



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

2 July 2018

STATEMENT BY THE INTERNATIONAL CO-PROSECUTOR ON CASE 004

On 31 May and 4 June 2018, the National and International Co-Prosecutors filed their respective Final Submissions in Case 004 concerning the investigation of Yim Tith. The Internal Rules of the ECCC provide that the Co-Prosecutors’ Final Submissions must be filed confidentially but the Co-Prosecutors may release to the public an objective summary of their submissions. In the interest of transparency in matters of public interest, the International Co-Prosecutor (“ICP”) provides the following summary of his Final Submission. This summary does not include the views of the National Co-Prosecutor (which are summarised in a separate public summary) or those of the Defence, and is in no way intended to reflect the opinions of the Co-Investigating Judges, who will make their own determination of the issues.

The ICP’s Submissions on the ECCC’s Jurisdiction over Yim Tith

The ECCC’s governing law provides that the court has jurisdiction only over individuals who were either a “senior leader” or one of those “most responsible” for the crimes committed by the Khmer Rouge regime. The ICP submitted that, in his view of the evidence, Yim Tith was both a “senior leader” of Democratic Kampuchea (“DK”) and one of the persons “most responsible” for the crimes perpetrated during the regime for the reasons summarised below.

Yim Tith was one of the most powerful cadres in the Communist Party of Kampuchea (“CPK”), holding several high-level positions across two zones and thereby controlling a large portion of the DK population.

During the early part of the regime, Yim Tith was a powerful figure in the Southwest Zone, rising from deputy secretary of Kirivong District to district secretary, then deputy secretary and secretary of Sector 13. He controlled multiple districts where many security centres and execution sites were located. In approximately 1977 when the CPK central leadership began to purge its own cadres in the Northwest Zone, Yim Tith also assumed authority over vast parts of the Northwest, including Sectors 1, 2, 3, 4, and 7, and he was ultimately appointed deputy zone secretary. Additionally, he served as the acting zone secretary in the absence of Ta Mok, who frequently travelled outside the area. Through these positions, Yim Tith ordered and facilitated crimes that resulted in the commission of large-scale atrocities in the Northwest Zone. Simultaneously, he maintained his power and influence in Sector 13 of the Southwest Zone where the same criminal plan was being implemented by members of the same joint criminal enterprise.

Yim Tith was also among those individuals “most responsible” for the crimes committed in DK, including genocide, and he played an important role in the perpetration of these crimes. Yim Tith helped shape and propagate the criminal policies and ensured that they were

implemented by his subordinates. In the ICP's view, the evidence demonstrates a direct connection between Yim Tith and the crimes, and includes evidence that he personally ordered killings.

The ICP's Submissions on Yim Tith's Crimes and Responsibility

The ICP argued that Yim Tith should be indicted and tried for the genocide of the Vietnamese and Khmer Krom group in Cambodia and for the crimes against humanity of murder, extermination, enslavement, deportation, imprisonment, torture, persecution, and other inhumane acts (specifically, inhumane treatment, forced transfer, forced marriage, rape within the context of forced marriage, rape and sexual violence outside of forced marriage, and enforced disappearances).

Evidence gathered in the investigation established Yim Tith's contribution to a criminal enterprise in the Southwest and Northwest zones in relation to 17 security centres, 8 execution sites, 4 forced labour sites, and 3 additional locations (Kampong Kol Sugar Factory, Reang Ksei Commune, and sexual violence in Bakan District). The evidence on the Case File establishes that the crimes were perpetrated in very similar manners across the zones where Yim Tith operated. At security centres, detainees were imprisoned without any due process and were often subjected to inhumane treatment that included unhygienic living conditions, insufficient food, physical violence, and inadequate medical care. At forced labour sites, workers lived under conditions of enslavement. They were denied all freedoms, assigned arduous tasks, and expected to meet unrealistic quotas whilst working inhumane hours with insufficient food, rest, or medical care. At both the security centres and forced labour sites, many died from the deplorable living and working conditions. Many thousands were executed without any judicial process.

Crimes in the Southwest Zone for which Yim Tith is Responsible

Sector 13

1. Wat Pratheat Security Centre was a prison controlled by the Kirivong District Committee which detained many Khmer Krom and "17 April people". Yim Tith personally interrogated detainees at the site. From at least 1976, the Khmer Rouge carried out executions at Wat Pratheat on a weekly basis. Approximately 900 victims are conservatively estimated to have been killed at this security centre alone.
2. At Wat Angkun execution site in Kirivong District, those killed included children from work units residing at the Wat, Khmer Krom transferred from Phnom Penh, Khmer Krom deportees from Vietnam, and former Lon Nol soldiers.
3. Slaeng Village and Preal Village were execution sites in Kirivong District. In 1977 and 1978, large numbers of Khmer Krom who had been deported from Vietnam were forcibly moved to these villages and killed.
4. At Kraing Ta Chan Security Centre in Tram Kak District, detainees included "17 April people", former Lon Nol officials and their families, CPK cadres, and "base people". In 1976, many Khmer Krom and "17 April people" were transferred from Kirivong District to Kraing Ta Chan. The security centre was infested with vermin, and prisoners were routinely subjected to physical violence. Many were tortured and some female detainees

were raped. Many thousands were killed at Kraing Ta Chan and only a handful of prisoners survived.

5. Wat Ang Srei Muny Security Centre and Prey Sokhon execution site were located in Koh Andet District. Victims detained at the Wat included “17 April people”, former Lon Nol officials, and Khmer Krom families who had been forcibly transferred from Phnom Penh and Takeo town. Detainees were executed on a daily basis at Prey Sokhon and witnesses estimate that thousands were killed at the site.

Crimes in the Northwest Zone for which Yim Tith is Responsible

Sector 1

6. Koas Krala Security Centre was established by early 1978. It held up to 300 prisoners at a time, including members of the former Lon Nol regime and their families, Northwest Zone cadres and their families, and “17 April people”. Many killings took place at the site, including at least three mass executions which each involved 75 or more prisoners. After the DK regime, hundreds of bodies were found in pits around the site.
7. Thipakdei Cooperative in Koas Krala District, which was inspected by Yim Tith, contained several forced labour sites, at least four detention centres, and a number of execution sites. Thousands of labourers from Sectors 1 and 4, including former Northwest Zone cadres and their families, Khmer Krom, and “17 April people”, worked excessively long hours at the cooperative with few breaks. Those who could not meet the CPK’s work requirements were labelled “enemies” and were whipped, “re-educated”, or killed. Demoted Northwest Zone cadres from across Sector 1 were enslaved or imprisoned in Tuol Mtes Village and many were killed. At Thipakdei Security Centre, prisoners were tortured, and near the end of the regime, all remaining prisoners were killed. In Ra Village, at least 200 bodies were seen near a detention facility, and at a security centre near Ta Thok Mountain, prisoners disappeared and were not seen again.
8. Kanghat Dam in Sangkae District was a worksite that the sector committee, including Yim Tith, regularly inspected. Yim Tith controlled the site by mid-July 1977 and even earlier had visited the dam and conducted meetings there. Hundreds and possibly thousands of labourers, including demoted Northwest Zone cadres, worked on the dam. Those who complained, failed to meet quotas, or took food without authorisation were arrested or killed. Deaths occurred regularly. Additionally, Northwest Zone cadres on the Sector 1 Committee and their families and subordinates were arrested at the site and taken to detention facilities, including S-21 in Phnom Penh.
9. At Kampong Kol Sugar Factory in Sangkae District, Yim Tith replaced the factory chief with a Southwest Zone cadre. By early November 1977, Northwest cadres who had served on the factory committee had all been purged. Khmer Krom and Vietnamese workers were imprisoned and then sent to be killed.
10. At Banan and Khnang Kou Security Centres in Sangkae District, persons were detained with no due process and tortured. Southwest cadres replaced the Northwest cadres at Banan Security Centre in 1977. Detainees included former Lon Nol officials, Northwest Zone cadres, Vietnamese, “17 April people”, and workers from Kanghat Dam forced labour site. At Banan, as many as 500 people were detained, and executions took place daily. In 1978,

Southwest Zone cadres transferred all surviving prisoners to Khnang Kou Security Centre where mass executions of prisoners took place.

Sector 2

11. Phum Veal Security Centre was controlled by the Bakan District Committee and was used to imprison DK “enemies” such as the Khmer Krom and East Zone evacuees. Prisoners were tortured and some female prisoners were raped before being killed. Executions took place every night, and groups of 400 and 1,700 people transferred from the East Zone were killed at Phum Veal near the end of the regime. In total, thousands of people were killed at the site.
12. At Svay Chrum Security Centre in Bakan District, thousands of prisoners were detained, including former Northwest Zone cadres, former Lon Nol soldiers and their families, Khmer Krom, East Zone evacuees, and “17 April people”. Detainees were tortured and “serious-offence” prisoners were locked in a windowless “dark prison” for prolonged periods of time. It is estimated that thousands of prisoners were killed at nearby execution sites such as Prey Pheak.
13. At the Tuol Seh Nhauv and Prey Krabau execution sites in Bakan District, Khmer Krom and, later, East Zone evacuees, were rounded up in phases and killed on a massive scale. The Khmer Rouge erected temporary corrals to hold the victims prior to execution. After the fall of the DK regime, pits full of bodies were discovered at the two sites, where thousands are estimated to have been killed.
14. At Wat Chanreangsei execution site in Bakan District, Khmer Rouge cadres carried out mass killings of East Zone evacuees in late 1978. Local villagers were forced to bury the bodies, estimated at 2,000 in total, in mass graves in Koun Thnaot Village.
15. Southwest Zone cadres committed many instances of sexual violence in Bakan District without being punished. Perpetrators openly boasted of their sexual crimes and increasingly took advantage of their positions of power to rape women before carrying out execution orders. Rapes were especially prevalent during mass executions of the Khmer Krom and East Zone evacuees near the end of the regime.

Sector 3

16. Wat Kirirum Security Centre in Phnom Sampeou District was built in late 1977 or early 1978 and held as many as 200 prisoners, including former Lon Nol officials and Northwest Zone cadres. Prisoners were tortured, forced to perform hard labour, and executed. Hundreds of bodies were discovered at the pagoda and nearby caves after the fall of the regime. No prisoners are known to have survived.

Sector 4

17. In Reang Kesei Commune and Kampong Prieng Commune, thousands of people from across Sector 4 were executed, particularly former Lon Nol soldiers, Northwest Zone cadres, and Khmer Krom. In Kampong Prieng, demoted Northwest Zone cadres were forced to work in conditions of enslavement. Thousands of people, including Northwest

Zone cadres, Vietnamese, and Khmer Krom were imprisoned, tortured, and starved at Kach Roteh Security Centre and Sala Trav Security Centre.

18. At Wat Samdech Security Centre in Bak Prea District, thousands of former members of the Lon Nol regime and their families, Northwest Zone cadres and their families, Vietnamese, Khmer Krom, and “17 April people” were killed. Mass executions occurred almost daily. Eleven burial pits were discovered around the prison, with the largest containing 2,000 to 3,000 corpses.

Sector 7

19. Prison No. 8 in Kandieng District held former Lon Nol soldiers and their families, and evacuees from the East Zone and Phnom Penh. Prisoners were often subjected to torture. Each night killings took place and many women were raped before they were killed. Numerous mass graves found in the area indicate that thousands were killed at the site.
20. Veal Bak Chunching execution site in Kandieng District was used from 1978 to kill large numbers of people who had been forcibly transferred from the East Zone to surrounding communes in Kandieng. No less than a thousand East Zone evacuees were killed at the site and many women were raped before being executed.

Crimes in the Southwest and Northwest Zones for which Yim Tith is Responsible

1. Genocide: Yim Tith implemented the CPK plan to destroy the Vietnamese national group in Cambodia by killing ethnic Vietnamese. As part of this campaign, the Khmer Rouge also targeted the Khmer Krom, saying they had a “Khmer body and a Vietnamese head”. Khmer Krom were taken across the border into Kirivong District when Yim Tith was in charge of the area, then killed in mass executions. In the Northwest Zone after Yim Tith arrived and the Southwest Zone cadres took control, Khmer Krom were systematically killed, particularly in Bakan District.
2. Purge of Northwest Zone cadres and their families and subordinates: Yim Tith worked with Ta Mok and other Southwest cadres to systematically “purge” both civilian and military Northwest Zone cadres from their leadership positions. They branded the Northwest cadres as “enemies” or “traitors” and had them arrested, imprisoned, and ultimately executed. Those connected to the ousted cadres were also considered to be “traitors”, so many subordinates and family members suffered the same fate. While many were killed in the Northwest Zone, surviving S-21 prison records demonstrate that from 1 June 1977 until the end of the regime, at least 1,010 people from the Northwest Zone were sent to the prison in Phnom Penh.
3. Forced Marriage and Rape: Yim Tith contributed to the CPK policy to force Cambodians to marry and consummate the marriage in order to rapidly increase the population. In Sectors 1 (Samlout District and Kampong Kol Sugar Factory) and 4 (Reang Kesei and Kampong Prieng communes), Yim Tith’s subordinates arranged mass wedding ceremonies for hundreds of individuals paired by the regime without their free consent. The couples were then expected to consummate their marriages. Yim Tith personally made a speech at a forced marriage ceremony for 38 couples in Samlout District in which he told the couples they “had to love each other”, then supplied them with bedding. Newlyweds were monitored by militiamen to ensure that they consummated their marriages, and Yim Tith

instructed his subordinates to track monthly birth rates. As a result of these measures, couples often had sexual intercourse in order to avoid harsh punishment. The ICP argued that coercing men and women to have sexual intercourse without their true consent constitutes rape.

Next Steps in the Yim Tith Case

Now that the Co-Prosecutors' Final Submissions have been filed, Yim Tith's defence team will have the opportunity to respond with its views on the law and evidence. It will then be for the Co-Investigating Judges to decide whether Yim Tith is subject to the personal jurisdiction of the ECCC and whether the investigation has established Yim Tith's responsibility for crimes within the ECCC's jurisdiction to the standard required to indict and send him to trial. As with all charged or accused persons at the ECCC, Yim Tith retains the presumption of innocence, which is lifted only if and when guilt is established at trial and confirmed on any appeal.

As emphasised in his Final Submission, the ICP believes that the indictment of Yim Tith will not compromise national reconciliation, stability, peace, or security in Cambodia. He noted that the convictions and life sentences handed down in Case 001 (against Kaing Guek Eav *alias* Duch) and Case 002/01 (against Nuon Chea and Khieu Samphan) have had no negative effect on national reconciliation, stability, peace or security, but rather have often been lauded for their many positive effects, including giving some measure of justice to the victims of the Khmer Rouge. Further, there have been no negative public reactions to the disclosure that Yim Tith and other suspects were under investigation in Cases 003 and 004. It is the ICP's view that the effort to hold high-level DK leaders accountable for their actions would enhance public confidence that persons of influence cannot forever evade responsibility for their crimes and that justice is achievable.

For further information, please contact:

Mr. Neth Pheaktra
Chief of Public Affairs Section and Press Officer
Mobile: +855 (0) 12 488 156
Email: NETH.Pheaktra@eccc.gov.kh