

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

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**CO-PROSECUTORS' SUPPLEMENTARY SUBMISSION REGARDING FORCED
MARRIAGE AND SEXUAL OR GENDER-BASED VIOLENCE**

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INTRODUCTION

1. Pursuant to Internal Rules 53 and 55, the International Co-Prosecutor submits this Supplementary Submission, which is intended to supplement and clarify the factual matters to be investigated by the Co-Investigating Judges (“CIJs” or “OCIJ”) in Case 004. This Supplementary Submission presents evidence of forced marriage and sexual or gender-based violence in districts under the control or authority of the Case 004 Suspects, based on evidence obtained since the filing of the Third Introductory Submission (“3rd IS”), including witness interviews, civil party applications and complaints from Cases 002 and 004. The crimes described below in paragraphs 2 through 12 fall within the jurisdiction of the ECCC, and it is requested that these crimes be investigated as part of Case No. 004/07-09-2009-ECCC/OCIJ.

CRIMES

Kampong Siem District (Sector 41)

2. Numerous sources complain of forced marriage in Kampong Siem District (part of Sector 41 of the Central Zone) during the time period that **AOM An** was the Secretary of Sector 41 (early 1977 to January 1979).¹ Those marriages involved as many as 60

¹ **D3/19** VORNG Sokun OCIJ Statement, A8; KEO Theary Civil Party Application (CF2), E3/4963 at ENG 00864750 (CF4 **D5/217** at ENG 00864750), and Supplementary Information, D22/2564a (CF4 **D5/217.2** at ENG 00842816) [*also has applied to be Civil Party in CF4 – see D5/217/3*]; SOU Ron Supplementary Information (CF2), D22/3342b (CF4 **D191.1.88** at ENG 00596542) [*also has applied to be Civil Party in CF4 – see D5/173/3*]; NHIP Try Civil Party Application (CF2), D22/3344/1 (CF4 **D191.1.61** at ENG 00564586-87), and Supplementary Information, D22/3344b (CF4 **D191.1.62** at ENG 00596543) [*also has applied to be Civil Party in CF4 – see D5/172/3*]; KHY Srean Civil Party Application (CF2), D22/2039/1 (CF4 **D191.1.38** at ENG 00544177-78); VA Lim Hun Civil Party Application (CF2), D22/2548/1 (CF4 **D191.1.101** at ENG 00552373-74), and Supplementary Information, D22/2548b (CF4 **D191.1.102** at ENG 00596477-78) [*also has applied to be Civil Party in CF4 – see D5/13/3*]; PIN Dân Civil Party Application (CF2), E3/4961 at ENG 00864764 (CF4 **D5/230** at ENG 00864764), and Supplementary Information, E3/4962 (CF4 **D5/230.1** at ENG 00842817-18); KHY Hean Civil Party Application (CF2), D22/2550/1 (CF4 **D191.1.35** at ENG 00552405-06), and Supplementary Information, D22/2550b (CF4 **D191.1.37** at ENG 00596481); PEANH Srun Civil Party Application (CF2), D22/2553/1 (CF4 **D191.1.66** at ENG 00552447-48), and Supplementary Information, D22/2553b (CF4 **D191.1.67** at ENG 00596482) [*also has applied to be Civil Party in CF4 – see D5/208/3*]; OU Yân Supplementary Information (CF2), D22/3373b (CF4 **D191.1.65** at ENG 00596553); TOUCH Moeun Civil Party Application (CF2), D22/2547/1 (CF4 **D191.1.97** at ENG 00552359-60) [*also has applied to be Civil Party in CF4 – see D5/227/3*]; CHIM Chork Civil Party Application (CF2), D22/3734/1 (CF4 **D191.1.10** at ENG 00569362-63); HUOT Kinnai Supplementary Information (CF2), D22/882a (CF4 **D191.1.12** at ENG 00854027-29); MECH Mân Civil Party Application (CF2), D22/3336/1 (CF4 **D191.1.42** at ENG 00564494-95); KOEUT Chhay Supplementary Information (CF2), D22/1273b (CF4 **D191.1.40** at ENG 00596394-95); PHUN Bann Supplementary Information (CF2), D22/1264b (CF4 **D191.1.76** at ENG 00596388-89); IN Sraing Civil Party Application (CF2), D22/2491/1 (CF4 **D191.1.22** at ENG 00550791-92); PHON Oeurn Civil Party Application (CF2), D22/3346/1 (CF4 **D191.1.74** at ENG 00580276-77) [20 other couples forced to marry]; NANG Chhen Supplementary Information (CF2), D22/3367b (CF4 **D191.1.59** at ENG 00596547) [witnessed “mass-forced marriage of about 20 to 30 couples” in Krala commune]; LONG Rân Civil Party Application (CF2), D22/3398/1 (CF4 **D191.1.51** at ENG 00580330-31) [witnessed “many couples” forced to marry from 1977-78 in Krala commune]; SUM Pet Complaint (CF2), D230/2/4.2.282a at ENG

couples forced to marry at the same time,² and were organized and conducted by unit chiefs and other local CPK cadres (who would have reported through a hierarchical chain-of-command to District Secretary PRAK Yut and Sector Secretary **AOM An**).³ Victims subjected to forced marriages were subsequently monitored by spies or militia to ensure that their marriage was consummated, in inherently coercive circumstances established and maintained by CPK cadre.⁴ One source from this district also states that female prisoners were raped before being killed.⁵

Prey Chhor District (Sector 41)

3. Numerous persons in Prey Chhor District (part of Sector 41 of the Central Zone) were also subjected to forced marriages during the time period that **AOM An** was the Secretary of Sector 41.⁶ The marriages involved as many as 50 couples forced to marry

00978645 (CF4 **D5/584** at ENG 00978645); SAN Neang Complaint (CF2), D230/2/4.2.285b (CF4 **D191.1.107** at ENG 00629101) [*applied to be Civil Party in CF4 – see D5/324/2*]; NAT Hoeun CF3 OCIJ Interview, D43 at ENG 00797024 (CF4 **D191.1.112** at ENG 00797024). With respect to the following Civil Party applicants, their forced marriage took place in either Kampong Siem or Prey Chhor district: MOM Sroeurng Civil Party Application (CF2), D22/3345/1 (CF4 **D191.1.56** at ENG 00564601-02), and Supplementary Information, D22/3345b (CF4 **D191.1.57** at ENG 00596544) [*also has applied to be Civil Party in CF4 – see D5/33/3*]; PHAN Yin Civil Party Application (CF2), D22/3725/1 (CF4 **D191.1.70** at ENG 00569296-97).

² KHY Srean Civil Party Application (CF2), D22/2039/1 (CF4 **D191.1.38** at ENG 00544177-78) [60 couples]; KEO Theary Supplementary Information (CF2), D22/2564a (CF4 **D5/217.2** at ENG 00842816) [57 couples]; CHIM Chork Supplementary Information (CF2), D22/3734c (CF4 **D191.1.12** at ENG 00596582) [57 couples]; IN Sraing Civil Party Application (CF2), D22/2491/1 (CF4 **D191.1.22** at ENG 00550791-92) [50 couples]; OU Yân Supplementary Information (CF2), D22/3373b (CF4 **D191.1.65** at ENG 00596553) [forcibly married with 48 other couples at Angkuonh Dei dining hall, Krala commune]; NAT Hoeun CF3 OCIJ Interview, D43 at ENG 00797024 (CF4 **D191.1.112** at ENG 00797024) [forced marriages of groups of 50 to 60 couples began in 1976 or 1977 in Kampong Siem District].

³ KEO Theary Civil Party Application (CF2), E3/4963 at ENG 00864750 (CF4 **D5/217** at ENG 00864750), and Supplementary Information, D22/2564a (CF4 **D5/217.2** at ENG 00842816); SOU Ron Supplementary Information (CF2), D22/3342b (CF4 **D191.1.88** at ENG 00596542); HUOT Kimnai Supplementary Information (CF2), D22/882a (CF4 **D191.1.16** at ENG 00854027-29); SAN Neang Complaint (CF2), D230/2/4.2.285b (CF4 **D191.1.107** at ENG 00629101); IN Sraing Civil Party Application (CF2), D22/2491/1 (CF4 **D191.1.22** at ENG 00550791-92) [50 couples forced to marry by commune chief].

⁴ KEO Theary Supplementary Information (CF2), D22/2564a at ENG 00842816 (CF4 **D5/217.2** at ENG 00842816), D22/2564b at ENG 00596487 (CF4 **D287/4.3.1** at ENG 00596487); SOU Ron Supplementary Information (CF2), D22/3342b (CF4 **D191.1.88** at ENG 00596542) [“After the marriage, at night time, the militia would listen secretly. If the couples didn’t stay together, they would be killed”]; NHIP Try Supplementary Information (CF2), D22/3344b (CF4 **D191.1.62** at ENG 00596543) [“At night time, militia carrying guns listened secretly to each couple. If the militia found out that the couple didn’t stay with each other, the couple would be killed”]; MOM Sroeurng Supplementary Information (CF2), D22/3345b (CF4 **D191.1.57** at ENG 00596544); PIN Dân Civil Party Application (CF2), E3/4961 at ENG 00864764 (CF4 **D5/230** at ENG 00864764) [“couples slept with each other” and were “secretly observed”].

⁵ PIN Dân Civil Party Application (CF2), E3/4961 at ENG 00864764 (CF4 **D5/230** at ENG 00864764), and Supplementary Information, E3/4962 at ENG 00842818 (CF4 **D5/230.1** at ENG 00842818) [identifying New Person named “Comrade Lim” who was raped].

⁶ PREAP Sokhoeurn Civil Party Application (CF2), D22/1983/1 (CF4 **D191.1.79** at ENG 00541266-00541267), and Supplementary Information, D22/1983a at ENG 00850589-90 (CF4 **D191.1.80** at ENG 00850588-90) [forced by unit chief to marry disabled man in October 1977 in group marriage of 12 couples]; KHOV Net Civil Party Application (CF2), D22/3899/1 (CF4 **D191.1.33** at ENG 00571807-

at the same time,⁷ and were organized and conducted by unit chiefs and other local CPK cadres (who would have reported through a hierarchical chain-of-command to the Sector Secretary).⁸ **AOM An** was the Secretary of Sector 41 from February 1977 through January 1979,⁹ and his office was located in Prey Totueng village, Prey Chhor district.¹⁰

Sangkae District (Sector 1)

4. Numerous sources complain of forced marriages conducted in Sangkae District, Battambang province in 1978.¹¹ Marriages were organized and conducted by local CPK

00571808) [forced to marry in 1978 with 4 other couples]; SAY Sokha Supplementary Information (CF2), D22/1374a at ENG 00853121 (CF4 **D191.1.84** at ENG 00853121) [marriage of 30 couples directed by mobile unit chief at end of 1978]; CHEAM Pao Civil Party Application (CF2), D22/1482/1 (CF4 **D191.1.2** at ENG 00529019-20), and Supplementary Information, D22/1482c (CF4 **D191.1.5** at ENG 00596421). Forced marriages of the following Civil Party applicants took place in either Kampong Siem or Prey Chhor district: MOM Sroeurng Civil Party Application (CF2), D22/3345/1 (CF4 **D191.1.56** at ENG 00564601-02), and Supplementary Information, D22/3345b (CF4 **D191.1.57** at ENG 00596544) [*applied to be Civil Party in CF4 – see D5/33/3*]; PHAN Yin Civil Party Application (CF2), D22/3725/1 (CF4 **D191.1.70** at ENG 00569296-97).

⁷ CHEAM Pao Supplementary Information (CF2), D22/1482c (CF4 **D191.1.5** at ENG 00596421) [witnessed forced marriage of 50 couples]; SAY Sokha Supplementary Information (CF2), D22/1374a at ENG 00853121 (CF4 **D191.1.84** at ENG 00853121) [30 couples].

⁸ SAY Sokha Supplementary Information (CF2), D22/1374a at ENG 00853121 CF4 **D191.1.84** at ENG 00853121); PREAP Sokhoeurn Civil Party Application (CF2), D22/1983/1 (CF4 **D191.1.79** at ENG 00541266-00541267), and Supplementary Information, D22/1983a at ENG 00850589-90 (CF4 **D191.1.80** at ENG 00850588-90).

⁹ AOM An DC-Cam Interview, 1 August 2011, KHM 00729774-840 (filed as **Annex 2** hereto) (CF4 **D191.2** at ENG 01128485-508 and 01025310-36); **D117/18** PECH Chim OCIJ Statement, A1 [SW cadre sent with Ta An to Central Zone in February 1977]; **D117/31** YOU Van OCIJ Statement, A4-A8 & A12; **D117/24** POV Sarom OCIJ Statement, A7; **D117/34** PRAK Ny OCIJ Statement, A12; **D117/26** PUT Kol OCIJ Statement, A4; **D107/15** BAN Siek OCIJ Statement, at ENG 00841965; **D117/20** LIM Seng OCIJ Statement, A4; **D3/14** NAI Kimsan OCIJ Statement, A2; **D3/10** NIV Sun OCIJ Statement, A9; **D107/7** NHEM Kol OCIJ Statement, at ENG 00787214; **D74** ROTH Peou OCIJ Statement, A2-A3 & A6; **D1.3.13.1** Telegram from Ke Pauk to Committee 870, 29 March 1978 [referencing “Comrade An in Region 41”]; **D1.3.9.1** S-21 Prisoner List of “Persons from the North Zone, 1 February 1977 to 27 March 1977,” at ENG 00222967 [previous Sector 41 Secretary, Chun Chhum alias Taing, entered S-21 on 18 February 1977].

¹⁰ **D117/24** POV Sarom OCIJ Statement, A11; **D107/7** NHEM Kol OCIJ Statement, at ENG 00787214; **D117/31** YOU Van OCIJ Statement, A12; **D74** ROTH Peou OCIJ Statement, A9; **D1.3.11.42** ROTH Peou (or Pov) OCP Statement, at ENG 00210541.

¹¹ Five of the sources from Sangkae District specify that their marriage was in mid to late 1978, or after the arrival of the Southwest forces: CHECH Sopha Civil Party Application (CF2), D22/2742/1 (CF4 **D191.1.6** at ENG 00555992-93), and Supplementary Information, D22/2742b (CF4 **D191.1.7** at ENG 00587177) [*also CP Applicant in CF4 – see D5/66/3*]; LONG Chhoeum Civil Party Application (CF2), D22/3216/1 (CF4 **D191.1.49** at ENG 00562577-80), and Supplementary Information, D22/3216b (CF4 **D191.1.50** at ENG 00594710); IM Bun Chhoeun Civil Party Application (CF2), D22/3815/1 (CF4 **D191.1.18** at ENG 00570502-04), and Supplementary Information, D22/3815b (CF4 **D191.1.20** at ENG 00588478-79); SREY Soeum Civil Party Application (CF2), D22/3818/1 (CF4 **D191.1.90** at ENG 00570569-70), and Supplementary Information, D22/3818b (CF4 **D191.1.92** at ENG 00588482); **D65.1.29b** SOEUNG Chanton Civil Party Application; SOEUNG Chanton Supplementary Information (CF2), D22/3895b (CF4 **D191.1.86** at ENG 00594761-62). Four other sources from this District do not specify the exact month or date in 1978: SORM Vanna Supplementary Information (CF2), D22/2748b (CF4 **D191.1.87** at ENG 00587180); KHOEUN Choem Civil Party Application (CF2), D22/3896/1 (CF4 **D191.1.29** at ENG 00571766-68), and Supplementary Information, D22/3896b (CF4 **D191.1.31** at ENG 00594763); REACH Sary Supplementary Information (CF2), D22/2137b (CF4 **D191.1.81** at ENG 00585336); BUT Noeun Supplementary Information (CF2), D22/2912b (CF4 **D65.1.5b** at ENG 00587239-40).

cadres such as unit or cooperative chiefs,¹² including cadres from the Southwest Zone.¹³ Large mass marriages, in which as many as 80 couples were forced to marry at the same time, were conducted at the Reang Kesei pagoda.¹⁴ In a December 1978 marriage of 80 couples at this site, a participant was forced to marry at gunpoint.¹⁵ During a marriage of 75 couples at the same location in 1978, a man who refused to marry was executed.¹⁶

5. Sangkae District (which during the DK regime included the eastern part of what is now Banan District) was part of Sector 1 of the Northwest Zone.¹⁷ **YIM Tith alias Ta Tith** became the Secretary of Sector 1 in 1978.¹⁸ **YIM Tith**'s primary location during that period was Sangkae District, as the Sector 1 office was then located in that district,¹⁹ and **Tith** at times stayed at the Kang Hât dam and chaired meetings held at the Sangkae District office.²⁰

¹² CHECH Sopha Supplementary Information (CF2), D22/2742b (CF4 **D191.1.7** at ENG 00587177); IM Bun Chhoeun Civil Party Application (CF2), D22/3815/1 (CF4 **D191.1.18** at ENG 00570502-04), and Supplementary Information, D22/3815b (CF4 **D191.1.20** at ENG 00588478-79); SOEUNG Chanton Supplementary Information (CF2), D22/3895b (CF4 **D191.1.86** at ENG 00594761-62); KHOEUN Choem Civil Party Application (CF2), D22/3896/1 (CF4 **D191.1.29** at ENG 00571766-68), and Supplementary Information, D22/3896b (CF4 **D191.1.31** at ENG 00594763).

¹³ LONG Chhoeun Civil Party Application (CF2), D22/3216/1 at ENG 00562579 (CF4 **D191.1.49** at ENG 00562579).

¹⁴ CHECH Sopha Supplementary Information (CF2), D22/2742b (CF4 **D191.1.7** at ENG 00587177) [80 couples]; SORM Vanna Supplementary Information (CF2), D22/2748b (CF4 **D191.1.87** at ENG 00587180) [75 couples]; REACH Sary Supplementary Information (CF2), D22/2137b (CF4 **D191.1.81** at ENG 00585336) [30-40 couples].

¹⁵ CHECH Sopha Supplementary Information (CF2), D22/2742b at ENG 00587177 (CF4 **D191.1.7** at ENG 00587177).

¹⁶ SORM Vanna Supplementary Information (CF2), D22/2748b at ENG 00587180 (CF4 **D191.1.87** at ENG 00587180).

¹⁷ **D6.1.963** S-21 Notebook, at ENG 00602557 [records Sector 1 as including Battambang, Samlaut, Sangke and Koas Krala districts]; **D1.3.10.2** DK Report from Sector 1, 28 May 1977, at ENG 00143567-68 [reports on events in Sangkae district, Bay Damram commune and "Svay Cheat collective"]; **D1.3.27.3** DK Report from M-560, 29 May 1977, at ENG 00183010-11 [references Sector 1 office in "Chheu Teal village," and Sangkae District office "in the vicinity of" Bay Damram]; **D1.3.11.63** Khao I Dang Interview No. 14, 19 November 1980, at ENG 00217612 ["Sangkae district of Northwest Zone Sector 1"].

¹⁸ **D118/136** CHHEAN Hea OCIJ Statement, A9-A13; **D105/8** HAN Thy OCIJ Statement, A27; **D118/18** NUON Muon OCIJ Statement, A27; **D118/69** NUON Muon OCIJ Statement, A11-A13 & A22; **D118/77** NANG Ny OCIJ Statement, A23-A24 [Ta Tit's position announced at meeting in Bay Damram]; **D118/138** TIEP Tith OCIJ Statement, A34-A36 [Ta Tith delivered speech at Sector 1 General Assembly]; **D118/149** HAM Saom OCIJ Statement, A19-A32; **D1.3.27.5** Sakeo Interview No. 18, 8 March 1980, at ENG 00170728; **D1.3.11.15** HENG Teav alias Ta Pêt Interview, at ENG 00217620, 00426118-19 [former Sector 1 Secretary replaced by Yim Tith].

¹⁹ **D118/146** OCIJ Site Identification Report, at ENG 00962482-83 [Sector 1 office was at current location of Banan district office]; **D105/19** OCIJ Site Identification Report [Sector 1 office located in Chhay Rumpat village, Kanteu II commune]; **D118/18** NUON Muon OCIJ Statement, A27-A28; **D118/135** CHHOM Youn OCIJ Statement, A20; **D1.3.27.3** DK Report from M-560, 29 May 1977, at ENG 00183010-11.

²⁰ **D118/149** HAM Saom OCIJ Statement, A17-19 & A53 [Ta Tit chaired meetings at the Sangkae District office located near the old Kang Hât bridge, and inspected the construction of the Kang Hât dikes]; **D118/136** CHHEAN Hea OCIJ Statement, A7, A17 & A43 ["Ta Tit and Ta Nim came to stay at Kang Hort dam and both of them arrested and killed many people from the cooperatives in Sangkae District and

6. Moreover, the evidence from OCIJ's investigation to date establishes that **YIM Tith's** area of responsibility upon his arrival in the Northwest Zone also included Sectors 3 and 4, even during the period preceding his appointment as Zone Secretary.²¹ **YIM Tith** thus had authority relating to any forced marriages or other crimes that occurred during that period in the northwest half of current Sangkae District (which during the DK regime was part of Sector 4).²²

Sexual Violence against Khmer Krom, Vietnamese & Other Targeted Groups

7. In 1978, during mass executions of the Khmer Krom population carried out by Southwest Zone cadres in Bakan District (part of Sector 2 of the Northwest Zone), Khmer Krom women were raped before being killed.²³ Numerous sources report similar incidents of sexual violence in Bakan District in 1978 against East Zone evacuees²⁴ and other CPK enemies or targeted groups.²⁵ In one such incident in November 1978, a

Battambang District”]; **D118/77** NANG Ny OCIJ Statement, A1 & A23-A30 [Kang Hât dam “located in Kanthi Ti Muoy” and part of Sector 1]; **D118/138** TIEP Tith OCIJ Statement, A8 [Kang Hât dam located in Sangkae District, Sector 1]; **D118/135** CHHOM Youn OCIJ Statement, A20-21 [Yim Tith's predecessor, Ta Pêt, was based at Kang Hât Dam]; **D1.3.4.6** S-21 Confession of KONG Sophal alias Keu, at ENG 00217745 [identifying new Sangkae District Secretary from Southwest located at “Kanghat”].

²¹ **D118/96** LOCH Eng OCIJ Statement, A29-A35 [Member of Boeng Prey commune, Daun Teav district states that Ta Tit chaired meetings attended by District and Commune chiefs from Sector 4]; **D105/8** HAN Thy OCIJ Statement, A7-A8; **D118/63** HAN Thy OCIJ Statement, A34-A35; **D118/85** CHEA Chooun OCIJ Statement, A26-A27; **D118/153** LONG Vun OCIJ Statement, A45-A48 [Phnum Sampov governed by Ta Tit]; **D118/76** CHUCH Punlork OCIJ Statement, A34-A36 [Ta Tit regularly visited Sector 3 worksite in Phnum Sampov after removal of local cadres in 1978]; **D118/86** NHOEK Ly OCIJ Statement, A4-A5 & A20-A21 [July 1978 arrests in Sector 3 decided by Ta Mok and Ta Tit]; **D119/65** TUM Soeun OCIJ Statement, A226; **D118/87** TEP Sien OCIJ Statement, A20-A28 [Deputy Secretary of Voat (Wat) Kor commune, part of Sector 3, attended meeting where Ta Tit announced “he was in charge of the sector” and appointed village and commune committees]; **D118/108** LIM Tim OCIJ Statement, A17-A18 [Ta Tit appointment to Northwest Zone Committee announced at mid-1978 assembly in Battambang].

²² **D118/102** TOAT Thoeun OCIJ Statement, A27; **D6.1.173** UM Saroeun OCIJ Statement, at ERN 00274618.

²³ THEP Phun Complaint (CF2), D230/1.1.863c (CF4 **D191.1.109** at ENG 00483288-89) [in late July 1978, Khmer Krom and East Zone women raped before being killed]; **D118/127** PEOU Sinuon OCIJ Statement, A65-A70; **D6.1.757** POV Sinuon OCIJ Statement, at ENG 00387502; **D118/125** CHAB Khuong OCIJ Statement, A88-A91; **D6.1.758** CHAB Khuong OCIJ Statement, at ENG 00387496; **D6.1.142** CHEA Leng OCIJ Statement, at ENG 00279253. *See also* **D118/163** PROM Saroeun OCIJ Statement, A26-A31 [Khmer Krom women stripped naked, raped and killed near Preal village, Kirivong District in July or August 1978].

²⁴ **D5/946/1** NET Saveun Civil Party Application, at ENG 00981390-91; MENG Chhon Civil Party Application (CF2), D22/1435/1 at ENG 00528456 (CF4 **D191.1.53** at ENG 00528456) [women from East Zone raped before being killed in Bakan District in latter part of 1978]; THEP Phun Complaint (CF2), D230/1.1.863c (CF4 **D191.1.109** at ENG 00483288-89); UN Sarat Civil Party Application (CF2), D22/326 at ENG 00864202 (CF4 **D191.1.98** at ENG 00864202), and Supplementary Information, D22/326b (CF4 **D191.1.100** at ENG 00590741) [women accused of having ‘Khmer body with Vietnamese mind’ raped and killed by Southwest militia in 1978]; **D65.1.56** KHOEM Samon CF2 OCIJ Statement, at ENG 00327162-63; **D6.1.845** PANG Han CF2 OCIJ Statement, at ENG 00402823-24.

²⁵ MEU Peou Civil Party Application (CF2), D22/1078/1 (CF4 **D118/147.1.7.1** at ENG 00518520-21), and Supplementary Information, D22/1078b (CF4 **D191.1.55** at ENG 00595898-99) [rape of women in Trach Kraol Security Center, Bakan District]; YIN Roum Doule Supplementary Information (CF2), D22/2600b

group of 30 women from the East Zone were stripped, raped and tortured by CPK soldiers who inserted wooden sticks and axes in their vaginas.²⁶ All the women in the group were then killed, except one survivor who escaped.²⁷

8. **Yim Tith** became a member of the Northwest Zone Committee in mid-1978, and was later appointed Zone Secretary.²⁸ In addition to Bakan District, Khmer Krom and Vietnamese were also targeted and subject to arrest and execution in other Northwest Zone locations under **Tith**'s control, including the Kampong Kol sugar factory (located in Ta Miek village, Chaeng Mean Chey commune and part of Sangkae District, Sector 1 during the DK regime),²⁹ Thipakdei cooperative (Koas Krala District, Sector 1),³⁰ Reang Kesei commune (Sangkae District)³¹ and Kach Roteh, Thmei and Sala Trav villages in Kampong Prieng commune (part of Bak Prea District *aka* Khporp District *aka* District 41, Sector 4 during the DK regime).³²

(CF4 **D191.1.104** at ENG 00589372) [woman raped by Khmer Rouge soldiers in Bakan District in late 1978]; CHHIM Srom Civil Party Application (CF2), E3/5029 at ENG 00562313 (CF4 **D191.1.8** at ENG 00562313) [many women raped by Khmer Rouge militia in Bakan District in 1978]; HONG Savath Civil Party Application (CF2), E3/4676 at ENG 00332219 (CF4 **D191.1.15** at ENG 00332219) [raped by soldiers in Bakan District in 1978]; THORNG Thorn Supplementary Information (CF2), D22/3868b (CF4 **D118/147.1.19.1** at ENG 00595156-57); AOEUN Sam At Complaint (CF2), D230/2/4.2.515a (CF4 **D191.1.106** at ENG 00622964); **D6.1.759** KIM So OCIJ Statement, at ENG 00388621 [rape of female prisoners in 1978]; **D118/124** KIM So OCIJ Statement, A113-A116.

²⁶ **D5/946/1** NET Saveun Civil Party Application, at ENG 00981390-91.

²⁷ **D5/946/1** NET Saveun Civil Party Application, at ENG 00981391.

²⁸ **D118/108** LIM Tim OCIJ Statement, A17-A18; **D118/136** CHHEAN Hea OCIJ Statement, A7-A13, A23; **D20** HAN Thy OCIJ Statement, at ENG 00710286; **D105/8** HAN Thy OCIJ Statement, A27; **D118/63** HAN Thy OCIJ Statement, A29-A30; **D118/86** NHOEK Ly OCIJ Statement, A20-A23; **D118/150** HEM Moeun OCIJ Statement, A60-A61; **D118/69** NUON Muon OCIJ Statement, A14.

²⁹ **D118/108** LIM Tim OCIJ Statement, A17-A19, A22 & A47-A53 ["workers who were of Vietnamese and Khmer Krom nationality" arrested at Kampong Kol sugar factory, after assembly in Battambang at which Ta Tit was introduced as "Chairman of the Northwest Zone" and gave a speech directing workers to "protect the factory from the Vietnamese"]; **D118/106** HUON Choeum OCIJ Statement, A12 [Ta Tit responsibility for arrests and appointment of new chairman at Kampong Kol sugar factory].

³⁰ **D65.1.15b** KEU Seung Civil Party Application [brother, wife and 8 children arrested and killed "on the accusation of being Vietnamese because he was born in Kampuchea Kraom"].

³¹ CHECH Sopha Civil Party Application (CF2), D22/2742/1 (CF4 **D191.1.6** at ENG 00555992-93) [Khmer Krom in Reang Kesei village accused of being Vietnamese and killed]; PHAN Sarang Civil Party Application (CF2), D22/2140/1 (CF4 **D191.1.68** at ENG 00546073-74) [in 1978, SW cadres Ta Loek and Yeay Chan ordered execution of Khmer Krom]; KONG Chou Civil Party Application (CF2), D22/3220/1 (CF4 **D191.1.42** at ENG 00562636-38), and Supplementary Statement, D415/2/1.3.1 (CF4 **D191.1.42** at ENG 00612802) [150 people in Voat Kandal village, including 17 family members, and another 200 persons in Svay Cheat village accused of being "related to Vietnamese" and taken for execution]; THACH Ngoc Thach Complaint (CF2), D230/2/23 at ENG 00427058-59 (CF4 **D5/91** at ENG 00427058-59) [identifying sites in Reang Kesei commune where Khmer Krom were killed].

³² SAR Samay Civil Party Application (CF2), D22/2747/1 (CF4 **D191.1.83** at ENG 00556058-59) [Khmer Krom in Thmei village arrested and killed by SW cadres in 1978]; KHIEM Bo Civil Party Application (CF2), D22/3223/1 (CF4 **D191.1.27** at ENG 00562677-79) [sister & husband accused of being Vietnamese and killed in Kach Roteh village]; PICH Chhev Civil Party Application (CF2), D22/3224/1 (CF4 **D191.1.77** at ENG 00562690-92) [relatives accused of being "connected to the Vietnamese" were arrested and taken to be killed in Kach Roteh village after arrival of SW cadres in 1978]; **D65.1.11b** HAEY San

9. In 1977, two women of Vietnamese descent in Preah Net Preah District were raped and murdered pursuant to orders from the Southwest cadres who took over that district. According to the unit chief whose subordinates carried out the killings: “First, both women were undressed and raped. Then, they inserted sticks into the women’s vaginas, causing severe bleeding. After that, they cut the women’s stomach, took their livers out, and cooked them. Both victims were struggling miserably until they died.”³³ **IM Chaem** was the CPK Secretary of Preah Net Preah District from June 1977 to January 1979.³⁴
10. During the DK regime, women who were the victims of rape were subject to punishment for committing moral offences,³⁵ and many women who reported rapes were executed.³⁶

Clarifications of Scope of Investigation

11. To avoid any possible uncertainty, the Co-Prosecutors hereby clarify that the ongoing investigation of the Phnom Pros and Kok Pring crime sites in Kampong Siem District, as described in paragraphs 30-33 of the 3rd IS, is intended to include the Kampong Siem

Civil Party Application, at ENG 00562704-05 [relatives accused of being Vietnamese and killed in Kach Roteh village in 1978]; THACH Ngoc Thach Complaint (CF2), D230/2/23 at ENG 00427054, 00427058-59 (CF4 **D5/91** at ENG 00427054 and 00427058-59) [identifying Thmei village and Sala Trav prison as sites where Khmer Krom were killed]; LONG Chhoeum Civil Party Application (CF2), D22/3216/1 at ENG 00562579 (CF4 **D191.1.49** at ENG 00562579) [in 1978, SW cadres Ta Loek & Yeay Chan “ordered their staff to trace and arrest people to be killed”]; **D6.1.625** OEK Sim Interview, 16 October 2005 [Sector 4 military cadre identifies Kach Roteh as location of Sector military headquarters].

³³ **D123/1/2.52** PHEACH Ruos DC-Cam Statement, at ENG 00969843-46, 00969850. *See also* LIN Nhak Civil Party Application (CF2), D22/3119/1 at ENG 00561706 (CF4 **D191.1.48** at ENG 00561706) [sister accused of being Vietnamese and raped before being killed in 1978 in Moung Ruessei District, Battambang province].

³⁴ **D119/73** NOU Choung OCIJ Statement, A24-A28; **D119/65** TUM Soeun OCIJ Statement, A62-A63, A175; **D106/5** TUM Soeun OCIJ Statement, A11-A13; **D119/49** THIP Samphat OCIJ Statement, A16; **D119/32** CHHIM Phan OCIJ Statement, A33-A34; **D118/93** PRAK Soem OCIJ Statement, A19; **D101/1.1** POR Bandet OCIJ Statement, at ENG 00746366; **D119/29** PAN Chhuong OCIJ Statement, A17; **D1.3.12.1** IM Chaem Interview, 26 April 2007, at ENG 00217518-20; **D123/1/5.1a** IM Chaem DC-Cam Statement, 4 March 2007, at ENG 00089773-74 [former Preah Net Preah District leaders Ta Maong and Ta At “taken away” after her arrival in 1977]; **D1.3.4.1** S-21 Confession of AN Maong, at ENG 00786926 [former Preah Net Preah District Secretary arrested 18 June 1977]; S-21 List of Prisoners Smashed on 18 October 1977, E3/2285 (CF2) at ENG 00873645 [AN Maong entered S-21 on 28 June 1977]; S-21 Confession of MAK Leung alias Sâm-At, D82/II-Annex 16 (CF2), 8 August 1977 (CF4 **D191.1.110** at ENG 00224649 and 00782187-90) [Preah Net Preah Mobile Work Chairman – elsewhere identified as District Deputy Secretary]; **D6.1.883** OCP S-21 Revised Prisoner List at 00329598 [AN Maong], 00329822 [Mak Lin *alias* At executed 19 October 1977].

³⁵ **D118/167** VAN Soeun OCIJ Statement, A127-A129 [Kraing Ta Chan prison guard states that victims of rape were punished as a “light offender, while the rapist was a serious offender”]; **D6.1.709** SREI Than *alias* Duch OCIJ Statement, at A80 [“both the rapists and the raped had to die because they were accused of committing moral offenses”].

³⁶ KHET Sokhan Civil Party Application (CF2), D22/1261/1 at ENG 00525014 (CF4 **D191.1.26** at ENG 00525014) [women who reported rape accused of being immoral and executed]; SA Lai Heang Civil Party Application (CF2), E3/4712 at ENG 00446588 (CF4 **D191.1.82** at ENG 00446588) [women forbidden to report rapes, and killed if they did]; KAO Sân Civil Party Application (CF2), D22/208/1 at ENG 00411885 (CF4 **D191.1.24** at ENG 00411885) [victim and rapist both killed].

District security office located at Wat Angkuonh Dei pagoda in Krala commune and the related execution site in Tuol Beng village that have been identified in interviews conducted by OCIJ investigators.³⁷

12. The Co-Prosecutors further clarify that arrests, executions and other crimes committed at the Kang Hât dam site during the period that **YIM Tith** was the Secretary of Sector 1 are intended to be encompassed in the ongoing investigation of the Tuol Mtes worksite, Sector 1 security office and purge of the Northwest Zone.



LEGAL CLASSIFICATION

13. The Co-Prosecutors have reason to believe that the facts described above constitute crimes within the jurisdiction of the court, including but not limited to:
- a. Homicide and Torture, in violation of the **1956 PENAL CODE** (Articles 500, 501, 503, 504, 505, 506, 507 & 508), punishable under Articles 3 (new), 29 (new) and 39 (new) of the ECCC Law;
 - b. Murder, Extermination, Enslavement, Imprisonment, Torture, Rape, Persecutions on political and racial grounds, and Other Inhumane Acts, which constitute **CRIMES AGAINST HUMANITY** punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law.
14. The Co-Prosecutors have reason to believe that **YIM Tith alias Ta Tith, AOM An alias Ta An, IM Chaem** and other senior leaders of the Democratic Kampuchea regime, including **NUON Chea** and **KHIEU Samphan**, committed, planned, instigated, ordered or aided and abetted the specific criminal acts described in this Supplementary Submission, which constitute offences under the ECCC Law. These acts were part of a common criminal plan or joint criminal enterprise, as described in paragraph 21 of the Supplementary Submission dated 18 July 2011 and paragraphs 16 to 17 of the 3rd IS.

³⁷ **D117/32** NHEM Kol OCIJ Statement, A9-A12; **D117/34** PRAK Ny OCIJ Statement, A3; **D117/33** POV Sarom OCIJ Statement, A9-A10; **D117/26** PUT Kol OCIJ Statement, A25; **D117/31** YOU Van OCIJ Statement, A20; **D107/6** CHHENG Yeun OCIJ Statement, at ENG 00787194. *See also* **D127/2.1.9** PRAK Yut Trial Testimony, 30 January 2012, p. 61; **D6.1.730** PRAK Yut OCIJ Statement, at ENG 00364083; CHUON Phân Civil Party Application (CF2), D22/2442/1 (CF4 **D191.1.13** at ENG 00551505-06), and Supplementary Information, D22/2442b (CF4 **D191.1.14** at ENG 00596975) [father detained at Wat Angkuonh Dei prison and killed near Phnom Pros in 1978]; NAT Hoeun CF3 OCIJ Interview, D43 at ENG 00797020-22 (CF4 **D191.1.112** at ENG 00797020-22); NAT Hoeun Civil Party Application (CF2), D22/3733/1 (CF4 **D191.1.60** at ENG 00569346-47); LENG Yim Supplementary Information (CF2), D22/3390c (CF4 **D191.1.46** at ENG 00596562); OM Vibol Supplementary Information (CF2), D22/592a (CF4 **D191.1.63** at ENG 00858204-06); PHLONG Hean Supplementary Information (CF2), D22/3366b (CF4 **D191.1.72** at ENG 00596546); SUM Chan Thol Civil Party Application (CF2), D22/2577/1 (CF4 **D191.1.93** at ENG 00552793-94); THAN Nan Civil Party Application (CF2), D22/3386/1 (CF4 **D191.1.94** at ENG 00564975-76), and Supplementary Information, D22/3386b (CF4 **D191.1.95** at ENG 00596978).

15. The documents cited in this Submission that are new or from Case Files 002 or 003, and which are requested to be placed onto Case File 004, 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.³⁸
16. 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
24 April 2014	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh 	

³⁸ **D127/1** Trial Chamber Memorandum dated 22 November 2012.