

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

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**INTERNATIONAL CO-PROSECUTOR'S SUPPLEMENTARY SUBMISSION  
REGARDING CRIME SITES RELATED TO CASE 003**

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## I. INTRODUCTION

1. Pursuant to Internal Rules 53 and 55, the International Co-Prosecutor (“the ICP”) submits this Supplementary Submission, which is intended to clarify and supplement the factual matters to be investigated by the Co-Investigating Judges (“the CIJs”) in Case 003.
2. For the purpose of clarity, this Submission reaffirms the previous clarifications submitted by the ICP in various filings regarding the scope of the investigation in Case 003 and submits additional clarifications regarding (a) purges conducted by Meas Muth and his Division 164 soldiers in Sector 505 (Kratie) and (b) forced labour and executions in Ream commune, Prey Nob District (II. Clarification, paragraphs 4 to 19).
3. By this Supplementary Submission, the CIJs are also seized of the additional crime of forced marriage (including rape) based on the evidence gathered by OCIJ after the filing of the Second Introductory Submission (“Second IS”). The additional criminal facts are described below in paragraphs 20 to 24 (III. Additional Crimes), and are believed to fall within the jurisdiction of the ECCC. The International Co-Prosecutor requests that these criminal facts become part of Case 003.

## II. CLARIFICATION

### *Crimes falling outside the scope of investigation*

4. Responding to an ICIJ request for clarification in relation to RAK divisions and other purge sites,<sup>1</sup> the ICP confirmed on 16 February 2011 that “OCIJ was not seized with either investigations into security centres of all RAK Divisions nor other crime sites, unless these facts went to the establishment of a joint criminal enterprise or the occurrence of widespread or systematic crimes.”<sup>2</sup> It was further clarified that in relation to Division 801 security centres described in paragraphs 63 and 64 of the Second IS, the OCIJ was not seized of further investigation into the Au Kanseng security centre.<sup>3</sup> In response to another ICIJ clarification request regarding Prison 810 and Security centre 808 or 809 in Veun Sai District,<sup>4</sup> the ICP explained that the allegations relating to Prison

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<sup>1</sup> **D1/2** Request for Clarification in Case 003, 8 February 2011;

<sup>2</sup> **D1/2/1** Response of International Co-Prosecutor to request for clarification, 16 February 2011, para 2.

<sup>3</sup> Also called Division 801 or 810 Re-education school, Military Prison 801 and Phum 3 security centre

<sup>4</sup> **D105** Forwarding Order Regarding Security Centres 809, 809 & 810, 27 June 2014.

810 “should not be read as relating to Security Centres 808 and 809”<sup>5</sup> and that the OCIJ was “not required to conduct further investigation relating to Military Prison 801 in Banlung District (Au Kanseng security centre)”.<sup>6</sup>

5. On 4 May 2012, the International Co-Prosecutor was informed of ‘new facts’ alleged by the International Reserve Co-Investigating Judge Kasper-Ansermet (“the IRCIJ”) in a Forwarding Order,<sup>7</sup> which emerged as a result of field investigations regarding the armed conflict between Cambodia and Vietnam. The ICP considered on 24 May 2012 that further investigation into the alleged new facts were not justified as they would extend the scope of the judicial investigation beyond the Case 003 core facts and would not result in an efficient completion of the ongoing investigations.<sup>8</sup>

*Crimes included in the investigation*

DURIAN PLANTATION AND BET TRANG

6. On 24 April 2012, the IRCIJ, acting under Internal Rule 55(3), indicated that new facts had arisen in the judicial investigation which included a Division 164 execution site referred to as the ‘Durian Plantation’ (located in Ream Village, Ream Commune, Prey Nob District) and Bet Trang forced labour and re-education site (and peripheral sites).<sup>9</sup> On 21 June 2012, the ICP submitted that he considered the OCIJ to be seized of the facts in relation to both sites but that no supplementary submission was necessary, the facts being only partially new and relating to existing facts described in the Second IS.<sup>10</sup> Both civilians and Division 164 soldiers were subjected to forced labour or were executed at those sites, including ‘new people’<sup>11</sup> and Vietnamese.<sup>12</sup>

<sup>5</sup> **D105/1** Response to the Forwarding Order Regarding Security Centres 809, 809 & 810, 1 July 2014.

<sup>6</sup> **D105/1** Response to the Forwarding Order Regarding Security Centres 809, 809 & 810, 1 July 2014, para 3.

<sup>7</sup> **D50** Forwarding Order, 4 May 2012.

<sup>8</sup> **D50/1** Co-Prosecutors’ Response to Forwarding Order of 4 May 2012, 24 May 2012, paras 9-10.

<sup>9</sup> **D47** Forwarding Order, 24 April 2012. Bet Trang site is also referred to by a number of different names, including Chamnaot Ream and Au Prai (O’Brai). Regarding the name of ‘Chamnaot Ream’, which is a source of confusion with Ream village and commune, see **D54/26** OCIJ Statement of Pak Sok, at A26 – A29 [“In 1976, the Khmer Rouge military moved all 17 April people from Smach Daeng Village, Koki Village, and Chamnaot Ream alias Bet Trang to be killed at Chamnaot Ream.”]; **D22/1998/1** Chan Soevun Civil Party Application (DSS Report) at EN 00541435; Regarding ‘Au Prai’ name, **D54/18** OCIJ Statement of Nou Saroeun at A11-A12 [“That cooperative was located in Ream Commune, which is now Bet Trang Commune. Initially it was called Tumnup Au Prai in Pu Thoeung Village, Ream Commune, not Bet Trang Commune...It was renamed Bet Trang in 1979. Earlier, it was named Tumnup Au Prai, Pu Thoeung Village, Ream Commune. The Khmer Rouge settled in Pu Thoeung Village after 1975.”]; **D54/22** Written Record of Investigation Action, 17 July 2013, at EN 00947618;

<sup>10</sup> **D47/1** ICP’s Response to the Forwarding Order of 24 April 2012, 21 June 2012, para 5.

<sup>11</sup> **D54/26** OCIJ Statement of Pak Sok, at A26 [“In 1976, the Khmer Rouge military [personnel of Division 164] moved all 17 April people from Smach Daeng Village, Koki Village, and Chamnaot Ream alias Bet

## KANG KENG

7. The Second IS sets out the importance of Kang Keng in paragraph 86(a), stating that Meas Muth, as Secretary of Division 164, was responsible for defending Cambodia's coast, including the town of Kang Keng.<sup>13</sup> Furthermore, in his 21 June 2012 Response to an OCIJ Forwarding Order,<sup>14</sup> the ICP clarified that one of the alternative grounds justifying that the Bet Trang site had to be deemed part of the investigative scope was the geographical proximity or even identity of sites between Bet Trang and Kang Keng,<sup>15</sup> which implied that the latter was considered by the ICP as being already included in the scope of the Second IS. Referring to paragraph 86(a) of the Second IS, the ICP stated that the reference to the “town” of Kang Keng may properly be read as referring to the airport of the same name.
8. The ICP now clarifies further that the Kang Keng airfield forced labour and reeducation sites, where numerous civilians and Division 164 soldiers worked, include at least the following:
- (a) a brick kiln;<sup>16</sup>
  - (b) “a big production unit” and mobile unit<sup>17</sup> which worked on a variety of rice farming and infrastructure projects in the Kang Keng area<sup>18</sup> such as crop plantations and

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Trang to be killed at Chamnaot Ream.”], A28 [“Those soldiers told me that all the 17 April people had all been killed.”]

<sup>12</sup> **D54/26** OCIJ Statement of Pak Sok, at A11-13 [“Q11: Did you ever hear about a durian plantation in Ream near the coconut plantation? A11: Yes, I knew those locations. Many Vietnamese were killed at those locations. Q: Can you tell us how many Vietnamese were killed there? A12: To my knowledge, hundreds of Vietnamese were killed there. Q: What military unit was stationed at that plantation? A13: A battalion of about 150 military personnel of Regiment 62 were stationed there. The duty of those military members was to wait and receive the Vietnamese who had been captured and take them to be killed at the durian and coconut plantations. The durian, coconut, and orange plantations were near one another.”], A16 [“[The military who worked there] told us that they had killed many Vietnamese there and had buried the bodies under the durian trees as fertilizer.”]

<sup>13</sup> **D1** Introductory Submission, paras 42, 86(a); **D47/1** ICP’s Response to the Forwarding Order of 24 April 2012, 21 June 2012, para 8.

<sup>14</sup> **D47/1** ICP’s Response to the Forwarding Order of 24 April 2012, 21 June 2012, para. 8.

<sup>15</sup> Bet Trang is located on National Road 4, close to Kang Keng airport in Prey Nob District, Sihanouk Ville Province. The two locations appear to be 2 or 3 km apart and within line of sight.

<sup>16</sup> **D54/17** OCIJ Statement of Say Born at A14 [“You have identified the location of a brick kiln near Kang Keng Airport along the way to Ream. What do you know about that place? A14: It was a Division 164 labour site. I went there once in late 1975. (...) The labourers included civilians and soldiers.”].

<sup>17</sup> **D54/43** OCIJ Statement of Lon Seng at A19 [“Puth Te Village, located to the north of National Road No.4, across the road from Kang Keng airport. Division 164 assigned a production unit, a so-called big production unit, to be stationed there”]; **D54/43** Written Record of Lon Seng at A17 [“I saw the officers who used to be in the battalion working in the production unit instead”].

<sup>18</sup> **D2/6** OCIJ Statement of Nhoung Chrong at A24 [“The people working there included ordinary people, the production unit people and the military troops”]; **D54/36** OCIJ Statement of Brak Sokha at EN 00977302 at A22 [“we dug canals and did rice farming”].

dams,<sup>19</sup> some of which were located at Praek Chak,<sup>20</sup> Praboh and Pu Thoeng villages;<sup>21</sup> and

(c) a coconut plantation known as “Cheng Heng” operating in Kang Keng between 1975–1979.<sup>22</sup>

9. These sites were managed by Division 164, personally inspected by Meas Muth,<sup>23</sup> and supervised by forces that reported to him.<sup>24</sup> In addition, a durian plantation located at O Trav south of Kang Keng airfield (most likely the same referred to in paragraphs 6 and 18, in Ream Commune) served as an execution site.<sup>25</sup>

#### TOEK SAP

10. On 9 June 2014, the ICIJ informed the Co-Prosecutors of the existence of a security centre and/or prison at Toek Sap<sup>26</sup> operated by Division 164 in the vicinity of Kang

<sup>19</sup> **D2/6** OCIJ Statement of Nhoung Chrong at A24 [“Regiment 22 initiated the Dam construction project”] and A25 [“It was under Division 164. This dam project started in 1977. This dam was completed about three to four months later in the same year”]; **D54/35** OCIJ Statement of Brak Sokha at EN 00977876 at A17 [“There we were ordered to cultivate rice and raise dams until the end of 1977”]; **D230/2.1/650c** Complaint of Neak Yan at EN 00445712 [“[The complainant] was assigned to do farming near Veal Kang Keng in Smach Daeng Village”]; **D2/16** OCIJ Statement of Toch Soeuli at EN 00629424 at A21 [“I knew some troops were removed and taken to do rice farming near the Kang Keng airfield”]; **D54/20** OCIJ Statement of Sam Soam at A14 [“I farmed rice in a mobile unit”].

<sup>20</sup> **D54/43** OCIJ Statement of Lon Seng at A17 [“Praek Chak [was] located next to Kang Keng airport”]; **D54/35** OCIJ Statement of Brak Sokha at A14 [“In the mobile unit were former soldiers of Division 164 who were considered to be no-good elements. This mobile unit was still under Division 164. The unit was sent to work in an area called Praek Chak Village, about two kilometers east of Ream Port”].

<sup>21</sup> **D54/35** OCIJ Statement of Brak Sokha at A17 [“We were ordered to work in Praboh and Pu Thoeng Villages north of national road 4 and opposite Bet Trang Village. There we were ordered to cultivate rice and raise dams until the end of 1977”].

<sup>22</sup> **D54/41** OCIJ Statement of Or Saran at A19 [“My Battalion was stationed at a coconut plantation (Cheng Heng) and near Kang Keng airport”]; **D54/36** OCIJ Statement of Brak Sokha at A21 [“I’ve only heard of a coconut farm which was called Cheng Heng coconut farm as I worked nearby that farm. The farm was at the end of an air field”]; **D54/33** OCIJ Statement of Ing chhom at A14 [“I knew of the coconut plantation”]; **D54/17** OCIJ Statement of Say Born at A13 [“[The] coconut plantation [was] South West of Kang Keng airport”]. See below, paragraph 18 regarding the use of this coconut plantation as an execution site.

<sup>23</sup> **D54/17** OCIJ Statement of Say Born at A14-A15.

<sup>24</sup> **D54/17** OCIJ Statement of Say Born at A14 [“It was a Division 164 Site”], and at A15 [“The Commander of Division 164, Meas Muth, inspected the work there”]; **D2/6** OCIJ Statement of Nhoung Chrong at A24 [“Regiment 22 initiated the Dam construction project”]; **D54/20** OCIJ Statement of Sam Soam at A14 [“Im was in charge of the work at the Kang Keng worksite and was also the deputy commander for logistics of Division 164”]; **D54/8** OCIJ Statement of Dol Song at A22 [“My Regiment 22 was stationed at Kang Keng Airport”]; **D54/17** OCIJ Statement of Say Born at A13 [“A Battalion of Regiment 22 was stationed across from the Kang Keng Airport”]; see also, **D54/20** OCIJ Statement of Sam Saom at A14; **D59/1.1.1/11a** Statement of Hieng Ret at EN 00974121.

<sup>25</sup> **D54/90**, Kuy Nen OCIJ Statement, 5 May 2014 (Khmer only); **D54/91**, Kuy Nen OCIJ Statement, 8 May 2014 (Khmer only); **D54/127**, OCIJ Written Record of Investigative Action, 12 August 2014, at EN 01029131.

<sup>26</sup> Toek Sap is also referred to with other spellings such as Toek Sab, Tuek Sap, Tuek Sab and Teuk Sap.

Keng airfield to detain, re-educate and eventually execute Division 164 soldiers and some civilians.<sup>27</sup>

11. In response, the ICP submitted that Toek Sap<sup>28</sup>, as a Division 164 security centre<sup>29</sup> (and any associated locations such as interrogation/torture and execution sites)<sup>30</sup>, fell within the scope of the investigation<sup>31</sup> in accordance with: (a) the “frequent and arbitrary arrests and forced labor” and purges within Division 164 (including East Zone soldiers) set out in the Second IS;<sup>32</sup> (b) the arrests and executions of those considered to be connected to the Khmer Republic regime;<sup>33</sup> (c) its relevance to jurisdictional elements, modes of liability (including the existence of a joint criminal enterprise and Meas Muth’s contribution thereto); and (d) organization and scale of Division 164 internal security mechanisms.<sup>34</sup>

#### CLARIFICATION REGARDING PURGES IN KRATIE (SECTOR 505) IN LATE 1978

12. The ICP hereby clarifies that the purge of Division 117 military cadres and Sector 505 civilian cadres in Kratie Province in late 1978, which has been a subject of interviews conducted by OCIJ investigators to date, is included within the scope of crimes to be investigated in Case 003, as part of the allegation in paragraph 43 of the Second IS regarding cadres who were purged and taken to the S-21 Security Centre and in relation

<sup>27</sup> **D102** Forwarding Order, 9 June 2014.

<sup>28</sup> Toek Sap is sometimes referred to in statements by its literal meaning “fresh water site”. See **D54/48** OCIJ Statement of Em Sun, at A53 [“Did you know the fresh water area in Ream? I did. That area was called Tuek Sab where a Tuek Sab Bridge was built. It was located along the National Road 4 east of Ream”]; **D54/24.1** Statement of Pak Sokh (DC-Cam), at EN 00978579-80 [“When they arrested people, they took them to Teuk Sap near Koh Keng [Kang Keng] east of Ream...Starting from Kang Keng, we had to travel eastward on National Road 4 until we arrived at a bridge crossing a river. That was Teuk Sap... They had the facilities on both sides north and south of National Road 4...”]; **D54/35.1** Statement of Brak Sokha (Prak Sokha), at EN 00971212-13 [“They (Khmer Rouge) sent them to Tuek Sap, to a place next to the Tuek Sap Bridge. I saw they were sending the arrested people to Tuek Sap... I and my group of the mobile unit worked on one side of the river, and the reeducation camp of [Tuek Sap] was on the other side. We could see the camp from my side”]; **D54/36** OCIJ Statement of Brak Sokha (Prak Sokha), at A17 [“My mobile unit also worked on the southern side of national road number 4. We worked in the vicinity of Kang Keng air field and near Teuk Sap”]; **D54/27** OCIJ Statement of Pak Sok, at A11 [“I saw two long buildings, each around five metres wide and about 20 metres long. That site was not fenced, but guards were stationed”].

<sup>29</sup> **D54/20** Witten Record of Interview of Sam Som, at A10-A12 [“It was under the command of Division 164 Commander Meas Mut... I knew from my colleagues in my unit. This is true, because all the members in the unit knew this...I heard that whenever anyone was arrested or disappeared, they would be sent to Tuek Sap Prison which was a sector/regional prison under the control of Meas Mut”].

<sup>30</sup> This includes a durian plantation nearby Toek Sap security centre where people were executed. This is a different durian plantation than the one located in Ream village, Ream Commune southwest of Kang Keng airfield.

<sup>31</sup> **D102/1** ICP’s Response to Forwarding Order Regarding Toek Sab Prison, paras 3 & 4.

<sup>32</sup> **D1** Introductory Submission, paras 52-54.

<sup>33</sup> **D47/1** ICP’s Response to the Forwarding Order of 24 April 2012, 21 June 2012, at para 7.

<sup>34</sup> **D1** Introductory Submission, paras 42, 86(c)-(d) and 89.

to the allegation in paragraph 62 that “Meas Mut accompanied Division 164 troops to the Northeast Zone...”.

13. In or around November 1978, Meas Muth went to Kratie province along with a “special force” of soldiers from Division 164.<sup>35</sup> Meas Muth oversaw the arrests of CPK cadres from Division 117 (based in Kratie) and Sector 505, including a group that was witnessed being taken away by airplane to Phnom Penh.<sup>36</sup> Meas Muth was also responsible for assigning cadres from the Southwest Zone to replace the purged Kratie cadres.<sup>37</sup> After the arrests, Meas Muth convened a meeting of the remaining Division 117 and Sector 505 cadres and announced that he had decided to remove their leaders because they were traitors who were “not resolute in fighting the Vietnamese.”<sup>38</sup> As confirmed by S-21 prisoner lists, the Division 117 and Sector 505 cadres who were sent to S-21 in late 1978 included: (1) Division 117 Secretary Khun Rom (who entered S-21’s “Special Prison” on 8 December 1978), (2) Deputy Secretary Roath Leang and (3) Division Office Chief Svay Naunh (both of whom entered on 1 December 1978);<sup>39</sup> (4) Sector 505 Secretary Meas Moeun (8 December 1978) and (5) Deputy Secretary

<sup>35</sup> **D54/62** Moeng Vet OCIJ Statement, at A22, 24, 26-27 [A26 “I only saw [Meas Mut] soldiers stationed in Kou Loab Village, Kratie Province. The regiment of Pheap was a special force of Meas Mut. Q: When did the naval regiment of Pheap arrive in Kratie Province? A27: It was probably at the end of November, 1978.”]; **D54/60.2** Moeng Vet Statement (DC-Cam), at EN 00992990 [“Meas Mut came to Kratie in 1978 after the arrest of Vorn Vet”]; **D54/23** Pak Sok OCIJ Statement, at A8-9; **D4.1.810** Seng Soeun OCIJ Statement, A27-A31; **D54/50** Meas Voeun OCIJ Statement, at A4-7, 9 [describing deployment of Division 164 forces to Kratie and incidents with Division 1 in November or December 1978]; **D1.3.13.3** Heuan Phoap alias Pheap, SOAS Statement, 9 September 2005, at EN 00207786 [“Raen came to the Northeast Zone after Met and Mut, replacing Reuan, who was sent to Phnom Penh. Raen led attacks into Viet Nam...”].

<sup>36</sup> **D54/60.2** Moeng Vet Statement (DC-Cam), at EN 00992993-95 [describing arrest of group of 11 cadres put on plane to Phnom Penh, including his uncle Chhum Chin alias Phoan (Snuol District Secretary), Division 117 Chairman Rom and Regiment Commander Phan]; **D54/62** Moeng Vet OCIJ Statement, at A24, 29-30, 32-33, 38-39 [describing the composition of the group of 11 sent to Phnom Penh for a meeting, the fact that the letter to invite them to Phnom Penh was delivered by Meas Mut’s messengers and that they were ultimately executed at S-21]; **D54/63** Moeng Vet OCIJ Statement, at A2-3; **D4.1.810** Seng Soeun OCIJ Statement, at A35-A36 [witnessed Kratie District Secretary Yeng and Snuol District Secretary Phoan “put in the plane” and taken away to Phnom Penh to be executed, and told by Meas Muth that “those people were purged”].

<sup>37</sup> **D4.1.810** Seng Soeun OCIJ Statement, A27 [“letter stated that Meas Muth was in charge of assigning the above-mentioned people to the new appointments”]; **D54/62** Moeng Vet OCIJ Statement, at A35 [“A35: Those five persons [Sao Phon, Leng Pak, Seng Soeun, San, and Khon] came from Phnom Penh by aeroplane at the same time those 11 people went to Phnom Penh. Those five persons came to replace the 11 persons.”]

<sup>38</sup> **D54/63** Moeng Vet OCIJ Statement, A2 [“Meas Mut was angry and said that we were not resolute in fighting the Vietnamese. Because of these events, Meas Mut had lost his trust in the division leadership and removed those 11 people”]; **D54/60.2** Moeng Vet Statement (DC-Cam), at EN 00992993-94 & 00993000 [meeting where Meas Mut “announced the traitors” and assigned cadres to “fight the Yuon”]; **D54/62** Moeng Vet OCIJ Statement, at A30 [“MEAS Mut told them, “All of your leaders have betrayed you. So the more senior soldiers go fight the Yuon. As for the little ones, transport supplies to Stung Treng.”]

<sup>39</sup> **D1.3.28.137**, S-21 Prisoner List, 15 December 1978, at EN 00758336-37 (Khun Rom at no.18, Roath Leang at no.8, Svay Naunh at no.6); **D1.3.28.138**, S-21 Prisoner List, 15 December 1978, at EN 00789491-92 (Khun Rom at no.20, Roath Leang at no.9, Svay Naunh at no.7).

Chhoem Khon (2 December 1978);<sup>40</sup> (6) Snuol District Secretary Chhum Chin *alias* Phoan and (7) Kratie District Secretary Huon Yeng (12 December 1978);<sup>41</sup> (8) Division 117 Regiment Commanders Kel Sophân *alias* Phân (14 December 1978), (9) Chab Hoeun and (10) By Vy (9 December 1978);<sup>42</sup> and (11) 22 other Sector 505 cadres, including commune and cooperative chiefs, who entered S-21 together on 27 December 1978.<sup>43</sup>

14. The ICP clarifies that in 1978, Meas Muth was assigned to work at the Military General Staff Headquarters in Phnom Penh as he was promoted to General Staff Deputy Secretary, the other members of the General Staff Committee being Son Sen (Secretary) and Sou Met (member).<sup>44</sup> During the period Meas Muth was General Staff Deputy Secretary, dozens of General Staff members were arrested and entered S-21.<sup>45</sup>

#### CLARIFICATION REGARDING THE REAM AREA

15. The Second IS sets out the importance of Ream in paragraphs 82 and 86(a), stating that RAK Division 164 was based in Kampong Som and Ream and that Meas Muth, as Secretary of Division 164, was responsible for defending Cambodia's coast, including

<sup>40</sup> **D1.3.28.137**, S-21 Prisoner List, 15 December 1978, at EN 00758336-37 (Meas Moeun at no.15, Chhoem Khon at no.4); **D1.3.28.138**, S-21 Prisoner List, 15 December 1978, at EN 00789491-92 (Meas Moeun at no.17, Chhoem Khon at no.4)

<sup>41</sup> **D1.3.28.146**, S-21 Interrogation Log, 16 December 1978, at EN 00789507 (at no.10-11).

<sup>42</sup> **D1.3.28.141**, S-21 Interrogation Log, December 1978, at EN 00789707-08 (at no.2-3, 5); **D1.3.28.146**, S-21 Interrogation Log, 16 December 1978, at EN 00789505 (at no. 2-3 & 5).

<sup>43</sup> **D1.3.28.146**, S-21 Interrogation Log, 16 December 1978, at EN 00789508-10.

<sup>44</sup> **D54/62**, Moeung Vet OCIJ Statement, 13 February 2014, at A22 [“Meas Mut was Deputy of the Military General Staff, meaning that he was the deputy of SON Sen. When the Vietnamese struck us along the border, Meas Mut always went to check the situation at the front line.”] and A23 [“Son Sen was the commander of the General Staff (...) Meas Mut was the deputy of Son Sen, in charge of the navy. Sou Met was a member, in charge of the air force.”]; **D59/1.1.8a**, Statement of Prum Sarat (DC-Cam), 19 May 2007, at EN 00974225-27 [Around September 1978 Meas Muth went to Phnom Penh then Seng and Saroeun were acting chiefs of Division 164; Meas Muth also went to Memot where he "replaced Son Sen."; Meas Muth was the deputy commander-in-chief of the general staff, promoted at this position in late 1978.]; **D54/100**, Lay Bun Hak OCIJ Statement (Khmer only)[MEAS Muth was the Division 164 commander until his transfer to the General staff in late 1978]; **D59/1.1.11a**, Statement of Hieng Ret (DC-Cam), 20 April 2007, at EN 00974119-20 [Meas Muth was transferred to Phnom Penh to be General Staff Deputy in charge of the Navy more than a year before the arrival of the Vietnamese but was still in charge of Division 164]; **D54/28.1**, Statement of Liet Lan *alias* Nam Lan (DC Cam), 25 April 2007, at EN 00996685 [Ta Muth was under Son Sen at the General Staff and was often in Phnom Penh].

<sup>45</sup> **D1.3.28.137**, S-21 Prisoner List, 15 December 1978, at EN 00758336 (2 senior cadres who entered S-21 Special Prison on 9 December 1978: Srey Nget *alias* Roeung, Member of the General Staff Committee and Kang Maut, Member of the Logistics Committee, General Staff); **D1.3.28.146**, S-21 Interrogation Log, 16 December 1978, at EN 00789501-03 (20 General Staff members who entered S-21 between 5 and 25 December 1978); **D1.3.28.141**, S-21 Interrogation Log, December 1978, at EN 00789704 (10 General Staff cadres entering S-21 on 5-10 December 1978); **D4.1.157**, S-21 Interrogation Log, July - December 1978, at EN 00185219-21 (29 General Staff members who entered S-21 mostly between July and December 1978);



the town of Ream.<sup>46</sup> Paragraphs 58 to 61 of the Second IS also explain the key role played by the DK Navy in the capture at sea of Vietnamese and Thai fishermen or other foreign nationals and their subsequent fate (forced labour, execution or transfers to S-21).

16. The ICP hereby clarifies that the Ream Port / Naval Base forced labour sites (cooperatives) and execution sites (including the Durian plantation discussed above) that were located in Ream Commune, Prey Nob District, and were operated by Division 164 under the authority of Meas Muth, are included in the scope of crimes to be investigated in Case 003.
17. Ream Naval Base was the most important Division 164 naval dock<sup>47</sup> and as a result was connected to RAK activities in the DK islands and in particular to the arrest, detention or execution of foreigners captured in DK territorial waters. Ream was used as a port for military ships, as a maintenance and repair site, to ferry goods to the islands, to store mines and reload ammunitions.<sup>48</sup> Ream port was placed under the direct authority of Regiment 140 (the Navy).<sup>49</sup> Division 164 vessels captured foreign fishermen / refugees / sailors who would then be sent to Ream base<sup>50</sup> or to Division 164 headquarters.<sup>51</sup> Some

<sup>46</sup> **D1** Introductory Submission, paras 42, 86(a); **D47/1** ICP's Response to the Forwarding Order of 24 April 2012, 21 June 2012, para 8.

<sup>47</sup> **D1.3.13.11** Statement of Sieng (OCP) at EN 00217565 ["The main naval base was at Ream and the administration of the division was located there"]; **D1.3.13.13** Statement of Touch Souley (OCP) at EN 00217572 ["There were four (4) naval docks, Ream, Ocheteal, Koh Rong and Stung Hau. The fleet moved around, not staying in any one place."]; **D54/17** OCIJ Statement of Say Born at A13 ["The location of the Democratic Kampuchea Naval Base in Ream was at the same location as the present Cambodian Naval Base (unable to enter)."]

<sup>48</sup> **D59/1/1.8a** Statement of Prum Sarat (DC-Cam) at EN 0094215 ["The vessels could go there to be repaired...Dany: A maintenance and repair site? Sariit: Yes!... Ream was used to store mines used to destroy the ship's rockets."]; **D2/9** Say Born OCIJ Statement at A57 ["We could not dock at the Ream base, but we could go to refuel there. And in 1978 as the situation changed, there were orders for us to go to reload the ammunitions there; so, at that time we could get in there. That place was the warehouse where the big ammunitions were stored"]; **D1.3.13.13** Statement of Touch Souley (OCP) at EN 00217574 ["They usually loaded ammunition at Ream..."]; **D59/1/1.12** Statement of Nop Hal (DC-Cam) at EN 00968382 ["Ream Port was for us to ferry goods to the island, to ferry construction materials, bricks, food and something else to the unit on the island."]; **D59/1/1.9a** Statement of Lay Bunhak (DC-Cam) at EN 00963728 ["It was used for navigation purpose and as a port for military ships after an operation and for passenger ships."]

<sup>49</sup> **D54/8** OCIJ Statement of Dol Song at A22-23 ["Later, in around early 1976, I left Regiment 22 and moved to Regiment 140 in Ream."...] "Kang Keng Airport was the base of Regiment 22. At that time, my battalion had already been transferred to Regiment 140 in Ream."]

<sup>50</sup> **D1.3.13.13** Statement of Touch Souley (OCP) at EN 00217575 ["Although used as reconnaissance and intelligence gathering vessels, they would sometimes capture Thai fishermen."]; **D54/24.1** Statement of Pak Sok (DC-Cam, corrected version) at EN 00978578 ["We captured the 500, 400 and 800 horse power Thai boats... We took them to the Island...The people were sent to the shore at Ream... After Ream, some of them were sent back to Koh Kong...Yes, they tied them up. If those were Yuons, they [Khmer Rouge] ordered us to kill them."], at 00978577 [discussing the arrest of a 25 year-old American in early 1976, his transfer to Ream and hand-over to Division 164]; **D54/25** OCIJ Statement of Pak Sok, at A13 ["The seizure

captured Thai and foreign fishermen were forced to work in Ream or on some islands<sup>52</sup> while others, especially the Vietnamese, were executed on Division 164 orders.<sup>53</sup> Evidence also suggests that those suspected of being intelligence agents or Vietnamese military were transferred to S-21.<sup>54</sup> Captured Thai and Vietnamese boats were kept at the Ream Port.<sup>55</sup>

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- of the Thai 400-horsepower engine fishing boat was in June 1976. (...) All the Thai fishermen on the boat were sent to Ream.”], A16 [“They were then sent to Ream and were later sent to work on the island of Koh Ta Kiev with the ones captured previously; I encountered them during my work there.”]
- <sup>51</sup> This can be inferred from the practice used at other naval Regiment 140 bases such as Occheutal and Koh Taing: **D54/79** OCIJ Statement of Nop Hal at A3 (EN 00992450) [“In case of seizure capture, both the boat and the people on the boat were sent by Regiment 140 boat to Kampong Som or to an island for a short time before they were sent to Kampong Som.”], A8 [“The forces that came to collect those Vietnamese people [at the pier at Kampong Som – Occheutal] were from the Internal Office of Division 164.”]; **D2/15** OCIJ Statement of Touch Soeuli *alias* Soeu Touch, at A9 [“In paragraph 35, the 1st sentence is written “the witness said he had arrested many Vietnamese people and sent them to the division”. The witness has corrected it as follow “He was not the arrester. The arresters were from other unit, but he did not know what the unit number was. But because he was at the [Occheutal] pier, he saw they arrested and brought people to the pier in order to send them to the upper rank”].
- <sup>52</sup> **D54/24.1** Statement of Pak Sok (DC-Cam, corrected version) at EN 00978574-75 [“when [the Thai fishermen arrested at sea] were sent to Ream, they were not killed, but usually they were given rice to eat and works to do. (...) They used them to build dam. When I arrived in Ream later, I saw them working.”]; **D54/25** OCIJ Statement of Pak Sok, at A13 [“The seizure of the Thai 400-horsepower engine fishing boat was in June 1976. (...) All the Thai fishermen on the boat were sent to Ream. I encountered all of those Thai fishermen on the island of Koh Ta Kiev about six to seven months later.”], A16 [“They were then sent to Ream and were later sent to work on the island of Koh Ta Kiev with the ones captured previously; I encountered them during my work there.”]
- <sup>53</sup> **D54/24.1** Statement of Pak Sok (DC-Cam) (Annex to OCIJ Statement of Pak Sok) at EN 00978578 [“We captured the 500, 400 and 800 horse power Thai boats... We took them to the Island...The people were sent to the shore at Ream... After Ream, some of them were sent back to Koh Kong...Yes, they tied them up. If those were Yuons, they [Khmer Rouge] ordered us to kill them.”]; **D54/23** OCIJ Statement of Pak Sok, at A25 [“the division issued orders on what we should do with the boat or vessel and the people captured. (...) In general when we captured less than 20 people, they ordered us to kill them on the spot. If we arrested more than 20 people, we had to send them to Ou Chheu Teal. To my knowledge, those who were sent to the shore were also killed later. Those who were captured and sent to Kampong Som were killed and buried under durian and coconut trees.”]; **D1.3.13.8** Statement of Pen Sarin (OCP), at EN 00217561-62 [“The witness worked on the naval base for about 1 week in 1976, and during that time he saw two lots of Thai fishermen (15-20 in number each time) taken into one of the barracks buildings on the base. They were tied up when taken into the building. These fishermen had been captured off Tang and Rong Islands. He believed that these fishermen were executed because they had been caught fishing in DK waters.”];
- <sup>54</sup> **D54/23** OCIJ Statement of Pak Sok, at A29 [“If those persons captured were Vietnamese soldiers, we had to send them to the shore; then they would broadcast their confessions via the national radio before they killed them.”]; **D59/1/1.8a** Statement of Prum Sarat (DC-Cam) at EN 0094216 and 0094222 [“They could either go to Ream or Kampong Som...we could hardly know whether they were sent to Ream or Kampong Som because we did not see them all the time. We just saw them and they were taken away.”]; **D1.3.1.13**, S-21 Confession of Vinh Minh Chou, 3 April 1978 [Alleged Vietnamese marine arrested on the night of 13 March 1978 on a Cambodian island. Attached to the confession is a list of 18 Vietnamese prisoners aged between 17 and 58-both military and civilian arrested between January and May 1978. Seven of the Vietnamese prisoners on the list are indicated as having been transferred to S-21 from Kampong Som. His confession was broadcast on Radio Phnom Penh.]
- <sup>55</sup> **D54/11** OCIJ Statement of Meu Ret at A7-A9 [“These boats were kept at Ream. I used to see many kinds of captured boats at Ream...The boats that I saw at Ream were 15 to 37 horsepower boats. More powerful boats were used by the navy...In my estimation, there were 30 to 40 boats.”] and under A31 [investigator’s comments regarding the map D54/11.4 attached]; **D54/11.4** Map attached to D54/11 OCIJ Statement of

18. Similarly to the nearby sites of Bet Trang and Kang Keng, military and civilians were forcibly put to work in Ream Commune labour sites operated by Division 164.<sup>56</sup> Due to the geographical proximity of those three sites, it is likely that witnesses sometimes confuse one site with another.<sup>57</sup> Around April 1975, many people were forcibly transferred mainly from Kampot city to villages such as Ream, Smach Daeng or Prek Chak in Ream Commune.<sup>58</sup> Division 164 alleged “no-good elements” were also sent to work in those villages.<sup>59</sup> All were then subjected to collectivization measures and harsh forced labour<sup>60</sup> in Ream mobile units or cooperatives where thousands of people including women, children, the elderly and the disabled worked regardless of their health or fitness.<sup>61</sup> The types of forced labour at these sites included farming paddy fields, growing vegetables, carrying dirt and building dams.<sup>62</sup> Many were executed.<sup>63</sup>

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Meu Ret [indicates the location where captured fishing boats were kept]; **D54/23** OCIJ Statement of Pak Sok, at A39; **D8** OCIJ Statement of Sam Bun Leng, at A1 [“I didn't see by my own eyes the arrests of the Vietnamese and Thai. I just saw the boats being kept at Ream port.”]

<sup>56</sup> **D1.3.13.11** Statement of Sieng (OCP) at EN 00217565 [“There were co-operatives at Ream which housed the wives and children of members of Division 164 along with army staff and ordinary people. There were thousands of people in the co-operatives”]; **D2/6** OCIJ Statement of Nhoung Chrong at A24, A28 [“The people working there included ordinary people, the production unit people, and the military troops... Those soldiers were from all different units under the Regiment 22. When they had any problems or bad trends, they were removed from the Regiment and put in the production unit”]; **D1.3.13.8** Statement of Pen Sarin (OCP) at EN 00217561 [“They did farming at Smach Deng under the supervision of Ta Nget, who was a regiment commander.”]; **D2/10** OCIJ Statement of Say Born at A6 [“...his company, company 22, used to station in Smach Deng.”]; **D1.3.13.11** Statement of Sieng (OCP) at EN 00217565 [“...the cooperative chiefs reported to the chief at the closest military unit, i.e. Ream ...”].

<sup>57</sup> For example, working in paddy fields south of Kang Keng airfield can be described as a Kang Keng or a Ream forced labour site. In addition, as mentioned above in footnote 10, Bet Trang was at the time called Chamnoat Ream.

<sup>58</sup> **D11/373/1** Civil Party Application (VSS Report) of Ung ChanThea at EN 00991658 [Explaining how many people and the applicant's entire family were forcibly transferred around 17 April 1975 from Kampot Provincial town to Ream Village, Ream Commune, Prey Nop District]; **D11/385/1** Civil Party Application (VSS Report) of Prum Samon at EN 00991815; **D11/387/1** Civil Party Application (VSS Report) of Sam Vuthy at EN 0091850 [“In 1975, applicant's family members were forcibly transferred to Smach Daeng Village, Ream Commune, Prey Nob District, Sihanouk Ville Province.”].

<sup>59</sup> For example, **D54/35** OCIJ Statement of Brak Sokha, at A14 [“In the mobile unit were former soldiers of Division 164 who were considered to be no-good elements. This mobile unit was still under Division 164. The unit was sent to work in an area called Preaek Chak Village, about two kilometers east of Ream Port.”]

<sup>60</sup> **D11/373/1** Civil Party Application (VSS Report) of Ung ChanThea at EN 00991658 [“At that that time, all people's property was confiscated to be used for public purpose... people were required to eat collectively”]; **D11/385/1** Civil Party Application (VSS Report) of Prum Samon at EN 00991815 [“...all her belonging were confiscated for collective use... Khmer Rouge ordered people to eat and work collectively.”]; **D11/387/1** Civil Party Application (VSS Report) of Sam Vuthy at EN 0091850 [“The food ratio was 2 cans of rice per day for a whole family. Comrade Lonn forced all men to carry dirt and build dam at day and night times. At night time, applicant was forced to work until 10”]; **D1.3.13.8** Statement of Pen Sarin (OCP) at EN 00217561 [“At Ream there was a 600 person workforce, which was provided only with lunch and dinner. This consisted of 2 ladles of rice porridge - equal to about a bowl of rice per day. To survive, some people foraged animals and trees to eat. People had to follow the rules of Angkar - rules for work, sleeping, eating - all based on Angkar's rules.”].

<sup>61</sup> **D11/373/1** Civil Party Application (VSS Report) of Ung ChanThea at EN 00991658 [“People (young, old, and disabled persons) were forced to work, regardless disabled or old people or children.”]; **D1.3.13.8** Statement of Pen Sarin (OCP) at EN 00217561 [“At Ream there was a 600 person workforce... There were

19. The ICP clarifies that the Durian plantation discussed above in paragraph 6 (in relation to Bet Trang) and paragraph 8 (Kang Keng) was located in Ream Commune and served also as an execution site for the Ream forced labourers under the authority of Division 164 (*e.g.*, people who committed mistakes, alleged traitors, disabled or poor performers)<sup>64</sup> and for people arrested by Division 164 at sea.<sup>65</sup> Other executions were

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two co-operatives at Ream, for the wives and children of the soldiers and workers...”; **D1.3.13.11** Statement of Sieng (OCP) at EN 00217565 [“There were co-operatives at Ream which housed the wives and children of members of Division 164 along with army staff and ordinary people. There were thousands of people in the co-operatives”]; **D2/6** OCIJ Statement of Nhoung Chrong at A24, A28 [“The people working there included ordinary people, the production unit people, and the military troops... Those soldiers were from all different units under the Regiment 22. When they had any problems or bad trends, they were removed from the Regiment and put in the production unit”].

<sup>62</sup> **D11/385/1** Civil Party Application (VSS Report) of Prum Samon at EN 00991815 [“Old men were assigned to make rope, while old women were assigned to look after babies. Other people were ordered to farm paddy fields, to carry dirt and to build dam. In contrast, children from 10 years old were appointed to children’s unit, regardless, they were sick or [disabled.]”]; **D11/387/1** Civil Party Application (VSS Report) of Sam Vuthy at EN 0091850 [“Comrade Pen, Chief of Village, assigned applicant’s parents to farm paddy fields and grow vegetable.”]; **D1.3.13.8** Statement of Pen Sarin (OCP) at EN 00217561 [“They did farming at Smach Deng under the supervision of Ta Nget, who was a regiment commander.”]; **D2/7** OCIJ Statement of Pen Sarin at A3 [“...they decided not to send me to work at the rear line, but they kept me to work in the military. As for some other people they were sent to work sites in Smach Deng and Vel Rinh.”]; **D2/10** OCIJ Statement of Say Born at A46 [“...his company, company 22, used to station in Smach Deng.”]; **D11/387/1** Civil Party Application (VSS Report) of Sam Vuthy at EN 0091850 [“In 1976, Comrade Lon and Comrade Keoun assigned applicant to build Pott Threoung Dam at Smach Daeng Village, Ream Commune”]; **D2/6** OCIJ Statement of Nhoung Chrong at A27 [“The [Smach Daeng] dam project started in 1977. The dam was completed about three to four months later in the same year”].

<sup>63</sup> See, for example, **D11/378/1** Civil Party Application (VSS Report) of Din Kan at EN 00991593 [“He was told ... that his parents, his younger brother (...) and his younger sister (...) were killed during the regime by (...) at Ream Village, Prey Nop District...”]; **D11/367/1** Civil Party Application (VSS Report) of San Saret at EN 00991577 [“In 1978, ... applicant’s father and six siblings were taken to be killed at Ream Village, Ream Commune, Prey Nop District...”]; and **D11/373/1** Civil Party Application (VSS Report) of Ung ChanThea at EN 00991658-9 [“Those who performed their task poorly and disabled persons were executed based on their proverb” *To keep you is no gain; To lose you is no loss*”. Sometimes, the Khmer Rouge executed people for being a traitor”].

<sup>64</sup> **D2/6** OCIJ Statement of Nhoung Chrong at A40 [“...I heard from other people that after they arrested people who had made mistakes, they sent them to that place where they used them as fertilizer for the Durian trees.”]; **D11/373/1** Civil Party Application (VSS Report) of Ung ChanThea, at EN 00991658 [“Those who performed their task poorly and disabled person were executed based on their proverb” *To keep you is no gain; To lose you is no loss*”. Sometimes, the Khmer Rouge executed people for being a traitor”]; EN 00991659 [“The applicant mentioned that children and elder people were tied their hand behind their back to be executed in Durian Plantation located in Ream Village (...). In addition, his older brother, sister, aunt and uncle were also taken to be executed in Durian Plantation.”]; **D11/370/1** Civil Party Application (VSS Report) of Phan Rin at EN 00991609-10 [“Those who performed their task poorly were disappeared. The applicant saw people being taken to be executed at Durian Plantation...”]; **D11/385/1** Civil Party Application (VSS Report) of Prum Samon at EN 00991816 [“She saw many people, including her relatives who were tied and brought to Durian Plantation at Ream Village.”]; **D2/17** OCIJ Statement of In Saroeun at A7, A11, A13 [“I heard they were taken to be killed in the Durian plantation...I saw it in 1976. At that time they began to kill people including the Khmers. One of my younger brothers was also killed.”]; **D11/374/1** Civil Party Application (VSS Report) of Neak Sitha at EN 00991675 [“During the regime, the applicant lost the following relatives who were taken to be executed by the Khmer Rouge cadres at Durian Plantation located in Ream Village, Ream Commune...”].

<sup>65</sup> **D54/18** OCIJ Statement of Nou Saroeun at A33-A34, A41, and A43-A44 [“I saw the Khmer Rouge military sending captured fishermen to the durian orchard. The fishermen were handed over to another Khmer Rouge unit for execution there...ordinarily no one could have survived after being sent there”]; **D2/17** OCIJ Statement of In Saroeun at A10-A11, A15-A24, A27-A28, A43 [“I saw Pol Pot soldiers took the Thai

carried out by Division 164 military in adjacent plantations known as the coconut plantation (or Cheng Heng Coconut Plantation) located at Ream Beach and the orange plantation.<sup>66</sup> Such executions appear to have been carried out by Regiment 62.<sup>67</sup>

## ADDITIONAL CRIMES

### *Division 164 - Forced Marriage*

20. As part of the policy of creating revolutionary families and rapidly increasing the DK population throughout the country,<sup>68</sup> evidence obtained since the filing of the Second IS

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people to kill there... I saw Pol Pot soldiers tied them up and walked them through the water toward the shore. I heard that they were taken to be killed in the Durian plantation... Two to three days later, my father told me that they had arrested people to kill in the Durian plantation.”]; **D2/6** OCIJ Statement of Nhoung Chrong at A42-A44 [“Q: As for the Thais and Vietnamese fish men, after they had arrested them did they take them to be killed at that place also? A42: Yes, they took them to that place also...the groups of regiment 62 were those who took people from Ream to kill in the Durian plantation...”]; **D54/26** OCIJ Statement of Pak Sok at A12-A13 [“To my knowledge, hundreds of Vietnamese were killed there...the duty of those military members was to wait and receive the Vietnamese who had been captured and take them to be killed at the durian and coconut plantations”]; **D2/16** OCIJ Statement of Touch Soleuli at A32-A33 [“we just heard about it through the word of mouth. I heard that the Thais and the Vietnamese, who had been arrested, were taken to kill in a place called the durian plantation...”].

<sup>66</sup> **D54/26** OCIJ Statement of Pak Sok at A13 [“...The durian, coconut and orange plantations were near one another”]; **D54/26.1** Pak Sok annotated Administrative Map of Sihanoukville 2008-2010 [Where Pak Sok indicates the locations of the Durian, Orange and Coconut Plantations that were situated South of Bet Trang, Southwest of Kang Keng and West of Ream Pier close to each other in a plain and on a slope]; **D2/17** OCIJ Statement of In Saroeun at A9 [“the coconut plantation at that time was not far from the Durian plantation.”]; **D54/17** OCIJ Statement of Say Born at EN 00977272 [“The Division 164 Hospital in Ream was on the beach of the Cheng Heng Coconut Plantation southwest of Kang Keng Airport.”]; **D54/8** OCIJ Statement of Dol Song at A24 [“I knew of a coconut plantation located next to Ream Beach because there was a hospital there.”].

<sup>67</sup> **D2/6** OCIJ Statement of Nhoung Chrong at A43- A44 [“...So, the groups of the Regiment 62 were those who took people from Ream to kill in the Durian plantation.”]; **D54/26** OCIJ Statement of Pak Sok at A12 [“...hundreds of Vietnamese were killed there.”], A13 [“...A battalion of about 150 military personnel of Regiment 62 were stationed there. The duty of those military members was to wait and receive the Vietnamese who had been captured and take them to be killed at the durian and coconut plantations...”].

<sup>68</sup> **CF2 D115/2.2 (E3/1337)**, Note from DK Ministry of Foreign Affairs to the UN Secretary-General, United Nations ECOSOC, 22 April 1978, at KHM 00701216, EN 00235727, FRE 00235736 [“Three years after the complete and final liberation of Kampuchea, the policies designed to increase the population have begun to produce their first successful results ». ]; **D4.1.874**, Revolutionary Youth, November 1975, 2<sup>nd</sup> Article entitled “To eliminate the individual and private possession decisively and strengthen and expand the collective possession forcefully” at KHM 00063614-15, EN 00522460, FRE 00525856-57 [“In our revolution rank, our revolutionary male-female combatants and cadres sacrificed private possessions such as housing, paddy-farm, garden, family, parents, relatives, children and other properties in order to serve the Party, revolution, and the people.”]; **CF2 D267/3.36 (E3/775)**, CPK Publication entitled “Revolutionary and Non-Revolutionary World Views Regarding the Matter of Family Building”, *an accurate re-print of the Youth issue dated 2 February 1974 by the East Zone Political-Military Ministry on 2 June 1975*, at KHM 00407100, EN 00417942-43, FRE 00593929 [“So, building our revolutionary families is not just for our personal interests or happiness or to have children and grandchildren to continue the family line. Importantly, it is so that the revolution may achieve its highest mission, to liberate the nation...”], at KHM 00407100-01, EN 00417943, FRE 00593930 [“1. (...)When marrying, it is imperative to honestly make proposals to the Organization, to the collective, to have them help sort things out. 2. Organizational discipline must be absolutely respected. In the matter of building a family, no matter the outcome of the Organization's and the collective's assessments and decisions, they must be absolutely respected.”]; **CF2 D252.13 (E3/1113)**, Telegram 61 from Kân to respected and beloved Brother, received on 15 March 1978,

indicates that Division 164 officials conducted forced marriages in the Kampong Som area placed under the control or authority of Meas Mut.

21. Forced marriage under the authority of Division 164 military leaders was typically directed at single women and men aged 20 years and over.<sup>69</sup> Some victims were widows with children.<sup>70</sup> Sometimes, the women to be married were specifically requested by Division 164 and sent from other zones or sectors to Kampong Som: in 1977-1978, Division 164 leadership ordered Tram Kak communes' leaders to "request" local women to be married in Kampong Som. The commune leaders and the women selected in each commune did not know that they were to be forcibly married to handicapped soldiers.<sup>71</sup>
22. Meas Muth arranged group marriage events for cadres and combatants.<sup>72</sup> Even the Division 164 high ranking cadres were forcibly married, sometimes at the initiative of Meas Muth: for example, he organized a marriage ceremony at his home for his female relative and a Battalion 142 deputy chief (Regiment 140, Division 164) named Liet Lan

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at KHM 00020965-66, EN 00434864, FRE 00623009 [*Answers by Kân: (...) The mobile unit members are allowed to get married if a proposal for marriage is made. The mobile unit commanding committee of the cooperative decides to arrange the marriage.*"]; **D54/74.1.20**, Philip SHORT's book entitled "Pol Pot: The History of a Nightmare", at EN 00396533-34, FRE 00639883 [*"The family continued to exist but (...) its primary purpose became 'to beget children for the service of the Party'. Ties between individual family members were diluted within the larger community...'Free choice of spouse' was explicitly condemned."*]; **D4.1.1056** OCIJ Statement of Chuon Thi, at A4 [*"(Pol Pot, at a conference) added that 'within 10 to 20 years we must increase number of population up to between 20 and 30 million in order to have enough forces to protect our country.'* In this sense, Pol Pot stated that he required arrangement for marriage to increase number of population by instructing lower echelons to arrange the wedding for people."]

<sup>69</sup> **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [*"Women were around 20 to 21 or 22 years old as I saw them. Men were between 20 to 30 years old."*]; **CF2 D232/71** OCIJ Statement of Seng Ol, at A27 [*"I selected women of mature character who were 20 years old or older"*]

<sup>70</sup> **D2/7** OCIJ Statement of Pen Sarin, at EN 00607254 [(In Kampong Som) *"The witness was married twice... His second wife...they got married in June 1977 (they forced [us] to marry). 'I had 04 children with my former wife... When they forced me to marry my second wife in the Khmer Rouge regime, she had had already 07 children...So, I and my second wife had a total of 10"*].

<sup>71</sup> **CF2 D232/71** OCIJ Statement of Seng Ol, at A20, A22, A27 [A20 *"In 1977 or 1978, the army came to request women from my unit to be married in Kampong Saom. Proposal letters were sent from the army to my commune, and the Commune Com told me to select women to go to Kampong Saom, saying that the army had requested them. At that time, neither I nor the women selected to go knew that they were being taken away to marry handicapped soldiers. According to my understanding, those soldiers were not severely handicapped; they were only slightly handicapped. I selected about three to five women from my unit. The selections were not made only in my unit; various other communes did the same thing."*; A22: *"I don't know if those women volunteered or not; but not one of those women refused"*]

<sup>72</sup> **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [*"There were several couples. It was held in Kampong Som. 30 people. We were called to gather up for the marriage. It was mixed [cadres and combatants]...Ta Mut [instructed the marriage to take place]. He was busy going somewhere so he did not attend it"*].

*alias* Nam Lan who had been called for a meeting with Meas Muth and did not know he was to be coerced to marry.<sup>73</sup>

23. As it was frequent that both male and female victims were forced to marry complete strangers or people they did not love, they greatly suffered physically and mentally as a result<sup>74</sup> and likely suffered sexual or gender-based violence within the marriage. Because they did not know each other before, victims sometimes mistook the identity of their assigned spouse.<sup>75</sup>
24. Division 164 subjected victims to forced marriages in individual<sup>76</sup> and group ceremonies. Group forced marriages ranged from two couples to twenty couples in mass ceremonies.<sup>77</sup> At the ceremony, victims were required to accept their paired mate forever and declare their ‘resolution’ or commitment.<sup>78</sup> While some couples requested permission to marry, other couples or individuals expressed acceptance against their will, but were unable to articulate their objection due to fear of reprisals.<sup>79</sup> After their

<sup>73</sup> **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A3 (EN 00976573) [“About a month or two [later], a radio operator contacted me telling me MEAS Mut wanted to see me at his home. When I arrived at the port, a motorbike was already there waiting for me. When I arrived at his home near Kampong Som Market, I saw that [some] high ranking cadres had already gathered there. Initially, I had no idea what was going on there. Soon, *Ta* Nhan called a bride to come out, and then he declared a wedding ceremony... I think *Ta* Mut was the initiator of my marriage. I did not know exactly the reason behind it, but I thought he wanted me to be one of his relatives because my wife was a blood relation of his.” The witness divorced after the DK regime.]

<sup>74</sup> **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [“Some people, however, were arranged. Some did not like each other so problems ensued later on. And there were some couples who fell apart”].

<sup>75</sup> **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A7 [“Yes, there were cases of such marriages [in Division 164], but I do not remember the names of the affected people. I heard that, in some cases, two to five couples were arranged to be married at the same time. I also heard that some new couples even mistook their respective partners”].

<sup>76</sup> See **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A3.

<sup>77</sup> **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [“There were several couples. It was held in Kampong Som. 30 people”]; **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A7 [“Yes, there were cases of such marriages [in Division 164], but I do not remember the names of the affected people. I heard that, in some cases, two to five couples were arranged to be married at the same time”]; **D11/387/1** Civil Party Application (VSS Report) of Sam Vuthy, 30 April 2014, at EN 00991850 [“When he arrived in Smach Daeng Village, Comrade Lonn and the Chief of Commune forced him to marry Comrade Pheap together with other 20 couples, but the wedding ceremony was canceled because Comrade Pheap was sick...”].

<sup>78</sup> **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [“We were instructed to strengthen our relation and not to fall apart. We were educated. We made our resolution”].

<sup>79</sup> **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A3 (EN 00976573) [“...he asked the groom and the bride to make their declarations. Fifth, he asked for confirmation, if we agreed to be husband and wife or not. Later on, the bride said that she agreed to marry. I said nothing because I was not happy with the event as I had not known anything about it. ... Then the bride's parents and the high ranking cadres declared we were husband and wife”]; A6 [“I had no choice at all. I had to accept the arranged marriage. Otherwise, I would have been removed from my work and sent somewhere else”], A5 [“I was surprised because of the preparation. Since then, I lost my confidence in the regime's work methods.”]; **D59/1/1.7a** Statement of Ma Chhoeun and Suon Vat (DC-Cam), at EN 00969949-50 [“Some people, however, were arranged. Some did not like each other so problems ensued later on. And there were some couples who fell apart”].

commitment was made before Angkar, couples were ordered to stay together for several days, presumably to consummate the marriage.<sup>80</sup> At the same time that these forced marriages were taking place, in Kampong Som and Division 164 the fear of being accused of a moral offence precluded people from communicating with individuals they would have liked to marry.<sup>81</sup>

### LEGAL CLASSIFICATION

25. The Co-Prosecutors have reason to believe that the facts described above (paragraphs 6 to 24) constitute crimes within the jurisdiction of the court, including but not limited to:
- a. Imprisonment, Enslavement, Inhumane Acts, Torture, Extermination, Persecutions on political and racial grounds and Other Inhumane Acts constituting **CRIMES AGAINST HUMANITY** punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law; and
  - b. Crimes of Unlawful Confinement of Civilians, Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial, Inhumane Treatment, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Torture and Wilful Killing. These acts constitute **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949**, punishable under Article 6, 29 (new) and 39 (new) of the ECCC Law.
26. The Co-Prosecutors have reason to believe that **MEAS Muth** and other senior leaders / most responsible persons of the Democratic Kampuchea regime committed, planned, instigated, ordered or aided and abetted the specific criminal acts described in this Supplementary Submission and the Second IS, which constitute offences under the ECCC Law. These acts were part of a common criminal plan or joint criminal enterprise.<sup>82</sup>

<sup>80</sup> **D54/29** OCIJ Statement of Liet Lan *alias* Nam Lan, at A3 (EN 00976573) [“Later on, *Ta Nhan* told me to stay in a house they had already prepared for the both of us. After about a week staying with my wife, I returned to the ship to train soldiers. My wife went back to work at her production unit... I was married in 1978”].


<sup>81</sup> **D54/43** OCIJ Statement of Lon Seng [Battalion 420 Chief, Division 164], at A17 [“We did not even dare talk with a woman we wanted to marry to because we did not want to be accused of committing a moral offence”].

<sup>82</sup> A revision of the Common Criminal Plan described in paragraphs 33 – 41 of the Second IS is in preparation. The initial starting date of the plan, the plan’s members and goals will be modified to reflect the current status of the evidence gathered.



27. The documents cited in this Submission that come from Case File 002, and which are requested to be placed onto Case File 003, are listed in Annex 1 hereto. OCIJ has been provided access by the Trial Chamber to confidential documents in Case 002 and granted authority to place such documents onto this Case File.<sup>83</sup>
28. This Submission is signed by only the International Co-Prosecutor and is therefore submitted subject to Internal Rule 71(3). A record of this disagreement has been placed in the register kept by the Greffier of the Co-Prosecutors, pursuant to Rule 71(1).

Respectfully submitted,

Date	Name	Place	Signature
31 October 2014	Nicholas KOUMJIAN International Co-Prosecutor	Prison-Fish	

<sup>83</sup> D53/1 Trial Chamber Memorandum, 22 November 2012.