPK's criminal policies; participating in specific criminal acts such as the evacuation of Phnom Penh; overseeing and facilitating the countrywide enforcement of policies of use of forced labour, inhumane treatment and enslavement in his role as a member of the Central Committee responsible for state commerce and production; ordering and instigating the crimes

through, *inter alia*, his public statements, speeches and tempering of cadres and intellectuals; assisting in the purges, including by investigating suspected cadres, receiving and reviewing confessions of arrested cadres, and advising on and approving arrests; representing DK nationally and internationally, and refuting evidence of its crimes; otherwise regularly meeting and working with the other senior members of the CPK, and exercising his authority to plan and aid the commission of the crimes. Through his formal positions, as well as his position of influence within the CPK leadership, **Khieu Samphan** also exercised effective control over the various military, administrative and regional structures of the CPK and DK involved in the crimes, and failed to prevent the commission of the crimes, or to investigate and punish the perpetrators.

1047. Throughout the period under investigation, **Khieu Samphan** had privileged access to, and received, information on the crimes. Despite this, he urged the continuation of arrests and killings of the CPK's perceived enemies, the use of forced labour, and the commission of other inhumane acts against the civilian population. In his international dealings as Head of State of DK, he ignored or rejected calls for investigations into the allegations of mass crimes in Cambodia.
1048. **Khieu Samphan's** personal, professional and political associations with the other members of the joint criminal enterprise lasted from the early 1950s until the late 1990s - almost his entire academic and professional life. Throughout this period, he consistently proved himself to be a strong supporter of the CPK's criminal policies and a trusted ally of Pol Pot. Although he denies his knowledge of and involvement in any of the crimes, extensive evidence on the Case File confirms not only that he was aware of the crimes, but that he was actively involved in them.
1049. **Khieu Samphan** also dutifully performed his role as a CPK leader for almost 20 years after the Party's removal from power, during which period he consistently fought for the return of the Khmer Rouge. He only acknowledged the true extent of the crimes following his failure to return to power, and his surrender in late 1998. However, in recent years, as the prospect of criminal prosecution increased, he has both sought to justify the CPK's policies, and to exclude any responsibility on his own part for the crimes that took place.

PRE-1975 ROLE

1050. **Khieu Samphan** was born on 27 July 1931 in the District of Rumduol, Svay Rieng. The Case File contains limited information relating to his early education. One source indicates that, in July 1951, he received a diploma in mathematics from the Sisowath High School, and, in May 1953, graduated with a diploma in legal studies from the Institute for Legal, Political and Economic Studies in Phnom Penh. Other evidence suggests that he attended the Preah Sihanouk College at Kompong Cham, where he met Pol Pot who was one year ahead of him.
1051. In 1953 or 1954, **Khieu Samphan** went to Paris on a scholarship to undertake further studies. From 1954 to 1956, he obtained a number of diplomas in law, rural economics, industrial legislation, economic geography and economic systems and structures. In 1959, he finished his doctoral thesis in economics, entitled “Cambodia’s Economy and Industrial Development,” at the Sorbonne University in Paris. While not amounting to a blueprint for the CPK’s revolution, the thesis (as well as that of Hou Yuon) advanced concepts which became part of the CPK’s policies. These included the ideas of economic primacy of the nation over that of the individual, and a radical restructuring of society to maximise agricultural production.
1052. **Khieu Samphan** was politically active as early as 1946 when he joined a movement of Cambodian students calling for national independence and freedom from French colonialism. While studying in Paris, he became President of the Khmer Students’ Association and a member of the Marxist-Leninist Circle, which was founded and headed by **Ieng Sary** in 1951, and included in its membership **Ieng Thirith**, Pol Pot and Khieu Ponnary. Ieng Sary has indicated that **Khieu Samphan** joined the Communist party in France in 1955 and **Nuon Chea** has stated that **Khieu Samphan** was a member of the CPK from 1963. He became the head of the Circle when **Ieng Sary** returned to Cambodia in January 1957. He has stated that, during his time in France, he also joined the Khmer Vietminh movement to fight for Cambodia's independence.
1053. Following his return to Cambodia in 1959, **Khieu Samphan** held teaching jobs, including at the Faculty of Law in Phnom Penh. In September 1959 he founded the French-language newspaper, *L’Observateur*, and worked as its editor. The paper was a tool of the communists returning from France who proved to be among the strongest

opponents of the Phnom Penh regime. Its operating costs were covered by **Ieng Thirith's** salaries from her teaching jobs and additional fees **Khieu Samphan** earned by teaching on weekends. In this period **Khieu Samphan** taught his students that "Cambodia needed to be swept clean of corruption and evil influences."

1054. *L'Observateur's* criticism of Norodom Sihanouk's policies resulted in **Khieu Samphan's** arrest in March 1960 on accusations of communist activity. He was subjected to harassment which appeared to be condoned by the authorities and in August 1960 he was arrested again and held for two months without charge. In that period, the newspaper closed.
1055. By 1962, **Khieu Samphan** joined Norodom Sihanouk's Sangkum Reatsr Niyum party, ran in the elections for the National Assembly and was elected member for S'ang District in Kandal Province. In October 1962 he became Secretary of State for Commerce. However, on 4 March 1963 he was named by Norodom Sihanouk as one of 34 known and suspected leftists, who were labelled as "cowards, hypocrites, saboteurs, subversive agents and traitors." The list also included Pol Pot and **Ieng Sary**. By July 1963, **Khieu Samphan** was forced to resign from his position as Secretary for Commerce by the right-wing members of the government. He was re-elected to the National Assembly in 1966, but his position in Phnom Penh became untenable due to threats of arrest and execution by the regime. In April 1967, he was summoned to appear before the Military Tribunal together with Hou Yuon and Hu Nim. At this point, **Khieu Samphan** and Hou Yuon fled Phnom Penh and sought refuge in CPK-controlled villages in the Kampong Speu province. **Khieu Samphan** remained in this area under the protection of Ta Mok until 1970.
1056. Although he has written extensively about the developments in the communist movement in this period, **Khieu Samphan** has provided little information on his involvement in the movement after his return to Cambodia. It is clear that he maintained close contacts with the CPK leaders in the mid-1960s, given that he 1) was able to flee Phnom Penh with their protection, and 2) quickly attained senior appointments within the CPK, as illustrated below. Consistent with this, it has been suggested that he received assignments from the underground communist movement in the early 1960s to rally potential sympathisers in Phnom Penh.
1057. **Khieu Samphan** has stated that in March or September 1970, together with Hou

Yuon, Hu Nim, and Ta Mok, he met **Nuon Chea** and Pol Pot in the Stueng Chinit river area between the Kampong Cham and Kampong Thom provinces. From this point **Khieu Samphan** worked with Pol Pot and the CPK leadership, and was appointed to several senior positions within, or on behalf of, the Khmer Rouge movement, including:

- (1) Deputy Prime Minister of GRUNK;
- (2) Minister of National Defence of GRUNK;
- (3) Commander-in-Chief of the National Liberation Armed Forces;
- (4) Member of the Political Bureau of the FUNK Central Committee;
- (5) Chairman of the Cambodia Viet Nam Friendship Association;
- (6) First on a list of 91 members of “A Group of Intellectuals Representing the Intellectual Circles of the Liberated Zones;” and
- (7) A candidate member of the CPK Central Committee from July 1971 (he became a full member of the Committee in January 1976).

1058. **Khieu Samphan** also acted as a liaison with Norodom Sihanouk, who had been appointed as the Prime Minister of GRUNK but was based outside the country. Publicly, **Khieu Samphan** was portrayed as the leader of the communist resistance, commanding Cambodian guerrillas in the struggle to overthrow the Khmer Republic regime.

1059. **Khieu Samphan’s** public image in this period exceeded his actual authority in so far as he was not the highest-placed member within the CPK. However, he was a member of a small inner circle of individuals who led the Party. On the CPK’s behalf, he played a key role in the success of the GRUNK coalition, as he was the only member of the Khmer Rouge who could establish and maintain a close relationship with Norodom Sihanouk. He undertook numerous activities which helped promote the GRUNK as a viable alternative government and rallied CPK troops and cadres in the war against Khmer Republic’s forces. His activities included: convening and holding official meetings with cadres and international delegations; issuing official messages and appeals to the population, including monks and peasants, to join and support the CPK forces; undertaking official trips in and outside

the country; convening rallies and conducting political education; supervising and giving instructions to Party members; praising military victories in the war against the Khmer Republic's army; and refusing to enter negotiations with the Khmer Republic government. During the period 1970-1975, **Khieu Samphan** also resided and worked with other CPK leaders (including Pol Pot, **Ieng Sary**, **Nuon Chea**, Hu Nim and Hou Yuon) at the Party's headquarters in several locations before they entered Phnom Penh.

1060. During April 1975 it was reported that **Khieu Samphan** officially received the surrender of the Khmer Republic forces. On 13 April 1975, in a broadcast radio message issued on behalf of GRUNK and FUNK, he stated that while Lon Nol and a number of "traitors" had escaped, some traitors remained within the country and were determined to continue "the treachery." He urged the population to surrender to the Khmer Rouge, asking army officers "from the traitorous army" to lay down their weapons and join the insurgents, stating that the FUNK and GRUNK "will most assuredly take over Phnom Penh."

DK POSITIONS AND AUTHORITY

GRUNK AND APPOINTMENT TO STATE PRESIDUM

1061. When the CPK took power on 17 April 1975, **Khieu Samphan** retained his positions in GRUNK and FUNK. On 9 October 1975, he was assigned the responsibility for "the Front and the Royal Government," and then played an important role in the dismantling of GRUNK and the establishment of the State of DK. Together with Penn Nouth, he co-chaired the Third National Congress which adopted the DK Constitution on 14 December 1975. His report on the new Constitution was broadcast on 5 January 1976. The Constitution instituted a State Presidium instead of a monarch as head of state, giving that body the responsibility for representing DK "inside and outside the country." On 30 March 1976 the Central Committee decided that, following national elections, the PRA, the State Presidium, and DK Government would be established, with **Khieu Samphan** to be appointed Chairman of the Presidium.
1062. On 5 April 1976, **Khieu Samphan** accepted King Norodom Sihanouk's resignation as the GRUNK Head of State. While he claims that the King voluntarily resigned, the minutes of an 11 March 1976 Standing Committee meeting, which **Khieu Samphan**

attended, indicate that the CPK had forced the King to resign (and even contemplated killing him) as part of its move to consolidate its hold on power. As noted below, in this period, **Khieu Samphan** was also responsible for managing the CPK's relations with the royal family.

1063. On 8 March 1976 the Standing Committee assigned **Khieu Samphan** the responsibility of organising a sham nation-wide election ballot for the DK PRA. At the first plenary session of the Assembly from 11 to 13 April 1976, **Khieu Samphan** was appointed Chairman of the State Presidium, making him the effective Head of State. Five months later, when Pol Pot took leave of absence, **Khieu Samphan** presided over the appointment of **Nuon Chea** as acting Prime Minister.
1064. As the DK Head of State, **Khieu Samphan** fulfilled numerous diplomatic responsibilities, including taking part in official DK delegations to other countries, signing international agreements on behalf of the DK government, receiving and holding talks with foreign delegations, hosting visits by foreign leaders and other high-level foreign representatives, attending receptions and meetings hosted by foreign embassies or the DK government, and accompanying national and international officials on trips around the country. He also received letters of credentials of ambassadors to Cambodia during ceremonies at the state palace (usually also attended by **Ieng Sary**), corresponded with foreign leaders on behalf of the DK government, and sent letters to national leaders on occasions such as national days of celebration and the election of new governments. In August 1976 he represented DK at the Fourth Summit Conference of the Non-Aligned Nations in Colombo, Sri Lanka.

MEMBERSHIP OF CPK CENTRAL COMMITTEE AND STANDING COMMITTEE

1065. In addition to being a candidate member (from 1971) and full rights member of the CPK Central Committee (from January 1976), during the period under investigation, **Khieu Samphan** was a *de facto* member of the Standing Committee. As discussed in General Participation in the Criminal Plan Subsection below, he lived and worked on a daily basis with the other members of the CPK leadership, thus forming part of the CPK "Party Centre." Redacted have described him as a member of the Party Standing Committee / "Joint Leadership Committee" / Centre Committee / Upper Echelon, or as one of the CPK leaders / "uncles" – all of which are various references

to the small group of individuals (which included Pol Pot, **Nuon Chea**, **Ieng Sary**, **Khieu Samphan**, Ta Mok, Sao Phim (until his death), Vorn Vet (until his arrest) and Son Sen) who represented the ultimate authority on all matters in the CPK and DK, and to whom all party, military, and government bodies reported.

1066. **Khieu Samphan's** membership of the Standing Committee / Party Centre is confirmed by the surviving records of his attendance at Standing Committee meetings. Out of a total of 17 Standing Committee minutes that contain full records of attendees, he is listed as present (and essentially confirms his attendance) on at least 14 occasions between November 1975 and June 1976 - an attendance record of 82%. With the exception of Pol Pot and **Nuon Chea**, he is the most frequent attendee at these meetings.
1067. The Standing Committee meetings at which **Khieu Samphan** participated dealt with topics as wide-ranging as: arrests in the zones; the situation of enemies or traitors; large numbers of people suffering from diseases within worksites; health, including establishment and management of hospitals and the production of medicines; distribution of food throughout the DK; transfers of adolescents and / or children to the work force; national defence, including transportation of ammunition and construction of weapons factories; the conflict with Vietnam and reports of atrocities committed by DK forces during incursions into Vietnam; elections, propaganda, the establishment of the DK's government apparatus and the use of the PRA as a facade; DK economy and domestic production including agriculture; creation of various committees / ministries under the Party Centre's authority; trips abroad by DK Ministers, international trade, refugees and international assistance.
1068. **Khieu Samphan** has described his frequent participation in the work of the Standing Committee in his own writings: he has indicated, for example, that the conflict with Vietnam was extensively discussed in the Standing Committee during 1976. He states that he was able to follow the evolution of the conflict and was aware of the RAK incursions into Vietnam through reports provided at Standing Committee meetings and through discussions with RAK commanders and zone secretaries. Describing the 14 May 1976 Standing Committee meeting at which negotiations with Vietnam were discussed, **Khieu Samphan** explains his failure to speak as follows: "I, who attended and listened, was worried, as were the others"... "I knew that even if I spoke, I had

nothing more to add.”

1069. [Redacted], [Redacted], [Redacted]. While the minutes do not always indicate the names of the speakers, it is clear that **Khieu Samphan** took the floor on a number of occasions: for example at March 1976 meetings he participated in discussions regarding King Norodom Sihanouk’s supposed resignation, and reported on the goals, election methods and candidacy requirements for the 1976 elections (the latter meeting also dealt with purges). He was also one of only three members of the Party Centre (together with Pol Pot and **Nuon Chea**) to whom **Ieng Thirith** and her senior staff reported on health and social affairs matters at a meeting held on 10 June 1976.
1070. As a member of the CPK’s Party Centre, **Khieu Samphan** assisted in areas outside his immediate sphere of responsibility. For example, on at least two occasions, he took charge of the MFA during **Ieng Sary’s** absences. His seniority within the Party Centre is further reflected in a number of contemporaneous documents. An official list of the staff of “K” offices assigned body guards to the senior leaders in the same order used in the 9 October 1975 Standing Committee decision assigning various responsibilities among the leadership of the CPK (Pol Pot, **Nuon Chea**, **Ieng Sary**, and **Khieu Samphan**).
1071. Limited evidence collected during the judicial investigation to the effect that **Khieu Samphan** was not a member of the CPK leadership is clearly outweighed by the evidence discussed in this Section.

CHAIRMANSHIP OF POLITICAL OFFICE 870

1072. **Khieu Samphan’s** membership and subsequent chairmanship of the Political Office 870 were additional appointments which reflected his role as one of the Party leaders responsible for devising and implementing CPK policies. Political Office 870 functioned as part of the regime’s headquarters and a secretariat of the Standing Committee - as such, it was one of the most important bodies in DK. Within the CPK’s system of strict vertical reporting, Political Office 870 was charged with keeping track of the implementation of the Standing Committee’s decisions. On behalf of the Standing Committee / Party Centre, it issued instructions to, and received reports from, military, governmental and regional units throughout the country. As illustrated in the Common Criminal Plan and Widespread Attack Section, these instructions and reports covered the full range of the CPK’s criminal policies.

Political Office 870's additional responsibilities included: "monitor[ing] suspected members of the party for the [S]tanding [C]ommittee," storing official documents, dealing with "day to day affairs;" acting as a central communications point between senior leaders travelling overseas and offices in Phnom Penh; managing relations with Norodom Sihanouk; supervising power plants, water works and the state warehouses; and distributing goods and supplies to DK organisations throughout the country. As described in the Authority Structure Section, Political Office 870 operated alongside Office S-71, which controlled the network of "K" offices and provided, *inter alia*, crucial logistical support to the Standing Committee and coordinated arrests with S-21.

1073. **Khieu Samphan** was a member of the Office 870 Committee from at least October 1975, the only other member being Seua Vasi *alias* Doeun, the initial Chairman. Like **Khieu Samphan**, Doeun was a member of the Central Committee, and one of the few frequent attendees at Standing Committee meetings. Consistent with the organisation of all administrative units in CPK / DK, **Khieu Samphan** and Doeun shared the responsibility for the management of the Office from at least October 1975. Out of the three Standing Committee meetings not attended by **Khieu Samphan**, two were attended by Doeun. There is also evidence that **Khieu Samphan** frequently met with, and issued instructions to, Chhim Sam Aok *alias* Pang, the head of S-71, as well as cadres working in "K" offices under S-71's control.
1074. **Khieu Samphan** became the Head of Political Office 870 either in April 1976 when Doeun was appointed Minister of Commerce, or at the latest in February 1977, when Doeun was arrested and sent to S-21. [Redacted]. [Redacted]. [Redacted]. **Khieu Samphan's** take-over of the chairmanship role from Doeun is also reflected in correspondence relating to trade negotiations with North Korea: reports which had been submitted to Doeun up to September 1976 were exclusively addressed to **Khieu Samphan** from October 1976.

COMMERCE

1075. Together with other senior CPK cadres, including Koy Thuon, Doeun and Vorn Vet (all of whom were purged during the DK period), **Khieu Samphan** had control and oversight of DK's domestic production and the economy, as well as its international trade. He has described his tasks within Office 870 as "[e]stablishing a price scale for

products from the cooperatives and other economic units, implementing the [Standing] Committee's decisions regarding the distribution of products collected in Phnom Penh to different zones and regions, and working with the Department of Foreign Trade to ensure the importation of specific goods.”

1076. At its April 1976 plenary session, the PRA ostensibly nominated a new Government of DK, consisting of Pol Pot as Prime Minister, three Deputy Prime Ministers and five Ministers. The Assembly also established committees (effectively junior ministries) for agriculture, industry, trade, communications, energy and rubber plantations, which were to function under Vorn Vet, the Deputy Prime Minister in charge of the economy. Actual appointments of ministers to 10 committees / ministries at this level were effected by the Standing Committee on 19 – 21 April 1976.
1077. Even though the nominal appointments by the PRA did not reflect this, **Khieu Samphan** already had significant responsibilities for domestic production and commerce. On 9 October 1975 the Standing Committee had assigned him the portfolio of “[c]ommerce for accounting and pricing,” while giving Koy Thuon *alias* Thuch the responsibility for “Domestic and International Commerce,” and Vorn Vet for “Industry, Railroads and Fisheries.” Following trade negotiations with China, in March 1976 **Khieu Samphan** was appointed the second ranking member of a committee (ostensibly chaired by Koy Thuon) tasked with examining and making preparations for merchandise to be purchased, and Chairman of a committee charged with examining banking matters.
1078. By early April 1976 Koy Thuon was placed under house arrest, leaving **Khieu Samphan**, Vorn Vet and Doeun the senior CPK officials in charge of DK domestic production and economy. Lower-level committees / ministries reported to **Khieu Samphan** and Vorn Vet. The commerce committee / ministry was chaired by Van Rith. In May 1976, following Koy Thuon’s removal, the Standing Committee decided that Doeun was to divide his work between commerce matters and Office 870 for a period of three months, and re-assigned Chey, Secretary / Chairman of the Agriculture Committee, to assist with commerce matters. As discussed above, Doeun was himself arrested in February 1977. Following his arrest, only **Khieu Samphan** and Vorn Vet remained in control of the DK economy on behalf of the Standing and Central Committees. As described below, Vorn Vet was purged in November 1978.

PERSONAL INFLUENCE WITHIN THE CPK'S UPPER ECHELON

1079. In addition to his formal and *de facto* appointments, **Khieu Samphan** derived significant authority and influence from his long-standing and strong relationships with the other CPK senior leaders, and Pol Pot in particular. He has been described as “an important character” who “had Pol Pot’s trust” and “access to privileged information.” He was one of only two CPK figures to be publicly praised by Pol Pot.
1080. During the DK period, as numerous senior members of the Central and Standing Committees were purged, **Khieu Samphan** rose in importance. Within a rapidly shrinking leadership group, he aligned himself with Pol Pot and thus became one of his chief allies, and according to one expert, “second perhaps only to **Nuon Chea**.” In some cases **Khieu Samphan** benefited directly from the demise of his peers, including Vorn Vet and Doeun. Several other senior cadres close to **Khieu Samphan** were purged during the DK period, including his long-standing associates Hou Yuon and Hu Nim, who had objected to the CPK’s criminal policies. His deputies on the State Presidium, Ros Nhim and Sao Phim, both zone secretaries and senior members of the Party, also became victims of the purges. Additional senior members of the CPK who were purged include Koy Thuon and Ney Saran *alias* Ya, the Northeast Zone Secretary. As indicated in the Purge of Cadres Subsection below, **Khieu Samphan** fully supported these purges.
1081. In 1978 [Redacted] were arrested and transferred to the Centre. [Redacted]. Both individuals were subsequently released. **Duch** attributes the subsequent arrest of Kang Chap *alias* Se, the Secretary of the North Zone, at least in part, to Se’s mistake in ordering the arrest of **Khieu Samphan’s** [Redacted].

PARTICIPATION AND CONTRIBUTION

GENERAL PARTICIPATION IN THE CRIMINAL PLAN

Meetings with Other CPK Senior Leaders

1082. Throughout the DK period, **Khieu Samphan** lived, worked and associated with the other CPK senior leaders. Following their entry into Phnom Penh, **Khieu Samphan** resided at the Silver Pagoda and then at K-1 for two to three months before settling in a unit code-named K-3. He shared this unit with **Nuon Chea** as their primary residence and workplace. Pol Pot visited K-3 frequently, and at times stayed there.

According to **Khieu Samphan**, “most of the leaders lived in K3,” and Offices K-1 and K-3 were the “place of living or place of work of the Standing Committee Members.”

1083. Meetings of the Standing Committee often took place at K-1, but the Committee sometimes also convened at K-3. Some of these were “special meetings,” attended by Pol Pot, **Nuon Chea**, **Ieng Sary** and **Khieu Samphan**. **Khieu Samphan** attended meetings at K-3, at which Ministers such as **Ieng Thirith** reported to him, **Ieng Sary** and **Nuon Chea**. **Khieu Samphan** also went to K-1, Pol Pot’s primary residence, several times per week, and worked there with Pol Pot and **Nuon Chea**.
1084. In addition to participating in the above meetings, **Khieu Samphan** facilitated the functioning of the Standing Committee / Party Centre in his roles in the Political Office 870. He oversaw the receipt and distribution of communications between the Party Centre and various units around the country, and had personal access to such communications. [Redacted]. **Khieu Samphan** also prepared minutes of meetings of the leaders and held copies of documents at K-3. [Redacted]. In addition to participating in the work of the Standing Committee, **Khieu Samphan** participated in Central Committee meetings: [Redacted].

Meetings with / Supervision of Lower-Level Cadres

1085. **Khieu Samphan** interacted with and supervised lower-level cadres by attending meetings at which they reported to the Party Centre. Meetings with zone, sector and district committees were held at K-1 once a month and were attended by the senior leaders, including Pol Pot, **Nuon Chea**, **Ieng Sary**, and **Khieu Samphan**. [Redacted] was flown to Phnom Penh to meet with **Khieu Samphan** and other senior leaders to report on his sector’s activities. **Khieu Samphan** also had the opportunity to interact with cadres from the zones and sectors at large meetings in Phnom Penh.
1086. **Khieu Samphan** maintained communication with the zones through correspondence sent to Office 870. As discussed in Authority Structure (Communication Networks) Section, CPK and DK authorities submitted regular reports to Political Office 870, and as Chairman of the Office, **Khieu Samphan** received this documentation. In 1978, he directed [Redacted] to report directly to him in relation to arrests and living conditions within the Sector. The frequency of the reports depended on the security

situation – sometimes telegrams were sent weekly, whereas during other times they were sent on a monthly basis. **Khieu Samphan** also “used to” visit the Sector together with **Nuon Chea**. Similarly, telegrams were sent between [Redacted] and **Khieu Samphan** and **Nuon Chea** at K-3. These telegrams dealt with “instructions, work plan, food production” and reports about “internal issues, managing forces, and military activities.”

1087. **Khieu Samphan** regularly visited and inspected state facilities, worksites, factories, cooperatives and agricultural sites throughout the country, including:

- (1) The building of a canal from Prey Sar to Wat Knong;
- (2) Reservoir worksites in Kamping Puoy;
- (3) The Trapeang Thma dam worksite, where he instructed the workers to continue working hard;
- (4) The dyke and dam worksite in Thlork village;
- (5) The 1st January Dam worksite in the Central Zone;
- (6) The Kampong Soam Port;
- (7) Kampong Chhnang Airport Construction Site;
- (8) State warehouses, where he inspected commodities being prepared and packaged for export, sometimes with Van Rith;
- (9) Cooperatives in various parts of the country (including Siem Reap, Battambang, Kampong Som, Kampot, Kandal, Takeo, Kampong Cham and Phnom Penh), sometimes in the company of Norodom Sihanouk; and
- (10) A garment factory in Phnom Penh.

1088. **Khieu Samphan** also visited offices and worksites under the control of various Ministries. He visited hospitals under the control of the MSA, Ministry of Propaganda offices, the state garments office at Au Reuhsei, the MFA office; and factories under the Ministry of Industry. During a visit to the 17th April Hospital with **Ieng Sary**, Pol Pot and **Nuon Chea**, **Khieu Samphan** instructed the hospital staff to treat the cadres well and to not allow any personnel to enter or leave the location.

Political Indoctrination and Study Sessions

1089. **Khieu Samphan** was a leading ideologue of the DK regime who conducted extensive political indoctrination of CPK cadres and returning intellectuals between 1975 and 1979. As a tool to perpetuate the CPK's radical ideology, these sessions were crucial to the successful implementation of the policies by cadres throughout the country – as **Khieu Samphan** stated in one of his speeches: “If we trained our cadres in schools, detached from the revolutionary movement of the masses, we would not be able to meet the needs of this revolutionary movement.” **Khieu Samphan** has acknowledged that the Central Committee's meetings “involved ideological education sessions which prepared civil servants to implement the decisions made by the [Standing Committee.]” [Redacted].
1090. **Khieu Samphan** conducted numerous political indoctrination sessions at locations at which returned intellectuals performed forced labour. Over one thousand intellectuals returned to DK from abroad between 1975 and 1979, and all but a few of them were sent for political indoctrination for periods ranging from a few days to several months before either being killed, transferred to forced labour camps, or being given positions within DK structures. The purpose of the political indoctrination process was to assess whether the intellectuals could be enticed to join the revolution, or whether they should be neutralised or smashed.
1091. Study sessions for intellectuals were conducted at several locations in Phnom Penh, including the former Khmero-Soviet Technical Institute, Borei Keila school, a location between Borei Keila and Russia Federation Boulevard, Olympic Stadium, and various ministries, including the Ministry of Agriculture and Ministry of National Defence. In addition to **Khieu Samphan**, these sessions were also led by other senior leaders, including Pol Pot, **Nuon Chea** and **Ieng Sary**.
1092. Sessions taught by **Khieu Samphan** covered broad policy matters such as foreign relations, but also specific issues such as internal party discipline: dubbing the intellectuals “the sequels of colonialism,” he lectured them on how to make a communist revolution, including the importance of destroying material and mental private property. He is reported to have stated: “[T]o destroy material private property, the appropriate method was the evacuation of the towns...but spiritual private property is more dangerous, it comprises everything that you think is yours.”

He defended the forced separation of men, women and children, who were all “under the protection of Angkar.” He stressed that knowledge which “comes from the teaching of the colonialists and imperialists... has to be destroyed.” He also cautioned the intellectuals to keep these ideas to themselves, warning that “if the masses knew what we had been discussing, they might become discouraged.”

1093. During a three day session for repatriating intellectuals in December 1975, **Khieu Samphan** covered a cross-section of the CPK’s policies, including justifying the evacuation of Phnom Penh and hinting at “complex problems in the future” with “neighbouring countries” (a reference to Vietnam). The evidence on the Case File includes an account of an education session at which **Khieu Samphan** lectured several hundred intellectuals on the importance of learning “to work in the rain and wind,” as well as giving up families and possessions. He instructed the attendees: “[D]on’t miss your wife and children...learn to abandon [material goods and equipment].” Most of these intellectuals were sent to perform manual labour.
1094. **Khieu Samphan** also taught these policies at political study sessions for CPK cadres, including ministry and military officials. He lectured extensively on “strengthening the popular movement,” covering CPK policies such as producing three tons of rice per hectare and defending the territory against the “Yuon.” [Redacted]. He also visited the Boeng Trabek office on a weekly or fortnightly basis and lectured cadres [Redacted]. In a study session at Borei Keila, he announced that Chhim Sam Aok *alias* Pang, the former head of S-71, had been arrested and taken away as a traitor collaborating with the “Yuon.” Two days before the Vietnamese invasion, on 5 January 1979, **Khieu Samphan** led a study session in Borei Keila, during which he ordered his audience of hundreds not to join the Yuon, [Redacted].

Speeches

1095. During his term as Chairman of the State Presidium, **Khieu Samphan** gave at least seven public speeches, both in DK and abroad, promoting the CPK’s policies, and inciting the commission of the crimes under investigation. During the DK period, he also acted as one of the regime’s chief spokespersons, apologists and deniers of its crimes.
1096. In his commentary on the new Constitution, **Khieu Samphan** declared the

determination of the Cambodian people to “fight” foreign imperialists who were subverting and infiltrating Cambodia. In August 1976, speaking at the conference of the Non Aligned Movement in Colombo, Sri Lanka, he attributed DK’s success to “internal security throughout our country.” He stressed the importance of continued “revolutionary vigilance” given that the “enemy will never give up his intention to destroy our revolution.” There is evidence that, at a gathering held at the Olympic Stadium in late 1976, he read out the S-21 confession of Nay Saran *alias* Ya, the former Secretary of the Northeast Zone. In his April 1977 anniversary speech, by which time thousands of cadres were being purged at security centres throughout the country, **Khieu Samphan** stated: “We must wipe out the enemy in our capacity as masters of the situation...Everything must be done neatly and thoroughly.” He lauded the regime’s victories in preventing enemies “whether from outside or from within” from sabotaging the revolution. Referring to the threat DK faced, he urged the listeners to maintain a “spirit of revolutionary vigilance” at all times against the “enemy from all quarters, both at home and abroad.” In his 1978 anniversary speech, **Khieu Samphan** stated that “subversive, spying, infiltration activities and coup attempts to overthrow the [CPK] and [DK Government], have all been woefully defeated.” He then claimed “in concrete terms” that “[w]e can only succeed if we properly implement the Party line in external as well as internal defence,” and urged the masses to mobilise all efforts “to radically eliminate forever from the territory of Kampuchea ... Vietnam the aggressor.”

1097. **Khieu Samphan’s** speeches also encouraged and promoted the use of forced labour. In his address to the Third National Congress on 14 December 1975, his first anniversary speech on 15 April 1976, as well as in his 15 April 1977 anniversary speech, he encouraged and praised the use of children as a labour force. As great numbers of Cambodians perished due to overwork, starvation, exposure and diseases (facts of which **Khieu Samphan** was aware, as indicated in the Forced Labour Subsection), he stated that “[a] sufficient amount of three, two and a half or two small tin cans [of rice] is allocated daily.” He also praised the regime for having improved supply of drugs and medicines and “greatly improved” the health of the people.
1098. **Khieu Samphan** also praised the CPK policy of rejecting western or foreign expertise which, combined with the policies of enslavement and forced labour, and refusing the provision of adequate food and medicines, was resulting in deaths and widespread

suffering at worksites throughout the country. In his 1976 speech in Colombo, he acknowledged that “the members of our Movement are poor and weak” and have struggled to provide for themselves “[s]tarting from nearly empty hands,” but affirmed the DK government’s absolute rejection of external assistance and its resolve “to decide by ourselves our own destiny.” Rejecting foreign technical expertise for infrastructure projects, in his 1977 anniversary speech he stated: “Whether the dams and reservoirs we have built last only five or ten years does not matter.” By April 1978, as the already miserable living conditions throughout the country were worsening, **Khieu Samphan** praised the policy of drugs being manufactured by the “masses” in cooperatives using only “domestic raw materials,” stating that “[i]t is only in this way that we can implement our policy of independence, sovereignty and self-reliance in drug-manufacturing, as in every other domain.” In 1980, after his regime was ousted, he was advocating the opposite.

1099. [Redacted]. Evidence also illustrates that **Khieu Samphan** was involved in preparing these speeches: for example, he went to the MFA [Redacted].

PARTICIPATION IN PARTICULAR CRIMINAL EVENTS

Forced Transfer

1100. As discussed in the **Nuon Chea** Section in the Material Facts Chapter, in April 1975, **Khieu Samphan** attended a meeting of battlefield committees with senior leaders of the CPK at Office B5, at the Taing Pôn Village, Kampong Tralach District, Kampong Chhnang Province, at which the plan to evacuate the major cities was discussed. He gave his personal views on the proposed evacuation and assented to it.
1101. Although **Khieu Samphan** claims to have had no knowledge of the decision to evacuate Phnom Penh other than by overhearing a discussion of soldiers, [Redacted]. **Khieu Samphan** has personally confirmed that a discussion of the evacuations took place at the time and place described by the witness. He has also indicated that he stayed with Pol Pot during the relevant 10-day period at office B5, and was briefed by him on the overall situation on the battlefield.
1102. There is evidence that Hou Yuon, **Khieu Samphan’s** close associate, objected to the evacuation decision. [Redacted].
1103. **Khieu Samphan** entered Phnom Penh in a heavily guarded convoy together with Pol

Pot, **Nuon Chea** and several zone and military commanders on or about 20 April 1975. He inspected the Northern Zone checkpoint at Prek Kdam together with **Nuon Chea** and reported that “the evacuation was proceeding smoothly.”

1104. In an interview in 1982, **Khieu Samphan** acknowledged that the evacuation of Phnom Penh was the result of a collective decision in which he had joined. King Norodom Sihanouk has also stated that **Khieu Samphan** told him not to return to Phnom Penh in April 1975 as the Khmer Rouge planned to evacuate the city as a precaution against a deadly “contagion.” As indicated in Political Indoctrination and Study Sessions Subsection, **Khieu Samphan** defended the decision to evacuate the cities on numerous occasions during the DK period. In his 2007 book, he expressed support for the thinking underpinning the evacuation, saying: “Evacuating the cities seemed to be the only measure that the situation at the time required; it seemed unavoidable.” He explains that “the countryside is an important foundation for the revolution because in Kampuchea as in other countries that have not yet prospered, national revolution is peasant revolution,” whereas the city “is the apparatus of the power-holding classes and the imperialists, the location where the enemies of the revolution may assemble their forces to smash us.”

Forced Labour

1105. As described in the Forced Transfers Section, having forcibly evacuated the cities and confined the entire population to rural cooperatives run by the CPK, the Party abolished ownership of private property, eliminated all human rights, and instituted a mass enslavement program. Civilians were forced to perform hard manual labour in inhumane conditions at farms and large infrastructure project sites. The Party controlled every aspect of the lives of the people so enslaved, determining, as **Khieu Samphan** pointed out in 1977, even individual food rations.
1106. As part of these enslavement and forced labour policies, the CPK leadership:
- (1) withdrew excess amounts of the produce from cooperatives and work sites, leaving insufficient supplies;
 - (2) prevented internal distribution of sufficient food and medical supplies to areas suffering from severe shortages;
 - (3) prohibited civilians from collecting their own food or otherwise providing for

themselves; and

- (4) ordered and approved arbitrary arrests, imprisonment, torture and killings of those who objected to, or failed to comply with, the rules imposed by the Party.
1107. These policies caused widespread deaths from starvation, diseases, physical abuse and executions throughout the country, including the sites under investigation. By directing and overseeing DK's domestic production, internal distribution and international trade, and participating in the decisions which led to the abuses described above, **Khieu Samphan** directly contributed to the crimes under investigation.
1108. Together with senior cadres (including Vorn Vet, Koy Thuon and Doeun, until they were purged), **Khieu Samphan** managed and controlled DK's international trade. He arranged exports of DK produce and imports of supplies and spare parts. Shipments of imported products including medical supplies and equipment, oil, construction material and machinery were sent directly to him. He received detailed reports on trade with China, Yugoslavia, North Korea and Japan. As a *de facto* member of the Standing Committee meetings he participated in meetings and decisions relating to the construction of the Kampong Chhnang Airport Construction Site.
1109. In addition to international trade, **Khieu Samphan** organised and oversaw the distribution of food, equipment and supplies within the country. He gave directives about "what amount of salt, rice grain, cloths, clothing, shoes, and other materials [were] to be sent to this and that unit for distribution to the people." He regularly received requests from various sectors for items such as petroleum, machinery, medicines, clothes, husk rice and materials for building dams and canals, and was responsible for authorising their provision. For example, workers at the MSA submitted their projects requiring the provision of raw materials directly to him for approval, and received guidance from him. He also exercised authority over DK's production facilities, such as power plants and state warehouses.
1110. As noted in the Political Indoctrination and Study Sessions Subsection, **Khieu Samphan** supported CPK's criminal policies of confining civilians to cooperatives, separating the families, subjecting them to forced manual labour and denying them their basic human rights. In his 1978 anniversary speech he boasted about "the power

of this regime which can effectively defend and build the country by force.” In 1977, describing large scale projects instituted by the CPK with the use of manual labour, he stated: “No we don’t have any machines. We do everything relying on the strength of our people.”

1111. Simultaneously, **Khieu Samphan** was aware of the appalling effects of the policies he helped institute and implement through, *inter alia*, his positions in the Central Committee and the Standing Committee, as well as the reports he received as Chairman of Political Office 870. For example, he was present at an 8 March 1976 Standing Committee which discussed the “problems of many sick people in the work sites, [with] a loss of 40 percent of the labour force.” A November 1976 Ministry of Commerce report to **Khieu Samphan** confirmed that the Ministry could no longer accept orders for sesame from North Korea due to the lack of supplies within Cambodia. The DK Secretary of Commerce Van Rith informed him that “at least in Sector 25 there was nothing to eat” and enquired as to why people were not permitted to trade their produce for rice from other provinces, or simply to eat bananas and fish. Van Rith pointed out to **Khieu Samphan** “the misery of the people, revealing this hidden reality at a time when the radio was talking about a phenomenally great leap forward.” Further, reports detailing food shortages in various sectors and zones were sent to Office 870.
1112. Despite these reports, **Khieu Samphan** continued to pursue the CPK’s criminal plan, using his speeches to report supposed good harvests, sufficient food throughout the country, and exports of surpluses. [Redacted].
1113. As discussed in the Political Indoctrination and Study Sessions Section, **Khieu Samphan** also contributed to the enforcement of these policies by conducting political indoctrination of intellectuals returning from abroad who were effectively imprisoned by the CPK in forced labour camps. [Redacted].

Purges of Cadres

1114. **Khieu Samphan** both agreed with, and participated in the implementation of, the CPK’s policy of purging its perceived enemies. [Redacted].

Involvement in High-Level and General Purges Through Office 870

1115. **Khieu Samphan** has acknowledged that the Standing Committee made all of the

important decisions on subject matters such as arresting and executing individuals believed to be enemies. However, he denies ever attending meetings at which the Standing Committee discussed arrests, which, according to him, meant that he could not be aware of the arrests. As indicated in the Membership of CPK Central Committee and Standing Committee Subsection, surviving minutes illustrate that **Khieu Samphan** did attend several meetings at which purges were discussed.

1116. **Khieu Samphan** was involved in the purges of CPK's enemies both prior to and following the CPK's rise to power. In his capacity as GRUNK Deputy Prime Minister, Minister of National Defence, and the Commander-in-Chief of the Armed Forces, **Khieu Samphan** presided over the Second GRUNK / FUNK National Congress on 24 and 25 February 1975, which passed a resolution to execute the "seven traitors" (namely Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret and Sosthene Fernandez) upon defeat of the Khmer Republic regime. As described in the Forced Transfers (Phase 1: From Phnom Penh) Section, out of the seven individuals, only Long Boret and Sirik Matak remained in Cambodia as the Khmer Rouge forces took over Phnom Penh. Sirik Matak took refuge in the French Embassy but was refused asylum and turned over to the CPK on 20 April 1975. Long Boret surrendered to Khmer Rouge forces at the Information Ministry on 17 April 1975, and was executed shortly thereafter. During an official visit to Bangkok in November 1975, **Ieng Sary** confirmed that the two men had been executed.
1117. In the early stages of CPK rule **Khieu Samphan** participated in decisions relating to the arrests of his fellow GRUNK and FUNK members. For example, having been assigned responsibility for GRUNK and FUNK on 9 October 1975, he took part in the 2 November 1975 Standing Committee meeting at which the unreliability of the Minister of Justice Prince Norodom Phourissara was discussed. The Prince was subsequently sent to perform manual labour in Preah Vihear and later executed. By September 1976, **Khieu Samphan** was boasting about the killings of the members of the former regime, declaring in an interview that the "traitors who remained in Cambodia [had been] executed."
1118. Throughout the period under investigation, CPK and DK authorities submitted regular reports of arrests to Office 870, for consideration by the Standing Committee. In some cases confessions of arrested enemies were sent for review by Standing Committee

members. Redacted.

1119. **Khieu Samphan** took part in investigations of senior CPK cadres that resulted in their arrests and in the purges of their units. He investigated a dispute between West Zone Secretary Chou Chet *alias* Si and his deputy Heng Pal. Chet was purged after **Khieu Samphan** reported back to Pol Pot. **Khieu Samphan** admits visiting the West Zone, but denies it was for the purpose of investigating the dispute. There is evidence that **Khieu Samphan** participated in the meeting of the Standing Committee at which the arrest of Chou Chet was decided. Redacted. **Khieu Samphan** also appears to have attended a secret meeting at which the Party Centre resolved to purge thousands of CPK cadres in the East Zone. Finally, there is evidence that he attended a meeting at which the arrest of Vorn Vet was discussed.
1120. The Secretary General of AI wrote to **Khieu Samphan** in February 1977, after having written to him earlier, in May 1976. He pointed out allegations of extensive atrocities being committed by the DK, including extra-judicial executions of those labelled as “enemies,” expressed concerns about a lack of response from **Khieu Samphan**, and requested permission for an AI delegation to visit Cambodia. **Khieu Samphan** never responded to these requests. His attitude at the time is illustrated by the following event: in September 1976, while attending a conference of non-aligned countries in Colombo, Sri Lanka, **Khieu Samphan** was questioned by a journalist in relation to evidence of deaths of hundreds of thousands of people in Cambodia. He confirmed the executions of “traitors,” and added “it’s incredible how concerned you Westerners are about war criminals.”

Offices under Khieu Samphan’s Control

1121. **Khieu Samphan** also had specific authority over purges around the Centre: as part of the 30 March 1976 decision on the “right to smash, inside and outside the ranks,” Political Office 870 was given the right to smash within the area “surrounding the Centre Office.” This effectively gave Office 870 the power to initiate and supervise purges of numerous units in and around Phnom Penh. Senior figures arrested from offices surrounding the Centre include Phok Chhay (Office 870 cadre and note-taker for the Standing Committee, arrested in March 1977), Mao Khem Nouen *alias* Phum (Vice-Chairman of S-71, arrested in April 1977), and Chheum Sam Aok *alias* Pang (Chairman of S-71, arrested in May 1978). Many other senior cadres of K-offices

shared the same fate.

1122. Pursuant to the decision above, **Khieu Samphan's** authorisation was sought for arrests of cadres under his authority. [Redacted]. [Redacted]. [Redacted].
1123. Extensive purges were carried out within the Ministry of Commerce, which, as indicated in the Commerce Subsection, operated under **Khieu Samphan's** overall direction and control. Van Rith, the Minister of Commerce, carried out numerous arrests, with at least 487 staff arrested, detained and killed at S-21 in the period August 1975 – January 1979. The arrests targeted both high-level and lower-ranking cadres from a wide range of units within the Ministry of Commerce. The senior Ministry of Commerce cadres who were arrested included the Deputy Secretary Tann Try *alias* Chhoeurn, the subsequent Deputy Secretary Nget You *alias* Hong, former Deputy Chief of the State Commerce Committee Tit Son *alias* Nhaem, and high-ranking official So Chea *alias* So *alias* So Choun. Many more staff from the Ministry of Commerce were sent to re-education and forced labour sites, including Pich Nil on National Route 4, the Kampong Chhnang Airport Construction Site and Srae Ambel salt fields, where some were executed and others died.
1124. A ten day periodic report from the “Commerce Committee” to the Ministry of Commerce, dated 19 October 1976, describes “the enemy situation” and states “we removed a number of the bad groups from the Ministry.” It details the Committee’s decisions to detain and interrogate workers and send them to “Re-education Office” and “Security.” It also contains names of suspected enemies who were to be monitored. The document confirms that these matters were being reported to Angkar. A record of decisions by the “Committee of the Ministry of Commerce” made two days earlier contains a list of six workers from various Ministry sections who were arrested and sent to “security to interrogate.”

Support for the CPK's Policy of Purging its Enemies

1125. As early as 1980, **Khieu Samphan** indicated his full support for the decisions to purge members of the Standing Committee and the Central Committee, stating that these members had been fully investigated. He stated that Vietnamese agents had attained important positions within the Party (alluding to zone secretaries and members of the Standing Committee and Central Committee who had attacked the Party “from the inside out”) but argued that “until 1977-1978 we managed to deal

with those people completely and brought order back to the country.” On this issue, he stated in his 2004 book: “Once when a member of the Central Committee – and later a member of the Permanent Committee – was arrested, the committee leadership’s confidence in Pol Pot did not waver. The committee considered each disappearance as a separate case and probably, in the eyes of the insiders, justified.”

Redacted.

1126. **Khieu Samphan** has described in great detail his knowledge of the early development of the CPK’s policy of killing its ideological enemies, including the CPK’s determination in the early 1960s that “the Cambodian people had to smash the “feudalist regime” whether by peaceful methods or by other methods.” His 2007 book further demonstrates his detailed knowledge of the Party Centre’s reasoning which fuelled the purges. It also presents a defence of what **Khieu Samphan** describes as Pol Pot’s decisions regarding the purges:

“The evidence Philip Short provided, together with the evidence that other researchers have discovered, makes it clear **that all of Pol Pot’s monitoring**, following his 3-7-8 principle, of Chakrei, Chhouk, Ya, and the other cadres who had cooperated with the Viet Minh **was correct.**” (emphasis added)

Crimes Against the Vietnamese

1127. **Khieu Samphan** also contributed to the crimes against the Vietnamese in the country. In his speeches, **Khieu Samphan** repeatedly incited the commission of widespread crimes against the Vietnamese both in Cambodia and in the course of the armed conflict. **Khieu Samphan** repeatedly referred to the Vietnamese in his speeches as “the enemy,” “the worst criminals ever,” “an aggressor eager to grab and annex the Kampuchean territory,” “imperialists, expansionists, annexationists,” “ruthless, savage international enemies” who use “anti-Kampuchea genocidal aggression” and “all kinds of tactics...clandestine manipulation, subversion...coups d’etat, infiltration and outright aggression and invasion -- against the Kampuchean nation and people.” In 1978 he called for “national hatred and class hatred” against the Vietnamese and praised the DK forces for having “smashed the Vietnamese aggression” and “successfully shattered the activities of ... the aggressor, Vietnam.”
1128. In January 1978 and 1979, when **Khieu Samphan** was Chairman of Political Office 870, it issued circulars calling for widespread crimes against the Vietnamese. The Office also issued orders to the regional military and zone leaders instructing them to

turn over Vietnamese and their sympathisers to security offices. A witness who saw a telegram marked “Directive from 870” at a district office recalled that it contained orders to the district that all Vietnamese, and all Vietnamese-speaking or Vietnamese-friendly Khmers were to be killed. As discussed in the Armed Conflict Section, throughout the period under investigation, Office 870, and through it, **Khieu Samphan**, was continuously informed of the escalating border conflict with Vietnam, as well as arrests and killings of the Vietnamese in Cambodia.

POST DK PERIOD

1129. Insofar as it shows a consistent pattern of conduct, **Khieu Samphan**’s actions after the CPK’s removal from power reinforce the evidence of his criminal participation and intent during the period under investigation. For some 20 years after he and the other members of the joint criminal enterprise were ousted, he continued to fight for a return of the CPK to power, and denied evidence of its crimes. Remarkably, even in his most recent writings, he has continued to embrace the CPK’s purported justifications for its widespread atrocities.

ACTIVITIES AND ROLE

1130. On 6 January 1979, as the Vietnamese army advanced towards Phnom Penh, **Khieu Samphan** fled the city in an official state vehicle. He then met Pol Pot and **Nuon Chea** at the town of Pursat. After this, he proceeded to Battambang and Pailin. By 12 January 1979, although **Ieng Sary** had fled Cambodia, **Khieu Samphan** was reported to have stayed in the country together with Pol Pot. By February 1979, the two were reportedly directing battles against Vietnamese troops. Fighting continued through March, and on 16 April 1979, **Khieu Samphan** publicly vowed to maintain guerrilla warfare against the new Vietnamese-backed administration in Phnom Penh.
1131. In February or March 1979, **Khieu Samphan** participated with other CPK senior leaders in the first DK Central Committee meeting after the fall of Phnom Penh, at which he was confirmed President of the Presidium. Over the next six years, together with other senior Khmer Rouge leaders, **Khieu Samphan** continued to support the Khmer Rouge military forces in their ongoing struggle for power by strategising against the Vietnamese, visiting and distributing supplies to DK troops, and forming alliances with other guerrilla groups. In 1985, **Khieu Samphan** stated that the

resistance would maintain enough strength in central Cambodia to “cut (the) enemy's throat.” By 1987 at the latest, **Khieu Samphan** was also formally appointed a member of the CPK Standing Committee.

1132. **Khieu Samphan** was reportedly politically aligned with Pol Pot as late as March 1998. Through the 1980s and into the 1990s, he attended and lectured at political study sessions convened by Pol Pot at his Office 87 in the city of Trat on the Thai border.
1133. From 15 to 17 December 1979, **Khieu Samphan** presided over a congress of Khmer Rouge members and other anti-Vietnamese Cambodian groups, at which he was nominated Prime Minister of DK, and Provisional President of the Patriotic and Democratic Front of Great National Union of Kampuchea (‘PDFGNUK’). The December congress also appointed **Nuon Chea** as Chairman of the Standing Committee of the Peoples’ Representative Assembly, **Ieng Sary** as Deputy Prime Minister in charge of Foreign Affairs, and **Ieng Thirith** as Minister of Social Affairs.
1134. On 15 February 1981, as President and Prime Minister of DK, and Provisional President of PDFGNUK, **Khieu Samphan**, along with **Nuon Chea**, began efforts to negotiate a common political platform with the Khmer People’s National Liberation Front, led by Son Sann, and royalists led by King Norodom Sihanouk. In February 1982, the groups reached a preliminary agreement setting up a coalition government between King Norodom Sihanouk, **Khieu Samphan** and Son Sann as Premier. At the time, **Khieu Samphan** was representing over 30,000 Khmer Rouge cadres, the largest of the three resistance groups. He was in attendance when the full agreement uniting military power was reached at a summit in Thailand at the end of January 1985.
1135. **Khieu Samphan** also undertook numerous diplomatic activities aimed at returning the Khmer Rouge to power in the post-1979 period. From 1979 until 1986, he engaged in diplomatic missions and met with representatives and leaders of other nations including Thailand, Singapore, China, Indonesia, the People’s Democratic Republic of Korea, Yugoslavia, Egypt, Kenya, Rwanda, Burundi, Burkina Faso, Ghana, Guinea, and Liberia. He represented Cambodia, as a Khmer Rouge leader, at UN conferences in New York in 1982 and 1984. He also represented Khmer Rouge interests at an Association of Southeast Asian Nations (‘ASEAN’) summit on the Cambodian conflict with Vietnam held in 1985.

1136. On 17 March 1986, following an unsuccessful military campaign to regain power, the coalition government called for a partnership with the Vietnamese-backed Cambodian government and a gradual withdrawal of Vietnamese troops under a UN-supervised cease-fire. However, the peace plan did not fully materialise, and, by the early 1990s, as the Khmer Rouge was breaking up into smaller splinter groups, **Khieu Samphan** went into hiding in Battambang and Bantey Meanchey provinces. He remained in that region until 1997 when **Nuon Chea** and Pol Pot were captured by a faction now opposing them. At that point he moved to Anlong Veng and assumed the role of spokesman for the Khmer Rouge guerrillas in the region.
1137. As Royal Government forces took Anlong Veng in March 1998, **Khieu Samphan** escaped to Thailand. In the same month Government generals stated publicly that a plan had been developed to arrest **Khieu Samphan**, Pol Pot, **Nuon Chea** and Ta Mok and send them to trial before an international tribunal for war crimes. **Khieu Samphan** finally defected to the Government together with **Nuon Chea** in December 1998.

ACKNOWLEDGEMENTS AND DENIALS OF CRIMES

1138. At various times **Khieu Samphan** has denied DK crimes, reluctantly acknowledged them, sought to minimise his contribution and responsibility, and ultimately attempted to justify the crimes by reference to the supposed Vietnamese threat that the DK was facing.
1139. In the years following the overthrow of the CPK, **Khieu Samphan** vehemently denied the scale of its atrocities, accused the Vietnamese of genocide, and attacked the government in Phnom Penh headed by “the contemptible HENG Samrin” as being puppets of the Vietnamese. In 1985 he sought to defend the CPK’s policies by saying: “We wanted to break the cycle of poverty. Unfortunately, Vietnam prevented us from pursuing our policy.” By April 1986, he admitted that the Khmer Rouge “made some mistakes.”
1140. In July 1987, in an attempt to absolve himself and other senior members of DK from responsibility for “mass killings,” **Khieu Samphan** issued, through his Office of the Vice President of DK for Foreign Affairs, a document conceding that the CPK had killed 11,000 people on accusations of being Vietnamese agents. He stated that only 8,000 were enemies, while the remaining 3,000 “died from our mistakes” and were

executed despite being “minor offenders or innocent civilians.” This was a direct contradiction of **Khieu Samphan’s** earlier position, articulated in an interview in 1980 during which he maintained that no innocent civilians had been killed, as all those who had been killed were “Yuon agents.”

1141. The 1987 document also noted that more than 20,000 people died from starvation and illness during the DK period, “of which the majority were people evacuated from the cities who were not used to the hardship of the countryside.” However, the document attributes food shortages to “Vietnamese agents who infiltrated in our State organs and carried out acts of sabotage.” Again, this is in direct contrast to his 1980 interview when he stated that “from 1975-1978, there were no cases of people who died from starvation.”
1142. After his surrender to the Government in Phnom Penh in December 1998, **Khieu Samphan** declared that he was “very sorry” for the crimes committed by the CPK, while refusing to accept personal responsibility. In this period he also sought verbal assurances that he would not be prosecuted for the crimes and publicly rejected the idea of a trial for Khmer Rouge leaders: at a press conference held following his surrender, he stated: “Let bygones be bygones is the best solution for our country.”
1143. In a letter to the Cambodian people dated 16 August 2001, **Khieu Samphan** stated that he “had not been apprised of the mass murders” during the DK period, and that he only learnt of the crimes following the toppling of the regime. This statement stands in stark contrast both with the extensive evidence of his involvement in the crimes, as well as his adamant public denials of the crimes several years after the events, as discussed above.
1144. Redacted.
1145. **Khieu Samphan** claims that he was never in charge of Political Office 870, and did not know who replaced Doeun. He further denies knowing what happened to Doeun, and even knowing his real name until after 1979. He also alleges that, within Office 870, he was responsible only for economic matters such as imports, pricing and distribution of goods, in addition to his responsibility to maintain relations with Norodom Sihanouk. On the contrary, the evidence discussed in the Participation and Contribution Subsection illustrates that he was involved in the development and implementation of all the CPK’s criminal policies.

1146. **Khieu Samphan** denies knowing **Duch** during the period under investigation, or even being aware of the existence of S-21. [Redacted]. [Redacted]. Further, there is evidence that in 1976 **Khieu Samphan** attended a wedding ceremony within the wider S-21 compound, at which Nun Huy *alias* Huy Sre (head of S-24) and Khim Vat *alias* Hor (**Duch's** deputy) were married.
1147. Remarkably, as late as 2004 and 2007 **Khieu Samphan** sought to defend the CPK's policies. For example, in his 2004 book he stated that, although "[t]oday the Khmer Rouge regime is associated only with images of atrocity...I and others considered it to be the best way to find a solution for the country." His 2004 book presents, *inter alia*, an attempt to relativise DK's crimes by putting them into a wider context of Vietnam's supposed conspiracy to take over Cambodia. Crucially, even at this point, he "still profoundly agree[d] with his orientation of life" that, where respect for human rights and the defence of national sovereignty "contradict each other," the latter is "always and ever legitimate and necessary."
1148. In his 2007 book, he stated that the struggle for independence from Vietnam "demanded endurance of serious hardships, suffering, and sacrifice of life," suggesting that the actions of the DK regime resulting in hardship and loss of life were necessary and acceptable to prevent total capitulation to Vietnam. In his 2007 book, **Khieu Samphan** stated that he has no regrets in life, and that "I have done nothing to make me ashamed before anyone." He also spoke in glowing terms of Pol Pot and the CPK, suggesting that the "Democratic Kampuchea movement played an important role during a period of our nation's history that no one may scratch out or erase. If someone were to scratch out or erase or change it, the scratches or the erasures could be seen. Why? Because it is clear that Saloth Sar or Pol Pot sacrificed his life to fight the Americans and fight the Vietnamese communists to defend the sovereignty of the nation."

IENG THIRITH

OVERVIEW

1149. The following section summarises **Ieng Thirith's** participation in, and criminal responsibility for, the crimes under investigation.
1150. **Ieng Thirith** was an influential member of the CPK / DK leadership during the period under investigation and a participant in the formation and implementation of the joint criminal enterprise. She was an active member of the Khmer Rouge since its inception, having been involved in revolutionary politics alongside **Ieng Sary**, her sister Khieu Ponnary and her brother-in-law Pol Pot in Paris in the 1950s. **Ieng Thirith** established her prominence within the CPK, GRUNK and FUNK during her time in the *maquis* by holding several senior positions, including those of Minister of Popular Education and Youth and the Director of the CPK propaganda station, FUNK radio.
1151. Following the CPK's assumption of power in April 1975, **Ieng Thirith** accepted several positions of responsibility and cemented her standing in the DK regime as its most visible female member. Most notably, she assumed responsibility for the wide-ranging portfolio of health and social affairs upon being appointed Minister of Social Affairs. In this role, **Ieng Thirith** was charged with the management, training and control of medical staff, cadres and civilian hospitals, the supply, production and distribution of pharmaceutical products and the supervision of certain textile factories and food production. This position allowed her to control the MSA, one of the DK's largest and most important Ministries, and its staff of over 1,000. She continuously interacted with other senior CPK leaders, reporting to the CPK Standing Committee, K-1, K-3 and the Council of Ministers. **Ieng Thirith** also regularly represented the DK government during visits from foreign delegations. Her position of authority ensured that she wielded influence in the development and implementation of CPK/DK policy.
1152. The acts upon which **Ieng Thirith's** criminal responsibility for the crimes under investigation is founded include (but are not limited to): attending and contributing to the meetings of the CPK Standing Committee, the Council of Ministers, and of senior leaders at K-1 and K-3, directing and assisting in the purges within the MSA,

including identifying both high-ranking and ordinary staff and cadres, approving and ordering arrests, communicating with S-21 to facilitate those arrests and encouraging staff members to monitor suspects; working within and managing the MSA by issuing directives, indoctrinating and denouncing staff, receiving reports and overseeing the implementation of the CPK's criminal policies; participating in specific criminal acts, such as the arrangement of forced marriages and the forced transfer of MSA staff to tempering and re-education worksites; ordering and instigating those crimes during her political indoctrination sessions and meetings at the MSA, hospitals, the medical school and pharmaceutical factories; and continuing to represent the DK nationally and internationally, refuting evidence of its crimes.

1153. Given her position in both the MSA and in the CPK leadership more broadly, **Ieng Thirith** had ready access to privileged and detailed information on crimes and was kept well-informed throughout the period under investigation. Despite this, and despite her position of influence within the CPK leadership and her effective control of the MSA and its constituent organs, she both failed to prevent the commission of the crimes and to investigate and punish the perpetrators. Instead, **Ieng Thirith** used her position of power to fully implement the criminal plan within the MSA. Under **Ieng Thirith's** leadership and direction, a great number of the cadres in the MSA were purged by the end of the DK regime.

1154. **Ieng Thirith** continued her active association with the CPK and the members of the joint criminal enterprise well beyond their demise from power in DK. In her role as Minister of Social Affairs, and later as Secretary General in the MFA, she continued to represent the CPK in frequent meetings with foreign delegations. She travelled extensively, advocating for the restoration of the CPK's power, denouncing the Vietnamese occupation and attributing responsibility for CPK crimes to Vietnam. At the same time, **Ieng Thirith** has repeatedly denied involvement in the CPK's crimes and insisted that she was a mere Party member with little authority. However, extensive evidence implicates her directly in purges in the MSA and other evidence demonstrates her admission of knowledge of large numbers of deaths and purges. She was not only aware of crimes being committed, but she played an important role in their planning and execution.

PRE-1975 ROLE

1155. Born **Khieu Thirith** on 10 March 1932 in Phnom Penh, **Ieng Thirith**, the daughter of a Battambang judge and school master, grew up in a privileged family. She completed all her schooling in Phnom Penh, undertaking her primary school studies at *Ecole Barbie* for the first three years, and completing her primary schooling at *Ecole Norodom*. As a student at the only secondary school in Phnom Penh, *Lycée Sisowath*, she became politically active from 1946, agitating against French colonialism in a youth revolutionary group. She met **Ieng Sary**, the students' leader at *Lycée Sisowath* and became engaged to him before his departure to Paris in 1951. She left Cambodia in 1952 to study English Literature at La Sorbonne University in Paris. She was awarded a scholarship reserved for those who had obtained the *Baccalauréate*, one of very few females to do so. Though her scholarship was ultimately withdrawn, **Ieng Thirith** managed to successfully complete her studies abroad with the financial assistance of her mother.
1156. In Paris, **Khieu Thirith** joined the Marxist-Leninist Circle founded in 1951 by **Ieng Sary**. The majority of the over 100 Cambodian students in Paris were members of the Circle. Its other prominent members included Saloth Sar (Pol Pot), Khieu Ponnary, **Khieu Samphan** and Son Sen. The Circle espoused ideals of anti-colonialism, nationalism and republicanism and had connections to the French Communist Party. **Ieng Thirith's** choice to study English Literature in Paris was in fact motivated by her opposition to French colonialism.
1157. **Ieng Sary** and **Khieu Thirith** married on 19 May 1953 in Paris. Their wedding was a grand occasion attended by Cambodian and international students sympathetic to the Communist cause. Saloth Sar married Khieu Ponnary (later known as Sister Yim) in 1956. The two sisters and their husbands, who were very close friends, were to emerge as the most powerful couples in DK.
1158. Upon their return to Phnom Penh in January 1957, **Ieng Sary** and **Ieng Thirith** lived with Saloth Sar and his wife. **Ieng Thirith** held several teaching positions in Phnom Penh between 1957 and 1965, including working at her former school, *Lycée Sisowath*. Once the WPK was founded on 30 September 1960, she used her teacher's salary to finance the Party and most of the operating expenses of *L'Observateur*, a left-wing newspaper established by **Khieu Samphan** in September 1959. **Ieng Thirith**, whose family was in fact acquainted with Norodom Sihanouk, was also

offered membership of the National Assembly. As the Party advised against it, **Ieng Thirith** declined to take up the position.

1159. In 1965, **Ieng Thirith** left her four children behind to flee to the *maquis*. In this period she was a member of Office 100, the military camp on the Vietnam-Cambodia border, under her most common revolutionary name, Phea. Other prominent members of Office 100 were Pol Pot, **Ieng Sary**, Son Sen, Chan Chakrei, Yun Yat and Nay Saran.
1160. Between 1970 and April 1975, **Ieng Thirith** occupied several positions of authority within the CPK and progressively rose in the GRUNK hierarchy. In August 1970, as part of the appointment of seven new GRUNK vice-ministers who were described as having “a long resistance record” and being “first-rate intellectuals,” **Ieng Thirith** was given the position of Vice-Minister for Culture, Education and Youth.
1161. On 7 December 1973, **Ieng Thirith** was promoted to the position of GRUNK Minister of Popular Education and Youth (replacing Chan Youran *alias* Ran), a post she retained until 14 April 1976. At the time of her appointment she was described as a CPK member and an “in-country” Minister.
1162. Between 1970 and April 1975, **Ieng Thirith** also held the position of Director of FUNK’s radio station *La Voix du Front Uni National du Kampuchéa*, which was code-named K-300 and secretly located in Hanoi, Vietnam. The radio played an important role in the dissemination of FUNK and CPK propaganda and military and political directives. With numerous young cadres successively working at K-300, **Ieng Thirith** was responsible for 20-30 staff at any given time. K-300’s responsibilities included deciphering code messages sent from the liberated zones in Cambodia for broadcasting purposes. In 1973, together with **Ieng Sary** and **Khieu Samphan**, **Ieng Thirith** met with 20-30 Cambodian cadres from CPK’s Northern Vietnam branch in order to convince them to return to Cambodia. CPK cadres who trained in Northern Vietnam were purged upon their return to Cambodia.
1163. Although based in Hanoi between 1970 and 1975, **Ieng Thirith**, as Minister of Popular Education and Youth, also made regular visits to FUNK-occupied zones in Cambodia. For example, **Ieng Thirith** made a visit to the Party Centre base in Kampong Cham province between 1973 and 1975. She also stayed in Cambodia for six months between February and August 1973.

1164. During the same period, as Minister of Popular Education and Youth, **Ieng Thirith** played an important diplomatic role. In July 1972, **Ieng Sary** and **Ieng Thirith** attended the funeral of Son Ngoc Minh in Hanoi, Vietnam. Together with **Ieng Sary** and **Khieu Samphan**, she took part in the first official international GRUNK / FUNK mission to Vietnam (27 March – 1 April 1974), China (1 April – 5 April 1974, 8 April -19 April and early May – 25 May 1974), and the Democratic People's Republic of Korea (5 April – 8 April 1974). She had the opportunity to meet with the representatives of several Eastern European and African countries (including Albania, Yugoslavia, Romania, Algeria, Mauritania and Cameroon between 19 April and early May 1974).

DK POSITIONS AND AUTHORITY

1165. Consistent with her seniority and political role in Cambodia's communist movement prior to April 1975, **Ieng Thirith** was an influential member of the CPK/ DK leadership during the period under investigation. She occupied several positions of authority, all of which enabled her to wield influence and participate in the development and implementation of CPK/ DK policy.

INVOLVEMENT IN CPK/ DK LEADERSHIP

Formal Positions of Authority

1166. Following her return to Cambodia on 12 May 1975, **Ieng Thirith** was appointed to a number of important government positions. Her primary ministerial portfolio was that of health and social affairs. She commenced work at K-2 soon after her return to Cambodia and was officially vested with the responsibility for culture, social action and foreign affairs from at least 9 October 1975 by the CPK Standing Committee, this latter portfolio being shared with **Ieng Sary**. On 14 April 1976, **Ieng Thirith** was officially appointed DK Minister of Social Affairs. Through her leadership of this key Ministry, **Ieng Thirith** had full authority over civilian hospitals, pharmaceutical enterprises and medicine production factories, as well as over social affairs more broadly, as will be discussed in detail in the Position as Minister of Social Affairs Subsection below.

1167. In addition to her prominent role in relation to health and social affairs, **Ieng Thirith** also retained the position of GRUNK Minister of Popular Education and Youth until

14 April 1976. In that capacity, and as the most prominent female member of the CPK leadership, she went on a diplomatic mission to China in August 1975, to strengthen the CPK's relations with Chinese communist leaders Zhou Enlai and Mao Tse Tung. She also travelled to the Democratic People's Republic of Korea with **Khieu Samphan** to officially invite Norodom Sihanouk and his wife Princess Monique (a friend of **Ieng Thirith's** since their school years) to return to Cambodia. **Ieng Thirith** and **Khieu Samphan** then accompanied Sihanouk and his wife to Cambodia through China in early September.

1168. In terms of her membership of CPK decision-making bodies, **Ieng Thirith** has been perceived as a member of the Central Committee. She also was a member of the Council of Ministers and attended at least one Standing Committee meeting during the period for which Standing Committee records are available.
1169. In March 1976, **Ieng Thirith** was "elected" to the PRA as a representative of Phnom Penh factory workers. Although the PRA did not have any effective powers, its creation was an important component of the CPK leaders' strategy to centralise and consolidate all power while maintaining an appearance of democracy. **Ieng Thirith** was also the Deputy Chairperson of the DK Women's Association from at least February 1977, frequently acting as the Association's representative at public functions. **Ieng Thirith** appeared to be the *de facto* leader, as the mental illness of Association Chairperson Khieu Ponnary meant she was seldom seen at Association functions. The Association had no interest in promoting women's rights and functioned as an integral part of the CPK's propaganda machine. In this role, **Ieng Thirith** hosted delegations of foreign women's organisations on at least two occasions (Vietnamese and Laotian delegations) and toured the country with them, showcasing the CPK's purported achievements.

Broader Political Functions and Power

1170. In addition to her formal appointments, **Ieng Thirith** held and exercised authority within the DK regime as a long-standing revolutionary and a senior member of the CPK. As the first female CPK leader to occupy a Ministerial post and the *de facto* "First Lady" of the DK regime, she was its most visible female member. Her Ministerial position, diplomatic role, and familial relationship with both **Ieng Sary** and Pol Pot rendered her politically superior to Yun Yat. Together with Pol Pot, her

sister Khieu Ponnary and **Ieng Sary**, she has been described as a member of “Cambodia’s Gang of Four.”

1171. **Ieng Thirith’s** position of power and influence is also demonstrated by the extensive privileges accorded to her. **Ieng Thirith** lived a life of comfort throughout the DK regime: she resided in a well-appointed villa and had access to an abundance of food. She also had ready access to the security and comfort offered by both K-2 and K-3 as workplaces and residences. She had numerous house staff at her disposal, including chauffeurs, personal couriers / messengers, cooks, cleaners and gardeners. Although the CPK Statute prohibited nepotism, **Ieng Thirith** was able to exercise her power to appoint her three teenage daughters and her son-in-law to high-ranking positions within the MSA, as well as arranging for her children to live near her and enjoy a life of comfort. Despite CPK Party rules allegedly being implemented at all levels, **Ieng Thirith** was never sanctioned for her violations of the CPK’s anti-bourgeois precepts.

POSITION AS MINISTER OF SOCIAL AFFAIRS

Functions as Minister

1172. As Minister of Social Affairs, **Ieng Thirith** was “in charge” at the MSA and known as “Chief” of the Ministry. In this role, she was primarily charged with the management of hospitals and medicine production factories in Phnom Penh, as well as all work related to social affairs. Indeed, **Ieng Thirith** was described as “the cabinet official most responsible for the well-being of the population.”
1173. More specifically, **Ieng Thirith’s** responsibilities as Minister of Social Affairs spanned across several areas, including the management and control of all DK medical staff, cadres and hospitals, the supply of medical equipment to hospitals, dispensaries and laboratories, food production for her staff and the patients and the supervision of certain textile factories. She was also responsible for the production and supply of pharmaceutical products and the distribution of medicines amongst the zones. As head of the MSA, **Ieng Thirith** was also charged with distributing chemicals and raw materials for producing medicines locally, as well as supplying manufactured medicines and medical equipment to military hospitals. Office 870 was required to obtain **Ieng Thirith’s** approval prior to effecting a distribution to a military hospital.

Responsibilities of the MSA

1174. The MSA occupied a significant position within the DK regime, charged as it was with “important duties to cope with the people’s living standard” and to implement hygiene and health policies. Health and social affairs absorbed a discrete section of the CPK Four Year Plan and received regular attention in CPK Standing Committee meetings. A PRA Committee was also dedicated to these issues.
1175. The Ministry was tasked with the management of hospitals, the production and distribution of pharmaceutical products, the supply of medicine to the zones and agricultural production. Although a Ministry of Public Health nominally existed, it amounted to an empty shell. In reality, **Ieng Thirith** controlled the entire public health sector. Indeed, the Minister of Public Health Chuon Choeun *alias* Ta Pèn was merely a surgeon under the authority of the Chief of Hospital Po-17 and **Ieng Thirith’s** son-in-law, Pooun, who was in turn directly answerable to **Ieng Thirith** herself.

STRUCTURE AND ORGANISATION OF THE MSA

1176. Under **Ieng Thirith’s** management and control, the MSA had a highly structured hierarchy and grew in size and importance during the DK period. The Ministry’s expansion was primarily due to the dramatic increase in the number of patients triggered by the escalation in DK’s armed conflict with the SRV.

The MSA Committee

1177. The MSA’s central office (K-2) was chaired by **Ieng Thirith**. Sin Phal Kun, *alias* Sou, and Leng Pisei, *alias* Leng Seum Hak, *alias* Sei, were **Ieng Thirith’s** two deputies and the original members of the Committee of Social Affairs. Sou was the vice chairperson of the MSA, K-2 office chairperson and had been a cadre at K-300, the FUNK radio station in Hanoi. Sei was head of the P-17 April Hospital.
1178. The composition of the Committee of Social Affairs frequently changed as its members were arrested and purged:
- (1) Sei was placed under house arrest in July 1977 and entered S-21 on 17 December 1977. About a week later, the new P-17 April Hospital chief denounced Sei as a traitor for supposedly being part of the CIA.

- (2) Although Sou had been close to **Ieng Thirith**, she was taken to K-7 on the order of **Ieng Thirith**. She was arrested and entered S-21 on 3 March 1978 and executed on 10 May 1978.
- (3) Chhun, a former Deputy at K-2, was appointed by **Ieng Thirith** as Sou's replacement and worked under **Ieng Thirith's** strict supervision. Chhun is reported to have maintained this position until January 1979, although there is evidence that he disappeared in mid 1978.

MSA Departments

1179. Beyond the Committee of Social Affairs, the MSA was comprised of three main departments: (1) the Ministry's central office (K-2); (2) the Phnom Penh hospitals; and (3) the medical school, and the pharmaceuticals factories or laboratories. By 1978, some 1,300 - 2,000 staff, mostly women, worked within the various K-2 units, hospitals in Phnom Penh and medicine production factories.
1180. The MSA's central office (K-2) was initially located near the Olympic Stadium, then moved in 1977 to a three-storey building on Kampuchea Krom Boulevard. **Ieng Thirith's** own office was located at K-2. Regular meetings of heads of all MSA units, which were chaired by **Ieng Thirith**, were held there. K-2, successively chaired by Sou and Chhun, employed hundreds of staff working in at least eleven sections.

Hospitals and Medical Production Facilities under MSA Authority

1181. **Ieng Thirith** had six civilian Phnom Penh hospitals under her direct supervision. These included Po-17 or 17 April Hospital and Po-6 or 6 January Hospital, which gradually became responsible for treating a majority of military casualties. Po-6, was a former military hospital, placed under the authority of **Ieng Thirith** in early 1977, following a purge of all the military hospital personnel from the North Zone. Although military, zone, sector and district hospitals were technically excluded from the MSA's purview, the MSA developed close working relationships with military, zone, sector and district hospitals and local medicine production factories; in particular with respect to political indoctrination and medical training, distribution of raw material, manufactured medicine and medical equipment by the MSA; and transfer of patients from those military hospitals to Phnom Penh civilian hospitals.
1182. The MSA also had six pharmaceutical factories and laboratories under its control

(Pho-1 to 4, Pho-6 to 7), as well as a malaria eradication laboratory and medical training school (Pho-5).

MSA Mismanagement

1183. **Ieng Thirith** developed and presided over a dysfunctional health system that not only failed to meet its essential objective, but in many cases significantly worsened the conditions of those under its care. Under **Ieng Thirith's** management, cadres' revolutionary credentials and class origins were more important than medical training and experience. Whilst the MSA retained some Chinese medical technicians, she appointed a majority of young, illiterate and / or unqualified cadres to positions within the MSA. Three of **Ieng Thirith's** unqualified teenage daughters and her son-in-law were also appointed to high-ranking positions in hospitals and pharmaceutical factories. The appointment of such cadres as medical personnel both in hospitals and laboratories resulted in the death of some patients and increased the suffering of others. Those who were taken into care at MSA-administered hospitals were at risk of worsening their condition.
1184. Under **Ieng Thirith's** leadership of the MSA, medical experiments were conducted on living human beings. Experimental drugs were tested on patients at various hospitals and sometimes on staff members. Victims were used not only for drug experimentation, but also became subjects for demonstrations in training given to personnel from the countryside. As a result of improperly administered injections, the use of unsterilised needles and / or injections of substances such as water or coconut juice, some patients died or suffered abscesses, swellings and illness.

PARTICIPATION AND CONTRIBUTION

GENERAL PARTICIPATION IN THE CRIMINAL PLAN

Meetings with Other CPK Senior Leaders and Diplomats

1185. **Ieng Thirith** regularly interacted with other senior DK leaders and participated in high-level meetings in which she contributed to the formation and implementation of the CPK's criminal policies. Although she was not a member of the Standing Committee, she frequently engaged with its members. She attended regular meetings at K-1 presided over by Pol Pot, in the company of **Nuon Chea, Ieng Sary** and **Khieu Samphan**, when they involved matters of social action. She often visited K-1. In

addition, she attended monthly meetings at K-3, also with **Nuon Chea, Ieng Sary** and **Khieu Samphan**. **Ieng Thirith** also participated in regular meetings with Pol Pot, **Nuon Chea, Khieu Samphan** and **Ieng Sary** at the National Assembly. She attended the Great Assembly of the Party in 1975, political meetings at Borei Keila between 1976 and 1978, as well as the Council of Ministers meetings, where political “instructions” were issued.

1186. As Minister of Social Affairs and a senior leader of the CPK, **Ieng Thirith** contributed to the development and implementation of CPK policy, particularly in the realm of health and social affairs. She took the floor and gave extensive reports at a 10 June 1976 CPK Standing Committee meeting dedicated to health and social affairs. Through this report, **Ieng Thirith** demonstrated her extensive knowledge across all sections of the MSA and proposed concrete policies for adoption by the Standing Committee. She presented on issues of health at the second Council of Ministers meeting on 31 May 1976, again illustrating her authority and knowledge in this area. She also reported on social action at a DK Government Joint Meeting of Offices. Although minor health-related matters were sometimes briefly discussed at Standing Committee meetings without her being present, **Ieng Thirith’s** presentations to the Standing Committee and the Council of Ministers confirm her position as the primary CPK official in charge of health and social affairs.
1187. In her capacity as Minister of Social Affairs, **Ieng Thirith** also represented the interests of the DK government on the diplomatic stage. She was one of the “Cambodian leaders” with whom foreign diplomats met and she actively participated in numerous meetings, banquets, ceremonies and negotiations during official visits. She typically organised tours for these visitors in regions of DK and included the pharmaceutical and textile factories under her supervision within the itinerary. She addressed foreign dignitaries at several official receptions.

Meetings with / Supervision of Lower-level Cadres

1188. The wide scope of the MSA portfolio and **Ieng Thirith’s** powerful position within it are illustrated by the nature and extent of her activities. In carrying out her role as Minister of Social Affairs, she exercised a great degree of influence over hospitals and medical production facilities in Phnom Penh in particular, which was manifested through regular meetings, inspections and constant supervision.

Hospital visits, factory inspections and Ministerial meetings

1189. **Ieng Thirith** visited hospitals in Phnom Penh on an almost daily basis. In doing so, she inspected the hospitals and visited patients. During her visits to city hospitals, she attended and chaired regular meetings, in which she gave instructions about hospital work and inspired staff to work harder. **Ieng Thirith** also met with each hospital's management on a regular basis. She had the authority to remove and assign hospital staff and regularly exercised it, as well as issuing various orders concerning hospital operations. She also held meetings at hospitals announcing that certain staff had been named as "traitors" and expected staff to report to her about their work. She received reports and correspondence from all hospitals, medical schools and pharmaceutical factories. **Ieng Thirith** also visited numerous pharmaceutical enterprises.
1190. In addition to meeting frequently with and training hospital staff and management, **Ieng Thirith** demanded the attendance of both Ministerial and medical staff at regular meetings at the MSA. During these meetings, she requested reports on hospital operations, issued work-related instructions, including requesting hospital staff to spy on others, and announced the names of those medical staff that had been arrested. She advised the workers to be productive and suggested how to care for the patients. **Ieng Thirith** supplemented these meetings by personally teaching political education sessions at the MSA, as discussed in the Political Indoctrination and Study Sessions Subsection.

Worksite visits

1191. **Ieng Thirith** inspected worksites in the countryside and witnessed the inhumane conditions in which labourers were held, thus seeing the implementation of CPK policy in practice. She facilitated tours to various parts of the country to accompany Chinese, Lao, Vietnamese or Romanian foreign delegations. She accompanied a Laotian delegation to the East Zone, Kampong Cham, Kampong Thom, Siem Reap and Angkor Wat. On this tour, she personally inspected the 1st January Dam worksite, where she witnessed forced labourers at work, and Chamkar Leu District. The party also visited cooperatives, where they saw rice fields and collective living arrangements, the Boeng Krachap reservoir building site, the Chup rubber plantation factories and the Chaukar Andong Rubber plantation. **Ieng Thirith** travelled with a Vietnamese delegation to see the East and North Zones, including Siem Reap. On this

trip, she observed women who had just finished the rainy season rice growing drive, building dykes, canals, water reservoirs and field embankment networks. In addition, she travelled to Siem Reap with **Ieng Sary**, with a Laotian delegation, and also journeyed to Kampong Cham province by herself.

Political Indoctrination and Study Sessions

1192. As Minister of Social Affairs, **Ieng Thirith** frequently led meetings and study sessions to implement the policies of the CPK and to enforce internal discipline within the MSA. The study sessions, conferences and meetings were held daily, monthly, quarterly, or annually depending on the purpose. Some of these meetings were held at the different departments of the MSA, such as Pho-2, Pho-5, K-1, K-2 and 17 April Hospital. At least one annual Congress of the MSA led by **Ieng Thirith** was attended by high-ranking officials such as Pol Pot and **Nuon Chea**.
1193. At these political study sessions, as early as June 1975, **Ieng Thirith** endorsed and justified the forced evacuation of the cities, establishment of cooperatives and the abolition of money as a tool against the capitalists and enemies. **Ieng Thirith** also justified the expulsion of the Vietnamese, lectured on the fight against the Vietnamese, [Redacted]. In a joint meeting of offices she stated: ‘Comrades take party principles, give them pride of place and implement them. Are you on the side of the Party or the side of the Yuon?’
1194. Under **Ieng Thirith’s** leadership of the MSA, there was consistent enforcement of discipline and party policy as the cadres were required to pay attention to the activities of traitors and conduct criticisms. During political indoctrination sessions, **Ieng Thirith** discussed the alleged traitors and their arrests. **Ieng Thirith** also specifically denounced high-ranking MSA cadres who were targeted as traitors, including Leng Pisei *alias* Sei, the 17 April Hospital chairwoman and MSA Committee member, and Sou, head of K-2 and MSA Committee member. She also denounced the CPK leaders that were alleged traitors, including Sao Phim, East Zone Secretary, Muol Sambath *alias* Ros Nhim, Northwest Zone Secretary, Hu Nim, Minister of Propaganda, and several others. **Ieng Thirith** would instruct workers not to follow the alleged traitors’ examples, directing each specialised section to ‘monitor its work,’ to spy on each other and to denounce traitors. After the names of traitors were announced at these meetings, those related to them were told to stand and make a pledge to the Party.

During such meetings, medical staff and hospital chairmen from the provinces wrote their biographies, conducted self and peer criticism, and were told to be aware of the enemy and loyal to the Party.

1195. **Ieng Thirith** also held meetings and political study sessions to manage MSA work forces and departments. She opened, convened and instructed medical and political training courses, as well as presiding over frequent meetings with medical staff. The purpose of these meetings was “cleansing people’s minds.” Staff members from regional hospitals and medicine production factories were sent to Phnom Penh to be politically indoctrinated and medically trained by the MSA (and among them some were recruited by **Ieng Thirith**). As at the meetings at the MSA, **Ieng Thirith** announced the names of health professionals named as “traitors.”

PARTICIPATION IN PARTICULAR CRIMINAL EVENTS

Forced Transfer

1196. **Ieng Thirith** was both aware of and supported the CPK’s decision to forcibly evacuate Phnom Penh on 17 April 1975. She has recognised that her government had a defined policy on the evacuation. On two separate occasions in 1980, she admitted that the policy had resulted in the evacuation of the population taking place. She stated that she “[didn’t] deny that we have evacuated all the population of Phnom Penh to the countryside.” **Ieng Thirith** also recognised that the evacuees were unwilling and dissatisfied about the evacuation.

Forced Labour

1197. **Ieng Thirith** decided, planned or organised the forced transfer of Ministry staff to tempering and re-education worksites, including Kampong Chhnang Airport Construction Site, Pich Nil, Srae Ambel salt fields, and Veal Renh. The MSA agricultural sites of Ta Khmao, and Prêk Kdam, were also used for punishment or re-education of cadres through forced labour. The reasons for which Ministry staff could be sent for tempering or re-education included making mistakes, not following orders, violating codes, being from the East Zone, being related to people with tendencies, being immoral or having lived in areas controlled by the Khmer Republic or having worked for the Khmer Republic regime. When the policy of purging all but a select few “clean” persons from the East Zone was implemented, the vast majority of MSA

cadres from the East Zone were forcibly removed by the truckload. In one unit, all 120 people from the East Zone were sent to be tempered. In another, all but five of the 300 staff members from the East Zone were removed.

Enslavement and Inhumane Conditions

1198. As described in the Forced Transfers and Forced Labour Sections, the mass enslavement program instituted by the CPK resulted in a forcible confinement of the entire population to rural cooperatives managed by the CPK in which the Party completely controlled the lives of those enslaved. The conditions under which the enslaved population was forced to live and work caused widespread deaths in the sites under investigation. Many of those deaths were caused by the lack of medical care and medicines. **Ieng Thirith** contributed to the inhumane conditions prevailing in the forced labour camps and worksites, including in the sites under investigation, by her deliberate failure to provide adequate and effective medicine to the population forcibly held there.
1199. As the primary CPK official charged with the provision of medicine and health care, **Ieng Thirith** was responsible for the production, supply and distribution of medicine throughout the country. By intentionally providing the zones with inadequate and unsafe medicine, she contributed to the proliferation of inhumane conditions in the zones. Any medicine that was distributed to regional areas was often ineffective or dangerous, as **Ieng Thirith** encouraged the use of traditional and experimental medicines, as opposed to importing or producing effective medicines to distribute. **Ieng Thirith** ordered the production of experimental drugs, often referred to as “rabbit droppings” or “rabbit pellets,” made of plants extracts such as cassava. She also encouraged the distribution and use of such products throughout the DK, although she was aware that they were at best ineffective or of low quality, and had not been properly tested for human consumption.
1200. **Ieng Thirith** was apprised of the serious lack of medical supplies and poor conditions at worksites and forced labour camps during the period under investigation. As noted above, she frequently visited worksites and was able to view the conditions to which the workers were subjected. During her visit to the 1st January Dam, she was informed that there was a shortage of medicine and ordered the production of unsafe medicine in response. Further, in her mid-1976 tour of the Northwest Zone, **Ieng Thirith**

witnessed the appalling conditions in which the local population lived. She saw, among other things, that people were forced to work in extreme heat regardless of their health condition, disability or age, and with no accommodation being provided. She also witnessed that diseases were widespread with many suffering from diarrhoea and malaria. As described in the Forced Transfers Section, as many as one million civilians had been forcibly transferred by the CPK to the Northwest as part of its mass collectivisation and forced labour policy. **Ieng Thirith** concluded that these conditions were caused by enemies that had infiltrated the Northwest Zone. She took no steps to remedy the conditions she had witnessed.

Forced Marriages

1201. **Ieng Thirith** implemented the CPK's policy on forced marriages within the MSA. This policy provided for the arrangement of forced marriages by unit heads and cadres and was based on the notion that the Party was best placed to assess the suitability of a marriage. **Ieng Thirith** personally organised and approved forced marriages involving individuals working under her supervision at the MSA, as well as members of her personal staff. Redacted. Another manifestation of the forced marriage policy was sexual repression, which was also enforced within the MSA. There is evidence that those who engaged in unauthorised sexual relations at the 6 January hospital were immediately arrested and then publicly killed in front of patients and staff.

Purges of Cadres

1202. **Ieng Thirith** enforced the CPK's policies of arrest and execution of suspected traitors and enemies throughout organisational units within the MSA. She had the authority to purge and spy on MSA staff and personally drove the purges by identifying staff to be removed and arrested from MSA units. These purges were extensive and encompassed ordinary MSA staff from across the country, as well as high-ranking cadres. The sudden arrests and disappearances of staff at one hospital in **Ieng Thirith's** Ministry occurred continuously, throughout the day and night. Arrests within MSA units occurred according to what **Duch** refers to as "the usual system," with senior cadres removed first followed by mass arrests. As with all CPK / DK units, **Ieng Thirith** was sent confessions from S-21 to inform her of enemy activity within units under her control and to enable her to decide whether further arrests were

necessary. She instructed individual workers to monitor the actions of others who had been named in confessions or who were suspected of being traitors. The purges included the arrest and removal of the vast majority of East Zone cadres within the MSA. MSA staff were arrested and sent to worksites, tempering sites or S-21 during **Ieng Thirith's** administration.

1203. At least 120 MSA staff were imprisoned and killed at S-21. **Ieng Thirith** directly controlled and facilitated the arrests of such cadres in close coordination with S-21. [Redacted]. [Redacted]. [Redacted] **Ieng Thirith** sent correspondence to S-21 and a number of S-21 confessions link her directly to the security office. One confession bears an annotation that states: “problem [was] already solved by Social Affairs,” which confirms that the Minister for Social Affairs was in charge of arrests. Another bears an annotation referring to “Comrade Phea,” evidencing the fact that it was sent to **Ieng Thirith**. [Redacted]. The extent of **Ieng Thirith's** control over the fate of MSA staff is also illustrated by one account where she spared from arrest a young woman to whom she was particularly close, but who had been accused of being a traitor. Additionally, she recently admitted that she was aware that members of her MSA staff had been arrested, taken away in trucks, and executed during the DK regime. **Ieng Thirith** blames **Nuon Chea** for these arrests, which took place under her direction and control.

1204. Senior cadres purged from units and entities under **Ieng Thirith's** control include:

- (1) Leng Pisey *alias* Leng Seum Hak *alias* Sei, MSA Committee member and Head of the 17 April Hospital (Po-17) from 12 May 1975 until July 1977; and her successor Theat;
- (2) Sin Phal Kun *alias* Sou, K-2 Chairwoman, MSA Committee member and **Ieng Thirith's** deputy;
- (3) Kang Yan *alias* Rath or Vath, Head of Po-2;
- (4) Muon, Head of Po-3;
- (5) Mei Nuon *alias* Hân, Chairman of Po-4;
- (6) Phi, Deputy Head of Po-6;
- (7) Men Tol *alias* Sat, member of Po-17 Committee;

- (8) Tuy Chim *alias* Mao, member of Po-17 Committee;
- (9) Dy Phon *alias* Thuk, Dentist at Po-17 and Head of Pho-5 who may have survived S-21;
- (10) Srey Im *alias* Chhong, Chairwoman of Pho-1 and her successor Tep Sarou *alias* Sa;
- (11) Seum Sovann, Head of Pho-2;
- (12) Pen Vasai *alias* Sai, technical assistant successively at the former Dumex medicine factory production and at K-2 ;
- (13) Uy Phirou *alias* Pâk, Chairman of Pho-4;
- (14) Mok Sam-Ol *alias* Hong, former Deputy Head of Po-17 and Chairman of Pho-5;
- (15) Hang Song *alias* Kin, Head of Pho-6; and
- (16) Pol Lak Pheng, Head of Pho-11;

1205. Following **Ieng Thirith's** visit to the Northwest Zone in 1976, as described in the Enslavement and Inhumane Conditions Subsection above, she directly contributed to the decision of the CPK leadership to purge the Northwest Zone. **Ieng Thirith** personally reported to Pol Pot on the alarming conditions she witnessed in the Northwest, arguing that they were caused by "enemies" who had supposedly infiltrated the Northwest Zone. Instead of calling for a review of the policies which were having disastrous effects on the one million labourers in the Northwest, **Ieng Thirith** was involved in the Party Centre's decision to purge the Zone. At least 1,211 individuals, including the Zone Secretary Ros Nhim, were arrested in the Northwest Zone and sent to S-21.

POST DK PERIOD

1206. In so far as they show a consistent pattern of conduct, **Ieng Thirith's** actions after the CPK's removal from power reinforce the evidence of her criminal participation and intent during the period under investigation. For some 20 years after CPK's deposal, **Ieng Thirith** continued to promote the CPK and its causes, denounce the Vietnamese occupation and deny that any crimes took place. She has also consistently sought to

diminish her personal involvement in the crimes committed in DK.

ACTIVITIES AND ROLE

1207. **Ieng Thirith** remained a senior leader of the CPK after the fall of Phnom Penh on 7 January 1979. Her position as the DK Minister of Social Affairs was reaffirmed at the DK Congress session held on 15-17 December 1979 and she retained it until at least May 1982. She was also appointed to an additional portfolio: by at least September 1982, **Ieng Thirith** had been named Secretary General in the Ministry of Foreign Affairs of the Coalition Government of Democratic Kampuchea ('CGDK'). She retained this role, as the second highest cadres in that Ministry, until at least late August 1985. In addition, **Ieng Thirith** remained Vice-Chairperson of the DK Women's Association until at least mid-1985, continuing to represent the Association as head of delegation at several conferences. She was also the President of the DK Red Cross, at least between 1980 and April 1985.
1208. **Ieng Thirith's** position of seniority within both the DK and the CGDK governments charged her with many responsibilities in representing these entities on the international stage. She participated in numerous UN Conferences, as well as in other international conferences specifically organised to promote the interests of the CPK and, ostensibly, the DK people. In particular, she led the delegation at the International Conference for Solidarity with Kampuchea in 1979, denouncing Vietnam and advocating the restoration of the CPK. She also accompanied **Khieu Samphan**, Vice President of the DK in charge of Foreign Affairs, to several sessions before the UN General Assembly and acted as a Special Advisor to the DK delegation. Additionally, prior to her appointment to the Foreign Affairs Ministry, she travelled extensively as Special Envoy of the DK President of the State Presidium **Khieu Samphan** or as head of the DK delegation, meeting with and encouraging representatives of other states to condemn the Vietnamese occupation, to support the return to power of the Khmer Rouge. She travelled to Italy, Romania, Spain, Japan and 13 African countries.
1209. **Ieng Thirith** also played an important political role at the domestic level in the post DK period. She was one of the senior leaders heavily involved in the creation of the CGDK. As well as participating in a 1979 meeting with the Thai and Singapore Foreign Ministers on the formation of the CGDK, **Ieng Thirith** acted as the leader of

the DK delegation in the Tripartite Ad Hoc Committee and participated in several meetings to discuss the principles and possible forms of the CGDK in September 1981.

1210. **Ieng Thirith** continued her DK representative role in Cambodia, receiving numerous foreign delegations on behalf of the DK government. These included delegations from Japan, China, Europe, and others. **Ieng Thirith** retained her status as the most visible female member of the DK regime by maintaining a high media profile. She also regularly met with journalists between 1979 and 1985: Chinese, Japanese, Americans, Western Europeans and many others. **Ieng Thirith** also gave filmed interviews to foreign media.
1211. **Ieng Thirith** and **Ieng Sary** defected immediately prior to the Cambodian Government granting **Ieng Sary** a pardon on 14 September 1996. After her defection, **Ieng Thirith** maintained her political prominence through her membership of the Democratic National United Movement Party, which was created by **Ieng Sary** in August 1996.

ACKNOWLEDGEMENTS AND DENIALS OF CRIMES

1212. At various times **Ieng Thirith** has alternately denied DK crimes and reluctantly acknowledged them to a limited extent. She has consistently sought to minimise her contribution and responsibility, blaming others for the commission of these crimes.
1213. **Ieng Thirith** has often attributed responsibility for the crimes committed in DK to Vietnam. In her speech at the International Conference for Solidarity with Kampuchea in November 1979, she publicly blamed Vietnam for many of the crimes committed during the DK period, describing the occupying force as having wreaked “wholesale devastation” and “committed countless vile and unspeakable crimes against our population.” She labelled them as “the greatest criminals of our times.” She accused Vietnam of responsibility for the death of half a million to two million Cambodians.
1214. Moreover, **Ieng Thirith** has actively denied that crimes were committed during the DK period. She maintained that the estimates of millions of deaths during the DK regime were just Vietnamese propaganda and that only 30,000 victims died during the Khmer Rouge reign, of which 10,000 deaths were due to Vietnamese agents, with the additional 20,000 resulting from starvation or illness. She claimed that the events at S-

21 were an invention of the Vietnamese. **Ieng Thirith** has also expressed an absolute disregard for the lives of those killed by the CPK, openly expressing mirth at the suggestion of 3,000 corpses at MSA hospitals and that the CPK killed millions of Cambodians.

1215. However, **Ieng Thirith** has also made certain concessions about the CPK crimes in DK. She has admitted that some abuses were committed by the Khmer Rouge from 1975 to 1979. In an interview in 1979, she acknowledged that DK was responsible for the death of 10,000 people. On 17 November 1991, **Ieng Thirith** admitted that “there may have been so-called purges targeting so-called traitors,” but maintained that genocide had not taken place. She stated: “[a]dmittedly, there were abuses, but this happens in every revolution.”
1216. **Ieng Thirith** has repeatedly sought to downplay her participation in DK and the crimes of the CPK. In February 1999, she claimed to have just been a “simple member of the party.” Despite her demonstrable participation in broader criminal policies, she claimed as early as 1980 and as recently as 12 November 2007 that her involvement in DK policy-building did not exceed her role in social affairs. More recently, **Ieng Thirith** has sought to attribute responsibility for CPK crimes to the other Charged Persons. She blamed **Nuon Chea** and **Duch** for having arrested and executed her staff members during the DK period. This attribution is made despite her earlier claim that she was ignorant about the crimes at S-21.

V. LAW

A. CRIMES

GENOCIDE [ECCC ARTICLE 4]

1217. Article 4 of the ECCC Law confers jurisdiction on the Court to try individuals suspected of committing the crime of Genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention (“Genocide Convention”). Under Article 4, acts of genocide mean “any acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (4) imposing measures intended to prevent births within the group; and (5) forcibly transferring children from one group to another.”
1218. The crime of genocide consists of a mental element (the intent to destroy the group as such) and a physical element (the commission of at least one of the enumerated acts).

MENTAL ELEMENT

INTENT TO DESTROY

1219. Genocide is a specific intent crime: in committing one of the enumerated acts, the perpetrator must have the specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group. The absence of planning or premeditation does not exclude the existence of genocidal intent, although the existence of a plan or policy may facilitate proof of intent and of the crime itself. Similarly, a perpetrator’s failure to implement his / her intent to the fullest, leaving the act of destruction incomplete, does not preclude the finding of genocidal intent.
1220. In the absence of a confession, genocidal intent can be inferred from a number of facts and circumstances of the case. These include: the general context; the perpetration of other culpable acts systematically directed against the same group; the scale of atrocities, the weapons employed and the extent of bodily injuries inflicted; the systematic targeting of victims on account of their membership of a particular group; the exclusion of members of other groups; the repetition of destructive and

discriminatory acts; the use of derogatory language towards members of the targeted group; and the methodical planning of systematic killings. Evidence of genocidal intent may also be found in speeches or projects laying the groundwork for and justifying the acts aimed at undermining the foundation of the targeted group. However, genocidal intent must be affirmatively established. Evidence that an accused was aware of the genocidal intent of his / her co-perpetrators and did nothing to prevent the commission of genocidal acts is not, of itself, sufficient to establish an inference of genocidal intent.

1221. “Destruction” in the context of the definition of genocide means physical or biological destruction of a human group, rather than the destruction of cultural, sociological or other characteristics of a particular group. The actual destruction of the group, or even of a large number of persons, is not a pre-requisite to a finding of genocidal intent; a single killing, if committed with the requisite intent to destroy the group in whole or in part, can amount to a genocidal act. Finally, the perpetrator need not necessarily intend to cause death in the particular instance under investigation. For example, sexual violence can form an integral part of the process of destruction where it contributes to the destruction of women within the targeted group, and of the group as a whole.

IN WHOLE OR IN PART

1222. As noted above, a person committing one of the prohibited acts will be guilty of genocide if he / she intended the destruction of the targeted group in whole, *or* in part. Where it is alleged that a perpetrator intended to destroy a group *in whole*, it is not necessary to show that he / she had the intent to completely annihilate the group from every corner of the globe.
1223. As for the intent to destroy a group *in part*, there is no numeric threshold of victims, but the accused must be shown to have intended to destroy a *substantial* part of the group. The determination of whether the targeted part is substantial will depend on a number of factors, including its size. That size should be assessed not only in absolute terms, but also relative to the total population of the group: if the part is sufficiently large in relative terms, is emblematic of the overall group, or essential to its survival, it may be deemed a substantial part. The part must be significant enough that its destruction will have an impact on, or threaten, the survival of the group as a

whole. This requirement may be established where, for example, the entire leadership of a group is targeted for destruction.

1224. The intent to destroy a group in part may extend only to a limited geographical area such as the region of a country or a municipality. The fact that the accused's intent will be limited by the opportunity presented to him is a factor relevant to the assessment of whether he / she intended to destroy a substantial part of a protected group.

PROTECTED GROUPS

1225. As noted above, consistent with the Genocide Convention, the ECCC Law prescribes four categories of protected groups: national, ethnical, racial and religious group. Other types of groups, such as political groups, are not protected by the Convention. A ***national*** group has been defined as a “collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties.” An ***ethnical*** group is one “whose members share a common language or culture.” A ***racial*** group is based on ‘hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors.’ A ***religious*** group is “one whose members share the same religion, denomination or mode of worship.”
1226. The determination of a protected group in any given case is conducted on the basis of both objective and subjective criteria. The objective criteria include the political, social, historical and cultural context. The subjective criteria include the stigmatisation or singling out of a group by the perpetrator(s) on the basis of the group's perceived national, ethnical, racial or religious characteristics. The additional question of whether a victim belonged to a targeted group is determined primarily by subjective criteria – that is by the perpetrator's perception of the victim.

SUCH AS / AS SUCH

1227. The definition of the crime of genocide in Article II of the Genocide Convention, and in the Statutes of the International Criminal Tribunal for the former Yugoslavia ('ICTY'), the International Criminal Tribunal for Rwanda ('ICTR') and the International Criminal Court ('ICC'), contain the phrase “as such” immediately following the words “national, ethnical, racial or religious group.” This phrase

reflects the requirement that a prohibited act will only amount to genocide if it was committed against a victim “specifically because” of his / her membership in a protected group. It “shows that the offence requires intent to destroy a collection of people who have a particular group identity.” It also confirms the underlying rationale of the definition of genocide – that, although destruction necessarily requires the commission of crimes against members of a group, “the ultimate victim of genocide is the group.” Nevertheless, the use of the words “as such” does not require that the “intent to destroy a group be based solely on one of the enumerated grounds of nationality, ethnicity, race, or religion.”

1228. Article 4 of the ECCC Law uses the phrase “such as” in place of the words “as such” in the definition of genocide. However, it grants ECCC jurisdiction over this crime specifically “as defined in” the Genocide Convention. This indicates that, despite minor differences in wording, Article 4 requires the Court to apply the definition of genocide consistently with the accepted definition of the crime in international law. Therefore, the above requirement (that the victims of genocidal acts must have been targeted because of their membership of a protected group which the perpetrator(s) intended to destroy in whole or in part) therefore equally applies before the ECCC.

SPECIFIC ACTS

KILLING MEMBERS OF THE GROUP

1229. This act has been defined to mean killing “of members of the targeted national, ethnical, racial or religious group,” carried out with the intent to cause death, but not necessarily with premeditation.

CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP

1230. This category of genocidal acts covers the infliction of serious harm that does not necessarily result in the death of the victim or in an injury that is permanent or irremediable. However, the bodily or mental harm inflicted upon members of a targeted group “must be of such a serious nature as to threaten [the group’s] destruction in whole or in part.” Serious bodily harm has been defined to mean “torture, rape, and non-fatal physical violence that causes disfigurement or serious injury to the external or internal organs.” Serious mental harm is a harm which causes serious injury to the victim’s mental state, and includes a more than minor or temporary

impairment of mental faculties, such as the infliction of strong fear or terror, intimidation or threat. Acts causing serious bodily and / or mental harm include “enslavement, starvation, deportation and persecution [...] and ... detention in ghettos, transit camps and concentration camps in conditions which were designed to cause [the victims’] degradation, deprivation of their rights as human beings, and to suppress them and cause them inhumane suffering and torture.”

1231. The mental element required for this genocidal act is that of intent: that is, in addition to possessing the requisite genocidal intent, the accused must be shown to have acted with the intent to cause serious bodily or mental harm to one or more members of the protected group.

DELIBERATELY INFLECTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING
ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART

1232. This category of genocidal acts encompasses “methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction.” The perpetrator must be shown to have intended *the conditions* (as opposed to, for example, subsequent execution of the victims) to bring about the physical destruction of the targeted group in whole or in part. The specific types of conditions covered by this category of genocidal act include (1) lack of proper housing, clothing, hygiene and medical care / reduction of essential medical services below minimum requirements (2) excessive work or physical exertion, (3) rape, (4) starving people or subjecting them to a subsistence diet, and (5) systematic expulsion of people from their homes. Proof of the actual physical destruction of the targeted group in whole or in part is not required.

IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP

1233. This category of genocidal acts includes sexual mutilation, the practice of sterilisation, forced birth control, separation of the sexes and prohibition of marriages. Measures intended to prevent births within the group may also be mental. Rapes / forced pregnancies can amount to measures intended to prevent births within the group in at least two types of cases: (1) where a woman belonging to a group in which membership is determined by the identity of the father is raped and deliberately impregnated by a man of another group with the intent to have her give birth to a child who will not be considered a member of her group; (2) in the case of a rape

when the victim subsequently refuses to procreate, in the same way that victims can be led, through threats or trauma, not to procreate.

FORCIBLY TRANSFERRING CHILDREN FROM ONE GROUP TO ANOTHER GROUP

1234. The definition of this genocidal act in Article 4 differs slightly from the corresponding provision in Article II of the Genocide Convention (which is worded “forcibly transferring children of the group to another group”). The underlying meaning is, however, the same. The objective of this provision is aimed at sanctioning “not only any direct act of forcible physical transfer, but also any act of threat or trauma which would lead to the forcible transfer.”

PUNISHABLE OFFENCES

INTRODUCTION AS TO MODES OF PARTICIPATION

1235. Article 4 of the ECCC Law enumerates the punishable acts differently from Article II of the Genocide Convention. The specific acts of (1) “Genocide,” (2) “Direct and public incitement to commit genocide,” and (3) “Complicity in genocide” are not listed in Article 4. Nevertheless, as will be illustrated below, the common forms of criminal participation (planning, instigating, ordering, aiding and abetting, and committing) are applicable to Article 4.
1236. Article 4 of the ECCC Law states that the following acts are punishable (with some differences from the corresponding provisions in the Genocide Convention):
- (1) attempts to commit acts of genocide (in the Genocide Convention, “attempt to commit genocide”);
 - (2) conspiracy to commit acts of genocide (in the Genocide Convention, “conspiracy to commit genocide”); and
 - (3) participation in acts of genocide (not contained in the Genocide Convention).

ATTEMPTS TO COMMIT ACTS OF GENOCIDE

1237. An attempt to commit genocide is an inchoate offence, that is one which penalises “the commission of certain acts capable of constituting a step in the commission of another crime, even if that crime is not in fact committed.” Article 25(3) of the Rome Statute, which includes attempt as a mode of liability applicable to genocide, states:

“A person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: (f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.”

CONSPIRACY TO COMMIT ACTS OF GENOCIDE

1238. Conspiracy to commit acts of genocide is “an agreement between two or more persons to commit the crime of genocide.” Like an attempt to commit genocide, conspiracy is an inchoate offence: the act of conspiring is punishable even if no acts of genocide have in fact occurred. The existence of the agreement represents the *actus reus* of the crime, and can be proved by establishing the occurrence of planning meetings for the genocide. An agreement may also be inferred and need not be formal. Proof of concerted or coordinated actions by a group of individuals can be sufficient to establish the existence of an agreement. The mental element of the offence of conspiracy is “the intent to destroy in whole or in part a national, racial or religious groups, as such.”

PARTICIPATION IN ACTS OF GENOCIDE

1239. The phrase “participation in acts of genocide” is not used in the Genocide Convention. Its use in Article 4 should be interpreted as confirmation of the fact that the standard forms of criminal participation contained in Article 29 apply to the crime of genocide. The term “participation” is not a term of art; its ordinary meaning is “the act of taking part in something, such as...a crime...” In the case law, “participation” has been used to refer collectively to the modes of liability of committing, planning, ordering, instigating, and aiding and abetting, including in relation to acts of genocide.

1240. Article 29 expressly makes the above specific forms of criminal participation applicable to the crime of genocide: “Any Suspect who planned, instigated, ordered, aided and abetted, or committed the crimes referred to in article ...4... of this law shall be individually responsible for the crime.” Similarly, the statutes of the *ad hoc* tribunals contain, in addition to a list of punishable acts in their genocide provisions,

forms of criminal participation similar to those found in Article 29 (in the case of the ICTY, Article 7(1)). In dealing with this “overlap,” the ICTY Appeals Chamber has held that the “modes of **participation**” of Article 7(1) should be “read into” the ICTY Statute’s genocide provision (Article 4(3)). In this manner, aiding and abetting, a form of liability not specifically provided for in Article 4(3), was held to be applicable to the crime of genocide. In other words, “[a]s the heads of liability listed under Article 7(1) are often more specific and strictly delimited than those listed under Article 4(3), Article 7(1) may prove useful in characterising the accused’s form of participation with the required degree of specificity.”

1241. In applying the mode of liability of aiding and abetting to the crime of genocide, the ICTY has held that an aider and abettor must know about, but need not share, the perpetrator’s genocidal intent. In “committing” an act of genocide, an accused need not have directly perpetrated the acts “with his own hands.” Rather, an accused may be found to have “committed” genocide so long as his / her actions were “as much an integral part of the genocide as [were] the killings which they enabled.” However, the Genocide Convention does not require the existence of an organisation or a system serving a genocidal objective, and does not exclude the possibility of a “lone individual seeking to destroy a group as such.”

CRIMES AGAINST HUMANITY [ECCC ARTICLE 5]

1242. Article 5 of the ECCC Law confers jurisdiction on the ECCC to try individuals suspected of committing crimes against humanity. The specific offences include murder, extermination, enslavement, deportation, imprisonment, torture, persecutions on political, racial and religious grounds, and other inhumane acts. The elements of each of these offences are discussed below.
1243. Crimes against humanity under Article 5 are distinguished by the general requirement that they are committed “as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds.” The five components of this requirement will be addressed in turn.

GENERAL REQUIREMENTS

ATTACK

1244. An attack is “a course of conduct involving the commission of an act, event or series of acts of violence.” The notion of “attack” for the purposes of establishing crimes against humanity is not limited to the use of armed force; it encompasses any mistreatment of a civilian population. An “attack” need not be a military attack or part of an armed conflict. Within a single attack, there may exist a combination of the enumerated crimes, such as murder, rape and deportation.

WIDESPREAD OR SYSTEMATIC

1245. The attack must be either widespread or systematic. These requirements are disjunctive. The term “widespread” refers to “the large-scale nature of the attack and the number of targeted persons” and may be established by the “cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude.” An attack can therefore be constituted by a single act, but it must have had a substantial effect or affect a large number of people. The underlying crime need not be widespread or systematic.
1246. The term “systematic” does not require the attack to be large-scale but relates to the “organised nature of the acts of violence and the improbability of their random occurrence.” Systematicity may be established by evidence of a “non-accidental repetition of similar criminal conduct.”

1247. Other indicators which would tend to prove the occurrence of a widespread or systematic attack are “the consequences of the attack upon the targeted population, the number of victims, the nature of the acts, the possible participation of officials or authorities or any identifiable patterns of crimes.” Whilst no plan or policy is required to prove a widespread or systematic attack, the existence of such a plan may be further evidence of the nature of the attack. Similarly, while the commitment of substantial public or private resources is not required to prove a widespread or systematic attack, the use of such resources may be helpful in proving the nature of the attack.

DIRECTED AGAINST A CIVILIAN POPULATION

1248. The attack must be “directed against” a civilian population. This requires that the civilian population be the primary object, rather than an incidental victim, of the attack. The factors determining whether an attack was directed against a civilian population include: the means and method used in the course of the attack; the status of the victims; their number; the discriminatory nature of the attack; the nature of the crimes committed in its course; the resistance to the assailants at the time; and the extent to which the attacking force may be said to have complied or attempted to comply with the precautionary requirements of the laws of war.

1249. The notion of “civilian population” for the purposes of this element refers to all persons who are not members of the armed forces, and includes people who are not taking any active part in hostilities, such as members of the armed forces who have laid down their arms and those persons placed *hors de combat* by sickness, wounds, detention or any other cause. The term “any” ensures that, at customary international law, crimes against humanity are not restricted in their application to a particular group of civilians, distinguished by their nationality or ethnicity. In addition, the “civilian population” is not required to include the entire civilian population of the particular geographical area attacked. A “civilian population” may also include non-civilians without forfeiting its civilian character, as long as the population is predominately civilian.

DISCRIMINATORY GROUNDS

1250. Article 5 of the ECCC Law requires that the attack against a civilian population in the case of crimes against humanity be based on national, political, ethnical, racial or

religious grounds. This element refers to the nature of the attack and is not an element of the specific offences. There must be a discriminatory intent in carrying out the attack.

ACTS OF THE ACCUSED MUST FORM PART OF THE ATTACK

1251. The acts of the accused must constitute part of the attack. The required nexus between the acts of the accused and the attack consists of two elements: the commission of an act which, by its nature or consequences, is objectively part of the attack; coupled with the knowledge on the part of the accused that there is an attack on the civilian population and that his / her act is part thereof. In relation to the first element, the acts need not be committed in the midst of the attack to be sufficiently connected to it. An act committed before or after the main attack could still be considered to be part of it, provided that the act was not isolated from it. As for the second element, knowledge of the details of the attack is not required; it is sufficient that the perpetrator knew of the overall context within which his / her acts took place. The motive of the perpetrator is irrelevant, and it is not necessary for the perpetrator to have approved of the attack.

SPECIFIC OFFENCES

MURDER

1252. Murder as a crime against humanity requires proof of three elements: (1) the death of the victim; (2) the death was caused by an act or omission of the accused, or of a person or persons for whose acts or omissions the accused bears criminal responsibility; and (3) the act was done, or the omission was made, by the accused, or a person or persons for whose acts or omissions he / she bears criminal responsibility, with an intent to kill or to inflict grievous bodily harm or serious injury, in the reasonable knowledge that such act or omission was likely to cause death. The intentional infliction of grievous bodily harm with recklessness as to whether death will result has also been found sufficient to constitute *mens rea* for murder and unlawful killing. The victim's body is not required as evidence to prove death.

EXTERMINATION

1253. Extermination as a crime against humanity requires two elements to substantiate the offence: (1) that an act or omission, or a combination of acts, contributed to the killing

of a large number of individuals; and (2) that the perpetrator intended to kill, to inflict grievous bodily harm, or to inflict serious injury, in the reasonable knowledge that such act or omission is likely to cause death, or otherwise intended to participate in the elimination of a number of individuals, in the knowledge that his / her action is part of a vast murderous enterprise in which a large number of individuals are systematically marked for killing or killed. Mass killings may be proved by evidence that victims were subjected to conditions that contributed to their deaths, such as the denial of food and medicine calculated to cause the destruction of part of the population.

1254. The distinction between extermination and murder does not just lie in numbers: the distinction relates to the victims of the crimes and the manner in which they were targeted. Extermination, unlike murder, is directed against a population rather than against individuals. However, there is no minimum number of victims needed to satisfy the requirement that the scale of deaths must be “massive”; this must be assessed on a case-by-case basis in light of the proven criminal conduct and other relevant factors. A particularly large number of victims can be an aggravating circumstance in relation to the sentence for this crime if the extent of the killings exceeds that required for extermination.

ENSLAVEMENT

1255. Enslavement is defined as the intentional exercise of powers of ownership over a person. Factors which indicate the existence of enslavement include: “the control of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour.” Enslavement is distinguishable from mere confinement by factors including the use of forced labour, hard labour and the lack of remuneration for the individual. The period of duration of enslavement is not an element of the crime, but a factor in the proof of the elements of the crime: the longer the period of enslavement, the more serious the offence. Lack of consent is also not an element of the crime of enslavement, but it may be relevant to proof of the accused’s exercise of powers of ownership. As noted above, forced or compulsory labour or service is an indication of enslavement and a factor to be taken into consideration in determining

whether enslavement was committed. In this way, a charge of “forced labour assignments” may constitute the basis of the crime of enslavement.

IMPRISONMENT

1256. Imprisonment as a crime against humanity requires three elements to be established, namely that: (1) an individual is deprived of his or her liberty; (2) the deprivation of liberty is imposed arbitrarily; and (3) the accused performs an act or omission depriving the individual of his or her liberty with the intent to deprive the individual arbitrarily of his or her physical liberty or in the reasonable knowledge that his act or omission is likely to cause arbitrary deprivation of physical liberty. Imprisonment is defined as arbitrary where it is imposed without a justifiable legal basis and without due process of law. Those in charge of a prison with effective or constructive knowledge that the prisoners were unlawfully detained may be held liable for imprisonment as a crime against humanity.

1257. In assessing whether the imprisonment constitutes a crime against humanity, a court may take into account whether the initial arrest was unlawful, by considering, for example, whether it was based on a valid arrest warrant, whether the detainees were informed of the reasons for their detention, whether the detainees were ever formally charged, whether they were informed of any procedural rights, and whether any continued detention was lawful. When a national law is relied upon to justify a deprivation of liberty, this national law must not violate international law.

TORTURE

1258. Torture as a crime against humanity comprises three elements: (1) there must be an act or omission inflicting severe pain or suffering, whether physical or mental; (2) the act or omission must be intentional; and (3) the act or omission must have been aimed at obtaining information or a “confession,” punishing, intimidating or coercing the victim or a third person, or discriminating, on any ground, against the victim or a third person. Permanent injury is not a requirement for torture, nor is a minimum level of pain which must be inflicted: torture depends on the circumstances of each individual case. Additionally, the perpetrator need not have acted in an official capacity.

1259. In cases involving the imprisonment of victims in detention camps, the conditions of detention, absence of medical care and repetitive and systematic abuse of prisoners

can be indicia of torture. Extreme abuse during interrogation, coupled with an intention to extract a “confession” or information from the prisoner, also amounts to torture. Acts of rape have also been considered to meet the threshold of severe pain and suffering and to constitute torture.

RAPE

1260. There has been some divergence on the definition of rape amongst the international tribunals. Whereas the ICTR has adopted a broader definition of rape, namely “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive,” the ICTY and the ICC have adopted approaches that more closely reflect domestic law. More specifically, the ICTY has considered that “[t]he *actus reus* of the crime of rape in international law is constituted by: the sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) of the mouth of the victim by the penis of the perpetrator; where such sexual penetration occurs without the consent of the victim. Consent for this purpose must be given voluntarily, as a result of the victim’s free will, assessed in the context of the surrounding circumstances. The *mens rea* is the intention to effect this sexual penetration, and the knowledge that it occurs without the consent of the victim.” A similar definition has also been adopted in the Elements of Crimes for rape as a crime against humanity in Article 7(g)(1)-1 of the Rome Statute, and by a Trial Chamber of the Special Court for Sierra Leone (‘SCSL’). Finally, the ICTY definition has also been endorsed by the ECCC Trial Chamber.

1261. Force, or threat of force, provides clear evidence of non-consent, but force is not an element of rape and there are factors other than force “which would render an act of sexual penetration non-consensual or non-voluntary on the part of the victim.” Proof of resistance by the victim is also not required. Significantly, the circumstances prevailing in most cases charged as war crimes, crimes against humanity or genocide “will be almost universally coercive,” thus rendering genuine consent impossible. Similarly, situations of captivity or detention have been recognised as vitiating true consent. Circumstantial evidence may be used to demonstrate the *actus reus* of rape.

PERSECUTION ON POLITICAL, RACIAL OR RELIGIOUS GROUNDS

1262. Persecution is defined as the “gross or blatant denial, on discriminatory grounds, of a

fundamental right, laid out in international customary or treaty law, reaching the same level of gravity as the other acts [constituting crimes against humanity].” To substantiate the offence, two elements must therefore be satisfied: (1) the act or omission discriminated in fact on one of the listed grounds and either denied or infringed upon a fundamental right defined in customary international law or treaty law; and (2) the act or omission was carried out deliberately with the intention to discriminate on one of the listed grounds. A single act may be sufficient to constitute persecution as long as both elements are proved.

1263. “Persecutory acts” include the specific crimes enumerated under Article 5, as well as other acts of equal gravity, such as the following acts of persecution: the “systematic destruction of monuments or buildings representative of a particular social, religious, cultural or other group;” harassment, humiliating treatment, degradation and psychological abuse; forcing a victim to witness or hear torture, interrogation and random brutality in a prison camp; unlawful arrest, detention, confinement and imprisonment; forcible displacement, deportation and transfer of persons within a state or across national borders; forced labour; and torture and cruel and inhumane treatment.
1264. The discriminatory intent required for persecution may be inferred from circumstantial evidence, such as the nature of the attack and the circumstances surrounding it. Such intent has been inferred “through a perpetrator’s knowing participation in a system or enterprise that discriminated on political, racial or religious grounds.” Victims need not be affiliated with the targeted political, racial or religious group, as long as they are “defined by the perpetrator as belonging to the victim group due to their close affiliations or sympathies for the victim group.” There is no requirement that a discriminatory policy exist to commit persecution, or that perpetrators possess a persecutory intent over and above a discriminatory intent.

OTHER INHUMANE ACTS

1265. “Other inhumane acts” is a residual category of crimes against humanity which criminalises acts of similar gravity to those that are specifically enumerated and form part of customary international law. The following elements are required for an act to be considered as inhumane: (1) the victim must have suffered serious bodily or mental harm (the degree of severity being assessed on a case-by-case basis with due regard

for the individual circumstances); (2) the suffering must be the result of an act or omission of the accused or his subordinate; and (3) when the offence was committed, the accused or his subordinate must have been motivated by the intent to inflict serious bodily or mental harm upon the victim. The *mens rea* requirement is also satisfied where the perpetrator knew that his / her act or omission was likely to cause serious physical or mental suffering or a serious attack upon human dignity. The severity of the act must be of “similar seriousness” to the enumerated crimes against humanity in order for it to be an inhumane act, but the victim does not need to suffer long-term effects. Consideration must be given to all the factual circumstances in determining whether the conduct amounts to the crime of other inhumane act, such as: the nature of the act or omission; the context in which it occurred; the personal circumstances of the victim including age, sex and health; and the physical, mental and moral effects of the act upon the victim.

1266. Inhumane acts have been found to include: forcible displacement and forced transfer; inhumane and degrading treatment, forced prostitution, and forced disappearance; serious physical and mental injury; mutilation, beatings and other types of severe bodily harm; sexual violence; and detention in brutal and deplorable conditions. Provided the requisite *mens rea* is established, the infliction of mental suffering on a third party (e.g. by virtue of that party witnessing the commission of criminal acts against family or friends) may also constitute an “other inhumane act.”
1267. Forced marriage, which is characterised by the compulsion of a victim to enter a marriage by the use of force, threat of force, or coercion, has been considered to fall within the purview of “other inhumane acts.” The *actus reus* of forced marriage requires the imposition of “a forced conjugal association,” which may involve a variety of duties such as non-consensual sex, forced domestic labour, enduring forced pregnancy and caring for the children of the marriage. The perpetrators must intend to force a conjugal partnership upon the victim(s), with the awareness that their conduct would cause serious suffering or physical, mental or psychological injury to the victim(s). Given its inclusion in the codification of crimes against humanity in the Rome Statute, forced pregnancy also falls within the purview of “other inhumane acts.”

GRAVE BREACHES OF THE GENEVA CONVENTIONS [ECCC ARTICLE 6]

1268. Article 6 of the ECCC Law allows the ECCC to bring to trial individuals suspected of committing grave breaches of the Geneva Conventions ('grave breaches'). The specific offences listed in Article 6 include wilful killing, torture or inhumane treatment, wilfully causing great suffering or serious injury to body or health, wilfully depriving a prisoner of war or civilian the rights of fair and regular trial, and unlawful confinement of a civilian. The elements of these offences are discussed below.
1269. For the commission of these offences to constitute grave breaches, certain general requirements must be met: (1) the specific offences must be committed in the context of an international armed conflict; (2) the perpetrator must be aware of the factual circumstances that established the existence of an armed conflict; (3) the acts must be committed against persons or property protected under one or more of the Geneva Conventions of 1949; and (4) the perpetrator must be aware of the factual circumstances that established this protected status.

GENERAL REQUIREMENTS

INTERNATIONAL ARMED CONFLICT

1270. The requirement of an international armed conflict contains two elements: 1) there must be an international armed conflict and 2) there must be a nexus between the conflict and the crimes alleged.
1271. An international armed conflict must exist in fact. An armed conflict exists "whenever there is a resort to armed force between States or protracted armed violence between government authorities and organised armed groups or between such groups within a State." An armed conflict assumes an international character when it involves two or more States, and "[i]nternational humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached." Additionally, an armed conflict located within the territory of just one State can become "international (or, depending upon the circumstances, be international in character alongside an internal armed conflict) if (i) another State intervenes in that conflict through its troops, or alternatively if (ii) some of the participants in the internal armed conflict act on behalf

of that other State.”

1272. There must be a nexus between the international armed conflict and the crimes alleged. The nexus requirement does not require proof that the crimes were committed in the same area as the actual combat activities; it is met when it is shown that the alleged crimes were “closely related” to the hostilities. To this effect, “[t]he armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator’s ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed.”

PROTECTED PERSON

1273. The Fourth Geneva Convention extends “protected person” status to civilians who are “in the hands of a party to the conflict or Occupying Power of which they are not nationals.” This protects, *inter alia*, civilians who find themselves on territory controlled by an enemy state. Protected person status is usually determined by the citizenship of the person but it can also be determined by applying the “allegiance” test, which focuses on the allegiance of the person to a state (e.g. a party to the armed conflict) rather than their nationality. In this way, ethnicity may be a more realistic means of demonstrating effective allegiance to a state, and victims may have “protected person” status even where they share the nationality of the perpetrator.
1274. By way of illustration, in *Aleksovski*, applying the Fourth Geneva Convention, the ICTY ruled that Bosnian Muslims were protected persons when in territory controlled by Croat forces. In *Delalić*, applying the allegiance test, the ICTY held the Bosnian Serbs to be protected persons when in the hands of Bosnian authorities as they were arrested and detained mainly on the basis of their Serb identity.
1275. The Third Geneva Convention also extends protection to “members of the armed forces of a Party to the conflict” who have “fallen into the power of the enemy.” This class of protected persons is usually referred to as “prisoners of war.”

AWARENESS OF FACTUAL CIRCUMSTANCES

1276. The perpetrator, in addition to having the requisite *mens rea* for the specific crimes, must: (1) be aware of the factual circumstances of the existence of an international armed conflict; and (2) be aware of the factual circumstances that established the

victim's protected status. Knowledge that a foreign State was involved in the armed conflict will satisfy the first element. Knowledge that the victim belonged to an adverse party to the conflict will satisfy the second element (although, as noted above, this is not the only scenario covered by the Convention). A distinction must be made between intent and motive when analysing *the mens rea*, as "the existence of a personal motive does not preclude the perpetrator from also having the specific intent [...] to commit the crimes.

SPECIFIC OFFENCES

WILFUL KILLING

1277. Wilful killing has three constituent elements: 1) the death of the victim as a result of the actions of the accused; 2) the accused intended to cause death or serious bodily injury that was reasonably likely to lead to death; and 3) the victim was a protected person.

TORTURE

1278. Given that the definition of torture at international law remains constant irrespective of the category of offence, the elements described in relation to torture as a crime against humanity are equally applicable here.

INHUMANE TREATMENT

1279. Inhumane treatment is defined as an intentional act or omission, which causes serious mental harm, physical suffering or injury, or constitutes a serious attack on human dignity that is committed against a protected person. This category is an umbrella clause under which those violations of sufficient seriousness that are not expressly enumerated in Article 6 may be considered to be grave breaches. For example, the inhumane treatment of detainees has been deemed to fall within the scope of this category of grave breaches. Acts not meeting the threshold of torture because of the failure to prove that they were carried out for a prohibited purpose may also constitute inhumane treatment. Whether any particular act constitutes inhumane treatment is a question of fact to be judged in light of all the circumstances.

WILFULLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR HEALTH

1280. This crime is defined as an intentional act or omission committed against a protected

person causing great suffering or serious injury to body or health. This includes acts which do not fulfil the requirements of torture, although all acts of torture could fall within the scope of this offence. Although the victim must be “seriously” harmed, there is no need to prove that the injury or injuries suffered are permanent or irremediable. As this offence requires proof of suffering or injury of the requisite level of seriousness, harm relating solely to an individual’s human dignity is not encompassed by this offence.

DEPRIVATION OF A FAIR AND REGULAR TRIAL

1281. Depriving a protected person of the rights to a fair and regular trial by denying judicial guarantees as defined, in particular, in the Third and Fourth Geneva Conventions of 1949 is a grave breach of those conventions. The following rights cannot be denied: (1) the right of the accused to be judged by an independent and impartial court; (2) the right to be promptly informed of the offences with which the accused is charged; (3) the protection against collective penalty; (4) the right to protection under the principle of legality; (5) the right not to be punished more than once for the same act or on the same charge (*ne bis in idem*); (6) the right to be informed of rights of appeal; and (7) the right not to be sentenced or executed without previous judgment pronounced by a regularly constituted court.

UNLAWFUL DEPORTATION OR TRANSFER OR UNLAWFUL CONFINEMENT OF A CIVILIAN

1282. This crime comprises two distinct sub-offences: (a) unlawful deportation or transfer; and (b) unlawful confinement.

Unlawful Deportation or Transfer

1283. Article 147 of the Fourth Geneva Convention categorises the “unlawful deportation or transfer or unlawful confinement of a protected person” as a grave breach of that Convention. While both unlawful deportation and unlawful transfer concern the involuntary and unlawful movement of protected persons from their place of residence, they are distinct concepts. Whereas deportation requires transfer beyond state borders, transfer relates to displacements within a state. As the displacement of persons is only characterised as unlawful when there is an element of force, voluntary displacement is considered to be lawful. In addition, a transfer or deportation would not be considered unlawful if it occurs on grounds permitted by international law.

Indeed, the Fourth Geneva Convention does not prohibit displacement motivated by the security of the population or military necessity.

1284. In order to establish an unlawful transfer as a grave breach, it must be shown that: the accused carried out an act or omission, not motivated by the security of the population or imperative military reasons, leading to the transfer of a person; and that he / she and intended to transfer that person. The general requirements for Article 6 must also be proved. Unlawful deportation as a grave breach applies the same definition that is applicable to deportation as a crime against humanity, namely the forced displacement of persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law. Deportation shares the same substantial elements as forced transfer.

Unlawful confinement

1285. The elements of unlawful confinement as a grave breach of the Geneva Conventions are identical to the elements of imprisonment as a crime against humanity, which has been defined as “any form of arbitrary physical deprivation of liberty of an individual.”
1286. The confinement of a civilian “will be lawful only in the conditions prescribed by Article 42 [of the Fourth Geneva Convention]” and “where the provisions of Article 43 [of the Fourth Geneva Convention] are complied with.” Thus, confinement of a civilian is unlawful when the civilian is “detained without reasonable grounds to believe that the security of the Detaining Power makes it absolutely necessary,” in contravention of Article 42, or “where the procedural safeguards required by Article 43 . . . are not complied with . . . , even where their initial detentions may have been justified.”
1287. In the determination of the legality of the initial detention, the analysis under Article 42 is informed by other provisions of the Fourth Geneva Convention which allow for suspension of certain rights of civilians during an armed conflict, in particular Articles 5 and 27(4). Nevertheless, the ICTY Appeals Chamber found that the Geneva Conventions do not confer a “blanket power to detain the entire civilian population of a party to the conflict”; “there must be an assessment that each civilian taken into detention poses a particular risk to the security of the State.”

1956 CAMBODIAN PENAL CODE [ECCC ARTICLE 3]

SPECIFIC OFFENCES

1288. Article 3 of the ECCC Law confers jurisdiction on the Court to prosecute the following crimes set out in the Cambodian Penal Code of 1956: homicide (Articles 501, 503, 504, 505, 506, 507 and 508), torture (Article 500) and religious persecution (Articles 209 and 210).

HOMICIDE

1289. Homicide may be voluntary or involuntary depending on whether death results from acts committed with or without an intention to cause death. There are three types of homicide over which the ECCC has jurisdiction:

- (1) ***Homicide as a felony of the third degree*** (capital murder): this is murder caused by premeditated acts wilfully committed with the intent to cause death (attempted capital murder is constituted by the commission of premeditated acts which may cause death, with the intent to cause death). Premeditation is defined as “determination to act formed prior to the act such that the time separating the determination from the act is sufficient to enable the perpetrator to complete the preparatory acts.”
- (2) ***Homicide as a felony of the second degree***: this is murder caused by acts committed with sudden intent to cause death (attempted second degree murder is constituted by the commission of acts which may cause death, with the sudden intent to cause death).
- (3) ***Homicide as a felony of the first degree***: this is homicide caused by acts wilfully committed with the intent to assault the victim, but without the intent to cause death.

1290. Intent to cause death is to be presumed whenever a deadly weapon is used, and can also be inferred, *inter alia*, from the violence inflicted and the number of injuries caused.

1291. Homicide by poisoning constitutes a felony of the third degree, where death is caused by the wilful administration of deadly substances. Where the substances that are wilfully administered are dangerous to health, but not fatal, and death ensues, the

perpetrator is guilty of homicide as a second degree felony penalty. Article 508 provides that “[su]bstances are deadly, regardless of their nature, the process by which they are administered, and the time within which death may ensue.”

TORTURE

1292. Article 500 of the Cambodian Penal Code makes torture punishable as a third degree felony where the perpetrator inflicts acts of torture on another person:

- (1) to obtain, under pain, information useful for the commission of a felony or a misdemeanour;
- (2) out of reprisal; or
- (3) out of barbarity.

RELIGIOUS PERSECUTION

1293. Article 209 of the Cambodian Penal Code provides for an attempt on the life of a religious figure, in the performance or in connection with the performance of his or her ministry, to be punished by a third degree felony penalty. Under Article 210, an attempt on the person of a religious figure, in the performance or in connection with the performance of his or her ministry, is to be punished by a second degree felony penalty. In the case of both provisions, the victim must be practising a religion recognised by the Cambodian Government.

B. INDIVIDUAL CRIMINAL RESPONSIBILITY

PERSONAL JURISDICTION [ECCC ARTICLE 2]

1294. The ECCC Law limits the Court's personal jurisdiction to "senior leaders of Democratic Kampuchea and those who were most responsible" for the international and national crimes committed in Cambodia from 1975-79. Given that this phrase has not been the subject of extensive judicial consideration in Cambodia, it is appropriate to consider the application of similar rules at the international level.
1295. The ICTY's completion strategy requires the Tribunal to prosecute only "the most senior leaders suspected of being most responsible." This has been held to involve a consideration in each case of: (1) the gravity of the crimes charged, and (2) the level of responsibility of the accused.
1296. As for the level of responsibility, the ICTY has not restricted the "most senior leaders" to policy leaders only, but has instead given relevant factors for consideration, such as permanency of position, temporal scope, number of subordinates, rank of the accused within the hierarchical structure, and the actual criminal role of the accused. Factors to be considered in an analysis of the gravity of the alleged crimes include: temporal scope, geographical scope, number of victims affected, how many separate incidents an accused is charged with, and the manner in which the criminal conduct was committed.

MODES OF LIABILITY

1297. Article 29 of the ECCC Law provides for individual criminal liability of: 1) suspects who planned, instigated, ordered, aided and abetted, or committed crimes within the jurisdiction of the ECCC; and 2) superiors who failed to prevent or punish their subordinates for committing the crimes enumerated in the ECCC Law. Articles 82 to 88 of the Cambodian Penal Code of 1956 describe the modes of liability available under that statute. The forms of criminal participation / liability are described in more detail below.

ARTICLE 29 ECCC LAW

COMMITTED

Physical Commission / Omission

1298. An individual *commits* a crime when he / she “physically perpetrates the relevant criminal act or engenders a culpable omission in violation of a rule of criminal law.” An accused need not, however, have participated in all aspects of the alleged criminal conduct. Several perpetrators can be guilty of committing a crime if “the conduct of each one of them fulfils the requisite elements” of the crime(s) charged. Criminal liability will also arise from an omission where an accused is under a legal duty to act and wilfully fails to discharge that duty. As for the mental element of this mode of liability, in addition to possessing the *mens rea* applicable to the underlying crime, the perpetrator must have intended the act or omission, or must have been aware of the substantial likelihood that a criminal act or omission would result from his or her conduct. Finally, for the crime of genocide, *committing* does not require a direct and physical perpetration; the question is whether the accused’s actions were “as much an integral part of the genocide as were the [genocidal acts].”

Joint Criminal Enterprise

1299. Committing an offence through a joint criminal enterprise has been recognised in the jurisprudence of the ICTY, ICTR, SCSL and the ECCC. Joint criminal enterprise is a mode of liability that imposes criminal responsibility on individuals for actions perpetrated by a collectivity of persons in furtherance of a common criminal design.

1300. There are three different but interrelated forms of joint criminal enterprise (1) **Basic**:

all accused participants act pursuant to a common criminal design, and all possess the same criminal intent when acting in fulfilment of the common criminal design. (2) **Systemic**: all accused participants act pursuant to a common criminal design, all possess the same criminal intent when acting in fulfilment of the common criminal design, and the charged crimes occur in the context of a common criminal design *usually* carried out by members of a military or administrative unit. Typically, this form of joint criminal enterprise is associated with concentration or extermination camps or any “organised system of ill-treatment.” The existence and / or membership of a military or administrative unit is not a formal requirement, but merely an indicator of an organised system of ill-treatment. (3) **Extended**: all accused participants act pursuant to a common criminal design, all possess the same criminal intent when acting in fulfilment of the common criminal design, and one *or more* of the participants carry out an act that, despite being outside of the original criminal purpose, is nevertheless attributed to the other members because the act was a “natural and foreseeable consequence” of the criminal design and the accused willingly took the risk that the crime would be committed.

1301. The *actus reus* of all types of joint criminal enterprise is comprised of three elements. First, a “plurality of persons” is required. The group of people need not be organised in any formal or informal structure, such as a military, political, or administrative organisation.
1302. Second, a common criminal design or purpose must entail criminal activity prohibited under the statute of the tribunal with jurisdiction over the accused(s). The common criminal purpose, design, or plan need not be previously arranged or formulated. The perpetrator of the crime and the accused need not have an express understanding or agreement between them as regards committing the crime(s). Additionally, the common criminal plan or purpose may materialise extemporaneously and can be inferred from the facts.
1303. Third, the accused must participate in some capacity in the common criminal design. The accused’s contribution need not be necessary or substantial, but must at least be significant to the crimes for which he / she is to be found responsible. An act or omission may be significant if it “makes an enterprise efficient or effective; e.g., a participation that enables the system to run more smoothly or without disruption.”

The participation can be of either a direct or indirect character as long as the accused “perform[s] acts that in some way are directed to the furtherance of the common plan or purpose.” The presence of the accused at the time when the crime is committed is not necessary.

1304. The circumstances surrounding the crimes assist in determining whether a joint criminal enterprise to commit such crimes existed. For example, in *Blagojević* the ICTY concluded that the large number of Muslim men and boys detained, killed, and buried over a short period demonstrated the existence of a joint criminal enterprise to eliminate Muslims. The Tribunal made a similar conclusion in *Krajišnik*, finding that the speeches of, and conversations between, joint criminal enterprise members about ethnic division and the mass transfer of thousands of Muslims and Croats proved the existence of a common criminal plan.
1305. The purpose of a joint criminal enterprise may not be static and may develop at a later stage to include new or expanded crimes. In order to impute responsibility to the joint criminal enterprise members for the expanded crimes, the Court is required to make findings as to (1) whether members of the joint criminal enterprise were informed of the crimes, (2) whether they did nothing to prevent their recurrence and persisted in the implementation of this expansion of the common objective, and (3) when the expanded crimes became incorporated into the common objective. Whether or not particular crimes—original or expanded—form part of a joint criminal enterprise can be determined from factors such as: whether the physical perpetrators were members of an organised body connected to the joint criminal enterprise, whether the members’ acts advanced the objectives of the joint criminal enterprise, whether the members were acting at the same time when the physical perpetrators acted, whether members acted in conjunction or co-operation with each other, and whether the conduct happened in the context of a systematic attack.
1306. An accused’s “*de jure* or *de facto* position” and “leadership level” are relevant in determining whether his / her contribution in the joint criminal enterprise is “significant.” Potentially, an accused of “significant authority or influence who knowingly fails to complain or protest automatically provides substantial assistance or support to criminal activity by their approving silence.” Other relevant factors are the size and scope of the criminal plan; the functions performed and positions held;

amount of time spent participating after learning of the criminal plan; the seriousness and scope of the crimes committed; the accused's repeated, continuous and extensive participation; and any relevant public comments made by him / her.

1307. In *Krajišnik*, the accused was the President of the Bosnian-Serb Assembly, a member of the National Security Council, and *de facto* “number two” in the Bosnian Serb leadership. The ICTY Trial Chamber found that he participated in the joint criminal enterprise by, *inter alia*, taking part in the formation of the government's criminal policies, making public comments that encouraged the commission of crimes, helping form the political and military infrastructure of the Bosnian Serb Republic, and not objecting after other members of the joint criminal enterprise disclosed their criminal intentions. In *Martić*, the accused held various civilian ministerial positions in Krajina and was “one of the most important and influential political figures in [Krajina].” In finding that the accused participated in the joint criminal enterprise, an ICTY Trial Chamber concluded that his participation was based, *inter alia*, upon speeches he made on the radio and his awareness of mass crimes that he failed to counteract. Similarly, in *Babić*, an ICTY Trial Chamber found the accused, the President of Krajina, to have contributed to the joint criminal enterprise through his awareness of mass crimes, and his failure to “react appropriately.”
1308. Whereas the three forms of joint criminal enterprise share these same elements of *actus reus*, they do not share the same *mens rea*. The basic joint criminal enterprise form requires that the accused has the intent to perpetrate the charged crime(s) and that all participants of the common criminal design share this intent. The systemic form of joint criminal enterprise requires a similar level of criminal intent: the accused must have personal knowledge of the system of ill-treatment and the intent to further that system. Members of a joint criminal enterprise can be liable for crimes physically committed by outsiders to the joint criminal enterprise if these crime(s) form a part of the common criminal purpose and one member of the joint criminal enterprise uses the outside perpetrator(s) as a tool to carry out the common criminal purpose.
1309. As for the extended joint criminal enterprise form, the accused must have the intention to take part in and contribute to the common criminal purpose. Liability for those crimes which were not part of the common criminal purpose, but which were

nevertheless a natural and foreseeable consequence of it, requires two additional elements. The accused must know that such crimes might be perpetrated by a member of the group and willingly take that risk by joining or continuing to participate in the enterprise. If an outside perpetrator commits a crime beyond the scope of the joint criminal enterprise, the accused is responsible under an extended joint criminal enterprise whenever:

- (1) the accused participated in the common criminal design with the requisite intent;
- (2) the commission of such a crime by an outside perpetrator was a natural and foreseeable consequence of the common criminal purpose, and
- (3) the accused nevertheless willingly took this risk and decided to participate in the common criminal purpose.

1310. The ECCC Pre-Trial Chamber has held that the authorities cited in the ICTY Appeal Chamber's seminal decision in *Tadić* did not constitute a sufficiently firm basis to conclude that the extended form of joint criminal enterprise was part of customary international law during the period covered by the temporal jurisdiction of the ECCC. While recognising that the case law identifies the three types of joint criminal enterprise described above, the Trial Chamber has left open on the issue of whether the extended form of joint criminal enterprise applies before the ECCC.

PLANNED

1311. Planning a crime implies designing the criminal conduct constituting one or more statutory crimes that are later perpetrated. The act of planning must be a factor "substantially contributing" to the criminal conduct. It may be constituted by, *inter alia*, "formulating a criminal plan or endorsing a plan proposed by another." Evidence of planning a crime may be circumstantial. The *mens rea* applicable to this mode of liability is that of intent to plan the commission of a crime, or, at a minimum, the awareness of a substantial likelihood that a crime will be committed in the execution of the acts or omissions planned. The accused's *mens rea* may be inferred from the circumstances.

1312. Planning constitutes an independent form of criminal liability and an accused may be held criminally responsible for planning alone. However, if an accused is found to

have committed a crime, he / she cannot be convicted of planning the same crime. In such a case, the fact of planning is considered as an aggravating factor.

1313. In *Nahimana*, the ICTR found Barayagwiza guilty of planning extermination, for his “leadership role” in the distribution of weapons used to kill Tutsis. Barayagwiza, a founder of the radical Hutu political party CDR, was found to have transported a truckload of weapons to a point in Gisenyi where individuals had been instructed to come to retrieve them in order to take part in the killing of Tutsis. The Tribunal found that Barayagwiza’s “orchestrating” acts substantially contributed to the killings that occurred immediately thereafter using these weapons and upheld the planning charge, even in the absence of direct evidence of his participation in the discussions of the plan.
1314. In *Kordić*, the ICTY convicted the accused, a high-ranking Bosnian Croat political leader, for planning criminal attacks on villages of the Lašva valley designed to “cleanse” the area of the Muslims. This finding was based on Kordić’s position of regional leadership and his presence at a strategic meeting in which the details of the crimes to be committed in the impending attacks, including the killing of military aged men, expulsion of civilians, and destruction of houses, were discussed.
1315. In *Sesay*, the SCSL convicted the accused Sesay for planning the enslavement of civilians due to the “nature and magnitude” of the forced mining in which the accused was “actively and intimately involved,” and which required extensive planning on a continuous basis. Based on the accused’s involvement in the mining operation, including the ordering of abduction and transportation of civilians to the mines, the SCSL found that “Sesay’s conduct was a significant contributory factor to the perpetration of enslavement” and concluded that, along with others, Sesay had “designed the abduction and enslavement” of civilians and was, therefore, liable for planning the crime.

INSTIGATED

1316. Instigating a crime means prompting another person to commit it. This mode of liability has also been described as “urging or encouraging.” For an accused to be criminally liable on the basis of instigation, a crime must be shown to have been actually committed. The accused’s instigation must be shown to have “contributed substantially to the commission of the crime, but it need not be a *sine qua non* for its

commission” - in other words, it is not necessary to prove that the crime would not have occurred without the accused’s involvement.

1317. Both positive acts and omissions can constitute instigation, and it is not necessary to prove the exact instigating language used by an accused. The mere presence of someone holding authority who fails to act has been held to be an act of instigation, although an accused who instigates a crime need not actually be present during its commission. It is also not necessary to prove that the accused had effective control over the direct perpetrator. As for the *mens rea*, the accused must be shown to have intended to instigate another person to commit a crime, or, at a minimum, to have been aware of the substantial likelihood that a crime will be committed in the execution of the act or omission instigated.
1318. In *Brdanin*, the ICTY convicted the accused, who was the Vice-President of the Autonomous Region of Krajina Assembly and the President of the Autonomous Region of Krajina Crisis Staff, for instigating the crimes of deportation and inhumane acts (forcible transfer) on the basis of inflammatory and discriminatory public statements that, *inter alia*, condemned mixed marriages, encouraged non-Serbs to leave their jobs, and stated that non-Serbs would not be allowed to remain in the region. The accused’s espousal of the strategic plan of which the crimes of deportation and forcible transfer formed an integral part, and his implementation of this plan, further demonstrated that he intended to incite these crimes.
1319. In *Nahimana*, the ICTR found Barayagwiza, a founding member of the Coalition for the Defence of the Republic, guilty of instigating genocide and extermination on the basis of his activities that included supervising roadblocks erected during the genocide and issuing instructions (that were subsequently followed) that those manning the roadblocks were to stop and kill Tutsis. These actions were carried out with the requisite genocidal intent.
1320. In *Ndindabahizi*, the ICTR found the accused, who was the Minister of Finance of the Interim Government of Rwanda, guilty of instigating genocide for offering words of encouragement to a group of attackers who subsequently killed thousands of Tutsis. The Tribunal found that the accused’s position ‘lent his words considerable authority.’ Further, he was aware that his words were part of a wider context of ethnic violence and killings in Rwanda during that period, and by encouraging further killings

intended to destroy, in whole or in part, the Tutsi group.

1321. In *Sesay*, the SCSL found the accused, one of the leaders of the Revolutionary United Front, guilty of instigating murder. The accused repeatedly questioned the direct perpetrator about the victim in a manner that made it clear that he considered the victim an enemy. Shortly after being questioned the direct perpetrator ordered that the victim be killed. As the accused's conduct prompted the commission of the crime there was a sufficient nexus to the crime. Further, the accused intended his conduct to have that effect or was aware or had reason to know that his conduct would instigate the commission of the crime.

ORDERED

1322. The act of ordering occurs when "a person in a position of authority instructs another person to commit an offence." There is no requirement that the person issuing the order and the direct perpetrator be in a formal superior-subordinate relationship: "it is sufficient that the orderer possesses the authority, either *de jure* or *de facto*, to order the commission of an offence or that his authority can be reasonably implied." The authority may be informal or of a purely temporary nature. Actions such as convening meetings and asking attendees to organise further meetings to instruct individuals to commit crimes, verifying such meetings took place and directly instructing people to commit crimes have been found to demonstrate authority over perpetrators. A similarity of pattern throughout a widespread campaign against civilians that took place over a long period of time may also be sufficient to conclude that such actions stemmed from the order(s) of a higher authority. As for the mental element, it is sufficient to show that the accused was aware of the substantial likelihood that a crime will be committed in the execution of the order.
1323. It is not necessary to prove that the order was illegal on its face or that it was given directly or personally by the accused to the perpetrator(s). The order need not be given in writing or in a particular form. It can be either explicit or implicit, and can be proved circumstantially. It may be inferred from a variety of factors including the number of illegal acts, the number and type of personnel involved, the effective control and command exerted over these personnel, the logistics involved, the widespread occurrence of illegal acts, the tactical tempo of operations, the *modus operandi* of similar acts, the location of the superior at the time and his / her

knowledge of criminal acts committed under his or her command. Reissuing an illegal order by passing it down the chain of command creates criminal liability. As for the issue of a causal link between the order and the crime, the rule is the same as that applicable to instigation: it is not necessary to show that the crime would not have been perpetrated in the absence of the order.

1324. In *Semanza*, the ICTR found the accused guilty of ordering genocide and extermination for his role in the massacre of Tutsi refugees at the Musha Church, finding that the lack of a formal superior-subordinate relationship between Semanza and the attackers did not prevent his liability to order the crimes. The Tribunal determined that Semanza came to Musha Church with soldiers and militia members, told the Hutu refugees to separate themselves from the Tutsis, and then instructed the attackers to execute the Tutsis. The attackers' obedience of Semanza's instructions to execute the Tutsis demonstrated that he possessed the requisite authority to be held responsible for ordering.
1325. In *Dragomir Milošević*, the ICTY convicted the accused for ordering the shelling attacks on Sarajevo, holding that the accused could be held liable for ordering attacks that were part of a broader campaign, even in the absence of direct evidence of orders in specific instances. It was established that Milošević exercised effective general control over the forces shelling Sarajevo, and that there was direct evidence of his ordering two specific shellings of the civilian areas. The Tribunal determined that these findings sufficed to demonstrate his responsibility for ordering Sarajevo shellings done by these forces during the indictment period.
1326. In *Blaškić*, the ICTY convicted the accused for ordering that non-combatant detainees be used for forced labour. The Tribunal found that, in instructing that work platoons of detainees be forced to dig trenches, which constituted "a serious attack on human dignity" causing serious mental or physical suffering or injury, in contravention of the Geneva Conventions, the accused was responsible for ordering the crime.

AIDED AND ABETTED

1327. Aiding and abetting is a form of accessory liability. To aid and abet a crime is to carry out acts "specifically directed to assist, encourage, or lend moral support" to the

perpetrator, where such support has a “substantial effect” on the perpetration of the crime. Aiding and abetting are not synonymous; aiding involves the provision of assistance while abetting involves facilitating, encouraging or advising the commission of a crime. The accused need only be found to have provided one of the two forms of support to be liable for aiding and abetting.

1328. Proof of a cause and effect relationship between the conduct of the aider and abettor and the commission of the crime, or proof that such conduct was a condition precedent to the commission of the crime, is not required. The aiding and abetting can occur before, during, or after the commission of the crime(s). It may consist of physical acts, verbal statements or even the mere presence of the accused. In the latter case, the presence of the accused must be shown to have bestowed legitimacy on, or provided encouragement to, the perpetrator(s). While in such cases the authority of the accused is a significant factor, it is not otherwise necessary to show that an accused charged with aiding and abetting had authority over the direct perpetrator(s).
1329. A superior who permits the use of resources under his or her control to facilitate the commission of a crime substantially contributes to the commission of that crime. A mayor who failed to maintain law and order in the area under his control, who failed to use his position of authority to oppose killings, and was present at the commission of certain crimes, was found to have tacitly encouraged the killings and thereby to have aided and abetted the killings and other crimes. Likewise, a superior who is aware that crimes are being committed but takes no steps to prevent or punish the perpetrators can be seen to have aided and abetted those crimes. No proof of a plan or agreement is required, indeed the perpetrator need not be aware of the accused’s contribution.
1330. The physical presence of the aider and abettor at the scene of the crime is not required. For example, encouraging war crimes through publications in a newspaper, without being present when the crimes were perpetrated, is sufficient to ground a charge of aiding and abetting, as is a *laissez-faire* public attitude towards the commission of crimes, combined with a failure to order the cessation of such crimes.
1331. As for the requisite mental element, the accused is not required to share the *mens rea* of the perpetrator(s), nor to know the precise crime(s) that the perpetrator(s) intends to

commit or did commit. The accused, however, must know that his or her acts will assist in the commission of a crime, and intend to provide assistance, or at a minimum, accept that such assistance would be a “possible and foreseeable consequence of his conduct.” The accused must also be aware of the essential elements of the crime(s). The *mens rea* must be shown to have existed at the time of the conduct constituting aiding and abetting. In cases of specific intent crimes, such as genocide, the accused does not have to be shown to have shared the intent of the perpetrator; he / she must, however, have been aware of that intent.

1332. In *Krstić*, the accused, who was the Chief of Staff / Deputy Commander of the Drina Corps, was found guilty by the ICTY of aiding and abetting genocide for allowing personnel and resources under his control to be used to facilitate mass killings. The accused knew that without the use of these resources the perpetrators would be unable to fulfil their genocidal plan and that by making these resources available he was substantially contributing to the commission of the crimes.
1333. In *Blagojević*, the accused was the Chief of Staff / Deputy Commander of the Bratunac Brigade. He was found guilty, *inter alia*, of aiding and abetting murder, persecution and other inhumane acts (forced transfers) for allowing the resources of the Bratunac Brigade to be used in the commission of those acts. In allowing the use of these resources, the accused knew that he was making a substantial contribution to the killing of Bosnian men and to the infliction of serious bodily and mental harm on the Bosnian Muslim population.
1334. In *Brđanin*, the ICTY found the accused guilty of aiding and abetting the crimes, *inter alia*, of wilful killing, persecution, deportation and forcible transfer, for demanding the disarmament of non-Serbs and setting deadlines for such disarmaments, which amounted to practical assistance in the commission of the crimes. Further, the Court found that discriminatory and inflammatory statements made by the accused amounted to moral support and encouragement to the physical perpetrators of the crimes.
1335. In *Akayesu*, the accused was the *Bourgmestre* of the commune of Taba, where he was responsible for maintaining law and order and where he was respected and his orders followed. The ICTR found that his failure to maintain law and order and to oppose killings taking place in his sphere of influence, compounded by his presence at the

scene of the murders, constituted aiding and abetting these crimes.

1336. In *Fofana*, the accused was a leader of the Civil Defence Forces. He was found guilty by the SCSL for aiding and abetting violations of Common Article 3 of the Geneva Conventions on the basis of a speech he gave to combatants to the effect that they would die if they did not follow another commander's orders. The accused knew that these orders would include killing and inflicting physical harm and was, therefore, aware that at least one of a number of crimes would be committed on the basis of these orders.
1337. In *Kambanda*, the accused was the Prime Minister of the Interim Government of Rwanda. He pleaded guilty to committing genocide and crimes against humanity (murder and extermination). This charge was supported, *inter alia*, by his actions in supporting the *Radio Télévision Libre des Mille Collines* radio with the knowledge that it was inciting killings; visiting areas of the country and encouraging people to continue killing by congratulating those who had committed murders; and failing to prevent or punish crimes that he knew, or should have known, were being committed.

SUPERIOR RESPONSIBILITY

1338. Article 29 of the ECCC Law states, in part: "The fact that any of the acts referred to in Articles 3 new, 4, 5, 6, 7 and 8 of this law were committed by a subordinate does not relieve the superior of personal criminal responsibility if the superior had effective command and control or authority and control over the subordinate, and the superior knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators." This form of criminal liability, known as superior or command responsibility, is firmly entrenched in customary and conventional international law and encompasses, in addition to military leaders, political leaders and other civilian superiors in positions of authority. It is based not on charging a superior with the crimes of his / her subordinates, but rather on punishing his / her failure to carry out his / her duty as a superior to exercise command. In cases involving armed conflicts, it applies regardless of whether the conflict is internal or international.
1339. Under the statutes of the *ad hoc* tribunals, superior responsibility is based on the existence of the following three elements:

- (1) a superior-subordinate relationship;
- (2) that the superior knew or had reason to know that his or her subordinate had committed or was about to commit a crime; and
- (3) that the superior failed to prevent the commission of the crime or to punish the perpetrators.

1340. The superior-subordinate relationship between the accused and the alleged perpetrator(s) of the crime(s) can exist either formally or informally, *de jure* or *de facto*, and may be direct or indirect. As indicated above, the definition in Article 29 contains the specific requirement that the superior must have “effective command and control or authority and control over the subordinate.” This is consistent with the case law of the *ad hoc* tribunals where it has been held that, for criminal liability to arise on the basis of a superior-subordinate relationship, it must be shown that the superior had “effective control” over the perpetrator(s).

1341. The indicators of that effective control are “limited to showing that the accused had the power to prevent, punish, or initiate measures leading to proceedings against the alleged perpetrators where appropriate.” This power has been further interpreted as one amounting to a *material ability* to prevent or punish the conduct. An accused may possess “effective control” over the perpetrator(s) either permanently or temporarily, but it appears that control must have existed at the time of the commission of the crime(s). It is also possible for two or more superiors to have effective control over the perpetrator and to thereby incur criminal liability through superior responsibility. When superior responsibility is applied to a civilian, there is no requirement that the control exercised by him/her be of the same nature as that exercised by a military commander.

1342. As for the knowledge requirement, the term “knew” refers to actual knowledge which may be established through direct or circumstantial evidence. The “had reason to know” test requires proof that the accused “had some general information in his possession, which would put him on notice of possible unlawful acts by his subordinates.” That information may be written or oral and “does not need to have the form of specific reports submitted pursuant to a monitoring system. [It] does not need to provide specific information about unlawful acts committed or about to be committed.” For the purposes of showing that the information was in the superior’s

possession, it is not necessary to show that “he actually acquainted himself with the information.” An accused’s position of command can be an indicium of his / her knowledge of the crimes committed by subordinates.

1343. Although the “had reason to know” test does not impose a duty to obtain information, criminal responsibility will be imposed on an accused who deliberately refrains from finding out the relevant information. Stated differently, while a negligent failure to obtain information will not attract criminal liability, the requisite knowledge may be presumed if the accused had the means to obtain the knowledge but deliberately refrained from doing so.
1344. “Failure to prevent or punish” reflects the obligation on the part of a superior to “take necessary and reasonable measures to prevent or punish” the crimes of his subordinates. These measures extend only to those that are within the superior’s powers or material ability. Such powers are assessed in light of the degree of effective control the superior wielded over his subordinates. A superior’s compliance with his / her duties will therefore be assessed on the basis of his / her “effective capacity” to take measures, which requires going beyond formal competences. There is no need to show a causal link between the superior’s failure to prevent his / her subordinate’s crimes, and their occurrence.

1956 CAMBODIAN PENAL CODE [ECCC ARTICLE 3]

DIRECT PARTICIPATION

1345. Article 82 of the Cambodian Penal Code provides that a person who wilfully participates, directly or indirectly, in the commission of a felony or misdemeanour is subject to the penalties applicable to the principal perpetrator. While direct participation constitutes co-perpetration, indirect participation constitutes complicity.

INDIRECT PARTICIPATION

1346. Indirect participation is only punishable if it is carried out through provocation, the giving of instructions, procurement of means, or aiding or abetting:

1347. Provocation is the incitement to commit an act by counselling, ordering or suggestion. The counselling and orders must come from a person having authority over the perpetrator of the crime, or be accompanied by gifts, promises, threats or coercion. Suggestions must result from machinations designed to impress the mind of the perpetrator in order to induce him or her to act.

1348. Instructions are information knowingly given for the purpose of the offence for which they will be used.

1349. Where indirect participation is alleged to be based on the procurement of means, the means must be such as to materially serve in the commission of the crime, and must be procured with the knowledge that they will be used for such a purpose.

1350. Aiding or abetting must be provided knowingly in respect of the acts carried out in preparation of, or to facilitate, the action.

VI. LEGAL CHARACTERISATION

A. CRIMES

GENOCIDE

1351. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that Genocide punishable under Article 4 of the ECCC Law was committed during the DK period. The genocide was committed against the Vietnamese ethnic group and the Cham ethnic / religious group. An outline of the facts that establish the relevant acts and requisite criminal intent is provided below.

GENOCIDE OF VIETNAMESE

1352. Beginning in or around April 1977, the CPK leadership conducted a program of widespread killings of the Vietnamese inhabitants in Cambodia, with the intent of destroying this ethnic group. The CPK leadership viewed the mere existence of the Vietnamese, anywhere in the country, as a threat to the survival of Cambodia and the Khmer race. This view was fuelled, in part, by the CPK leaders' belief that Vietnam was intent on occupying Cambodia and subjugating the country to its exclusive rule.
1353. The Vietnamese were a distinct ethnic group in Cambodia, distinguishable from other ethnic groups by physical features, religion, language, and customs. They were also a cohesive and sufficiently distinct unit from the Vietnamese living in Vietnam, by virtue of their geographic location. The group's original size in 1970 was 400,000-450,000, but following deportations by the Khmer Republic regime, some 200,000-250,000 remained in the country as at April 1975. As soon as the CPK took power, it instituted mass deportations, removing a further 150,000 to 200,000 Vietnamese inhabitants to Vietnam, reducing the size of the Vietnamese group in Cambodia to approximately 20,000 persons by 1977. At this stage, the CPK policy against the Vietnamese changed, and the total physical destruction of the remaining Vietnamese in Cambodia, rather than their deportation, became the CPK's aim. By the end of the DK period, this genocidal objective was almost completely achieved.

ACTS

1354. The Charged Persons used individuals under their control and influence to perpetrate this genocidal program throughout the country from 1977 onward. Consistent with

this, in addition to the areas under investigation (outlined below), evidence has been collected of the targeting of the Vietnamese in the Provinces of Kratie, Battambang, Kampong Chhnang, Kampot, Kampong Cham, Kampong Thom, Kandal, Pursat, and Siem Reap.

Killing Members of the Group

1355. From at least 1977 onward, killings of ethnic Vietnamese civilians took place in the following areas and sites under investigation:
- (1) Provinces of **Prey Veng** and **Svay Rieng**; and
 - (2) Security offices of **S-21, Koh Kyang, Kraing Ta Chan, Kok Kduoch, Wat Tlork** and **Phnom Kraol**, where ethnic Vietnamese victims and / or those with affiliations or family connections with the Vietnamese were imprisoned and killed.
1356. The killings of the Vietnamese within **Prey Veng** and **Svay Rieng** were carried out by the local authorities and militias on the orders of and in coordination with upper CPK echelons. Vietnamese inhabitants were taken away from their villages or communes, and then executed at killing sites, including **Veal Touch** in the Prey Veng District. In some cases the victims had already been registered by the authorities, a pattern reflected in other parts of the country (such as in the case of Vietnamese victims executed at the **Koh Kyang** security office). Over 900 bodies have been exhumed from **Veal Touch** alone, and they include the remains of Vietnamese victims as well as other groups targeted by the CPK.
1357. In the case of mixed families in **Prey Veng** and **Svay Rieng**, the perpetrators killed Vietnamese wives and children, leaving Cambodian husbands alive. Where only husbands were of Vietnamese ethnicity, they were executed while their Cambodian wives and children were spared. The investigation has not uncovered a single instance in either **Prey Veng** or **Svay Rieng** where Vietnamese members of mixed families, or any inhabitants otherwise identified by the perpetrators as being Vietnamese, were spared.
1358. Killings of the Vietnamese also occurred within at least the six security offices referred to above. Common to all of these security offices is the fact that being of Vietnamese ethnicity was a specific basis for the victims' arrests and execution

(independent, for example, of other reasons, such as being traitors or enemies of the revolution). The Vietnamese were the largest group of S-21's non-Khmer prisoners. Of the 79 Vietnamese prisoners recorded as civilians at S-21, at least 29 were arrested from various parts of Cambodia, including **Svay Rieng**, and of these, 26 were arrested after 1 January 1977. Another 144 S-21 prisoners (most of whom were arrested from within Cambodia) were described as "spies." Interrogators' notebooks confirm that such victims were interrogated under torture to identify other Vietnamese in the country. Reflecting the shift in the CPK's policy towards the Vietnamese, even Khmer prisoners tortured at S-21 in 1978 were forced to confess to being Vietnamese spies or sympathisers.

INTENT

1359. The Charged Persons ordered, incited, instigated, encouraged and oversaw killings of the Vietnamese, including persons of mixed ethnicity, with the specific intent to destroy all remaining ethnic Vietnamese inhabitants in Cambodia. In their speeches, official statements (such as the *Revolutionary Flag* magazine) and meetings with lower-level cadres, the CPK leaders repeatedly communicated and reiterated their policy of destroying the Vietnamese. Their intent to destroy this group can also be inferred from the way in which the Vietnamese were targeted. Unlike members of the general population, any ethnic Vietnamese individual captured by the CPK authorities was executed regardless of whether or not he / she was also subjected to imprisonment and interrogation.
1360. Other evidence of the Charged Persons' intent to destroy the Vietnamese ethnic group in Cambodia includes:
- (1) the country-wide implementation of the above policy, the consistent manner in which the crimes were perpetrated, the large scale of the atrocities, and their result – an almost complete destruction of the remaining 20,000 Vietnamese inhabitants in Cambodia by the fall of the DK;
 - (2) the CPK's consistent efforts to encourage hatred of the Vietnamese, to dehumanise and denigrate them, and to radicalise the direct perpetrators;
 - (3) the involvement of senior cadres within the zones (such as district committees) in the efforts to identify and kill the Vietnamese;

- (4) the monitoring of Vietnamese inhabitants in various parts of the country, and the use of records to identify and execute them;
- (5) the CPK's purges of ethnic Khmers associated with Vietnam, such as suspected Vietnamese sympathisers in the East Zone and members of the Khmer Krom group (who were described as having Khmer bodies but Vietnamese minds);
- (6) the fact that the Vietnamese were sought out and executed by the direct perpetrators purely on the basis of their ethnicity, and regardless of their age, gender or status ;
- (7) the killings of all Vietnamese members of ethnically mixed families;
- (8) the fact that the arrests and killings of the Vietnamese were reported to, and monitored by, the Standing Committee; and
- (9) the context in which the killings of Vietnamese occurred, including the CPK's previous program of forcibly deporting the Vietnamese from Cambodia.

1361. The Charged Persons' intent to kill all Vietnamese present in Cambodia as at 1977 constituted an intent to destroy this ethnic group *as a whole*. Having achieved a reduction of the group through forced deportations, the CPK leadership set out to systematically execute all Vietnamese in Cambodia, and to thereby eliminate even the residual possibility that the community could reconstitute itself. Alternatively, the Co-Investigating Judges may conclude that the intent was to destroy the group *in part* if they find that the genocidal intent was directed only at the *remaining* Vietnamese population in the country. If the latter approach is adopted, it is clear that the intent to kill 20,000 members of a larger group of some 450,000 (or 250,000) persons constitutes an intent to destroy a *substantial part* of that group.

GENOCIDE OF CHAMS

1362. Starting in 1977, the CPK conducted widespread killings of Chams in Cambodia with the intention of destroying this group. The Chams were a distinct ethnic and religious group within Cambodia, distinguishable by their practice of Islam, customs, language, traditional dress and their inhabitation of separate villages, mostly in Kampong Cham Province. The CPK Party Centre considered them to be inferior to ethnic Khmers,

and instituted a campaign of their persecution from the beginning of the DK period. Chams were forcibly moved and dispersed, and their leaders targeted for execution. The regime also repressed Cham culture, customs and language. In 1977 this policy evolved into an intent on the part of CPK leadership to physically destroy the entire group.

ACTS

1363. The Charged Persons used individuals under their control and influence to perpetrate this genocidal program throughout the country.

Killing Members of the Group

1364. The investigation has established the organised mass killings of Chams by CPK authorities in at least three districts of the Kampong Cham Province during the DK period:

- (1) Kang Meas District: Thousands of Chams, including men, women and children, were rounded up from various communes and villages and killed at Wat O Trau Kuon prison in 1977 and 1978. In one mass killing which took place in or around August 1977, all Cham civilians from the Peam Chi Kang Commune (approximately 300 individuals) were killed. CPK cadres killed Cham children by smashing them against trees. While rounding up, mass executions of Chams continued in the District, in some cases (Roka Koy Commune and a village in Angkor Ban), victims of mass killings were Cham women and children, as the men had already been separated from their families. The executions of Chams throughout the Kang Meas District followed instructions issued by the Sector Secretary and Deputy Secretary.
- (2) Krouch Chhmar District: Hundreds of Cham people were gathered at Wat Khsach Praches. Older people and children from 80 families were taken away by boat, and never seen again. Out of a group of 40 to 200 young unmarried females, those identified as Cham were raped and then killed by CPK cadres. In a separate incident in 1978, Chams from a number of areas in the District were ordered by the CPK cadres to go to Trea Village where men were separated, dragged into the Mekong river by boats and drowned.
- (3) Stung Trang District: In late 1978 the Cham people of Chumnik Commune

(Krouch Chhmar District) were rounded up and sent by boat to Boeng Prachaut village in Stueng Trang District. Those who tried to escape were shot. Upon arrival the victims were walked through the village, and were never seen again. Cham corpses, including those of children, were dumped in the Mekong. Numerous mass graves were subsequently found by the river and near the Boeng Prachaut village.

1365. Killings of the Chams also took place in **Sector 5** (Northwest Zone) in May 1977, however it appears likely that these killings predated the start of the genocidal campaign and were part of the pre-existing persecution policy. These particular killings form the basis of a charge of murder and extermination as a Crime Against Humanity as described below.

INTENT

1366. In ordering mass killings of the Cham population, the Charged Persons specifically intended to destroy this religious and ethnic group. This intent is evidenced by the statements and instructions issued by members of the CPK Central and Standing Committee to lower-level cadres. This intent to destroy can also be inferred from the following facts:
- (1) the systematic and organised nature of the executions in areas historically inhabited by Chams, the consistent and brutal manner in which the crimes were perpetrated against entire Cham communities, the large scale of the atrocities, and their result – tens of thousands of Chams were killed by the CPK;
 - (2) the CPK's consistent country-wide efforts to suppress Cham culture and religion, and the extensive destruction of Cham cultural property carried out in parallel with the genocidal program;
 - (3) the fact that Chams were sought out and executed purely on the basis of their ethnicity, and regardless of their age, gender or status;
 - (4) the fact that the Chams were not interrogated prior to being killed;
 - (5) the involvement of military cadres at the disposal of the CPK Party Centre (including the Special Implementation Unit) and senior CPK cadres in the

zones (such as zone and district secretaries) in the efforts to identify, arrest and execute the Cham;

- (6) the fact that the arrests and killings of the Chams were reported to, and monitored by, the CPK Party Centre; and
- (7) the context in which the killings of the Cham occurred, including the widespread campaign of persecution of Chams instituted by the CPK from 1975.

1367. The Charged Persons' intent to kill all Cham present in Cambodia constituted an intent to destroy this ethnic group *as a whole*. Alternatively, to the extent that (1) the investigation has not covered abuses against Chams in all parts of the country, and (2) in some cases of rounding up of Chams, men appear not to have been executed but sent to forced labour sites (and their destiny thereafter has not been uncovered), the Co-Investigating Judges may conclude that the intent to destroy the Chams was at least an intent to destroy this group in part.

CRIMES AGAINST HUMANITY

1368. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that Crimes Against Humanity punishable under Article 5 of the ECCC Law were committed during the DK period. An outline of the facts that establish the relevant jurisdictional elements and the specific crimes is provided below.

JURISDICTION

ATTACK

1369. The events under investigation were part of an attack involving the commission of numerous acts of violence taking place within a system of organised repression. These acts of violence followed a violent takeover of power and the institution of an authoritarian regime by the CPK. They involved, among other things: (1) the forced expulsion of the population from the urban centres; (2) the enslavement of the entire civilian population in CPK-run cooperatives and worksites; (3) the use of forced labour; (4) the use of sexual repression and the imposition of forced marriages on hundreds of thousands of Cambodians; (5) the confiscation of personal property; (6) the denials of basic human rights and freedoms, including the right to life, liberty and security of the person, and the right to free speech, family and religion; and (7) the enforcement of these forms of repression through arbitrary arrests, torture, imprisonment and executions.

WIDESPREAD OR SYSTEMATIC

1370. The attack was both widespread and systematic. It was widespread by reason of its large-scale nature, extended duration, vast geographic area over which it occurred and the large number of victims against whom it was directed. The attack targeted the vast majority of the country's civilian population which, as at April 1975, was between 7.8 and 8.1 million people. It lasted for over three years and eight months. It took place across the entire territory of Cambodia and involved the use of extensive resources at the regime's disposal, including military troops under CPK's control, CPK cadres throughout the country and DK governmental authorities.

1371. The attack involved the forced movement of more than two million civilians from the urban centres, and the enslavement of the entire population in cooperatives, where the

victims were subjected to, among other crimes, forced labour, arbitrary arrests, torture and inhumane treatment. The CPK established and operated approximately 260 security offices in Cambodia which functioned as an integral part of the attack on the civilian population. Hundreds of thousands of individuals were imprisoned, tortured and executed in these prisons and at other locations such as mass execution sites. The number of deaths caused by the attack has been estimated as being between 1.7 and 2.2 million people, including some 800,000 to 1.3 million violent deaths.

1372. The attack on the civilian population in Cambodia was also systematic, as it was carried out pursuant to a centrally-devised and coordinated government policy to perpetrate acts of violence on a country-wide scale. The attack was highly planned and organised, and followed the directives issued by the CPK leadership. The CPK Party Centre monitored the implementation of the plan by receiving regular reports and issuing instructions to the direct perpetrators.
1373. The systematic nature of the attack is further illustrated by: (1) the policy statements issued by the CPK leadership which directed and encouraged the commission of crimes; (2) the highly consistent patterns in which the crimes were perpetrated throughout the country (e.g. the use of enslavement, forced labour, physical abuse and arbitrary arrests and executions); (3) the participation of CPK officials in the crimes at all levels; (4) the fact that the criminal actions by direct perpetrators reflected the policies set by the Party Centre; (5) the commitment of extensive public resources; (6) and the inescapability of the attack for virtually the entire population.

DIRECTED AGAINST A CIVILIAN POPULATION

1374. The widespread and systematic attack was directed against the entire civilian population of Cambodia. The targeted civilian population included ethnic and religious minorities who were subjected to additional forms of persecution described below. Although abuses were also committed against members of the military (such as members of the RAK imprisoned at **S-21**), the civilian population was the primary target of the attack, and the vast majority of victims were civilians.

DISCRIMINATORY GROUNDS

1375. The attack against the civilian population was based on political, religious and / or ethnic grounds.

Political Grounds

1376. By effectively enslaving the country's entire population and abolishing human rights and freedoms, the CPK leadership sought to enforce a political revolution and break up any political opposition to its rule. All members of the civilian population enslaved by the Party were considered real or potential enemies and were discriminated against on this basis. Within the cooperatives and worksites, CPK authorities systematically sought out, arrested, imprisoned and executed the Party's actual and suspected political enemies. The remainder of those enslaved were subjected to a program of political re-education and forced labour. Gradually, the CPK leadership also came to suspect cadres within their own ranks and traditional base areas of working for its enemies or otherwise opposing the revolution, and targeted them for arrest, imprisonment and execution on political grounds. This is described in more detail below:

- (1) While forcibly evacuating the urban centres, the authorities rounded up and summarily executed members of the former Khmer Republic regime, and those associated with them. They also targeted members of the so-called capitalist / feudalist / bourgeoisie classes. In addition, all former residents of urban areas, who were labelled as '17 April People' or 'New People,' were subjected to various forms of abuse and inhumane treatment due to the CPK's perception that they had, or were associated with, capitalist / feudalist / bourgeoisie values or tendencies. Once the population was enslaved, the New People were subjected to harsher treatment in cooperatives and forced labour sites, and were more likely to be subjected to arbitrary arrest, imprisonment and execution.
- (2) The CPK then reinforced its grip on power by identifying and executing actual and perceived political enemies, whom it commonly accused of being spies for foreign governments or agencies, or otherwise opposing the revolution. Convinced that enemies from within were undermining the revolution, the CPK leadership initiated widespread purges of CPK cadres in the zones, the RAK and DK ministries. Old People also became the target of the attack.
- (3) Throughout DK, the CPK forcibly submitted all civilians to political repression through, amongst other means, a program of continuous self-

criticism and political indoctrination. This facilitated the process of separating out those who were of the wrong class background or political leanings, and subjecting them to further tempering or arrest and execution.

1377. In this manner, the CPK targeted the entire civilian population of Cambodia on political grounds. All civilians were under constant surveillance, and anyone suspected of objecting to the CPK rule, or sympathising with the Party's enemies, was systematically purged. If not executed, those suspected of non-compliance or lack of loyalty to the revolution were systematically subjected to the harshest forms of treatment.

Religious and Ethnic Grounds

1378. The attack was also based on (1) religious grounds insofar as it entailed the abolition of all religions, the suppression of religious practices and the destruction or conversion of religious buildings and property; and (2) ethnic and religious grounds insofar as it involved the persecution and destruction of minorities including the Chams and the Vietnamese.

KNOWLEDGE OF THE ATTACK

1379. The evidence on the Case File establishes that both the Charged Persons and the direct perpetrators had knowledge of the attack against the civilian population, and further knew that their acts formed part of that attack. The Charged Persons took part in the creation of the policies pursuant to which the attack was perpetrated. They then oversaw the implementation of these policies and personally contributed to them in numerous ways, including by: issuing plans, orders, policy lines and directives; instigating and encouraging the commission of crimes within the attack; maintaining continual oversight of the direct perpetrators; receiving reports on the crimes; and personally participating in some of the crimes, such as the evacuation of Phnom Penh and purges of CPK cadres.

1380. Further evidence of the Charged Persons' knowledge of the attack and their knowledge that their actions formed part of it is demonstrated by the highly centralised organisation of the attack; the consistent implementation of the CPK's criminal policies; the involvement of CPK authorities at all levels; the fact that the perpetrators acted in their official capacity and in most cases under the guidance of

senior cadres; the Charged Persons utterances during the period under investigation and subsequently; the large scale and extended duration of the attack; the consistency of the criminal acts; the monitoring by the CPK leadership of authorities at all levels; and the international coverage of events throughout the country.

SPECIFIC CRIMES

MURDER

1381. The evidence on the Case File establishes that murder as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

Acts and Omissions

Within Forced Transfers

1382. Thousands of victims were executed during the three major forced transfer events under investigation.
1383. ***First forced transfer:*** Immediately prior to, during and following the forced transfers from the urban centres, Khmer Rouge soldiers killed thousands of officials and soldiers of the former regime, as well as New People. Executions of these victims took place in the major urban centres (**Phnom Penh, Siem Reap; Pursat, Kampong Chhnang, Battambang and Pailin**) and at various points on the roads leading out of them. Mass executions also took place at **Tuol Po Chrey** (Pursat Province), where at least 2,000 - 3,000 individuals were killed and in **Kampong Tralach Leu District** (Kampong Chhnang province) where over 2,000 individuals were executed. Numerous civilians were also executed during the forced transfer for refusing or being unable to comply with the orders of CPK cadres. There is also evidence of several cases of suicide caused by the inhumane conditions to which the civilians were subjected.
1384. ***Second forced transfer:*** Numerous people were executed by CPK cadres during and following the major transfer of at least 500,000 mostly New People to the Northwest and old North Zones. Throughout the Northwest Zone, many new arrivals were arrested and sent to security offices. Reasons for the arrests included having been a member of (or otherwise associated with) the former Khmer Republic regime, failing to work hard enough, or complaining about food rations.

1385. **Third forced transfer:** Thousands of civilians were executed by CPK cadres and members of the RAK during and following the forced transfer which took part in the final phase of the purge of the East Zone. Any evacuees who put up resistance during the transfer were summarily executed. Furthermore, all East Zone evacuees were forced to wear blue *kramas* which made them easier to identify for execution upon arrival at their destinations. Many (especially former village or commune chiefs, deputies, teachers, policemen and soldiers) were summarily arrested and executed immediately upon arrival in other zones, while others were first imprisoned and later killed. Thousands were killed at execution sites, including **Veal Bak Chunching** (Pursat Province) and **Chănreangsei pagoda** in Rumlech commune (Bakan District, Pursat Province).
1386. While thousands of civilians were executed as part of the above events, thousands more died during the forced transfers as a result of starvation, exhaustion, illness and exposure to the elements – conditions which were enforced by CPK cadres. Additional thousands died from these causes following their arrival at their destinations, as well as from forced labour imposed by the CPK authorities. The conditions causing these deaths are described in more detail in the Other Inhumane Acts Subsection below.

At Forced Labour Sites

1387. Thousands of individuals who were enslaved at cooperatives and forced labour sites died through execution and inhumane conditions. Some of these victims had been arrested during CPK's purges and sent to forced labour sites for tempering (North Zone purge victims at **Srae Ambel Salt Fields**; North Zone and East Zone purge victims at the **Kampong Chhnang Airport Construction Site**).
1388. Labourers at **Srae Ambel Salt Fields**, **Tram Kak Co-operatives**, **Kampong Chhnang Airport Construction Site** and **1st January Dam** were arrested and taken away by CPK cadres to security offices or other locations where they were killed. More than 2,000 workers were killed at or near the **Trapeang Thma Dam** construction site. Victims at forced labour sites were singled out and killed for a variety of reasons, including belonging to New People, attempting to escape, making mistakes or breaking equipment during work, failing to follow the work plans set by Angkar, falling under suspicion of having links with CIA or Vietnamese agents, being

perceived as immoral, being undisciplined in speaking, being lazy, emotionally ill or sick too often, and stealing food or tobacco.

1389. Thousands of labourers died as a result of exhaustion, diseases, starvation, suicide and forced escape attempts (**Trapeang Thma Dam, Kampong Chhnang Airport Construction Site and Srae Ambel Salt Fields**). All of these deaths were the direct result of the conditions imposed on them by the CPK cadres. As discussed in the Other Inhumane Acts Subsection, these conditions included: being forced to perform heavy manual labour in worksites for 10, 12 and in some cases 15 hours per day; being denied sufficient meals and prohibited from foraging for food; being kept in unsanitary and unhygienic conditions, without proper shelter and medical care; being denied sufficient clothing and protection from the elements; and being subjected to arbitrary punishments such as increased work quotas or withholding of food rations. Among the general population, those deemed less desirable elements (such as New People, those from the East Zone and those suspected of being dissidents) were subjected to more severe conditions and were more likely to die.

Arising Out of Forced Marriages

1390. Numerous victims were executed by CPK cadres because they refused to enter forced marriages as ordered by the regime and / or because they were suspected of sexual activity outside marriages organised by the CPK.

At Security Offices

1391. Thousands of prisoners were killed at CPK security offices of **S-21, Koh Kyang, Prey Damrei, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Wat Kirirum and Siem Reap**. The victims included those arrested during CPK's massive internal purges (such as the purges of the North Zone and East Zone). The most common acts and omissions causing death are described below.
1392. The majority of victims were killed in hundreds of mass executions at especially designated sites where the most common procedure was for a guard to deliver a blow to the back of the victim's head and then throw the victim into a pit that had already been dug. At some security offices, this standard execution procedure also entailed slitting the victim's throat (**S-21, Kraing Ta Chan**) and / or cutting open their abdomen (**Sang**) to ensure death. Hundreds of children were also killed at execution

sites by being smashed against trees until they died (**S-21, Kraing Ta Chan, Sang**). Executions following arrest also took place outside security offices: CPK officials carried out public executions of suspected dissidents and other supposed enemies in locations such as **Phnom Sampeou District**.

1393. Prisoners were also executed or beaten to death at or in the vicinity of prison compounds. Some of these executions (such as at **Koh Kyang**) were conducted openly in front of other prisoners. Hundreds of prisoners including children were executed within the wider prison compound at **S-21**. There is evidence of particularly gruesome killings, such as the raping and mutilation of female victims before their execution (**Siem Reap, Wat Tlork, O Kanseng**).
1394. Numerous prisoners died from beatings, torture, illness, starvation, exhaustion and / or overwork (**S-21, Kok Kduoch, Sang, Siem Reap**).
1395. Deaths of prisoners also occurred in the following ways:
- (1) As a result of medical experimentation and blood drawing at **S-21**.
 - (2) Through suicide (at **S-21, O Kanseng**), where victims took their own lives in order to escape the inhumane conditions, torture and execution that awaited them. These deaths were directly caused by the abuses inflicted on the prisoners and the conditions imposed on them by the perpetrators.

Within the East Zone Purge

1396. This purge resulted in the deaths of at least 100,000 and as many as 250,000 ordinary residents and CPK cadres in the East Zone. The victims included leaders and members of virtually all East Zone military and administrative units. In addition to those taken to security offices and forced labour sites, hundreds were executed locally at execution sites such as **Wat Kandal Chrum**. The victims included the wives and children of arrested cadres. An estimated 129 East Zone civilians from the Bos village (Kampong Cham Province) were killed *en masse* at **Stung Tauch** execution site. As noted above, East Zone civilians were specifically marked for execution with blue *kramas* and thousands were executed upon reaching their destinations.

Of Buddhists

1397. Crimes committed against Buddhists included killings of monks and those who

protested the abolition of Buddhism. High-level monks were executed immediately upon the takeover of **Phnom Penh**. Buddhist monks were killed for refusing to disrobe at **Wat Auntung Vien** (Kratie District, Kratie Province) and **Wat Chey Mongkul** (Se San District, Stung Treng Province). A number of individuals who attempted to practise Buddhism at **Wat Ta Koat Mongkul** (Khsach Kandal District, Kandal Province) were also killed.

Of Chams

1398. As described in the Genocide Subsection, in 1977 and 1978 CPK officials organised and carried out mass executions of members of the Cham community in the **Kang Meas District, Kroch Chhmar District** and **Stung Trang District** (Kampong Cham Province). In addition to these killings, in May 1977 the **Sector 5** Committee (Northwest Zone) executed a Cham “network” and its leaders, following a protest by Chams regarding the meals served in a cooperative

Of Vietnamese

1399. As described in the Genocide Subsection, some 20,000 people were arrested and executed by CPK authorities throughout the country in the period 1977 to January 1979. The killings of the Vietnamese took place at the following locations under investigation: the Provinces of **Prey Veng** and **Svay Rieng**; and the security offices of **S-21, Koh Kyang, Kraing Ta Chan, Kok Kduoch, Wat Tlork** and **Phnom Kraol**.

Intent

1400. All executions described above were carried out with the intent to kill. The physical perpetrators followed the Party Centre’s orders and policy to kill or “smash” the CPK’s enemies. That policy, the organised nature of the executions, the consistency of the execution methods, and the reporting of the executions to the upper echelons confirm this intent. The executions of the Chams and the Vietnamese were similarly carried out systematically and pursuant to a centrally-devised policy to seek out and kill members of these groups. In those cases where victims died as a result of beatings or torture and where the victim’s immediate death was not specifically intended, the perpetrators intended to cause serious bodily harm or injury which they knew or reasonably should have known might lead to death.

1401. In the case of deaths resulting from forced labour, inhumane conditions, suicide and escape attempts, the perpetrators either (1) imposed the conditions which caused the deaths with the intent to inflict serious bodily harm on the victims which they knew or reasonably should have known might lead to death; or (2) failed to act to remedy the inhumane conditions in the knowledge that death was a probable consequence of their omissions.
1402. The perpetrators' criminal intent is evident from the fact that the conditions causing deaths were created and maintained systematically. In the case of forced transfers, forced labour sites and security offices, deaths were frequent and widespread at each of the sites. Despite this, the conditions imposed on the civilians by the CPK cadres remained unchanged. In fact, even harsher living conditions were imposed as punishment upon those who were labelled potential enemies, had failed to comply with instructions, or were accused of offences such as stealing food or being lazy or sick too often.

EXTERMINATION

1403. The evidence on the Case File demonstrates that extermination as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

Acts and Omissions

1404. The hundreds of thousands of deaths under investigation - during forced transfers, at security offices and forced labour sites, and as part of the purges – constituted killings of civilians on a massive scale. These deaths were part of an attack on the civilian population of Cambodia in which one in four citizens of the country perished. They were the direct result of policies which were devised and coordinated by a central authority (CPK Party Centre), and implemented by the perpetrators at the various crime sites.
1405. The large scale killings included:
- (1) organised executions of thousands of civilians (in some cases at a single site), and killings through beatings, torture, medical experimentation, blood drawing and other forms of physical abuse inflicted by the CPK; and

- (2) thousands of deaths through starvation, illness, exhaustion, exposure and other grossly inhumane conditions imposed by the CPK.
1406. Evidence of the large scale and / or organised nature of the killings includes: (1) the use of records to manage arrests, interrogations and executions at the security offices (**S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng**); (2) the highly systematic nature of the executions with prisoners transported to killing sites where large pits were dug to be used as mass graves (**S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng , Siem Reap**); (3) large numbers of deaths caused by torture at the security offices (**S-21, Kraing Ta Chan, Sang, Kok Kduoch, Siem Reap**); (4) mass killings during the purge of the East Zone (**Wat Kandal Chrum, Stung Tauch, Veal Bak Chunching, and Chănreangsei pagoda**); (5) mass killings of the Chams (**Kang Meas District, Kruoch Chhmar District, Stung Trang District, and Sector 5**); and (6) country-wide killings of the Vietnamese (**Prey Veng, Svay Rieng** and security offices, as illustrated in the Genocide Subsection). The lower echelons regularly reported these killings and events to the CPK leadership.
1407. As noted in the Murder and Other Inhumane Acts Subsections, civilians also died in large numbers as a result of the inhumane conditions imposed by the CPK cadres during the forced transfers, at forced labour sites and in the security offices. There were tens of thousands of deaths from starvation, illness, exhaustion, exposure and other inhumane conditions at the sites under investigation. The evidence discussed in the Other Inhumane Acts Subsection illustrates that these deaths were the direct result of the actions and omissions of the CPK cadres.

Intent

1408. The evidence of the circumstances surrounding all of the above events illustrates that, in committing the acts and making the omissions which caused the large numbers of deaths, the perpetrators:
- (1) intended to commit killings on a mass scale; and / or
 - (2) intended to create conditions of life that lead to the death of a large number of people (or intended to create such conditions in the reasonable knowledge that

they were likely to cause the deaths of a large number of persons).

1409. In the case of executions and deaths at security offices, evidence of the intent of the direct perpetrators to cause deaths on a mass scale is overwhelming. It includes, among other things, the statements of CPK policy to kill members of the targeted groups, the consistent patterns and organised nature of the executions, the repetitive nature of the crimes, the reporting of the killings, and the sheer numbers of the victims.
1410. In the case of deaths caused by the inhumane conditions imposed by the CPK, as indicated in the Murder Subsection above, the direct perpetrators acted with the reasonable knowledge that the conditions they imposed were causing deaths on a mass scale. Further, intent to impose the conditions that lead to deaths on a mass scale should be inferred from the fact that, although the direct perpetrators were fully aware of the large numbers of deaths resulting from these conditions, they continued to enforce them. Given the consistent country-wide implementation of CPK policies, in all the cases under investigation, perpetrators were aware of the larger scheme of crimes in which they participated and the fact that thousands of civilians were being killed as part of that scheme.

ENSLAVEMENT

1411. The evidence on the Case File establishes that enslavement as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

Acts and Omissions

1412. As noted in the Jurisdiction Subsection above, during the period under investigation, the CPK effectively enslaved the entire population of Cambodia, and all the crimes under investigation took place in the context of this program of enslavement.
1413. The enslavement program began on 17 April 1975 with the issuance of the orders for all residents of urban centres to vacate their homes and relocate to CPK-run cooperatives and worksites in the countryside. As the civilians were herded out of the cities, from the very start of the forced evacuations, the CPK exercised virtually all rights of ownership over them, placing them under its absolute control, and leaving no aspect of their lives to their own discretion.

1414. Upon arrival at their destinations, most families were broken up, children separated from their parents, and all individuals effectively reduced to units of production. The authorities absolutely controlled all aspects of life, including housing, food and medical provisions, as well as the times and places of work, sleep and rest. They prohibited the observance of customs, free movement, speech, association and leisure, and strictly prescribed acceptable forms of behaviour to be followed at all times. The CPK also imposed a policy of forced marriages on the civilians, as part of which an individual's marriage partner was selected or designated by a CPK cadre. The enslavement program also encompassed the exercise of psychological control over the victims. All civilians were subjected to political indoctrination through frequent criticism and self-criticism sessions.
1415. The second and third mass forced transfers also illustrated the absolute control exercised by the CPK authorities over the entire population. While the second forced transfer was ordered under a putative move to increase food production in the Northwest, the third mass transfer was intended to further enforce the enslavement of the population by dispersing potentially undesirable elements from the East Zone.
1416. As described in the Imprisonment, Rape and Other Inhumane Acts Subsections, throughout the DK period, enslavement was enforced without exception within the cooperatives and forced labour sites under investigation. Party officials used spying and criticism sessions to single out for punishment those who were suspected of disobedience or having the wrong class or political background. Those failing to comply with the rules governing working and living arrangements were subjected to punishment and / or tempering, and in many cases arrest and execution. As indicated in the Other Inhumane Acts Subsection, civilians enslaved at cooperatives and worksites were imprisoned for offences such as foraging for food, complaining, failing to follow work instructions, making mistakes, being lazy or even standing outside at night. The only members of the population who were not subject to systematic enslavement were those tasked with enforcing it. As noted in the Jurisdiction Subsection, this initially included 'Old People,' but from the start of the internal purges in early 1976, members of this group gradually also became subject to the enslavement program.

Intent

1417. The evidence on the Case File illustrates that CPK officials intended to exercise all rights of ownership over the individuals under their control, consistent with the policies set by the Party Centre. Evidence from which intent to enslave the population can be established or inferred includes: CPK policy statements; the degree of physical and psychological control exercised over the civilians; the consistency of coercive practices during forced transfers, and within cooperatives and forced labour sites; the application of the forced marriage policy; and the imposition of severe punishments against those who failed to comply with the Party's instructions.

IMPRISONMENT

1418. The evidence establishes that imprisonment as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

Acts and Omissions

1419. Thousands of victims were imprisoned during forced transfers, at forced labour sites, cooperatives and at CPK security offices, and other sites under investigation. Throughout the DK period there was no functioning legal system in Cambodia. Individuals were deprived of their liberty by cadres acting in accordance with the policies and instructions of the CPK Party Centre. Imprisonment was arbitrary insofar as it was carried out in the absence of any legal basis or due process of law. Those deprived of their liberty were unable to challenge their arrests and / or imprisonment before any judicial authority.

Within Forced Transfers

1420. Millions of victims were imprisoned by CPK cadres and Khmer Rouge / RAK troops during the three major forced transfer events under investigation:

1421. *First forced transfer:* Following the issuance of forced transfer orders to the residents of Phnom Penh and other urban centres (including **Kampong Som, Kampot, Takeo, Stung, Pailin, Battambang, Serei Sophorn, Siem Reap, Kampong Chhnang, Pursat, Svay Rieng and Prey Veng**), virtually the entire civilian populations of these cities and towns were held in effective imprisonment by Khmer Rouge troops and CPK cadres. The victims were deprived of their liberty without any legal basis or due

process. The evacuations were enforced without exception and at gun point. Khmer Rouge soldiers physically mistreated or executed on the spot those who failed to comply. The period of effective imprisonment lasted for days or weeks, until the residents reached their destinations and were confined to cooperatives or forced labour sites under the control of local authorities.

1422. *Second forced transfer:* As described in the Other Inhumane Acts Subsection, at least 500,000 people were held prisoners by RAK troops and CPK cadres during their forced transfer from the East, Southwest and West Zones to the Northwest and old North Zones. These individuals had already been enslaved in cooperatives and worksites from which they were being moved. During the transfer, the civilians were marched and transferred by boat, truck and / or train under armed guard. They were also kept imprisoned under armed guard while staying at mid-points or transfer locations, before continuing their journeys to the Northwest. The transfer lasted approximately six months. As was the case during the first transfer events, these acts of imprisonment had no legal basis and were carried out without due process.

1423. *Third forced transfer:* Hundreds of thousands of civilians were imprisoned during the forced movement of the civilian population from the East Zone, which took place in the final phase of the East Zone purge. These civilians, many of whom were already enslaved throughout the East Zone, were led away by CPK cadres and RAK troops at gun point. They were marched and transferred by boats, trains or trucks to the New North, Northwest, Northeast, West and Central Zones. As with previous transfer events, there was no legal basis or legal procedure for these acts of imprisonment. Those who resisted were executed. Many were handed over to security offices upon arrival at their destinations.

At Forced Labour Sites

1424. Thousands of victims were imprisoned at CPK forced labour sites of **Tram Kak Cooperatives, Srae Ambel Salt Fields, 1st January Dam, Trapeang Thma Dam and Kampong Chhnang Airport Construction Site**. Victims imprisoned at some of these sites included those arrested during the North Zone purge (**Kampong Chhnang Airport Construction Site, Srae Ambel Salt Fields**) and the East Zone purge (**Kampong Chhnang Airport Construction Site**).

1425. *Confinement and use of restraints:* Individuals who were confined at the above sites

were deprived of their physical liberty. They were not permitted to move freely and were subjected to supervision by armed guards. As described in the Enslavement Subsection above, CPK authorities controlled every aspect of their lives, including where and how long they worked, rested and slept, when and how much they were permitted to eat and drink, and when they were permitted to speak.

1426. ***Conditions of imprisonment and other abuses:*** As described in the Other Inhumane Acts Subsection, the majority of individuals at the forced labour worksites and cooperatives under investigation were subjected to extremely harsh conditions, including: long hours of forced manual labour; deprivation of medical care; inadequate, insanitary and unhygienic living conditions. They also lived under a constant fear of punishments which were meted out for, among other things, non-compliance with CPK directions. Punishments included reductions in food rations, beatings, torture and execution. Prisoners were also forced to attend study and criticism / self-criticism sessions.

At Security Offices

1427. Thousands of individuals were imprisoned at security offices of **S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Wat Kirirum** (including **Chanloh Kdaong**) and **Siem Reap**. Victims imprisoned at some of these security offices included those arrested during the North Zone and East Zone purges, separate events under investigation.
1428. Reasons for arrest and imprisonment at CPK security offices included: being a member of the Khmer Republic regime; having capitalist or bourgeois tendencies or the wrong class background; failing to follow Party discipline; moving without permission; complaining about lack of food; stealing food or other necessities; planting the wrong crop at a worksite; being related to a prisoner; being Vietnamese; and having affiliations or collaborating with “enemies” such as the Vietnamese, “CIA” or “KGB.” In many cases arrests were purportedly justified retrospectively on the basis of “confessions” extracted from the victims under torture.
1429. ***Confinement and use of restraints:*** Prisoners were usually confined to individual cells, shared cells, larger detention rooms or communal buildings. All prisoners were under the constant supervision of armed guards and were not permitted to move freely. As indicated in the Other Inhumane Acts Subsection, shackles and / or

handcuffs were used to restrain prisoners (**Koh Kyang, S-21, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng and Siem Reap**).

1430. *Conditions of imprisonment and other abuses*: Also as described in the Other Inhumane Acts Subsection, conditions in which the prisoners were held included: being subjected to physical and psychological abuse, including torture during interrogations; being kept in insanitary and unhygienic conditions; not being permitted to talk among themselves or to guards; receiving severely restricted food rations; and in many cases, being subjected to long hours of forced manual labour (**S-24 (S-21), Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Chanloh Kdaong (Wat Kirirum), Siem Reap**). Prisoners also suffered as a result of deprivation of medical care, and lived in constant fear of punishments and execution.

Intent

1431. The evidence establishes that the direct perpetrators committed the acts causing imprisonment with the intent to arbitrarily deprive the victims of their physical liberty. The perpetrators used physical force, restraints, severe limitations on the victims' basic freedoms (such as speech and movement), physical punishment and execution to systematically enforce the imprisonment.

TORTURE

1432. The evidence on the Case File establishes that torture as a Crime Against Humanity, punishable under Article 5 of the ECCC Law, was committed during the DK period. The following sections set out the facts constituting the three elements of the crime of torture: (1) acts or omissions; (2) the intent; and (3) the additional purposive element unique to torture.

Acts

At Forced Labour Sites

1433. Beatings were administered as punishment on workers at **1st January Dam** construction site and **Srae Ambel Salt Fields**. Labourers at the **1st January Dam** site were also arrested and detained at **Wat Baray Choan Dek** where they were interrogated, tortured and beaten.

At Security Offices

1434. Thousands of prisoners were tortured during systematic interrogations at the CPK security offices of **S-21, S-24, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng** and **Siem Reap**. At many of the security offices (such as **S-21, Prey Damrei Srot, Koh Kyang** and **Siem Reap**), prisoners were interrogated multiple times and often for prolonged periods. Witnesses frequently heard screams of pain during interrogations at several of the security offices (**S-21, Koh Kyang, Wat Tlork, O Kanseng, Wat Kirirum** and **Siem Reap**). Prisoners returned from interrogations visibly bloodstained and / or bearing wounds (**Kok Kduoch, O Kanseng** and **S-21**).
1435. Interrogators inflicted several common torture methods on prisoners:
- (1) Beating by bars, weapons, whips or rattan sticks was the predominant method of torture during interrogations (**S-21** including **S-24, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng**, and **Siem Reap**).
 - (2) Electrocutation was used during interrogations at **S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Kok Kduoch, O Kanseng** and **Siem Reap** security offices. Prisoners were in some cases shocked to the point of unconsciousness or death.
 - (3) Suffocation was regularly administered by interrogators at **S-21, Sang, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Kok Kduoch** and **Siem Reap** security offices. Interrogators typically used a plastic bag to cover the prisoner's head and cause suffocation (**S-21, Prey Damrei Srot, Sang** and **Kraing Ta Chan**).
 - (4) Fingernails and toenails were also frequently ripped out during interrogations at **S-21, Prey Damrei Srot, Kraing Ta Chan** and **Siem Reap** security offices. Other similar practices included breaking fingers (**Prey Damrei Srot**), tearing flesh with pliers (**S-21**) and removing noses with pincers (**Kraing Ta Chan**).
1436. Various other torture methods were also used. At **S-21**, these included: burning with cigarettes and electric lamps; freezing with cold water and electric fans; simulated

drowning; forcing prisoners to beat each other; force-feeding of excrement and urine; and forcing a stick into female genitals. Female prisoners were also raped during interrogations at **Sang**. At both **S-21** and **Kraing Ta Chan**, prisoners were regularly hung up with rope by their arms, feet and / or necks for extended periods of time. Evidence of acts of torture has also been found at **Wat Kirirum** . Numerous torture and execution tools bearing bloodstains were found at the site of the security office shortly after the end of the DK period.

1437. Additional “cold” and psychological methods of torture were used, including threats and trickery (**S-21, Kraing Ta Chan, Kok Kduoch** and **Siem Reap**). At **S-21** psychological intimidation and abuse (including forcing prisoners to pay homage to a wall, a table or a chair, or images of dogs) were integral parts of the standard interrogation procedures.

Intent

1438. The CPK’s policy of identification and purging of enemies, the consistency of the torture methods, and the systematic manner in which torture was carried out at security offices across DK all confirm the intent to inflict torture on the part of the interrogators. The interrogators were trained and instructed to use torture, and then applied it repeatedly and deliberately, in direct adherence to the Party Centre’s policies.

1439. The acts of torture that were carried out at worksites were also deliberately executed. The perpetrators’ intent is demonstrated by the fact that the beatings were routinely carried out as punishment for various breaches of rules imposed by the CPK.

Purpose

1440. The primary purpose of establishment of the CPK’s network of security offices was to identify and “smash” perceived enemies and other undesirable elements such as the Vietnamese. Obtaining information through intimidation, violence and coercion was a key method by which the security offices accomplished their mission. The acts of torture described above were carried out with the aim of extracting confessions from prisoners of activity against the CPK, as well as coercing them into revealing the identities of additional “traitors” and CIA, KGB and Vietnamese “networks.”

1441. Torture was also a tool of intimidation and punishment at both security offices (such

as **Siem Reap** and **S-24 (S-21)**) and worksites (including **Srae Ambel, 1st January Dam** and **Trapeang Thma Dam**). At the **Siem Reap** security office and **S-24**, prisoners were punished for unsatisfactory work with whippings, beatings and torture. In one case extreme beatings and physical torture were administered in the presence of other prisoners (**Siem Reap** security office). Labourers at **1st January Dam** were intimidated and punished with beatings for not meeting their work quotas, for failing to show sufficient “improvement” and for having supposed connections to the CIA, New People and Chams. **Srae Ambel** labourers were subjected to torture where misconduct was alleged. Those enslaved at the **Trapeang Thma Dam** worksite were punished by beatings and physical abuse for not working hard enough.

1442. Torture was also carried out for discriminatory purposes. The acts of violence against the ethnic Vietnamese prisoners at **S-21** were inflicted on a racially / ethnically discriminatory basis. Merely because of their background, Vietnamese prisoners were systematically tortured to provide information on Vietnamese “networks” in Cambodia and to confess knowledge of Vietnam’s supposed expansionist plans. Similarly, torture was inflicted on politically discriminatory grounds on those suspected of spying or collaborating with the CPK’s enemies. Evidence of this discriminatory intent is present in, among other sources, cadres’ notebooks describing political training given to interrogators at **S-21**.

RAPE

1443. The evidence on the Case File establishes that rape as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

Acts and Omissions

1444. Throughout the DK regime, thousands of civilians were the victims of rape and sexual violence sanctioned, perpetrated, approved or condoned by the authorities.

Arising Out of Forced Marriages

1445. Thousands of people were victims of rapes sanctioned and enforced by the CPK authorities in accordance with the Party’s forced marriage policy. The rapes occurred (1) in the course of forced marriages between non-consenting parties, and (2) in cases in which women were forced to marry soldiers and cadres who had selected them.

1446. Forced marriages were imposed within villages and communes, military units and DK ministries. In many cases they involved random assignments of marital partners by senior CPK cadres in large ceremonies. Rapes commonly occurred after these ceremonies, where at least one unwilling marriage partner, and in many cases both, was coerced into a non-consensual sexual act. Although couples lived separately, they were periodically ordered to spend nights together by the commune leadership (such as at **Tram Kak Cooperatives**).
1447. The victims engaged in sexual penetration in fear of severe punishment. Those failing to comply were punished by beatings, torture, rape, and in some instances execution. In some cases local militias eavesdropped at houses designated for forced marriage partners in order to enforce the sexual activity. Communications to the Party Centre reported on whether couples were engaging in sexual relations, and detailed any objections to forced marriages.
1448. In numerous cases the CPK authorities permitted soldiers or cadres to select a forced marriage partner as a reward for their contribution to the revolution. A number of women from communes in the **Tram Kak District** were sent to Kampong Som to marry handicapped soldiers at the army's request. In some units and communes, requests by soldiers to marry women of their choice were subject to the approval of the chief of the women's unit or the Party Centre.

At Security Offices

1449. The cases of rape at security offices (or otherwise by local CPK authorities) uncovered in the investigation include: rapes of female prisoners by interrogators and security guards (**Sang, Kraing Ta Chan**); singling out and rape of a woman accused of stealing (**Siem Reap**); rapes and / or mutilation of victims prior to their execution (**Prey Damrei Srot, Wat Tlork, Siem Reap, within Phnom Sampeou District**); a stick being forced into a female victim's genitals (**S-21**); and a rape of a female staff member (**S-21**).

Of Buddhists

1450. As part of the CPK's forced marriage policy and policy of abolition of Buddhism, monks were forced to marry and engage in sexual intercourse in violation of their vow of celibacy.

Of Chams

1451. Evidence on the Case File indicates that CPK authorities sanctioned rape against the Chams by forcing Cham women to marry non-Cham partners. Additionally, as described in the Murder Subsection above, several young Cham women were raped prior to being executed in the **Kruoch Chhmar District**.

Intent

1452. Forced sexual intercourse was implemented systematically as part of the forced marriage policy. The CPK authorities intended to effect sexual intercourse and knew or, based on the circumstances, should have known that the sexual acts were being committed without the victims' consent. The absence of such consent was clear from, among other things, the victims' enslavement by the authorities, and the use of severe punishments against those who refused to comply.

1453. The interrogators, guards, and CPK cadres who committed the acts of rape intended to sexually penetrate the victims and knew that the victims did not consent to such penetration. The absence of the victims' consent is illustrated by, among other things, the victims' captivity, the use of force or threat of force to effect sexual penetration, and the existence of coercive circumstances under which any meaningful consent was not possible.

PERSECUTION

1454. The evidence on the Case File establishes that persecution on political, racial and / or religious grounds as a Crime Against Humanity punishable under Article 5 of the ECCC Law was committed during the DK period.

1455. Numerous acts constituting other Crimes Against Humanity described within this section also constituted acts of persecution as they occasioned denials of victims' fundamental human rights on the basis of their actual or perceived political opinion, race and / or religion. These include imprisonment, torture, murder, extermination, enslavement, rape and other inhumane acts.

Political Persecution

Acts and Omissions

1456. Although the CPK considered the entire civilian population to be potential political

enemies, New People, former Khmer Republic officials and other political “enemies” and “traitors” were additionally discriminated against for their perceived political opposition to the CPK. As described in the Murder Subsection, during the first forced transfer, thousands of Khmer Republic officials and New People were singled out and killed in individual and mass executions (including at **Tuol Po Chrey** and **Kampong Tralach Leu District**). New People formed the majority of over a million civilians forcibly moved during the second forced transfer. Former Khmer Rouge officials and New People were specially targeted for arrest and transfer to security offices once they reached the Northwest, Central and North Zones, and were the subject of a systematic purge in the New North Zone in 1978. New People enslaved as forced labourers at CPK worksites were singled out for execution (**1st January Dam** and **Trapeang Thma Dam**). Security offices also arrested, tortured and executed New People (including **S-21, Koh Kyang, Damrei Srot, Kraing Ta Chan, Sang, Koh Kduoch and Siem Reap**) and Khmer Rouge officials (**S-21, Prey Damrei Srot, Chanloh Kdaong, Siem Reap**).

1457. As described in the Torture Subsection above, security offices (which functioned as the central part of the CPK’s apparatus to eliminate political opposition) incarcerated, tortured and executed actual, perceived and potential political enemies of the CPK. These enemies were defined by the CPK Party Centre, in part on the basis of forced confessions produced by **S-21**. The purposes of imprisonment described in the Imprisonment Subsection confirm the politically-driven reasons for the arrests of the majority of victims. Those imprisoned were coerced into revealing information on other supposed political enemies through torture (**S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng and Siem Reap**). The major purges under investigation (of the **North Zone** and **East Zone**) were also conducted in order to identify and kill CPK’s real and potential political enemies.

1458. Finally, as described in the Other Inhumane Acts Subsection, at forced labour sites, the CPK cadres singled out for additional discriminatory treatment and punishments those who were perceived as CPK’s political enemies (**Tram Kak Cooperatives** and **Trapeang Thma Dam**). Numerous labourers were arrested and taken away from the forced labour sites (**Tram Kak Cooperatives, Trapeang Thma Dam, Srae Ambel, 1st January Dam, Kampong Chhnang Airport**) on various political grounds.

Intent

1459. The evidence illustrates that the perpetrators committed the persecutory acts described above deliberately and with the intent to discriminate against the victims on political grounds. These acts were done in the implementation of the CPK's policy to identify, suppress and eliminate its political opponents, and those not aligned with its political ideology, including (1) New People and Khmer Republic officials, and (2) CPK cadres and members of the general population accused of political dissent or allegiance to CPK's political enemies.

Religious Persecution

Acts and Omissions

1460. Persecutory acts that discriminated on the basis of religion were also committed against members of the civilian population. Practising Buddhists were persecuted through several of the specific crimes already described (murder, extermination, enslavement, imprisonment, torture, rape and other inhumane acts), as well as through forced marriages and the extensive destruction of religious property. These acts constituted blatant denials of fundamental human rights of the victims, including the right to liberty and security of the person, the right to freedom of movement and the right to religion. The discriminatory grounds for the above-mentioned acts are evident from the systematically targeting of Buddhists and the Muslim Chams for persecution.

Of Buddhists

1461. Practising Buddhists and monks were killed following the CPK's assumption of power (**Wat Antung Vien, Wat Chey Mongkul, Wat Ta Koat Mongkul** and **Phnom Penh**). Monks were forcibly defrocked on threat of execution (**Wat Antung Vien, Wat Chambak Thom, Wat Damnak Trayeung, Wat Samrong Knong, Wat Ta Koat Mongkul**), were forced to marry, and were subjected to forced labour and imprisonment (including in **Ek Phnom District, Banteay Meas District, Kratie District** and **Se San District**). Monks were also forced into occupations that were forbidden to them, such as soldiery and farming (**Wat Antung Vien, Wat Samrong Knong**). Buddhist places of worship were destroyed and converted to profane uses (including **Wat Antung Vien, Wat Chambak Thom, Wat Damnak Trayeung, Wat Samrong Knong, Wat Ta Koat Mongkul** and within **Tram Kak Cooperatives**),

and sacred Buddhist artefacts were destroyed (at **Wat Antung Vien, Wat Damnak Trayeung, Wat Samrong Knong**).

Of Chams

1462. Cham villages were broken up and their inhabitants forcibly dispersed among other communities. Cham men were often separated from the Cham women and children. Cham women were forced to marry non-Cham men. All Cham traditional and religious practices, as well as the Cham language, were banned and Cham religious property (including sacred texts) destroyed. Leaders of the Cham group were systematically targeted for execution. As described in the Subsections on genocide and murder as Crimes Against Humanity, mass arrests and executions of entire Cham communities were carried out from 1977 onward. Chams were also arrested and executed at worksites (such as **1st January Dam**) and at security offices (including **Kraing Ta Chan**). Cham women were raped prior to execution (in **Kroch Chhmar District**).

Intent

1463. The above-mentioned persecutory acts were carried out deliberately and with the intent to discriminate on religious grounds. In addition to setting out to abolish religion, the CPK targeted non-compliant monks for execution, and, from 1977, instituted a program of exterminating the Chams. The perpetrators acted in direct adherence to the policies devised by the CPK Party Centre and carried out the persecution of Buddhists and Chams in an organised and systematic manner.

Racial Persecution

Acts and Omissions

1464. Ethnic Vietnamese and Chams were also persecuted because of the CPK's perception that they were racially distinct from ethnic Khmers.

Of Vietnamese

1465. As described in the Genocide Subsection, some 20,000 Vietnamese were killed in a mass campaign of executions across the country starting in 1977. Arrests and killings of the Vietnamese took place in the following areas / sites under investigation: Provinces of **Prey Veng** and **Svay Rieng**; security offices of **S-21, Koh Kyang**,

Kraing Ta Chan, Kok Kduoch, Wat Tlork and Phnom Kraol. CPK's persecution of the Vietnamese extended to forced labour sites where civilians were arrested for having Vietnamese or "Yuon" connections (**1st January Dam, Kampong Chhnang Airport, Trapeang Thma Dam**). The Vietnamese were also persecuted in areas beyond the specific sites under investigation (Kratie, Battambang, Kampong Chhnang, Kampot, Kampong Cham, Kampong Thom, Kandal, Pursat, and Siem Reap).

Of Chams

1466. The persecutory acts against Chams described above were also committed on the basis of the regime's perception that Chams belonged to a different race.

Intent

1467. The persecutory acts against the Chams and the Vietnamese were conducted in a deliberate and systematic manner, and with the intent to discriminate against the victims on the basis of their perceived membership of races different from ethnic Khmers. In carrying out these acts the direct perpetrators understood that they were implementing the racially discriminatory policies set by the Party Centre.

OTHER INHUMANE ACTS

1468. The evidence on the Case File establishes that other inhumane acts as a Crime Against Humanity punishable under Article 5 of the ECCC Law were committed during the DK period.

Acts and Omissions

Within Forced Transfers

1469. The forced transfers constituted, in themselves, mass inhumane acts committed against civilians whom the CPK had enslaved. During the transfers CPK cadres subjected the civilians to extremely harsh conditions, as well as thousands of instances of cruelty, violence and degrading treatment, causing them serious mental and bodily harm.

1470. ***First forced transfers:*** During the April 1975 forced transfers of the urban populations, evacuees were subjected to grossly inhumane conditions. All inhabitants of the cities were forced to leave immediately. No exceptions were allowed so that

even patients evicted from the hospitals, including those gravely ill or suffering from serious injuries, and women who had just given birth, were forced to join the marches. The civilians were not allowed to carry sufficient belongings or to make adequate preparations for the journey. They were forced to travel long distances, usually on foot, during the hottest month of the year, and without any provisions for water, food or shelter. No arrangements were made for adequate medical care to be provided to the sick and the elderly. The victims were in a constant state of fear as severe punishments were meted out on the spot to those who did not comply. The impact of these conditions on the victims is illustrated by the thousands of deaths resulting from starvation, exhaustion, exposure, illness and execution during the transfer.

1471. ***Second forced transfers:*** During and immediately following the forced transfers starting in September / early October 1975, hundreds of thousands of civilians were subjected to grossly inhumane treatment and conditions which mirrored those described above. Civilians died from starvation, disease, exposure and exhaustion. In numerous cases, people packed into train freight cars died from suffocation. The CPK continued to impose grossly inhumane conditions on the victims following their arrival in the North and Northwest Zones. Adequate provisions were not made for food, shelter, sanitation or medical assistance. Tens of thousands of civilians were forced to move to communes which, prior to 17 April 1975, were home to only hundreds of people (**Phnom Srok District, Preah Net Preah District**, Northwest Zone). As many as 20,000 starved to death following their transfer to the **Preah Net Preah District** (Northwest Zone). This transfer was also carried out under armed guard and enforced with the use of threats and punishments, including execution, for those who refused to comply.
1472. ***Third forced transfers:*** The thousands of ordinary people and cadres who were transferred at gun point out of the East Zone in 1978 were the victims of the final wave of a purge initiated by the CPK leadership against the population of the East Zone. These individuals were suspected of disloyalty purely on the basis of their place of residence, and were judged to have “Khmer bodies but Vietnamese heads.” Therefore, during the forced transfer, in addition to being subjected to the same inhumane conditions as those described above, these residents were subjected to additional mistreatment and were under the constant threat of execution. They were widely dispersed throughout the country, including in the Central, North, Northeast

and Northwest Zones. Tens of thousands died from starvation and exhaustion upon arrival at their destinations due to the refusal or failure of the authorities to make adequate provisions for the massive numbers of people being forcibly displaced.

At Forced Labour Sites

1473. CPK cadres subjected civilians imprisoned at the forced labour sites under investigation (**Trak Kak Cooperatives, Srae Ambel Salt Fields, 1st January Dam, Trapeang Thma Dam, Kampong Chhnang Airport Construction Site**) to grossly inhumane conditions and physical and psychological abuse which caused thousands of victims to suffer serious mental and physical harm.
1474. One of the CPK's publicly stated policies was its refusal to import sufficient machinery and technical expertise and its insistence on the use of forced manual labour. Labourers enslaved at the worksites under investigation were subjected to various forms of hard labour, which included: carrying soil, digging, collecting cow dung, putting up dams and building bridges (**Tram Kak Cooperatives**); digging canals, building dykes, shovelling dirt, pulling harrows, carrying large bags of salt (**Srae Ambel**); digging canals and reservoirs and carrying dirt (**1st January Dam**); carrying earth and closing dykes (**Trapeang Thma Dam**); and farming, clearing forests, breaking, carrying and laying stones, levelling ground, carrying cement, sand and concrete, digging canals, and constructing sewage pipes (**Kampong Chhnang Airport Construction Site**). Those subjected to forced labour included men, women (including pregnant women), children and the elderly. Labourers were forced to work long hours (10, 12 and sometimes more than 15 hours per day) without protection from the elements, sufficient food and periods of rest.
1475. The working and hygiene conditions were grossly inadequate and inhumane. Labourers were not allowed to move or communicate freely with one another, and were kept under surveillance and / or supervision of armed guards (**Srae Ambel, 1st January Dam, Trapeang Thma Dam, Kampong Chhnang Airport Construction Site**). Worksites were kept in insanitary conditions and infested with insects (**1st January Dam, Trapeang Thma Dam**). Accommodation units were overpopulated and failed to provide protection from the elements or insect infestation (**1st January Dam, Trapeang Thma Dam, Srae Ambel Salt Fields**). Food provisions were insufficient, generally consisting of two small daily rations of thin soup / gruel /

porridge, or rice / vegetables / dried fish / fermented fish paste. **1st January Dam** workers imprisoned at **Wat Baray Choan Dek** were given one can of rice or a couple of scoops of gruel for five people. At **Srae Ambel**, those who could no longer work because of injuries or illness had their food rations significantly reduced or withheld entirely.

1476. These conditions resulted in all labourers being in poor health. Injuries and diseases such as malaria, cholera and dysentery were rampant (**Srae Ambel, 1st January Dam, Trapeang Thma Dam, Kampong Chhnang Airport Construction Site**). These were further exacerbated by the absence or inadequacy of medical care. If any medicine was available, it was ineffective (**Kampong Chhnang Airport Construction Site, Srae Ambel Salt Fields, Tram Kak Cooperatives, Trapeang Thma Dam**). Where medical care was provided, it was administered by untrained medical staff (**Kampong Chhnang Airport, Srae Ambel Salt Fields, Trapeang Thma Dam**). Ultimately, thousands of deaths were caused by starvation, exhaustion and disease, and prisoners also died as a result of failed escape attempts and suicides (**Trapeang Thma Dam, Kampong Chhnang Airport Construction Site and Srae Ambel Salt Fields**).
1477. Labourers were routinely subjected to intimidation, degrading treatment and arbitrary punishments by CPK cadres. They were forced to attend mass meetings in which they were criticised for being lazy, forced to criticise themselves and each other, and / or instructed to work harder (**Tram Kak Cooperatives, Srae Ambel Salt Fields, Kampong Chhnang Airport Construction Site**). Punishments were inflicted for, among other things, failures to meet quotas and stealing or scavenging for food. Punishments included assignment of additional and more onerous work, beatings, the withholding of food rations, and detention (**Tram Kak Cooperatives, 1st January Dam, Trapeang Thma Dam, Srae Ambel Salt Fields**).
1478. Workers were also arrested, detained and executed for a variety of “offences,” including: being suspected of opposing the revolution, being a member of the Khmer Republic regime or the New People, complaining about living or work conditions (**Tram Kak, Trapeang Thma Dam, Srae Ambel**); making mistakes at work, being perceived as a traitor or immoral person, attempting to escape, trying to collect additional food, being capitalist or feudalist, having “Yuon” tendencies, being a “17

April” person or Cham, and being lazy or complaining (**1st January Dam**); belonging to CIA or Vietnamese networks, New People and Chams, or failing to follow directives of the upper echelon (**Kampong Chhnang Airport Construction Site**); or merely standing outside at night (**Srae Ambel Salt Fields**). Certain groups of civilians were subjected to additional discrimination based upon criteria determined by the Party: these included persons classified as “parasitic” or “depositee” (**Tram Kak Cooperatives**) and New People (**Trapeang Thma Dam**). These groups were forced to perform more onerous work, given even less food than others, and subjected more frequently to arbitrary punishments.

Arising Out of Forced Marriages

1479. As described in the Rape Subsection, the CPK imposed a policy of forced marriage on the population, including at two sites under investigation (**1st January Dam, Tram Kak Cooperatives**). This policy caused serious psychological, and in many cases physical, harm to the victims.
1480. The implementation of the forced marriage policy entailed the abolition of important traditional customs in the Cambodian society and directly affected several hundred thousand victims. As described in the Rape Subsection, members of the population, including Buddhist monks, were forced to marry partners designated for them by the authorities, and to then engage in sexual intercourse with them. In many cases young people did not know the individuals they were forced to marry and have sexual intercourse with. The women were forced to fall pregnant and rear children who were then taken away at young age and placed under the control of the Party. Some women were forced to marry handicapped soldiers either as punishment or upon request of the army.
1481. The forced marriage policy was enforced through threats and punishments, such as re-education, beatings, torture, rape, arrest and / or execution. A number of victims of this policy committed suicide.

At Security Offices

1482. Tens of thousands of prisoners suffered serious bodily and mental harm at the CPK security offices under investigation (**S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Wat**

Kirirum (including the **Chanloh Kdaong** Security Office) and **Siem Reap**). As noted in the Imprisonment Subsection, these victims were arrested and imprisoned based on criteria determined by the CPK Party Centre, and without due process. As a rule, they were subjected to exceptionally cruel, inhumane and degrading treatment and conditions, including: psychological and physical abuse and torture; detention with physical restraints in insanitary and disease / insect infested cells; starvation; forced labour; rape; and being denied any contact with the outside world or any hope of release.

1483. Prisoners were held in cells or detention rooms under lock and armed guard. In numerous cases those who attempted to escape were killed (**O Kanseng, Kraing Ta Chan, Prey Damrei Srot, Sang**). Prisoners were often restrained with shackles and / or handcuffs. Such restraints applied variously to: all prisoners (**Koh Kyang**); all men (**S-21**); “heavy offenders” (**Prey Damrei Srot**, with “light” offenders unshackled during the day); all adult male and female prisoners (**Kraing Ta Chan**); all male prisoners at night (**Sang, Siem Reap**); all men and “serious level” prisoners (**Kok Kduoch**, with serious offence prisoners shackled at night at Koh Sâm Tauch); heavy prisoners at all times and others during the night (**Phnom Kraol**); and “serious offence” prisoners (**Wat Tlork** and **O Kanseng**). While in most cases prisoners were locked up in groups, some prisons also had very small individual cells (**S-21**) and “dungeon cells” (**Sang**). At **S-21** and **Phnom Kraol** prisoners were not allowed to talk among themselves or to the guards.
1484. Prisoners were denied any (or provided completely inadequate) sanitary facilities. Most commonly, they were forced to urinate and / or defecate into ammunition cases, coconut shells, helmets, jugs and other crude receptacles, often while shackled (**O Kanseng, Kraing Ta Chan, Koh Kyang, Phnom Kraol, S-21, Sang, Siem Reap**). The cells and detention rooms were infested by fleas, lice and other insects, and were usually filled with a perpetual stench (**Phnom Kraol, S-21, Koh Kyang, Siem Reap**). Inmates were either not allowed to bathe or were denied any bathing facilities (**Kok Kduoch, S-21, Kraing Ta Chan**).
1485. Food provided to the prisoners was both insufficient and inadequate. The standard rations of two meals per day usually consisted of small portions of rice, gruel, soup, or some combination of the three. In some security offices, these meagre rations were

reduced further or withheld as punishment (**Koh Kyang, S-21**). Drinking water was also often insufficient: where it was provided by the guards, prisoners often did not dare ask for it, or had their requests refused (**S-21, Siem Reap**). At **S-21** minimal rations were provided even though, at the same time, surplus food produced at **S-24** was being provided to the Central Committee.

1486. Despite widespread epidemics and diseases afflicting the prisoners, proper medical care was either unavailable or inadequate. In some cases medics treated only prison staff (**Prey Damrei Srot**), or inmates who were physically able to work (**Sang**). Medics, who were in most cases children or otherwise improperly trained, distributed ineffective medicines such as rabbit pellets (**Kok Kduoch, S-21**). At **S-21** prisoners who sustained extensive injuries during torture were treated so that interrogations could be successfully completed. Numerous prisoners were subjected to particularly cruel practices of medical experimentation and forced blood drawing, resulting in hundreds of deaths (**S-21**).
1487. Throughout the course of their detention, prisoners lived in a perpetual state of fear of torture and execution. Those accused of infringing prison rules were subjected to heavy punishments, including whippings, beatings, torture, reductions in food rations, and / or execution. (**Sang, Wat Tlork, Prey Damrei Srot, S-21**). Communication between prisoners was prohibited (**O Kanseng, S-21**). In some of the prisons, prisoners saw or heard others being tortured, or saw them returning to their cells bearing injuries (**S-21, Siem Reap**). Finally, prisoners were forced to perform manual labour at most of the security offices (**S-24 (S-21), Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Chanloh Kdaong (Wat Kirirum), Siem Reap**).
1488. As described in the Murder Subsection, in addition to those who were executed, many prisoners died as a result of beatings, starvation, illness and bodily deterioration (**Koh Kyang, Siem Reap, Wat Tlork, O Kanseng, Kok Kduoch, Sang**). In at least two security offices a number of prisoners committed suicide (**S-21 and O Kanseng**).

Against Buddhists

1489. As described in the Persecution Subsection, CPK authorities committed numerous inhumane acts against Buddhists and Buddhist monks, often causing serious physical and / or mental harm. The practice of Buddhism was abolished. Buddhist monks were

branded, among other things, “leeches” and “blood sucking parasitic worms,” and were forcibly defrocked. Those who refused to defrock were executed. Once they were defrocked, monks were forced to join occupations that were forbidden to them and subjected to forced marriage in breach of their vows of celibacy. Throughout Cambodia, Buddhist places of worship were destroyed or converted to profane uses, and sacred Buddhist artefacts were destroyed, causing serious mental harm to those who worshipped there.

Against Chams

1490. As described in the Persecution Subsection, members of the Cham population were subjected to numerous inhumane acts causing serious mental and physical suffering. These included the breaking up of Cham villages and their forced dispersal among other communities, the banning of Cham tradition, religious practices and language, the destruction of Cham religious property (including sacred texts), and forced marriages between Cham women and non-Cham man.

Intent

1491. The evidence of the sheer extent of suffering caused within each of the sites and events described above indicates that the perpetrators intended to inflict serious bodily and / or mental harm upon the victims. As indicated in the Extermination Subsection, the grossly inhumane conditions in which civilians were held (during forced transfers, at forced labour sites, within security offices, and during other events described above) remained unchanged even though the perpetrators saw the extent of the suffering which they were causing. Within each site and event, direct perpetrators consistently implemented the Party’s policies of cruel and inhumane treatment, including physical abuse, of the members of the population whom the authorities kept enslaved and / or imprisoned.

GRAVE BREACHES OF THE GENEVA CONVENTIONS

1492. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that Grave Breaches of the Geneva Conventions punishable under Article 6 of the ECCC Law were committed during the DK period. An outline of the facts that establish the jurisdictional elements and the specific crimes is provided below.

JURISDICTION

INTERNATIONAL ARMED CONFLICT

1493. As described in the Armed Conflict Section of this Submission, evidence on the Case File establishes that there was an international armed conflict between DK and the SRV from May 1975 until the end of the period under investigation. The conflict started with incursions and counter-incursions by the two countries' armed forces in May – June 1975, and continued with numerous military confrontations throughout 1975 and 1976, despite purported attempts to find a political solution. At no stage during this period was peace fully restored. The severity of the conflict increased in 1977, with cross border attacks by both sides, and a major incursion into Cambodian territory by the SRV Army in late 1977. DK officially severed its diplomatic relations with the SRV on 31 December 1977 and ongoing fighting continued along the border between the two countries throughout 1978. The SRV army's full-scale invasion of Cambodia in December 1978 represented the final stage of the armed conflict.

1494. Indicia of the continuous state of armed conflict include: the CPK's deployment of both Centre and Zone RAK divisions as well as militia against the SRV; the engagement of the SRV army; the CPK's Standing Committee's issuance of instructions on military matters and its resolution to confront Vietnamese encroachments; repeated clashes between SRV and DK forces, and their incursions into each other's territory; regular reporting from the RAK and zone leaders to the Party Centre on military incidents from 1975; and the establishment of military hospitals for casualties sustained by DK forces, as well as the admission of those casualties to civilian hospitals in Phnom Penh.

1495. The crimes perpetrated by DK forces against Vietnamese nationals during the period under investigation were closely related to this international armed conflict. The

connection between the crimes and the armed conflict is demonstrated by, among other things, the fact that the crimes were committed by members of the DK forces, who were combatants in the armed conflict, against members of the opposing state. Moreover, the crimes were perceived as furthering the CPK's military goals against the SRV and were committed during RAK's organised attacks into Vietnamese territory. The perpetrators of the crimes were also implementing the CPK's policy to exterminate the Vietnamese, which had its genesis in the CPK's desire to resist perceived Vietnamese expansion. As indicated below, many of the victims of the crimes were members of the armed forces of SRV.

PROTECTED PERSONS

1496. The Vietnamese soldiers and civilians who were the victims of the crimes described below were protected persons under the Geneva Conventions III and IV. The Vietnamese civilians found themselves in the hands of a party to the conflict of which they are not nationals (DK) and as such had the status of protected persons under Geneva Convention IV. SRV soldiers captured by DK forces were prisoners of war who found themselves in the power of the enemy, and as such had the status of protected persons under Geneva Convention III.

AWARENESS OF ARMED CONFLICT

1497. Grave Breaches against the Vietnamese were committed by: (1) members of the RAK who were engaged in armed confrontations with Vietnam and incursions into Vietnamese territory; and (2) interrogators and guards at security offices where Vietnamese prisoners of war and civilians were imprisoned and executed. The evidence on the Case File demonstrates that both of these groups of perpetrators were aware of the existence of the armed conflict between DK and SRV. CPK cadres at security offices understood that they were imprisoning, torturing and executing Vietnamese victims in the context of the ongoing armed conflict. For example, the Vietnamese soldiers imprisoned at **S-21** were tortured into making confessions relating to the armed conflict and Vietnam's supposed expansionist aims. Vietnamese prisoners of war arrested and taken to **S-21** were recorded with descriptions of their rank and military unit, as well as the place of their arrest.

1498. DK soldiers who carried out incursions into Vietnam were clearly aware of the existence of the armed conflict and the fact that the civilians they captured and killed

were nationals of a foreign state. They also knew that the Vietnamese soldiers whom they captured and who were being sent into captivity in Phnom Penh were members of the armed forces of SRV, a state with whom DK was at war.

SPECIFIC CRIMES

WILFUL KILLING

1499. The evidence on the Case File establishes that wilful killing as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed during the DK period.

Acts and Omissions

Incursions Into Vietnam

1500. DK forces killed several hundred civilians during their incursions into Vietnam, and captured hundreds more. In the first such incident, in May 1975, Khmer Rouge troops attacked two islands (**Phu Quoc Island** and **Tho Chu Island**), and evacuated 500 Vietnamese civilians at gunpoint. These captives were not seen subsequently. From January 1977 until the end of 1978, RAK launched numerous incursions into Vietnam, attacking Vietnamese villages (including **Ha Tien, Chau Doc, Tinh Bien, Prey Tameang, Ap Sase, Naxia, Kylo** and **Hong Ngu**), and massacring scores of Vietnamese inhabitants. DK soldiers subjected Vietnamese civilians to brutal deaths from disembowelment, liver extraction, beatings and decapitation. Hundreds, including inhabitants of Khmer Krom villages in Vietnam, were captured and sent back to Cambodia. Many were handed over to **S-21**.

S-21

1501. All Vietnamese civilians and prisoners of war imprisoned at **S-21** were executed. The **S-21** Revised Prisoner List contains the details of 345 prisoners described as Vietnamese. Of these, 122 were prisoners of war, and approximately 50 were described as civilians (with another 29 civilians originating from within Cambodia). This means that at least 172 protected persons were executed at **S-21**. The actual number is likely significantly higher: for example, the 144 prisoners described as "spies" likely include Vietnamese civilians or prisoners of war. Also, as indicated in the Crimes Against the Vietnamese Section, the Case File contains evidence of at

least 70 Vietnamese prisoners in addition to the 345 identified in the **S-21** Revised Prisoner List.

Intent

1502. The evidence illustrates that the DK forces and **S-21** staff who carried out the killings of the Vietnamese did so with the intent to kill them. In doing so, they acted in accordance with well-understood policies of the Party Centre.

TORTURE

1503. The evidence on the Case File demonstrates that torture as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed during the DK period.

Acts

1504. As noted above, several hundred Vietnamese nationals, at least 172 of whom were protected persons, were transferred to **S-21**. Most if not all of these victims were subjected to torture as described above in relation to torture as a Crime Against Humanity.

Intent

1505. The acts of torture administered against Vietnamese prisoners at **S-21** were intentional. Torture was carried out systematically, repeatedly and in a highly organised manner, in fulfilment of the Party Centre's policies.

Purpose

1506. The primary purpose for which torture was carried out against the Vietnamese protected persons was to coerce them into revealing Vietnamese "spies" and "networks" in Cambodia and confess to Vietnam's expansionist policies. Numerous confessions extracted from Vietnamese nationals were broadcast by the DK as evidence of Vietnamese aggression against Cambodia.

1507. The acts of torture against the Vietnamese prisoners of war and civilians were also committed for a discriminatory purpose insofar as the Vietnamese were targeted on the basis of their perceived race / ethnicity / nationality. As noted above, these victims were interrogated to assist in the CPK's identification and extermination of

other Vietnamese individuals.

INHUMANE TREATMENT

1508. The evidence on the Case File indicates that inhumane treatment as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed against the Vietnamese prisoners of war and civilians incarcerated at **S-21** during the DK period.

Acts and Omissions

1509. The Vietnamese prisoners were subjected to grossly inhumane treatment and detention conditions at **S-21**. As described above in relation to other inhumane acts as Crimes Against Humanity, prisoners at **S-21** were held in overcrowded common cells or small individual cells, and were deprived of food, clothing, water, hygiene facilities and medical care. Male prisoners were shackled at all times. The prisoners lived in a constant state of fear of physical punishment, torture and death. These conditions caused the Vietnamese protected persons serious mental harm and / or physical suffering, and constituted a serious attack on their human dignity.

Intent

1510. The consistent imposition of inhumane treatment and conditions of detention on Vietnamese nationals held at **S-21** indicates the perpetrators' intent to commit acts causing serious mental harm and / or physical suffering to the victims.

WILFULLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR HEALTH

1511. The evidence on the Case File indicates that the criminal offence of wilfully causing great suffering or serious injury to body or health as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed against the Vietnamese nationals imprisoned at **S-21** during the DK period. The acts and intent described above in relation to inhumane treatment are equally applicable to this crime.

WILFUL DEPRIVATION OF A FAIR AND REGULAR TRIAL

1512. The evidence on the Case File indicates that the criminal offence of wilfully depriving a prisoner of war or a civilian of the rights of a fair and regular trial as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed against the Vietnamese prisoners detained at **S-21** during the DK period.

Acts and Omissions

1513. Prisoners at **S-21** were denied their right to the judicial guarantees provided for in Geneva Conventions III and IV. The entire **S-21** operation and the treatment to which the Vietnamese prisoners were subjected were wholly inconsistent with the observance of such guarantees. Not only were the Vietnamese prisoners denied their right to be judged by an independent and impartial court for any alleged offences against DK, but their forced confessions were broadcast by the CPK as purported proof of those offences.

Intent

1514. The evidence indicates that the CPK cadres who enforced the arbitrary imprisonment of Vietnamese prisoners of war and civilians at **S-21** intended to deprive those victims of their right to a fair and regular trial. As noted above, this deprivation was carried out pursuant to well understood policies of the Party Centre discriminating against the Vietnamese.

UNLAWFUL DEPORTATION OR UNLAWFUL CONFINEMENT OF A CIVILIAN

1515. The evidence on the Case File indicates that the criminal offence of unlawful deportation or unlawful confinement of a civilian as a grave breach of the Geneva Conventions punishable under Article 6 of the ECCC Law was committed against the Vietnamese civilians detained at **S-21** during the DK period.

Acts and Omissions

1516. As described in the Wilful Killing Subsection above, Khmer Rouge / DK troops captured hundreds of Vietnamese civilians during their incursions into Vietnamese territory. All of these civilians were forcibly deported to Cambodia and permanently displaced. The deportations were executed for reasons unrelated to the security of the civilian population or to military objectives.

1517. Evidence on the Case File indicates that some Vietnamese nationals captured by the DK forces were imprisoned and executed locally while many were sent to **S-21**. There were no reasonable grounds to believe that the security of DK made confinement of Vietnamese civilians necessary, nor was any assessment undertaken of the risk those civilians may have posed to DK security. Instead, Vietnamese civilians were captured

and confined to enable their interrogation, torture and execution. None of the procedural safeguards to which these civilians were entitled pursuant to Geneva Convention IV were complied with.

Intent

1518. It is clear from the evidence that the criminal acts of deportation and confinement were committed with intent. As with other crimes, they were carried out repeatedly and systematically in furtherance of the CPK's policies towards the Vietnamese.

1956 CAMBODIAN PENAL CODE

1519. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that Homicide and Torture under the 1956 Cambodian Penal Code punishable under Article 3 of the ECCC Law were committed during the DK period. An outline of the facts that establish these specific crimes is provided below.

HOMICIDE

1520. The following sections set out the facts proving the commission of the three forms of homicide contained in Articles 501, 503, 504, 505, 506, 507 and 508 of the 1956 Cambodian Penal Code, namely homicide in the third, second and first degree.

HOMICIDE IN THE THIRD DEGREE

Acts and Omissions

1521. The organised executions that were conducted throughout the period under investigation were pre-meditated acts. As discussed in the subsections on murder and extermination as Crimes Against Humanity, such executions took place:

- (1) during the first, second and third forced transfers (including at **Tuol Po Chrey, Kampong Tralach Leu District, Veal Bak Chunching and Chănreangsei pagoda**);
- (2) at forced labour worksites (including **Trapeang Thma Dam**);
- (3) at security centres (**S-21, Koh Kyang, Prey Damrei Srot, Kraing Ta Chan, Sang, Kok Kduoch, Phnom Kraol, Wat Tlork, O Kanseng, Wat Kirirum and Siem Reap**);
- (4) during the purge of the East Zone (including at **Wat Kandal Chrum and Stung Tauch**).
- (5) as part of the enforcement of CPK's policies on the abolition of Buddhism (at **Wat Antung Vien, Wat Chey Mongkul, Wat Ta Koat Mongkul** and in **Phnom Penh**), imposition of forced marriages; and
- (6) in the implementation of the policies to destroy Chams (in the **Kang Meas District, Kroch Chhmar District and Stueng Trang District**, and in **Sector 5**) and Vietnamese (in the Provinces of **Prey Veng and Svay Rieng** and at **S-**

21, Koh Kyang, Kraing Ta Chan, Kok Kduoch, Wat Tlork and Phnom Kraol).

1522. The evidence indicates that in many cases of deaths caused by methods other than execution (such as blood drawing and medical experimentation at **S-21**), the killings were similarly premeditated.

Intent

1523. The killings described above were carried out with the intent to cause death and in furtherance of specific policies set by the CPK Party Centre. That intent can be inferred from, among other facts, the country-wide implementation of the CPK policies, the organised nature of the executions and the reporting of the executions to the Party Centre.

HOMICIDE IN THE SECOND DEGREE

Acts and Omissions

1524. In addition to premeditated killings, deaths were also caused throughout DK by other means. These include the killings of civilians who failed to comply during the forced transfers and of those who attempted to escape from or stole food at security offices or forced labour sites (**O Kanseng** security office; **Kampong Chhnang Airport Construction Site**).

Intent

1525. Given that the killings described above were carried out as punishments for breaches of discipline or escape attempts, it is clear that in each case the perpetrators intended to cause the deaths of the victims.

HOMICIDE IN THE FIRST DEGREE

Acts and Omissions

1526. As illustrated in the subsections on murder, extermination and other inhumane acts as Crimes Against Humanity, tens of thousands of civilians died as a result of starvation, exhaustion, exposure, lack of medical care and other inhumane conditions imposed by CPK cadres: (1) during the three forced transfers; (2) at security offices (**S-21, Koh Kyang, Siem Reap, Wat Tlork, O Kanseng , Kok Kduoch and Sang**); and (3) at

forced labour sites (including **Trapeang Thma Dam, Kampong Chhnang Airport Construction Site** and **Srae Ambel Salt Fields**). Large numbers of deaths also resulted from torture and beatings at security offices (**S-21, Kraing Ta Chan, Sang, Kok Kduoch, Siem Reap, Koh Kyang, Wat Tlork, O Kanseng**). Suicides were also caused by the abuses inflicted on the prisoners and the conditions imposed on them by the perpetrators (at **S-21** and **O Kanseng**). Several deaths resulted from unsuccessful escape attempts (**Srae Ambel Salt Fields**).

Intent

1527. As discussed in relation to the intent requirement for murder as a Crime Against Humanity, many of the deaths described above were caused by perpetrators who specifically intended to inflict injuries on the victims, while not necessarily intending to cause their death. The inhumane conditions and abuses were systematically imposed on the victims, and remained unchanged despite the obvious consequences (including deaths) for the victims.

TORTURE

1528. The evidence on the Case File demonstrates that torture punishable under Article 3 of the ECCC Law was committed during the DK period.

Acts and Omissions

1529. The acts and omissions described in relation to torture as a Crime Against Humanity are equally applicable to torture under Article 3.

Intent

1530. The intent element described in relation to torture as a Crime Against Humanity is equally applicable to torture under Article 3.

Purpose

1531. As described in relation to torture as a Crime Against Humanity, the primary reason for which torture was inflicted upon victims during the events under investigation was to identify and destroy the various groups whom the CPK targeted in its killing campaigns. Torture was also used to extract information confirming the prisoners' supposed offences against the CPK and purportedly justify their executions. Torture was therefore applied to obtain information useful for the commission of felonies.

1532. Torture was also used for reprisals at the security offices to the extent that prisoners were being tortured as punishment for their alleged crimes against the CPK. Evidence relating to the training given to the interrogators at **S-21** confirms this purpose. Interrogators were required to dehumanise and treat the prisoners as animals since they were considered enemies of the regime.
1533. Torture was additionally committed out of barbarity at the security offices and forced labour sites, as victims were systematically subjected to extreme acts of cruelty. Whether applied to extract information or inflict punishment, torture was also inflicted in order to cause great pain and suffering to the victims. This is confirmed by the evidence of the types of torture applied, the extensive injuries inflicted and the circumstances in which victims were tortured. Extreme cases of barbarity include beatings and physical torture in the presence of other prisoners (**Siem Reap**); terrorising of prisoners by combining psychological abuse, threats and intimidation with extreme physical torture (**S-21**); use of particularly gruesome methods of torture, such as forcing prisoners to eat excrement (**S-21**) or to lie amongst the dead or dying (**Sang**); burying of tortured prisoners who were still alive (**Wat Tlork**); and administering severe beatings at worksites for reasons such as not meeting work quotas, making mistakes and failing to show sufficient “improvement” (**1st January Dam, Srae Ambel**).

B. INDIVIDUAL CRIMINAL RESPONSIBILITY

NUON CHEA

OVERVIEW

1534. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that **Nuon Chea** is individually responsible for Violations of the 1956 Cambodian Penal Code, Genocide, Crimes Against Humanity, and Grave Breaches of the Geneva Conventions of 12 August 1949 pursuant to Articles 3 (new), 4, 5, 6 and 29 of the ECCC Law.
1535. In particular, **Nuon Chea** bears criminal responsibility under Article 29: 1) because he committed, planned, instigated, ordered and / or aided and abetted these crimes; and 2) because of his failure, as a superior who knew that his subordinates were about to commit or had committed these crimes, to prevent the commission of the crimes, or to punish the perpetrators.
1536. By using the word “committed” in this Submission, the Co-Prosecutors do not allege that **Nuon Chea**, **Ieng Sary**, **Khieu Samphan** and **Ieng Thirith** necessarily physically perpetrated the alleged crimes. “Committing” in this Submission, when used in relation to these Charged Persons, refers to their direct or indirect participation as co-perpetrators in a joint criminal enterprise.

MODES OF LIABILITY

COMMITTING VIA JOINT CRIMINAL ENTERPRISE

1537. **Nuon Chea** is responsible for committing the crimes alleged in this Submission through a joint criminal enterprise in a basic and systemic form.

Joint Criminal Enterprise 1 (basic)

Duration

1538. This joint criminal enterprise came into existence by at least June 1974 and continued throughout the DK regime, until 7 January 1979, during which period the crimes described in this Submission were committed.

Objectives

1539. The primary aims of this joint criminal enterprise related to the Charged Persons' intent to enforce a political revolution and destroy any political opposition to the CPK's rule. There were three principal objectives of the joint criminal enterprise: (1) to enslave the vast majority of the civilian population within agricultural co-operatives and forced labour sites; (2) to suppress all human rights and freedoms of the population, including the right to life, liberty and security, and the right to free speech, family and religion; and (3) to systematically seek out and kill those individuals who were identified as real or potential enemies or opponents of the CPK. These objectives, criminal in nature, were initially to be achieved by means which included the commission of the crimes of imprisonment, forcible transfer, enslavement, forced labour, forced marriage, rape, torture, murder, extermination, persecution, inhumane acts and other crimes described in this Submission. All of these crimes are punishable under Articles 3 (new), 4, 5 and 6 of the ECCC Law.
1540. In 1977, the Charged Persons and other members of the joint criminal enterprise expanded its criminal means to include the genocide of the Cham and Vietnamese groups in Cambodia. Additionally, although the criminal objective to kill those perceived as the CPK's real or potential enemies or opponents remained unchanged throughout the duration of the joint criminal enterprise, the Party Centre's focus shifted more towards the targeting of internal traitors. In the beginning, this part of the joint criminal enterprise targeted primarily members of the Khmer Republic regime, New People and others perceived to be associated with capitalist, feudalist, imperialist or bourgeois classes. Over the course of the DK period, the Party Centre concentrated its efforts on killing alleged CIA, KGB and Vietnamese agents and sympathisers who had supposedly infiltrated the base areas and Party ranks at all levels, along with any other individuals perceived to be opposed to the Party.

Membership

1541. Members of the joint criminal enterprise included: actual and *de facto* members of the CPK Standing Committee, namely Pol Pot, **Nuon Chea**, **Ieng Sary**, **Khieu Samphan**, Son Sen, Ta Mok, Sao Phim, Von Vet and Sua Vasi; members of the CPK Central Committee; heads of CPK Ministries, including **Ieng Thirith**, and CPK Secretaries of Zones, Sectors and the Party Centre's Military Divisions. Each of these

individuals, by their acts or omissions, contributed to achieving the shared objectives of the joint criminal enterprise. Alternatively, some of these individuals were not members of the joint criminal enterprise but were used by its members to carry out the crimes committed in furtherance of its objectives.

1542. **Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith's** membership of the joint criminal enterprise is demonstrated by: their contributions to and intent to participate in the criminal enterprise; their long standing positions of power and influence within the CPK and associated bodies; and their close working relationships with each other and other members of the joint criminal enterprise. The Charged Persons participated in the conception of the joint criminal enterprise prior to the DK period, and upon taking power, acted together to further the implementation of the enterprise. The following specific positions held and roles played by the Charged Persons during the DK period further demonstrate their prominence in the CPK / DK, and their membership in the joint criminal enterprise:

- (1) **Nuon Chea's** positions as the Deputy Secretary of the CPK and the second highest ranking member of the CPK, a member of the Central, Standing and Military Committees, Chairman of the Standing Committee of the PRA, Acting Prime Minister, and Minister of Propaganda;
- (2) **Ieng Sary's** positions as a member of the Central and Standing Committees, and the Deputy Prime Minister for Foreign Affairs;
- (3) **Khieu Samphan's** positions as a member of the Central Committee, *de facto* member of the Standing Committee, President of the State Presidium, member and Head of Political Office 870, and senior member of the CPK responsible for economic affairs; and
- (4) **Ieng Thirith's** positions as Minister for Social Affairs, member of the PRA, and Deputy Chairperson of the Women's Association.

1543. As noted above, in addition to the above formal positions, each of the Charged Persons had and exercised extensive powers and influence through their status as long standing members of the CPK, close allies of Pol Pot, and prominent activists for decades prior to the start of the DK period.

Contribution

1544. **Nuon Chea**, acting individually, through his associations, positions and memberships described in this Section, and in concert with the other members of the joint criminal enterprise, significantly contributed to that enterprise by:

- (1) **taking part in the formulation** of CPK Party lines and policies that led to the commission of the crimes alleged in this Submission;
- (2) **participating in the creation, organisation and / or supervision** of CPK and RAK bodies, including the Central, Standing and Military Committees, Office 870, zone, sector, district and lower-level committees, RAK General Staff, divisions and regiments, and other committees, ministries and militias answerable to the Party Centre, through which the crimes within the joint criminal enterprise were implemented;
- (3) **planning and orchestrating** the commission of the crimes by participating in meetings, deliberations and decision-making of the CPK Party Centre;
- (4) **ordering, exercising control over and otherwise directing** cadres with CPK administrative and military units to perpetrate the crimes, including by taking part in the formulation and issuance of Office 870 orders, meeting with lower-level cadres involved in the crimes, receiving their reports and maintaining oversight over them;
- (5) **involving himself personally in the crimes**, including by: taking an active part in the final planning of the forced evacuations of urban centres; being directly involved in the functioning of the security apparatus by receiving reports on security matters (such as reports from security offices in the zones, sectors and districts) and providing instructions in relation to the arrests and smashing of enemies; supervising and issuing directions to **Duch** in relation to arrests, torture and executions of CPK's political enemies at **S-21**; ordering and facilitating the distribution of **S-21** confessions and names of implicated cadres to organisation heads throughout the country; and authorising and directing CPK administrative and military leaders throughout the country to smash "enemies" within their bases;
- (6) **instigating, inciting, prompting and encouraging** the commission of the

crimes, including by: visiting crime sites (such as **Kampong Chhnang Airport, 1st January Dam, and Srae Ambel Salt Fields**); issuing policy instructions to and indoctrinating CPK cadres and officials involved in the commission of the crimes; condemning those who failed to follow CPK policy lines; preparing and / or endorsing internal Party publications circulated to cadres (such as *Revolutionary Flag*); giving public statements and speeches defending and endorsing the CPK's criminal policies and encouraging the perpetrators to commit the crimes;

- (7) **representing** the CPK and DK in dealings with foreign delegations, and justifying its policies;
- (8) **failing to act** to stop the joint criminal enterprise's implementation despite knowing that crimes were being perpetrated pursuant to it and despite his power to prevent or stop the crimes, or punish the perpetrators; and
- (9) otherwise **planning, instigating, ordering** and **aiding and abetting** the commission of the crimes as described below.

Intent

1545. **Nuon Chea** shared the intent, with the other members of the joint criminal enterprise, for the commission of each of the crimes that were initially agreed upon, and for the commission of subsequently agreed upon crimes, (as described in the Common Criminal Plan Section and the Legal Characterisation (Crimes) Section) as a necessary means to achieve the common criminal objectives. **Nuon Chea's** intent can be established and / or inferred from the following facts, amongst others:

- (1) his voluntary acceptance of and willing participation in assignments, senior positions and roles which enabled him to participate in the joint criminal enterprise;
- (2) his actions in conceiving the crimes together with his co-perpetrators and furthering their commission, as described through the contributions described above;
- (3) his speeches and statements prior to and during the DK period, including those in which he stated that the country was plagued by internal, hidden "enemies"

whose presence made necessary widespread arrests and executions and the denial of fundamental rights to all other members of the population;

- (4) his contributions in creating, disseminating and supporting CPK publications (including statements in the *Revolutionary Flag* magazine);
- (5) his statements during political indoctrination of CPK cadres; and
- (6) his statements after the period under investigation demonstrating his continued support for the CPK's criminal policies even several decades after his removal from power.

Joint Criminal Enterprise 2 (systemic)

1546. In addition, **Nuon Chea** is responsible for committing the crimes alleged in this Submission through a joint criminal enterprise by acting pursuant to an organised system of ill-treatment of the DK population. This system of ill-treatment was reflected in the countrywide creation and maintenance of agricultural co-operatives, forced labour sites, re-education and security centres as described in the Material Facts Chapter. **Nuon Chea** was aware of this system, participated in its enforcement and intended to further this system of ill-treatment.

PLANNING, INSTIGATING, ORDERING AND AIDING AND ABETTING

Introduction

1547. **Nuon Chea's** criminal liability by virtue of his participation in the joint criminal enterprise most accurately reflects his responsibility for the crimes described in this Submission. In the alternative, **Nuon Chea** bears individual responsibility for planning, instigating, ordering and aiding and abetting these crimes pursuant to Article 29, paragraph 1, of the ECCC Law.

Planning

1548. **Nuon Chea** planned the crimes enumerated in this Submission. He was one of the individuals who designed the crimes and formulated the methods of their execution. In addition to planning the crimes personally, he endorsed or approved criminal policies devised by other members of the Party Centre.

1549. The crimes were centrally designed, formulated and orchestrated. Given the Standing

Committee's role as the ultimate decision-making authority on all significant matters, its members, including **Nuon Chea**, had the power to establish policies and lines which CPK authorities implemented throughout the country. Using this power, **Nuon Chea** and other members of the Party Centre designed the specific crimes and assigned cadres and other resources necessary for their commission. To ensure the implementation of their plans, they frequently met with, and issued instructions to, leaders of various CPK administrative and military bodies. The highly planned and orchestrated nature of the crimes is evidenced by, among other things, the consistency, number, extent and widespread nature of the criminal acts, as well as their continuous reporting to the Party Centre.

1550. **Nuon Chea's** actions in the design of the crimes under investigation substantially contributed to their commission. He participated in, and / or supported, the design and formulation of numerous criminal policies, including: smashing of enemies; the mass forced expulsions of civilians from urban centres, and subsequent forced transfers; the enslavement of the population in cooperatives and worksites; the eradication of Buddhism; and the physical destruction of the Vietnamese and Chams. Additionally, as a member of the Military Committee and as the Standing Committee member responsible for regional security and Party discipline, **Nuon Chea** designed and formulated the arrest, detention, interrogation, torture and execution of perceived enemies at **S-21** and other security offices, including by taking part in the co-ordination of widespread purges within various CPK and RAK units, as well as in the Central, North, West, East and Northwest Zones from 1976 to 1978.

1551. **Nuon Chea** intended to plan the commission of the crimes, or, by virtue of his roles and positions, was aware of the substantial likelihood that crimes would be committed in the execution of the acts he planned. This is evidenced by his numerous contemporaneous statements endorsing the crimes and confirming the regime's instructions to the perpetrators. **Nuon Chea's** intent to plan the crimes can also be inferred from his knowledge of CPK's practices and modes of operation (including the absolute execution of its policies), and the reports he was receiving on the implementation of the Party lines and directives.

Instigating

1552. **Nuon Chea** instigated the crimes enumerated in this Submission. He prompted,

urged, encouraged, provoked and incited the direct perpetrators who committed these crimes. His instigation of the crimes contributed substantially to their commission.

1553. **Nuon Chea** encouraged and prompted CPK cadres to commit the crimes by, *inter alia*: drafting written statements of CPK policy provided to cadres (such as *Revolutionary Flag* or circulars issued by Office 870); conducting and presiding over political study sessions in which cadres were urged to commit crimes; attending meetings with lower-level cadres during which he reinforced the CPK's criminal policies and insisted on their strict implementation; visiting crime sites and providing encouragement to the direct perpetrators by his presence and through his words; and giving speeches and making public statements urging CPK cadres to commit the crimes. By way of illustration, in his speeches, which were often published in the *Revolutionary Flag* and / or broadcast on the radio system operated by the Ministry of Propaganda, **Nuon Chea** warned that enemies who sought to destroy the revolution were present throughout the DK. He called on the cadres to take absolute measures without hesitation to eradicate these internally embedded enemies. He referred to such enemies as microbes and maggots that had to be removed from the Party's flesh.
1554. The content and frequency of **Nuon Chea's** statements demonstrate that he intended to provoke and instigate the direct perpetrators to commit the crimes, or, at the very least, was aware of the substantial likelihood that crimes would be committed in the execution of the acts he instigated. He made his speeches and statements in the knowledge that cadres were required to strictly implement the Party Centre's policies relating to the enslavement of the population, the targeting of minorities and the smashing of enemies.

Ordering

1555. **Nuon Chea** ordered the crimes enumerated in this Submission. In accordance with his positions of authority in the Standing Committee and other decision-making bodies, both formal and informal, and together with other senior leaders of the CPK, **Nuon Chea** formulated and issued orders and directives instructing CPK cadres to commit the crimes described in this Submission.
1556. A common feature of these crimes is that they were committed pursuant to centrally issued orders and directives. The CPK imposed a highly centralised system of government in the DK, under which all administrative and military units were subject

to the command and direction of the CPK Party Centre. Members of the Party Centre, **Nuon Chea** included, issued joint orders, received reports and regularly met with lower-level cadres. The orders were communicated in the form of instructions and directives from Political Office 870, a body tasked by the Standing Committee to oversee the implementation of the Committee's instructions throughout the country.

1557. **Nuon Chea's** positions of authority included being Deputy Secretary of the CPK, and a member of the Standing Committee, Central Committee and Military Committee. He used these positions to instruct CPK cadres to commit the crimes in the following ways: by taking part in the formulation and issuing of orders, such as those for the forced evacuation of Phnom Penh, the closing of Buddhist temples and disrobing of monks, the elimination of the Vietnamese population in Cambodia, the forced movement of people to the Northwest Zone, and the purges of CPK cadres; by conducting political indoctrination sessions during which he issued directives for the implementation of Party lines; and by personally instructing cadres to commit the crimes. **S-21** was one of the offices subordinate to the CPK Party Centre and **Nuon Chea** personally. He issued numerous orders to **Duch** directing him and **S-21** staff to commit crimes against prisoners. These orders included: a standing directive that all persons sent to **S-21** were to be executed following interrogation; orders to torture particular prisoners; an order to summarily execute 300 prisoners from the East Zone without interrogation; and an order to kill all the remaining prisoners at **S-21** in early January 1979.
1558. While participating in the formulation and issuance of the orders described above, **Nuon Chea** intended to cause those under his authority to commit the crimes, or at least was aware of the substantial likelihood that crimes would be committed in the execution of the orders. He was aware of the authority of the Standing Committee, Office 870 and of his personal formal and factual authority, and knew that he possessed the power to induce lower-level cadres to act.
1559. Regardless of whether **Nuon Chea** was in a formal superior-subordinate relationship as regards the direct perpetrators, he possessed the authority, by virtue of his senior positions, to induce the perpetrators to commit the crimes, and did so induce them. Where evidence of direct orders issued by the Party Centre has not survived, the existence of orders may also be inferred from a variety of factors, including the

number of crimes and their widespread and systematic occurrence, identity and types of physical perpetrators involved, the control exerted over those cadres by the CPK Standing Committee and its senior leaders, the logistics involved, the tactical tempo of operations and the *modus operandi* of similar acts, and the consistent reporting back to Office 870.

1560. For example, the fact that organised mass executions of entire Cham communities took place in multiple locations in two different zones, which were conducted by CPK district militia and a Special Intervention Unit of the Party Centre, illustrates that these were not random crimes, but were rather the result of orders emanating from the Standing Committee. The fact that the Standing Committee's orders convinced cadres to commit the crimes under investigation is confirmed, *inter alia*, by the strict implementation of Party discipline and the reports sent to the Party Centre, informing it in detail about the implementation of its directives.

Aiding and Abetting

1561. **Nuon Chea** aided and abetted the crimes enumerated in this Submission. He did so by providing encouragement, lending moral support and giving practical assistance to the CPK cadres who committed them. His aiding and abetting had a substantial effect on the crimes before, during and after their commission.
1562. **Nuon Chea** encouraged, *inter alia*, the repression of the Cham communities and their subsequent mass killings, the targeting and killings of the Vietnamese, and the widespread and systematic arrests, detention and executions of perceived enemies. He gave approval for crimes at **S-21** and other security offices by, among other things, sending the names of implicated cadres to the heads of their units, so that further measures could be taken to monitor and / or arrest such persons. Further, he removed and subjected to discipline and re-education CPK cadres who failed to implement the Party's criminal policies and lines, thus providing practical assistance and moral support for the commission of crimes throughout Cambodia. He also aided and abetted the implementation of the enslavement policies at CPK worksites and cooperatives by visiting such sites, encouraging site supervisors and exhorting the people to work harder to meet the Party's quotas. He approved and supported the policy of denying the civilians enslaved at the forced labour sites and cooperatives sufficient food and medical care, and otherwise subjecting them to inhumane

conditions causing widespread malnourishment, diseases and starvation, as well as a climate of fear.

1563. When addressing the cadres in meetings, political indoctrination sessions and speeches, **Nuon Chea** provided justification for the crimes, thereby purportedly bestowing legitimacy on them. Given the CPK's hierarchical structure and reliance on cadres throughout Cambodia to implement its policies absolutely, encouragement and moral support by a senior member of the Party had a direct and substantial effect on the commission of the crimes.
1564. Being a senior member of the CPK, **Nuon Chea** knew that his acts of encouragement and moral and practical support were assisting in the commission of the crimes, and intended to provide that assistance, or at a minimum, accepted that such assistance was a possible and foreseeable consequence of his conduct. By virtue of his position, **Nuon Chea** was also aware of the essential elements of the crimes he was aiding and abetting as he was kept continuously informed about the actions of direct perpetrators at all levels.

SUPERIOR RESPONSIBILITY

1565. Further and in the alternative, **Nuon Chea** bears individual criminal responsibility as a superior pursuant to Article 29, paragraph 1, of the ECCC Law by virtue of: (1) his position as a superior of the direct perpetrators of the crimes enumerated in this Submission; (2) his actual knowledge, or possession of information on the basis of which he had reason to know, that his subordinates had committed or were about to commit the crimes; and (3) his failure to prevent the commission of the crimes or to punish the perpetrators.

Superior – Subordinate Relationship

1566. Superior-subordinate relationships existed between **Nuon Chea** and all CPK cadres who were directly involved in the crimes enumerated in this Submission, including the RAK, zone, sector and district committee members and cadres, ministry officials, security office staff, local militias and supervisors and working unit chiefs at forced labour sites. Although some of these relationships were indirect or *de facto*, **Nuon Chea** was the superior of these individuals due to his effective control over them. As one of the senior leaders of the Party and a member of the Standing, Central and

Military Committees, **Nuon Chea** wielded immense power over his subordinates.

1567. He had the material ability to prevent them from committing the crimes, initiate investigations or measures leading to proceedings against them, remove them, or otherwise discipline and punish them following commission of the crimes. This ability is clearly illustrated by: 1) his ability, as a member of the Standing Committee, to issue directives to all CPK units within DK; 2) his participation in Standing Committee decisions to investigate and / or punish senior CPK cadres who were suspected of lack of discipline or loyalty to the Party; and 3) his role in personally overseeing purges of cadres both within **S-21** and more broadly within regional security centres and CPK administrative and military bodies.

Knowledge

1568. **Nuon Chea** had actual knowledge of the crimes being committed by his subordinates. As a consequence of the fact that he devised and directed the commission of the crimes as a member of the Party Centre, he necessarily knew that they were to be committed. This knowledge was subsequently confirmed by **Nuon Chea's** receipt of periodic reports on the implementation of CPK directives through the Party's vertical reporting system and Standing Committee meetings. **Nuon Chea's** knowledge of the crimes at all relevant times is also confirmed by his statements at Standing Committee meetings and political indoctrination sessions, and in his public speeches and interviews throughout the period under investigation. In cases where evidence has not survived of **Nuon Chea** receiving direct reports of specific crimes, he was nevertheless in possession of information which put him on notice that crimes were being committed by his subordinates. This information included: the general reports by administrative and military units to Office 870 and the Standing Committee; information Nuon Chea received in his dealings with subordinates and during his visits to crime sites; the systematicity, consistency and widespread nature of the crimes, as well as their continued commission throughout the period under investigation.

Failure to Prevent or Punish

1569. **Nuon Chea** failed to discharge his duty to prevent the commission of the crimes or to punish those who perpetrated them. As one of the principal architects of the crimes, he inevitably did not thwart their commission but instead lauded those subordinates

responsible for their perpetration. Despite his effective capacity to do so, **Nuon Chea** therefore wholly failed to take measures of prevention or punishment as required by law.

IENG SARY

OVERVIEW

1570. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that **Ieng Sary** is individually responsible for Violations of the 1956 Cambodian Penal Code, Genocide, Crimes Against Humanity, and Grave Breaches of the Geneva Conventions of 12 August 1949 pursuant to Articles 3 (new), 4, 5, 6 and 29 of the ECCC Law.
1571. In particular, **Ieng Sary** bears criminal responsibility under Article 29: 1) because he committed, planned, instigated, ordered and / or aided and abetted these crimes; and, further and in the alternative 2) because of his failure, as a superior who knew that his subordinates were about to commit or had committed the crimes, to prevent the commission of the crimes, or to punish the perpetrators.

MODES OF LIABILITY

COMMITTING VIA JOINT CRIMINAL ENTERPRISE

Joint Criminal Enterprise 1 (basic)

1572. **Ieng Sary** is responsible for committing the crimes alleged in this Submission through the joint criminal enterprise in a basic and systemic form. The objectives, duration and membership of this joint criminal enterprise are described above in relation to **Nuon Chea**.

Contribution

1573. **Ieng Sary**, acting individually, through the associations, positions and memberships described in this section, and in concert with the other members of the joint criminal enterprise, significantly contributed to that enterprise in the following ways, by:
- (1) **taking part in the formulation** of CPK Party lines and policies that led to the commission of the crimes alleged in this Submission;
 - (2) **participating in the creation, organisation and/ or supervision** of CPK bodies, including the Central and Standing Committees, Office 870, zone, sector, district and lower-level committees, RAK General Staff, divisions and regiments, and other committees, ministries and militias answerable to the

Party Centre, through which the crimes within the joint criminal enterprise were implemented;

- (3) **planning and orchestrating** the commission of the crimes by participating in meetings, deliberations and decision-making of the CPK Party Centre;
- (4) **ordering, exercising control over and otherwise directing** cadres within CPK administrative and military units to perpetrate the crimes, including by taking part in the formulation and issuance of Office 870 orders, and by meeting with lower-level cadres involved in the crimes, receiving their reports and maintaining oversight over them;
- (5) **involving himself personally in the crimes**, including by: participating in specific decisions on high-level arrests and executions within the CPK; seeking out supposed enemies within his own Ministry; reviewing **S-21** confessions of arrested individuals, and ordering and / or approving further arrests; recalling ambassadors, diplomatic staff and intellectuals based abroad and arranging or giving his agreement for many of them being arrested and executed; allowing his Ministry to be used as a holding centre for senior cadres prior to their transfer to **S-21**;
- (6) **instigating, inciting, prompting and encouraging** the commission of the crimes, including by: visiting crime sites (such as the **Trapeang Thma Dam**, the **1st January Dam** and the **Kampong Chhnang Airport Construction Site**); indoctrinating cadres involved in the commission of crimes; and presiding over MFA meetings and conferences at which he condemned those who had been identified as the CPK's enemies, read out confessions of arrested individuals, and called on the cadres to remain vigilant in implementing the Party's policies;
- (7) **instigating and encouraging** the commission of crimes by preparing or endorsing internal Party publications circulated to cadres (such as *Revolutionary Flag*), giving public speeches, and issuing statements (such as the *Black Paper*) defending and endorsing CPK's criminal policies;
- (8) **representing** the CPK and DK domestically and abroad, denying its crimes and justifying its policies before international legal and political institutions

such as the UN and the Non-Aligned Movement, as well as the world media;

- (9) **failing to act** to stop the joint criminal enterprise's implementation despite knowing that crimes were being perpetrated pursuant to it and despite his power to prevent or stop the crimes, or punish the perpetrators; and
- (10) otherwise **planning, instigating, ordering** and **aiding** and **abetting** the commission of the crimes as described below.

Intent

1574. **Ieng Sary** shared the intent, with the other members of the joint criminal enterprise, for the commission of each of the crimes which were initially agreed upon, and for the commission of subsequently agreed upon crimes (as described in the Common Criminal Plan Section and the Legal Characterisation (Crimes) Section) as a necessary means to achieve the common criminal objectives. **Ieng Sary's** intent can be established and / or inferred from numerous facts and circumstances, including:

- (1) his voluntary acceptance of and willing participation in assignments, senior positions and roles which enabled him to participate in the joint criminal enterprise;
- (2) his actions in conceiving the crimes together with his co-perpetrators and furthering their commission by, *inter alia*, meeting with and issuing instructions to lower-level CPK cadres, visiting crime sites and personally taking part in the crimes;
- (3) his speeches and statements, encouraging the commission of the crimes and defending CPK's policies prior to and during the period under investigation;
- (4) CPK's propaganda to which he contributed and which he agreed with and supported;
- (5) his statements during political indoctrination and tempering of CPK cadres; and
- (6) his actions, writings and statements, including those in which he sought to prevent the discovery of the crimes.

Joint Criminal Enterprise 2 (systemic)

1575. In addition, **Ieng Sary** is responsible for committing the crimes alleged in this Submission through a joint criminal enterprise by acting pursuant to an organised system of ill-treatment of the DK population. This system of ill-treatment was reflected in the countrywide creation and maintenance of agricultural co-operatives, forced labour sites, re-education and security centres as described in the Material Facts Chapter. **Ieng Sary** was aware of this system, participated in its enforcement and intended to further this system of ill-treatment.

PLANNING, INSTIGATING, ORDERING AND AIDING AND ABETTING

Introduction

1576. **Ieng Sary's** criminal liability through his membership in the joint criminal enterprise most accurately reflects his responsibility for the crimes described in this Submission. However, in the alternative, **Ieng Sary** is individually criminally responsible for his role in planning, instigating, ordering and / or aiding and abetting the crimes pursuant to Article 29, paragraph 1, of the ECCC Law.

Planning

1577. **Ieng Sary** planned the crimes described in this Submission. He was one of the individuals who designed those crimes and formulated the methods of their execution. As well as personally planning the crimes, he endorsed or approved criminal plans and policies developed by other members of the Party Centre.

1578. As described above in relation to **Nuon Chea**, the crimes were centrally designed, formulated and orchestrated. As a member of the Standing Committee, **Ieng Sary** possessed the power to contribute to the establishment of CPK policies and used that power to take part in the design of the crimes. He took part in deliberations and decisions which led to the formulation of criminal objectives, assignment of cadres, distribution of instructions, and creation of other mechanisms for the implementation of the Party Centre's criminal directives. In addition, through his leadership of the MFA, **Ieng Sary** took part in the planning of arrests of MFA cadres and the recalling of intellectuals, ambassadors and diplomatic staff who were subsequently subjected to enslavement, and / or torture and execution. In this manner, by contributing to the creation of the Party Centre's policies, participating in the formulation of plans for

their implementation, and personally planning the commission of crimes, **Ieng Sary** substantially contributed to the commission of the crimes.

1579. **Ieng Sary** intended to plan the commission of the crimes, or, by virtue of his roles and positions, was aware of the substantial likelihood that crimes would be committed in the execution of the acts he planned. This is evidenced by his endorsement of the crimes and confirmation of the Party Centre's instructions during his political indoctrination of MFA cadres. **Ieng Sary's** intent to plan the crimes can also be inferred from his knowledge of the CPK's practices and modes of operation (including the absolute execution of its policies), and the reports he was receiving on the implementation of the Party lines and directives.

Instigating

1580. **Ieng Sary** instigated the crimes described in this Submission. He urged, encouraged, prompted, provoked and incited the direct perpetrators who committed those crimes. His instigation of the crimes contributed substantially to their commission.
1581. **Ieng Sary** encouraged and prompted CPK cadres to commit the crimes through acts including: conducting and presiding over political indoctrination sessions and other meetings with MFA and CPK cadres during which attendees were urged to commit crimes; and visiting crime sites, thereby providing encouragement and moral support to the direct perpetrators at those sites. **Ieng Sary** also provoked the purges, arrests, torture and executions of MFA cadres. He further encouraged the commission of the crimes by publicly justifying and endorsing the CPK's criminal policies, including those relating to enslavement and internal security.
1582. The content and frequency of **Ieng Sary's** statements indicate that he intended to provoke and incite the direct perpetrators to commit the crimes, or, at the very least, was aware of the substantial likelihood that crimes would be committed as a result of his encouragement. His statements were made in the full knowledge that cadres were required to strictly implement the Party Centre's policies.

Ordering

1583. **Ieng Sary** ordered the crimes described in this Submission. Exercising his authority, both formal and informal, and acting in concert with other senior leaders of the CPK, he formulated and issued orders and directives instructing CPK cadres to commit

those crimes. As explained above in relation to **Nuon Chea**, the crimes were committed pursuant to centrally issued orders and directives. **Ieng Sary**, as a member of the Party Centre, participated in these joint orders and received reports on their implementation.

1584. **Ieng Sary's** positions of power and authority included his membership of the Central and Standing Committees and his role as the Deputy Prime Minister for Foreign Affairs. He used these positions to instruct CPK cadres to commit crimes described in this Submission in the following ways: by taking part in the formulation and issuing of orders, including those described above in relation to **Nuon Chea**; by meeting with lower-level cadres responsible for the execution of the orders and issuing directives for the implementation of Party lines; and by otherwise personally instructing MFA cadres to commit the crimes.
1585. **Ieng Sary** intended to cause the commission of crimes through his orders, or at least was aware of the substantial likelihood that crimes would be committed in the execution of those orders. The evidence of direct orders issued by the Party Centre, as well as the inferential factors referred to above in relation to **Nuon Chea**, confirm this intent.
1586. Regardless of whether **Ieng Sary** was in a formal superior-subordinate relationship as regards the direct perpetrators, he possessed the authority, by virtue of his senior positions, to induce the perpetrators to commit the crimes, and did so induce them. As noted in relation to **Nuon Chea**, where evidence of direct orders issued by **Ieng Sary** and the Party Centre has not survived, the existence of orders may be inferred from factors such as the number and widespread and systematic nature of the crimes, the identity and types of physical perpetrators involved, the control exerted over those cadres by the CPK Party Centre, and the consistent reporting on the crimes to Office 870. The evidence illustrates that crimes taking place throughout the country (including those being committed as part of the policy of enslavement, purges of enemies and persecution / destruction of minorities) followed highly consistent patterns and were the result of centrally issued orders as opposed to being random acts.

Aiding and Abetting

1587. **Ieng Sary** aided and abetted the commission of the crimes by providing

encouragement, lending moral support and giving practical assistance to the CPK cadres who committed them. His aiding and abetting had a substantial effect on the crimes before, during and after their commission.

1588. **Ieng Sary** encouraged the execution of Party Centre's criminal policies by endorsing them as a member of the Central and Standing Committees. He gave practical assistance to and support for the crimes that took place at **S-21** by approving the arrests and transfer of MFA cadres to that security office, and by encouraging and lending moral support to MFA cadres involved in the arrests. He similarly aided and abetted the crimes at **S-21** by taking part in the process of recalling diplomats, intellectuals and students from abroad, and in the identification of those who were to be arrested and imprisoned at **S-21**. He encouraged the commission of crimes taking place as part of the CPK's enslavement and forced labour policies by visiting worksites (including **Trapeang Thma Dam**, **1st January Dam** and **Kampong Chhnang Airport Construction Site**); and by giving speeches and making statements endorsing those policies in international fora, such as the UN.
1589. Being a senior member of the CPK and the head of the MFA, **Ieng Sary** knew that his acts of encouragement and moral and practical support were assisting in the commission of the crimes, and intended to provide that assistance, or at least, accepted that such assistance was a possible and foreseeable consequence of his conduct. **Ieng Sary** was also aware of the essential elements of the crimes he was aiding and abetting as he was kept continuously informed about the actions of direct perpetrators at all levels through his role on the Standing Committee and as a senior member of the DK regime.

SUPERIOR RESPONSIBILITY

1590. Further and in the alternative, **Ieng Sary** bears individual criminal responsibility as a superior pursuant to Article 29, paragraph 1, of the ECCC Law by virtue of: (1) his position as a superior of direct perpetrators of the crimes described in the Material Facts Chapter; (2) his actual or constructive knowledge that his subordinates had committed or were about to commit the crimes; and (3) his failure to prevent the commission of the crimes or to punish the perpetrators.

Superior – Subordinate Relationship

1591. Superior-subordinate relationships existed between **Ieng Sary** and all CPK cadres who were directly involved in the crimes, including the RAK, zone, sector and district committee members and cadres, ministry officials, security office staff, local militias and supervisors and working unit chiefs at forced labour sites. Although some of these relationships were indirect or *de facto*, **Ieng Sary** was the superior of these individuals due to his effective control over them. As a high ranking member of the CPK Party Centre, Deputy Prime Minister for Foreign Affairs and a member of the Central and Standing Committees, he was the hierarchical superior of all CPK cadres. He had the material ability to prevent them from committing the crimes, initiate investigations or measures leading to proceedings against them, remove them, or otherwise discipline and punish them following commission of the crimes. This ability is clearly illustrated by: 1) his ability, as a member of the Standing Committee, to issue directives to all CPK units within the DK; 2) his participation in Standing Committee decisions to investigate and / or punish senior CPK cadres who were suspected of lack of discipline or loyalty to the Party; and 3) his role in personally approving purges of cadres within the MFA.

Knowledge

1592. **Ieng Sary** had actual knowledge of the crimes being committed by his subordinates. As a consequence of the fact that he devised and directed the commission of the crimes as a member of the Party Centre, he necessarily knew that they were to be committed. This knowledge was subsequently confirmed by **Ieng Sary's** receipt of periodic reports on the implementation of CPK directives through the Party's vertical reporting system and Standing Committee meetings. **Ieng Sary's** knowledge of the crimes at all relevant times is also confirmed by his instructions to MFA cadres at political indoctrination sessions and by his own admissions.

1593. In cases where evidence has not survived of **Ieng Sary** receiving direct reports of specific crimes, he was nevertheless in possession of information which put him on notice that crimes were being committed by his subordinates. This information included: the general reports by administrative and military units to Office 870 and the Standing Committee; information **Ieng Sary** received in his dealings with subordinates and during his visits to crime sites; the systematicity, consistency and

widespread nature of the crimes; and the continued commission of the crimes throughout the period under investigation.

Failure to Prevent or Punish

1594. **Ieng Sary** failed to discharge his duty to prevent the commission of the crimes or to punish those who perpetrated them. As one of the principal architects of the crimes, **Ieng Sary** inevitably did not frustrate their commission. Instead, he praised the perpetrators and promoted misinformation about the crimes by denying their occurrence in interviews and during diplomatic missions. Despite his effective capacity to do so, **Ieng Sary** therefore entirely failed to take measures of prevention or punishment.

KHIEU SAMPHAN

OVERVIEW

1595. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that **Khieu Samphan** is individually responsible for Violations of the 1956 Cambodian Penal Code, Genocide, Crimes Against Humanity, and Grave Breaches of the Geneva Conventions of 12 August 1949 pursuant to Articles 3 (new), 4, 5, 6 and 29 of the ECCC Law.
1596. In particular, **Khieu Samphan** bears criminal responsibility under Article 29: 1) because he committed, planned, instigated, ordered and / or aided and abetted these crimes; and, further and in the alternative, 2) because of his failure, as a superior who knew that his subordinates were about to commit or had committed the crimes, to prevent the commission of the crimes, or to punish the perpetrators.

MODES OF LIABILITY

COMMITTING VIA JOINT CRIMINAL ENTERPRISE

Joint Criminal Enterprise 1 (basic)

1597. **Khieu Samphan** is responsible for committing the crimes alleged in this Submission through the joint criminal enterprise in a basic and systemic form. The objectives, duration and membership of this joint criminal enterprise are described above in relation to **Nuon Chea**.

Contribution

1598. **Khieu Samphan**, acting individually, through the associations, positions and memberships described in this section, and in concert with the other members of the joint criminal enterprise, significantly contributed to that enterprise by:
- (1) **taking part in the formulation** of CPK Party lines and policies that led to the commission of the crimes alleged in this Submission;
 - (2) **participating in the creation, organisation and / or supervision** of CPK and RAK bodies, including the Central and Standing Committees, Office 870, zone, sector, district and lower-level committees, RAK General Staff, divisions and regiments, and other committees, ministries and militias

answerable to the Party Centre, through which the crimes within the joint criminal enterprise were implemented;

- (3) **planning and orchestrating** the commission of the crimes by participating in meetings, deliberations and decision-making of the CPK Party Centre;
- (4) **ordering, exercising control over and otherwise directing** cadres within CPK administrative and military units to perpetrate the crimes, including by taking part in the formulation and issuance of Office 870 orders, and by meeting with lower-level cadres involved in the crimes, receiving their reports and maintaining oversight over them;
- (5) **involving himself personally in the crimes**, including by: participating in specific decisions on high-level arrests and executions through the Standing Committee; directing and overseeing the implementation of the CPK's criminal policies of forced labour and enslavement in his role as a member of the Central and Standing Committees responsible for state commerce and production; issuing directives, receiving reports and overseeing the implementation of CPK's criminal policies through his roles within Political Office 870; ordering and / or approving arrests of cadres under his authority; contributing to specific criminal acts such as overseeing the resolution to execute the "seven traitors," and planning and overseeing the evacuation of Phnom Penh;
- (6) **instigating, inciting, prompting and encouraging** the commission of the crimes, including by: visiting crime sites (such as the **Trapeang Thma Dam**, **1st January Dam** and the **Kampong Chhnang Airport**); indoctrinating CPK cadres, ministry and military officials involved in the commission of crimes; preparing and / or endorsing internal Party publications circulated to cadres (such as *Revolutionary Flag*); and giving public statements and speeches defending and endorsing CPK's criminal policies and encouraging the perpetrators to commit the crimes;
- (7) **representing** the CPK and DK domestically and internationally, denying its crimes and justifying its policies before domestic and international legal and political institutions, as well as the world media;

- (8) **failing to act** to stop the joint criminal enterprise's implementation despite knowing that crimes were being perpetrated pursuant to it and despite his power to prevent or stop the crimes, or punish the perpetrators; and
- (9) otherwise **planning, instigating, ordering** and **aiding and abetting** the commission of the crimes as described below.

Intent

1599. **Khieu Samphan** shared the intent, with the other members of the joint criminal enterprise, for the commission of each of the crimes which were initially agreed upon, and for the commission of subsequently agreed upon crimes (as described in the Common Criminal Plan Section and the Legal Characterisation (Crimes) Section) as a necessary means to achieve the common criminal objectives. **Khieu Samphan's** intent can be established and / or inferred from numerous facts and circumstances, including:

- (1) his voluntary acceptance of and willing participation in assignments, senior positions and roles which enabled him to participate in the joint criminal enterprise;
- (2) his actions in conceiving the crimes together with his co-perpetrators and furthering their commission as described through the contributions described above;
- (3) his speeches and statements prior to and during the period under investigation, in which he repeatedly expressed support for the CPK's criminal policies and called on the cadres to enforce and implement them;
- (4) CPK's propaganda to which he contributed and which he agreed with and supported;
- (5) his statements during political indoctrination and tempering of CPK cadres; and
- (6) his actions, writings and statements after the period under investigation, including his attempts to justify the crimes.

Joint Criminal Enterprise 2 (systemic)

1600. In addition, **Khieu Samphan** is responsible for committing the crimes alleged in this Submission through a joint criminal enterprise by acting pursuant to an organised system of ill-treatment of the DK population. This system of ill-treatment was reflected in the countrywide creation and maintenance of agricultural co-operatives, forced labour sites, re-education and security centres as described in the Material Facts Chapter. **Khieu Samphan** was aware of this system, participated in its enforcement and intended to further this system of ill-treatment.

ORDERING, INSTIGATING, PLANNING, AIDING AND ABETTING

Introduction

1601. **Khieu Samphan's** criminal liability through his membership in the joint criminal enterprise most accurately reflects his responsibility for the crimes described in this Submission. However, in the alternative, **Khieu Samphan** is individually criminally responsible for his role in planning, instigating, ordering and / or aiding and abetting the crimes pursuant to Article 29, paragraph 1, of the ECCC Law.

Planning

1602. **Khieu Samphan** planned the crimes described in this Submission. He was one of the individuals who designed those crimes and formulated the methods of their execution. As well as personally planning the crimes, he endorsed or approved criminal plans and policies developed by other members of the Party Centre.

1603. As described above in relation to **Nuon Chea**, the crimes were centrally designed, formulated and orchestrated. As a member of the Central Committee, *de facto* member of the Standing Committee and a member and Head of Political Office 870, **Khieu Samphan** possessed the power to contribute to the establishment of CPK policies and used that power to take part in the design of the crimes. He participated in deliberations and decisions which led to the formulation of criminal objectives, assignment of cadres, dissemination of instructions, and creation of other mechanisms for the implementation of the Party Centre's criminal directives. He took part in the planning of the forcible evacuation of the major urban centres. He also participated in the planning of high-level arrests and executions, including those of his former FUNK and GRUNK colleagues, senior CPK figures and cadres under his control. Further, as

a member of the CPK leadership responsible for state commerce and production, he participated in the formulation of the CPK's policies on forced labour and enslavement, including by making or contributing to decisions about manual labour and conditions of work, production quotas, and distribution of goods and supplies. All of these activities substantially contributed to the commission of the crimes.

1604. **Khieu Samphan** intended to plan the commission of the crimes, or, by virtue of his roles and positions, was aware of the substantial likelihood that crimes would be committed in the execution of the acts he planned. This is evidenced by his public endorsement of the crimes, his active implementation of them through his positions in Political Office 870 and his reinforcement of the Party Centre's policies in political indoctrination sessions. **Khieu Samphan's** intent to plan the crimes can also be inferred from his knowledge of the CPK's practices and modes of operation (including the absolute execution of its policies) and the regular reports he received on the implementation of Party lines and directives through the Central Committee, Standing Committee and Political Office 870.

Instigating

1605. **Khieu Samphan** instigated the crimes described in this Submission by urging, encouraging, prompting, provoking and inciting the direct perpetrators, thereby contributing substantially to the commission of the crimes.
1606. **Khieu Samphan** encouraged and prompted CPK cadres involved in the commission of the crimes by conducting and presiding over political indoctrination sessions for repatriated intellectuals and CPK cadres. During these sessions he endorsed and justified the CPK's criminal policies and decisions, including the forced evacuation of urban centres, use of enslavement and forced labour, the smashing of enemies and the persecution of the Vietnamese. **Khieu Samphan** urged attendees to monitor each other's behaviour and to commit to the Party line. Through his visits to crime sites (including **1st January Dam**, **Kampong Chhnang Airport Construction Site** and **Trapeang Thma Dam**), he provided encouragement and moral support to the direct perpetrators at those sites. In addition, **Khieu Samphan** encouraged the perpetration of crimes through his justification and endorsement of the full range of the CPK's criminal policies as Head of State in his public speeches in both domestic and international fora. In his speeches to domestic audiences, he incited CPK cadres to

seek out and smash the enemies, lauded the regime's successes in carrying out extrajudicial arrests and executions, and encouraged the use of forced labour and other inhumane acts such as use of children as forced labour, and the distribution of unsafe or ineffective medication.

1607. The content, consistency and frequency of **Khieu Samphan's** statements and actions indicate that he intended to provoke and incite the direct perpetrators to commit the crimes, or, at the very least, was aware of the substantial likelihood that crimes would be committed as a result of his encouragement. He was fully aware of the strict implementation of the CPK policies, and on the significant impact that statements by senior leaders such as himself had on the direct perpetrators throughout the country.

Ordering

1608. **Khieu Samphan** ordered the crimes described in this Submission. Exercising his authority, both formal and informal, and acting in concert with other senior leaders of the CPK, he formulated, issued and conveyed the orders and directives instructing CPK cadres to commit those crimes.
1609. As explained above in relation to **Nuon Chea**, the crimes were committed pursuant to centrally issued orders and directives. **Khieu Samphan**, as a member of the Party Centre, participated in these joint orders and received reports on their implementation. His positions of power and authority included his membership of the Central Committee, his *de facto* membership of the Standing Committee, his positions as a member and Head of Political Office 870, his position as the President of the DK State Presidium and his responsibility for DK's domestic production and the economy. **Khieu Samphan** used these positions to instruct CPK cadres to commit the crimes in the following ways: by taking part in the formulation and issuing of orders, including those described above in relation to **Nuon Chea**, as well as the resolution to execute the "seven traitors"; by issuing orders and directives through Political Office 870; by attending meetings between the Party Centre and CPK cadres at which the latter were given instructions by the Party Centre in relation to the implementation of Party lines; and by otherwise personally issuing instructions to CPK cadres involved in the crimes, and giving his approval for arrests of cadres under his authority.
1610. **Khieu Samphan** intended to cause the commission of crimes through the orders and

instructions described above, or at least was aware of the substantial likelihood that crimes would be committed in their execution. The evidence of direct orders issued by the Party Centre, as well as the inferential factors referred to above in relation to **Nuon Chea**, confirm this intent.

1611. Regardless of whether **Khieu Samphan** was in a formal superior-subordinate relationship as regards the direct perpetrators, he possessed the authority, by virtue of his positions, to induce the perpetrators to commit the crimes, and did so induce them. As noted in relation to **Nuon Chea**, where evidence of direct orders issued by **Khieu Samphan** and the Party Centre in respect of specific crimes has not survived, the existence of those orders may be inferred from evidence and facts such as: the surviving orders from Office 870; the consistency, number and widespread and systematic nature of the crimes; the identity and types of physical perpetrators involved; the control exerted over those perpetrators by the CPK Party Centre; and the consistent reporting on the crimes to Office 870. The evidence illustrates that crimes taking place throughout the country (including those of enslavement, purges of enemies and persecution / destruction of minorities) followed highly consistent patterns and were the result of centrally issued orders as opposed to being random acts.

Aiding and Abetting

1612. **Khieu Samphan** aided and abetted the commission of the crimes by providing encouragement, lending moral support and giving practical assistance to the CPK cadres who committed them. His aiding and abetting had a substantial effect on the crimes before, during and after their commission.
1613. **Khieu Samphan** encouraged the implementation of the Party Centre's criminal policies by endorsing them as a member of the Central and Standing Committees and the President of the State Presidium. He facilitated and practically assisted the commission of the crimes by working within and managing Political Office 870. **Khieu Samphan** gave support for and practical assistance to the crimes that took place at security offices, including **S-21**, by approving the arrests and executions of cadres and by identifying senior CPK cadres to be arrested. In addition, he provided encouragement to CPK cadres to commit the crimes in his public speeches and statements in political indoctrination sessions. **Khieu Samphan** also aided and

abetted the commission of crimes as part of the CPK's enslavement and forced labour policies by: visiting worksites (including **Trapeang Thma Dam, 1st January Dam** and **Kampong Chhnang Airport Construction Site**) and lending moral support to the direct perpetrators; and by making decisions (or taking part in decisions) on production quotas and internal distribution of produce and supplies.

1614. Being the DK Head of State, a senior member of the CPK and a member / Head of Political Office 870, **Khieu Samphan** knew that his acts of encouragement and moral and practical support were assisting in the commission of the crimes, and intended to provide that assistance, or at least, accepted that such assistance was a possible and foreseeable consequence of his conduct. **Khieu Samphan** was also aware of the essential elements of the crimes he was aiding and abetting as he was kept continuously informed about the actions of direct perpetrators at all levels through reports submitted to him via Political Office 870, the Central Committee and the Standing Committee.

SUPERIOR RESPONSIBILITY

1615. Further and in the alternative, **Khieu Samphan** bears individual criminal responsibility as a superior pursuant to Article 29, paragraph 1, of the ECCC Law by virtue of: (1) his position as a superior of direct perpetrators of the crimes described in the Material Facts Chapter; (2) his actual or constructive knowledge that his subordinates had committed or were about to commit the crimes; and (3) his failure to prevent the commission of the crimes or to punish the perpetrators.

Superior – Subordinate Relationship

1616. Superior-subordinate relationships existed between **Khieu Samphan** and all cadres who were directly involved in the crimes, including members of the CPK committees at zone, sector, district and lower levels, DK officials, security office staff, RAK units, local militias and supervisors, and working unit chiefs at forced labour sites. Some of the perpetrators were directly answerable to **Khieu Samphan**, as was the case with the Ministry of Commerce within which extensive purges were conducted.
1617. Although some of the superior-subordinate relationships between **Khieu Samphan** and the direct perpetrators were indirect or *de facto*, he was the superior of the perpetrators due to his effective control over them. As a high ranking member of the

CPK Party Centre, member and Head of Political Office 870, a member of the Central Committee and *de facto* member of the Standing Committee, he was the hierarchical superior of all CPK cadres. He had the material ability to prevent them from committing the crimes, initiate investigations or measures leading to proceedings against them, remove them, or otherwise discipline and punish them following commission of the crimes. This is illustrated by: 1) the absolute power of the Party Centre, of which he was a member, to order and direct all governmental, administrative and military units within DK; 2) his participation in Standing Committee deliberations and decisions, including those to investigate and / or punish senior CPK cadres who were suspected of lack of discipline or loyalty to the Party; and 3) his role in approving and / or ordering the purges of CPK cadres under his immediate authority.

Knowledge

1618. **Khieu Samphan** had actual knowledge of the crimes being committed by his subordinates. As a consequence of the fact that he devised and directed the commission of the crimes as a member of the Party Centre, he necessarily knew that they were to be committed. This knowledge was subsequently confirmed by **Khieu Samphan's** personal receipt of periodic reports on the implementation of CPK directives through Political Office 870, his attendance at Standing Committee meetings and meetings between the Party Centre and lower-level cadres, and his work with the other senior leaders. **Khieu Samphan's** knowledge of the crimes at all relevant times is also confirmed by his public statements and by his own admissions during and following the period under investigation.
1619. In cases where evidence has not survived of **Khieu Samphan** receiving direct reports of specific crimes, he was nevertheless in possession of information which put him on notice that crimes were being committed by his subordinates. This information included: the general reports by administrative and military units to Office 870 and the Standing Committee; information **Khieu Samphan** was in possession of through his dealings with other members of the CPK; conditions he was able to observe during his visits to the crime sites; the systematicity, consistency and widespread nature of the crimes; and their continued commission throughout the period under investigation.

Failure to Prevent or Punish

1620. **Khieu Samphan** failed to discharge his duty to prevent the commission of the crimes or to punish those who perpetrated them. As one of the principal architects of the crimes, he inevitably did not thwart their commission. Instead, he praised the perpetrators and encouraged them to continue to act in accordance with the CPK's criminal policies. Despite his effective capacity to do so, **Khieu Samphan** therefore entirely failed to take measures of prevention or punishment.

IENG THIRITH

OVERVIEW

1621. The evidence on the Case File and referred to in the Material Facts Chapter of this Submission establishes that **Ieng Thirith** is individually responsible for Violations of the 1956 Cambodian Penal Code, Genocide, Crimes Against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949 pursuant to Articles 3 (new), 4, 5, 6 and 29 of the ECCC Law.
1622. In particular, **Ieng Thirith** bears criminal responsibility under Article 29: 1) because she committed, planned, instigated, ordered and / or aided and abetted these crimes; and, further and in the alternative, 2) because of her failure, as a superior who knew that her subordinates were about to commit or had committed the crimes, to prevent the commission of the crimes, or to punish the perpetrators.

MODES OF LIABILITY

COMMITTING VIA JOINT CRIMINAL ENTERPRISE

Joint Criminal Enterprise 1 (basic)

1623. **Ieng Thirith** is responsible for committing the crimes alleged in this Submission through the joint criminal enterprise in a basic and systemic form. The objectives, duration and membership of the joint criminal enterprise are described above in relation to **Nuon Chea**.

Contribution

1624. **Ieng Thirith** acting individually, through the associations, positions and memberships described in this section, and in concert with the other members of the joint criminal enterprise, significantly contributed to that enterprise in the following ways:
- (1) **taking part in the formulation** of CPK Party lines and policies that led to the commission of the crimes alleged in this Submission;
 - (2) **participating in the work of** CPK bodies through which the crimes within the joint criminal enterprise were coordinated and implemented, including the Standing Committee, the Council of Ministers and the MSA;
 - (3) **planning and orchestrating** the commission of the crimes within the MSA;

- (4) **ordering, exercising control over and otherwise directing** MSA cadres to commit the crimes;
- (5) **involving herself personally in the crimes**, including by: identifying enemies within the MSA, reviewing **S-21** confessions of arrested individuals, and ordering, approving and / or facilitating further arrests of cadres; arranging and / or approving forced marriages within the MSA; subjecting MSA staff to enslavement, tempering, and forced labour at worksites (including **Kampong Chhnang Airport Construction Site** and **Srae Ambel Salt Fields**); ordering and approving the production and supply of unsafe medicines for provision to enslaved civilians;
- (6) **instigating, inciting, prompting and encouraging** the commission of the crimes, including by presiding over MSA meetings and political indoctrination sessions at which she denounced those who had been identified as the CPK's enemies, endorsed the Party's policy of arresting and executing its enemies, and called on the cadres to identify traitors;
- (7) **instigating and encouraging** the commission of crimes by: preparing or endorsing internal Party propaganda; visiting crime sites (including **1st January Dam**); and participating in efforts directed at foreign diplomats denying or justifying the crimes while representing the CPK domestically;
- (8) **failing to act** to stop the joint criminal enterprise's implementation despite knowing of the crimes being perpetrated pursuant to it and despite her power to prevent or stop the crimes, or punish the perpetrators; and
- (9) otherwise **planning, instigating, ordering and aiding and abetting** the commission of the crimes as described below.

Intent

1625. **Ieng Thirith** shared the intent, with the other members of the joint criminal enterprise, for the commission of each of the crimes which were initially agreed upon, and for the commission of subsequently agreed upon crimes (as described in the Common Criminal Plan Section and the Legal Characterisation (Crimes) Section) as a necessary means to achieve the common criminal objectives. This intent is present in or can be inferred from the following factors, amongst others:

- (1) her voluntary acceptance of and willing participation in assignments, senior positions and roles which enabled her to participate in the joint criminal enterprise;
- (2) her actions in conceiving the crimes together with her co-perpetrators and furthering their commission;
- (3) her statements encouraging the commission of the crimes and defending the CPK's policies prior to and during the period under investigation;
- (4) her endorsement of CPK propaganda;
- (5) her visits to crime sites;
- (6) her statements during political indoctrination of CPK cadres; and
- (7) her actions and statements after the period under investigation.

Joint Criminal Enterprise 2 (systemic)

1626. In addition, **Ieng Thirith** is responsible for committing the crimes alleged in this Submission through a joint criminal enterprise by acting pursuant to an organised system of ill-treatment of the DK population. This system of ill-treatment was reflected in the countrywide creation and maintenance of agricultural co-operatives, forced labour sites, re-education and security centres as described in the Material Facts Chapter. **Ieng Thirith** was aware of this system, participated in its enforcement and intended to further this system of ill-treatment.

PLANNING, INSTIGATING, ORDERING AND AIDING AND ABETTING

Introduction

1627. **Ieng Thirith's** criminal liability through her membership in the joint criminal enterprise most accurately reflects her responsibility for the crimes described in this Submission. However, in the alternative, **Ieng Thirith** is individually criminally responsible for her role in planning, instigating, ordering and / or aiding and abetting the crimes pursuant to Article 29, paragraph 1, of the ECCC Law.

Planning

1628. **Ieng Thirith** planned the crimes alleged in this Submission by designing the criminal acts and formulating the methods of their execution, as well as by endorsing or

approving the criminal plans and policies developed by the Central Committee and the Standing Committee. She thus substantially contributed to the commission of the crimes.

1629. **Ieng Thirith** endorsed and supported the Central and Standing Committees' creation of numerous criminal policies (including the targeting of suspected enemies, the use of enslavement and the imposition of forced marriage and forced labour), and devised the means by which they were to be enforced within her areas of responsibility. She planned the purges of MSA staff by reviewing confessions of **S-21** prisoners implicating her subordinates, instructing staff to monitor those who were under suspicion, and taking further action to have those deemed to be enemies or traitors arrested and handed over to **S-21**. Similarly, she planned the arrests and removal of cadres from the East Zone during the Party Centre's purge of that zone. As a result of her planning of these crimes, large numbers of her staff were sent to **S-21** and forced labour sites.
1630. **Ieng Thirith** intended to plan the commission of the crimes, or, by virtue of her roles and positions, was aware of the substantial likelihood that crimes would be committed in the execution of the acts she planned. This is evidenced by: 1) her endorsement of the CPK's criminal policies; 2) her communication of those policies and instructions during political indoctrination of, and meetings with, MSA cadres; and 3) her receipt of confessions from **S-21**. **Ieng Thirith's** intent to plan the crimes can also be inferred from the arrests of cadres under her supervision, her knowledge of the CPK's practices and modes of operation, and the information she had access to as a senior leader of the CPK.

Instigating

1631. **Ieng Thirith** instigated crimes alleged in this Submission by urging, encouraging, prompting, provoking and inciting the direct perpetrators, and thereby contributing substantially to the commission of the crimes.
1632. **Ieng Thirith** encouraged and prompted MSA cadres to commit the crimes by convening and presiding over regular political indoctrination sessions and ministry meetings during which she endorsed and justified the CPK's criminal policies including forced evacuation of the cities, enslavement of the population, suppression of enemies, and persecution of the Vietnamese. She urged the attendees to identify

internal enemies, and to decide between their loyalties to the Party and the Vietnamese enemies. She further instigated the cadres under her control to take part in the identification of enemies by personally ordering and / or approving arrests and transfers of supposed enemies to **S-21** and forced labour sites (including **Kampong Chhnang Airport Construction Site** and **Srae Ambel Salt Fields**). **Ieng Thirith** also contributed to the commission of crimes beyond the MSA by visiting crime sites (including the **1st January Dam**) and giving encouragement to the perpetrators therein.

1633. **Ieng Thirith's** statements and conduct both during and following the DK period indicate that she intended to provoke and incite the direct perpetrators to commit the crimes, or, at the very least, was aware of the substantial likelihood that crimes would be committed as a result of her acts and statements of encouragement.

Ordering

1634. **Ieng Thirith** ordered the commission of crimes described in this Submission. She used her power as Minister of Social Affairs to issue instructions for the arrests and transfer of suspected enemies from units under her control to **S-21** and forced labour sites. In this manner, she ordered the arrests, removal and execution of over onehundred staff from the Ministry's units. She gave instructions for the manufacture and distribution of unsafe and / or ineffective medications to the zones, which medications were administered to enslaved civilians and exacerbated / contributed to the physical and mental harm inflicted on them. She also ordered forced marriages to take place between individuals under her authority and control.
1635. The existence of **Ieng Thirith's** orders may be inferred from a variety of factors, including the number and systematicity of the arrests and forced transfers of MSA cadres, the production within MSA and the widespread provision within DK of unsafe medication, the control exerted by her over MSA cadres and staff, and the consistent reporting between MSA organs and its upper echelon.
1636. **Ieng Thirith** intended to cause the commission of crimes through her orders and instructions, or at least was aware of the substantial likelihood that crimes would be committed in the execution of those orders. The evidence of her coordination with **S-21** confirms her intent to purge MSA cadres. She was also aware that, given her position within the Ministry and her seniority within the regime and the CPK, all her

orders were implemented with strict compliance. Finally, through reports and information available to her, as well as her visits to various parts of the country, she was also aware of the suffering being inflicted on civilians enslaved within forced labour sites and cooperatives, as well as the fact that the administration of unsafe and / or ineffective medicines contributed to or exacerbated that suffering.

Aiding and Abetting

1637. **Ieng Thirith** aided and abetted the commission of the crimes by providing encouragement, lending moral support and giving practical assistance to the CPK cadres who committed them. Her aiding and abetting had a substantial effect on the crimes before, during and after their commission.
1638. **Ieng Thirith** endorsed the Party Centre's criminal policies and lent moral support to those engaged in the identification and arrests of cadres within her own Ministry. She also practically assisted the commission of crimes at **S-21** by personally directing the arrests and transfers of MSA cadres. She further assisted in the implementation of the CPK's program of enslavement, forced labour and re-education by approving the transfer of MSA cadres to worksites, and by personally visiting worksites. She actively facilitated the implementation of the policy of forced marriage within the MSA, and the proliferation of unsafe medication at crime sites. Additionally, **Ieng Thirith** provided support for the commission of crimes by justifying and defending the CPK's criminal policies during the visits of foreign diplomats. Finally, her advice to the CPK Party Centre, given following her 1976 visit to the Northwest Zone, that hidden enemies and spies were undermining implementation of the Party's plans in that Zone, substantially contributed to the mass purge of that Zone.
1639. As a senior member of the CPK and chief of the MSA, **Ieng Thirith** knew that her acts of encouragement and moral and practical support were assisting in the commission of the crimes, and intended to provide that assistance, or at least, accepted that such assistance was a possible and foreseeable consequence of her conduct. **Ieng Thirith** was also aware of the essential elements of the crimes she was aiding and abetting as she was kept continuously informed about the actions of direct perpetrators through her meetings and interactions with other senior leaders, the Council of Ministers and reports which she received and / or had access to.

SUPERIOR RESPONSIBILITY

1640. Further and in the alternative, **Ieng Thirith** bears individual criminal responsibility as a superior pursuant to Article 29, paragraph 1, of the ECCC Law by virtue of: (1) her position as a superior of direct perpetrators of the crimes described in the Material Facts Chapter; (2) her actual or constructive knowledge that her subordinates had committed or were about to commit the crimes; and (3) her failure to prevent the commission of the crimes or to punish the perpetrators.

Superior – Subordinate Relationship

1641. **Ieng Thirith** was the superior of all MSA cadres, including members of the Committee of Social Affairs, Ministry officials, hospital staff and pharmaceutical production workers. Although some of these relationships may have been indirect or *de facto*, **Ieng Thirith** was the superior of these individuals due to her effective control over them. As Minister, she was at the top of the MSA hierarchy and had the material ability to prevent cadres within all Ministry units from committing the crimes, initiate investigations or measures leading to proceedings against them, remove them, or otherwise discipline and punish them following commission of the crimes. This ability is clearly illustrated by: 1) her issuance, as head of the Ministry, of directives, instructions and orders to MSA cadres and staff; 2) her ongoing supervision and visits to MSA units, hospitals and pharmaceutical factories; and 3) her role in personally approving purges and removals of cadres within the MSA.

Knowledge

1642. **Ieng Thirith** had actual knowledge of the crimes being committed by her subordinates. As a consequence of the fact that she ordered, planned or approved the crimes, she necessarily knew that they were to be committed. This knowledge was subsequently confirmed through her management of and interactions with MSA staff, her visits to MSA units, as well as her receipt of Ministry reports, and communications and confessions from S-21. **Ieng Thirith's** actual knowledge of the crimes at all relevant times is also confirmed by her statements shortly following the DK period.

1643. In cases where evidence has not survived of **Ieng Thirith** receiving direct reports of specific crimes or being involved in their execution, she was nevertheless in

possession of information which put her on notice that those crimes were being committed by her subordinates. That information included reports she received from MSA organs; information she received in her meetings with her subordinates, and meetings and interactions with other senior leaders (including members of the Central and Standing Committees and Council of Ministers); the systematicity, consistency and widespread nature of the crimes; and their continued commission throughout the relevant period.

Failure to Prevent or Punish

1644. **Ieng Thirith** failed to discharge her duty to prevent the commission of the crimes or to punish those who perpetrated them. As one of the principal architects of the crimes committed by MSA cadres, **Ieng Thirith** inevitably did not frustrate their commission. Instead, she praised the perpetrators and urged them to continue committing the crimes. Despite her effective capacity to do so, **Ieng Thirith** therefore entirely failed to take measures of prevention or punishment.

VII. CHARGES

1645. Considering the material facts and their legal characterisation as described in this Submission, the Co-Prosecutors request the Co-Investigating Judges indict for trial:

- (1) **Nuon Chea;**
- (2) **Ieng Sary;**
- (3) **Khieu Samphan;** and
- (4) **Ieng Thirith**

for having, pursuant to Article 29, planned, instigated, ordered, aided and abetted and / or committed via a joint criminal enterprise the following crimes:

- (1) GENOCIDE, punishable under Article 4, 29 (new) and 39 (new) of the ECCC Law, specifically, genocide of:
 - (a) the Cham;
 - (b) the Vietnamese;
- (2) CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:
 - (a) murder;
 - (b) extermination;
 - (c) enslavement;
 - (d) imprisonment;
 - (e) torture;
 - (f) rape;
 - (g) persecutions on political, racial and / or religious grounds;
 - (h) other inhumane acts;
- (3) GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949, punishable under Articles 6, 29 (new) and 39 (new) of the ECCC Law,

specifically:

- (a) wilful killing;
 - (b) torture and inhumane treatment;
 - (c) wilfully causing great suffering or serious injury to body or health;
 - (d) wilfully depriving a prisoner of war or civilian the rights of fair and regular trial;
 - (e) unlawful deportation or unlawful confinement of a civilian;
- (4) VIOLATIONS OF THE 1956 PENAL CODE, punishable under Articles 3 (new), 29 (new) and 39 (new) of the ECCC Law, specifically:
- (a) homicide (Article 501, 503 and 506); and
 - (b) torture (Article 500).

1646. In addition, pursuant to Article 29, it is submitted that these Charged Persons should be indicted for these crimes as superiors, as they knew or had reason to know that their subordinates were about to commit these crimes or had done so and they failed to take the necessary and reasonable measures to prevent such crimes or to punish the perpetrators.

1647. Consequently, the Co-Prosecutors submit Case File 002/19-09-2007/ECCC-OCIJ to the Co-Investigating Judges and request that the Charged Persons be maintained in provisional detention until they are brought before the Trial Chamber pursuant to Rule 68 (1), provided that the grounds for provisional detention enumerated in Rule 63(3) remain satisfied.

Date	Name	Place	Signature
16 August 2010	Chea Leang Co-Prosecutor	Phnom Penh	
	Andrew Cayley Co-Prosecutor	Phnom Penh	

ANNEX 5: GLOSSARY

17 April People	An alternate name for ‘New People,’ who were the civilians evacuated from the major population centres following the fall of the Khmer Republic regime in April 1975
AEK	Khmer Student Association
AI	Amnesty International
Angkar	The name given to the Party Centre, or the “Upper Brothers,” which was regularly used to describe the leadership of the CPK and literally means “the Organisation”
ASEAN	Association of Southeast Asian Nations
B-1	Office of the Ministry of Foreign Affairs
B-5	Office in Taing Pon Village, Kampong Tralach District, Kampong Chhnang Province, which was the central administration of the Khmer Rouge prior to April 1975
B-30, B-31, B-32	Re-education camp for repatriated intellectuals, diplomats and students located in Phnom Penh at Boeng Trabek, which was renamed with “B” coding after the transfer of control from Office 870 to the Ministry of Foreign Affairs and previously known as K-15, K-16 and K-17
Branch	Smallest sub-unit of the CPK organisational hierarchy
Central Committee	Governing body of a communist party
CGDK	Coalition Government of Democratic Kampuchea

Cham	An ethnic minority group in Cambodia adhering to the Muslim religion and originating from the Champa empire, which was subsumed by the Ankorian rulers in the 12 th century
CIA	Central Intelligence Agency
CIJ	Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia
Commune	The lowest administrative level under the Zone, Sector and District that was referred to by its geographic location
Co-operative	A social administrative unit created after the dissolution of village and commune administrative structures, ideally composed of 1,000 families, which followed the collectivisation of Khmer society under the Khmer Rouge
CPK	Communist Party of Kampuchea, which was the political organisation of the Khmer Rouge and formerly known as the Workers' Party of Kampuchea
DC-Cam	Documentation Centre of Cambodia, which was established in 1995 as a centralised archive of contemporaneous DK documents obtained from the Tuol Sleng Genocide Museum, the National Archives of Cambodia and private collections
Deputy	The second-in-charge of a CPK or RAK unit of organisation, usually responsible for security and reporting to the Secretary of the unit
District	The third administrative level under the Zone and Sector, which was referred to by its geographic location within DK, but also could be referred to by a numerical designation

DK	Democratic Kampuchea, which was the name given to the State of Cambodia during the Khmer Rouge regime and formally adopted with the ratification of the constitution in January 1976
ECCC	The Extraordinary Chambers in the Courts of Cambodia
ECCC Law	The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea as amended on 27 October 2004
Echelon	A level or strata of a military or civilian unit
Establishment Agreement	Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea
Full Rights Member	Member of the CPK, or full member of a committee
FUNK	<i>Front Uni National du Kampuchea</i> , or the National United Front of Kampuchea, a “front” organisation used to gather non-communists to support the revolution and the political organisation behind GRUNK between March 1970 and March 1976
General Staff	High Command of the RAK led by Son Sen and located in Phnom Penh
Grassroots	A term used to indicate the lowest level of society under the Khmer Rouge and literally meaning “the peasant class,” however, when used by members of the Party Centre, it can also refer to the zone and lower echelons of the CPK
GRUNK	<i>Gouvernement Royal d'Union Nationale du Kampuchéa</i> , or the

Royal Government of National Union of Kampuchea, which was the Government-in-exile formed by Norodom Sihanouk after his ouster in 1970, existing through to March 1976

ICC	International Criminal Court
ICP	Indochinese Communist Party, an organisation founded by Ho Chi Minh in 1930 and dismantled in 1951 into individual national parties for Vietnam, Laos and Cambodia
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IS	Introductory Submission, a document created by the OCP requesting that the Co-Investigating Judges investigate a number of representative criminal facts committed during the DK regime and arrest and provisionally detain Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith and Duch
IS Annex C	Introductory Submission Annex C, entitled “Other Evidentiary Material,” a document index of evidentiary materials attached to the Introductory Submission
K-1	A residential location of the members of the Standing Committee and the workplace of Pol Pot
K-2	The code designation for the Ministry of Social Affairs
K-3	A residential location of the members of the Standing Committee and the work place of Nuon Chea and Khieu Samphan

K-7	The messenger office in Phnom Penh, which was responsible for the physical transmission of documents between Ministries and from the Party Centre to the Zones, as well as a location for collecting people to be arrested and sent to S-21
K-18	The communications centre located at the former US Embassy at the corner of Norodom and Sothearos Boulevards, Phnom Penh
KGB	<i>Komitet Gosudarstvennoi Bezopasnosti</i>
Khmer Krom	Ethnic Khmer residing in the Mekong Delta area of southern Vietnam, who are also known as Khmer Kampuchea Krom
Khmer Rouge	The name given to the Cambodian communists by Norodom Sihanouk in the 1960s
KPRP	Khmer People's Revolutionary Party, the communist movement following the dissolution of the ICP, which lasted from 1951 until 1960
Krama	Traditional scarf worn by Khmer men and women
M	Abbreviation for "munti," or office
M-401	Office of the West Zone Secretary, or the Zone Secretary himself, as identified on telegrams (eg signed "401"; also referred to as Office 401)
M-560	Office of the Northwest Zone Secretary, or the Zone Secretary himself, as identified on telegrams
MFA	Ministry of Foreign Affairs, the Government Ministry headed by Ieng Sary and concerned with international affairs

Militia	Forces controlled at the commune, sector or district level
Mobile Work Brigade	Groups of workers, typically single persons in late teens and twenties who were tasked with travelling through areas engaging in agricultural and construction projects
MSA	Ministry of Social Affairs
NCF	Not on Case File
NCFPD	Non-Case File Public Document
OCIJ	Office of the Co-Investigating Judges in the Extraordinary Chambers in the Courts of Cambodia
OCP	Office of the Co-Prosecutors in the Extraordinary Chambers in the Courts of Cambodia
Office 15	The Sector 25 security office, located in Koh Thom District, Kandal Province
PDFGNUK	Patriotic and Democratic Front of Great National Union of Kampuchea
Phnom Penh Home Service	Radio broadcasts by the Ministry of Propaganda where information concerning the regime was broadcast to the world
PNLAFK	People's National Liberation Armed Forces of Kampuchea
PRA	People's Representative Assembly, a parliamentary body purportedly representing the citizenry of DK, headed by Nuon Chea
PRC	People's Republic of China

RAK	Revolutionary Army of Kampuchea, the Main Force military divisions answerable to the General Staff
<i>Revolutionary Flag</i>	Official publication of the CPK used to disseminate policy to CPK cadres, the distribution of which was limited to full party members
<i>Revolutionary Youth</i>	Official publication of the CPK used to disseminate policy to members of the Communist Youth League
Rules	The Internal Rules of the Extraordinary Chambers in the Courts of Cambodia
S-21	Santebal Office 21, the Secret Police Security Office located in Phnom Penh
Sangkum Reastr Niyum	Political movement of Norodom Sihanouk from between 1955 until March 1970
Santebal	CPK contraction of Khmer words for “security” (santesok) and “police” (norkorbal), meaning “security police” or “secret police”
SCSL	Special Court for Sierra Leone
Secretary	Cadre in charge of a unit within the CPK or RAK structure
Sector	Level of administration below the Zone, each of which was given a unique numerical identifier
Smash	Term used during the DK regime that meant the killing or execution of a person
SRV	Socialist Republic of Vietnam, the unified government of

	Vietnam following the fall of the Thieu-Ky regime in 1975 and the reunification of the north and south
Stupa	Buddhist memorial used for containing remains of deceased persons
Sub-District	Alternate name for Commune
Theravada Buddhism	Sect of Buddhism practiced in Cambodia
UN	United Nations
Wat	A place where Buddhists practise, often transliterated as Vatt
WPK	Worker's Party of Kampuchea, the successor to the KPRP, which changed its name in 1971 to the CPK
Zone	Highest regional administrative unit in DK