

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

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**CO-PROSECUTORS' SUPPLEMENTARY SUBMISSION  
REGARDING GENOCIDE OF THE CHAM**

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## I. INTRODUCTION

1. Pursuant to ECCC Internal Rules 53 and 55, the Co-Prosecutors submit this Supplementary Submission regarding Genocide of the Cham, which is intended to clarify the factual matters to be investigated by the Co-Investigating Judges and to address new facts and evidence establishing the crimes of genocide committed against the Cham people during the Democratic Kampuchea period. These crimes are described in paragraphs 3 to 24 of this Submission and are believed to fall within the jurisdiction of the ECCC. The Co-Prosecutors request that these crimes become part of Case No. 002/19-09-2007/ECCC/OCIJ, which is currently being investigated by the Co-Investigating Judges, relating to Charged Persons NUON Chea, IENG Sary, IENG Thirith, KHIEU Samphan and KANG Guek Eav alias DUCH.
2. The new documents referenced in this Supplementary Submission to be added to the Case File are summarized in the index attached as **Annex A**, and copies of those documents are submitted in two binders marked as **Annex B**.

## II. CRIMES

### GENOCIDE OF THE CHAM

#### The Cham Ethnic and Religious Group

3. The Cham people are a separate and distinct ethnic and religious group. They are Muslims and descendants of the Kingdom of Champa that settled primarily along the Mekong River in Cambodia.<sup>1</sup> The Cham spoke their own language, lived in their own villages, practiced their own religious beliefs and dressed in their own traditional clothing.<sup>2</sup> One of the principal concentrations of Cham people in Cambodia was located in Kampong Cham Province.<sup>3</sup>

#### Persecution of the Cham

4. The Cham communities in Cambodia were subjected to persecution and targeted by the CPK from the moment the Khmer Rouge took control of their areas.<sup>4</sup> Beginning in late 1975, the CPK forcibly moved many of the Cham people from their home villages and dispersed them throughout villages that were predominantly Khmer.<sup>5</sup> Tens of thousands of Cham were forcibly moved to the North and Northwest Zones<sup>6</sup> as part of a specific CPK policy designed to “break [the Cham] up.”<sup>7</sup> Cham men were often separated from the Cham women and children, and moved to different areas as

part of mobile work brigades.<sup>8</sup> This took place in a number of locations including Kang Meas, Kroch Chhmar and Koh Sotin districts of Kampong Cham province.<sup>9</sup>

5. The DK Constitution formally banned “reactionary” religions, which as applied by the CPK included Islam.<sup>10</sup> Cham were forbidden to partake in any Islamic duty (*vachip*) such as praying (*sambahyang*), fasting, alms giving or any other religious ceremony or funeral.<sup>11</sup> They were banned from possessing Islamic texts,<sup>12</sup> which were collected and burnt by Khmer Rouge cadres.<sup>13</sup> Many mosques were damaged or destroyed.<sup>14</sup> The CPK targeted Cham Muslim religious and political leaders, as well as those Cham who refused to renounce their religion, for execution.<sup>15</sup>
6. The Cham language was prohibited,<sup>16</sup> as was wearing traditional Cham attire (the *sarong*, *fez* and *makhna*, a long prayer garment for women)<sup>17</sup> and using Cham names.<sup>18</sup> The Cham were forced to commit acts strictly forbidden by their faith (*haram*), such as eating pork,<sup>19</sup> and Cham women were forced to cut their hair short,<sup>20</sup> and were not allowed to use the traditional covering for their heads.<sup>21</sup> Failure to follow these rules could result in execution.<sup>22</sup>

#### Mass Executions of the Cham

7. In 1977 and 1978, the CPK’s general persecution of the Cham people became genocide, as whole Cham communities were gathered up and taken to security centres and execution sites to be killed in a concerted effort to physically eliminate all the remaining Cham in those areas. These genocidal acts were part of a pattern of conduct that took place in Cham villages in both the Central Zone and the Eastern Zone. The occurrence of these acts in multiple Zones evidences that these were activities planned, coordinated and specifically intended by the Party Center.<sup>23</sup>

#### *Kang Meas District (Central Zone)*

8. On one day, security forces in Peam Chi Kang commune in Kang Meas district of Kampong Cham province (part of Sector 41 of the Central Zone) gathered every Cham person from every village in the commune, and brought them to Wat O Trau Kuon, the district prison.<sup>24</sup> About 300 Cham were arrested that day.<sup>25</sup> The prison’s executioners were seen and heard killing the Cham prisoners until early in the morning in the plantation adjacent to the prison.<sup>26</sup> The young children in the group

were killed by smashing them against trees,<sup>27</sup> and the executioners had “competitions to see who could kill people the quickest.”<sup>28</sup> The chief of security for the commune told one of the people assigned to arrest the Chams that the “Cham people were a different race and had to be smashed,” and that “if we kept them they would rebel against us sometime.”<sup>29</sup>

9. Around the same time, all the remaining Cham from another commune in Kang Meas district, Angkor Ban, were similarly gathered up and delivered to Wat O Trau Kuon prison.<sup>30</sup> The Cham taken from one of the villages in Angkor Ban were all women and children, as the Cham men had previously been separated from their families and relocated with mobile work brigades.<sup>31</sup> The witness who transported the Cham from this village saw other Cham people walking through the gate to Wat O Trau Kuon when he arrived there.<sup>32</sup> He believed that the Khmer Rouge “did not want ethnic Cham to live in this village or Cambodia” and that the Cham from his village “were arrested only because they were Cham,” as they were hard workers and had not committed any mistakes.<sup>33</sup>
10. In Roka Koi commune of Kang Meas district, after the Cham men had been sent away to cut bamboo in Kampong Thom, the Cham women and children were rounded up and killed.<sup>34</sup>
11. The mass execution of the Cham community of Kang Meas District at Wat O Trau Kuon occurred a mere 10 days after the Deputy Secretary of the Central Zone and Secretary of Sector 41 visited a worksite in the adjacent district, Cheung Prey, and ordered the unit chiefs to identify the number of remaining Cham and gather them up “so they could be taken to their local bases.”<sup>35</sup> The order to arrest the Cham people was conveyed to the militia by the Kang Meas District Secretary.<sup>36</sup> As described herein, in the events that followed these orders, victims were killed solely because they were Cham, the executions were accompanied by statements of genocidal intent, and the killings resulted in the destruction of a substantial part of the Cham population living in that area.

12. Remains were discovered at Wat O Trau Kuon in 1979 in a series of pits that covered an area of almost 1 hectare, and included at least 200 large pits (5 by 4 metres wide and 2 metres deep) and as many as 1,000 small pits.<sup>37</sup>

*Kroch Chhmar District (Eastern Zone)*

13. Executions of entire Cham communities also occurred on the other side of the Mekong River in Kroch Chhmar district of Kampong Cham province, which was part of Sector 21 of the Eastern Zone.<sup>38</sup>
14. In Kroch Chhmar commune, hundreds of Cham people were gathered at Wat Khsach Praches.<sup>39</sup> The older people and children were taken away by boat, and never seen again.<sup>40</sup> The young unmarried females in the group were taken to a house in Trea II village, at the location of the Kroch Chhmar District headquarters.<sup>41</sup> They were tied up, then asked if they were “Khmer or Cham” and separated accordingly.<sup>42</sup> Those who said they were Cham were taken away and executed.<sup>43</sup> Some were raped before being killed.<sup>44</sup> The females who had identified themselves as Khmer were detained for days, during which time they were tested by being served pork soup.<sup>45</sup> The persons responsible for these executions were CPK cadre from the Southwest or Central Zone, including the Kroch Chhmar District chief [REDACTED].<sup>46</sup>
15. Cham people from other villages in Kroch Chhmar District were also taken to Trea village for mass executions.<sup>47</sup> In 1978, the CPK cadre from the Southwest Zone who had taken over the area ordered the Cham people to return to their home villages.<sup>48</sup> Several days after doing so, the remaining Cham families of Ampil village were ordered by their commune chief to go to Trea village.<sup>49</sup> Along the way, they met Cham from other villages who had also been ordered to travel to Trea.<sup>50</sup> When they arrived, the men were separated, detained in houses with other Cham men, and the next day dragged into the Mekong river by boats and drowned.<sup>51</sup>
16. In late 1978, Central Zone Secretary KE Pauk (a member of the CPK Central Committee) spoke at a conference in Sandan district of Kampong Thom province attended by District Secretaries from the Eastern and Central Zones.<sup>52</sup> At this meeting, KE Pauk asked the District Secretary of Kroch Chhmar “what percentage”

of the “plan set out by the Party” had been completed, adding “You must destroy the Cham [in the] mobile forces first; they are all traitors.”<sup>53</sup>

17. Two days after this meeting, the people of Chumnik commune in Kroch Chhmar district were ordered to go to Svay Damnak pagoda, and were then evacuated by boat across the river to Stung Trang District (part of the Central Zone).<sup>54</sup> Upon their arrival at Stung Trang, they were met by military cadres who announced that everyone was to be tied up, as they were searching for traitors.<sup>55</sup> Those who tried to escape were shot.<sup>56</sup> Boats were seen transporting Cham people to Boeng Prachaut village (also referred to as Boeng Deng) in Stung Trang district every day for a period of one week.<sup>57</sup> The people who arrived left their belongings on the boat, were walked through the village, and were never seen again.<sup>58</sup>
18. People who lived in Stung Trang reported seeing many Cham corpses, including children whose heads were severed, floating in the Mekong.<sup>59</sup> At least five mass graves have been located by the riverside in Trea II village.<sup>60</sup> Many mass grave pits were also discovered behind Boeng Prachaut village.<sup>61</sup>

#### *Sector 5 (Northwest Zone)*

19. The 21 May 1977 Weekly Report of the Committee of Sector 5 of the Northwest Zone describes an incident in which 17 April Chams from Phnom Penh protested about the meals served in a cooperative eating hall, based on their religious beliefs.<sup>62</sup> The report states that the Cham argument was based on “Article 10” of the DK Constitution.<sup>63</sup> (Presumably, this meant to refer to Article 20, which purported to guarantee “the right to worship according to any religion.”<sup>64</sup>) The Sector 5 Committee reported to the CPK leadership that they had taken “special measures” to find the network of Cham and the head of their movement “in order to sweep them cleanly away.”<sup>65</sup>

#### Elimination of Cham Population

20. The end result of this genocide was that a substantial part of the Cham population of Kampong Cham was killed.<sup>66</sup> Of the Cham people who lived during the DK period in the four known Cham villages of Kang Meas district, only 2 escaped and survived.<sup>67</sup> The Cham who had been evacuated from those villages to other areas at the outset of

the DK period also appear to have been killed. In one of the 4 villages, Antung Sal (also known as Angkor Ban 1), of the over 600 Cham families who lived there in 1975, none were left at the end of the DK regime and only 30 families returned thereafter.<sup>68</sup> In Sach So village, of the 400 Cham families who were located there before the Khmer Rouge, only 50 survived.<sup>69</sup> Only 20 of the 200 Cham families in Pongro village, Roka Koi commune survived.<sup>70</sup> As many as 10,000 Cham may have been executed at Wat O Trau Kuon Security Centre alone.<sup>71</sup>

21. In Kroch Chhmar District, only 180 of the 1,864 Cham persons who lived in Koh Phal village in 1975 survived, only 120 of the 1,240 Cham families from Svay Khleang survived, and only 500 of the 1,000 Cham families from Trea village survived.<sup>72</sup>
22. Of the over 158,000 people who were believed to have been killed in Kampong Cham province during the DK period, approximately 74,000 of those people (almost 50% of the total deaths) were identified as “ethnic minorities.”<sup>73</sup> This is a substantially higher percentage than other provinces. For example, of the over 324,000 people who died in Kampong Thom province, only 1,500 were identified as ethnic minorities,<sup>74</sup> and of the over 470,000 people killed in Banteay Meanchey and Battambang provinces, approximately 92,500 were ethnic minorities.<sup>75</sup>

#### Genocidal Intent

23. The following evidence, discussed in full detail above, establishes that the mass executions of Cham communities in Kang Meas and Kroch Chhmar Districts were planned by the senior leaders of the CPK and committed with the intent to destroy, in whole or in part, the Cham ethnic and religious group in those areas:
  - (a) Members of the CPK Central Committee, including Central Zone Secretary Ke Pauk, directed CPK cadres in the Central and Eastern Zones to carry out the “plan set out by the Party” and “destroy the Cham” (*see paragraph 16*).
  - (b) Mass executions of Cham communities occurred in both the Central and Eastern Zones (*paragraphs 7-18*), evidencing that these were not unauthorized, random crimes committed by local rogue cadres, but rather were part of an organized effort intentionally directed by the CPK Party Center.





- (g) In addition to executing entire Cham villages, the CPK eradicated the Cham culture and way of life, banning the use of their language and traditional names and destroying Qur-ans and mosques (*paragraphs 5-6*).<sup>78</sup>
- (h) Other CPK policies formed by the Party Centre also appear to have specifically targeted the Cham people, including the DK Constitution's ban of "reactionary" religions and the November 1975 plan to "break up" the Cham by evacuating 100,000 "Islamic people" from the Eastern Zone.<sup>79</sup>

#### Legal Classification

24. 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. Genocide of the Cham. This constitutes a violation of the **CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE OF 1948**, punishable under Articles 4, 29 (new) and 39 (new) of the ECCC Law.
- b. Homicide, Torture and Religious Persecution of the Cham. These constitute violations 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.
- c. Murder, Extermination, Enslavement, Imprisonment, Torture, Rape, Persecutions on political, racial and religious grounds of the Cham; and other Inhumane Acts. These constitute **CRIMES AGAINST HUMANITY**, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law.


25. For the reasons stated in the Introductory Submission dated 18 July 2007 and for the further reasons stated herein, the Co-Prosecutors have reason to believe that the Charged Persons **NUON Chea, IENG Sary, KHIEU Samphan, IENG Thirith and KAING Guek Eav alias DUCH** committed the specific criminal acts described above which constitute offences under the ECCC Law. These acts were part of the

common criminal plan or joint criminal enterprise described in paragraphs 5 to 16 of the Introductory Submission, which are incorporated in their entirety into this Supplementary Submission.

Witness Protection Measures

26. The new Case File documents cited in this Supplementary Submission and included in **Annex B** contain a number of witness interviews conducted by the Office of Co-Prosecutors. The Co-Prosecutors request that the Co-Investigating Judges grant measures for the protection of those witnesses, as set forth in paragraphs 119 to 121 of the Introductory Submission. Until such time as a complete assessment is made regarding any risk to their lives, families and properties and the Co-Investigating Judges determine whether to grant protective measures, the Co-Prosecutors request that **Annexes A and B** be withheld from the public and the designated members of the defense teams of suspects and civil parties. In order to ensure that the identity of these witnesses remains confidential during this interim period, the Co-Prosecutors have identified such witnesses by pseudonyms in this Supplementary Submission, and will make available to the Co-Investigating Judges on an *ex parte* basis a chart identifying the witnesses who correspond to such pseudonyms.

Respectfully submitted

  
  
 CHEA Leang  
 Co-Prosecutor  
 Robert PETIT  
 Co-Prosecutor

Signed in Phnom Penh, Kingdom of Cambodia on this 31st day of July 2009.

- <sup>1</sup> **Excerpt of Book by Elizabeth BECKER** entitled *When the War Was Over* dated 1986, **IS Annex C No. 4.1**, at ERN 00181917, ERN 00181889-00181931 (ENG); **Book by Ben KIERNAN** entitled *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79* dated 1984, **IS Annex C No. 4.25** at ERN 00104314-00104315, ERN 00104171-00104423 (ENG) (also noting that “the largest Cham migration to Cambodia occurred in the late 1790s”).
- <sup>2</sup> **Excerpt of Book by Elizabeth BECKER** entitled *When the War Was Over* dated 1986, **IS Annex C No. 4.1**, at ERN 00181917, ERN 00181889-00181931 (ENG).
- <sup>3</sup> **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages* dated 2006, at ERN 00219062-63, ERN 00219050-00219245 (ENG) (describing Kroch Chhmar district of Kampong Cham province as “the heartland of Cambodia’s Cham Muslims”); **Book by Ben KIERNAN** entitled *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79* dated 1984, **IS Annex C No. 4.25**, at ERN 00104315, ERN 00104171-00104423 (250,000 Cham lived in Cambodia in 1975 “concentrated in about seventy villages near the banks of the Mekong and Tonle Sap in Kampong Cham province in the east and Kampong Chhang and Pursat in the west”); **Excerpt of Book by Elizabeth BECKER** entitled *When the War Was Over* dated 1986, **IS Annex C No. 4.1**, at ERN 00181919, ERN 00181889-00181931 (ENG), (most Cham villages were located along the Mekong river in the Southwest, Central (old North) and Eastern Zones); **International Map** entitled *Indochina Ethnolinguistic Groups* dated August 1970, ERN 00327660.
- <sup>4</sup> **CPK Telegram by Pauk** entitled *Telegram 94 - Radio Band 1100 - With Respect to Beloved Brother Pol* dated 2 April 1976, **IS Annex C No. 21.13**, DCCN L0001187, at ERN 00182658, ERN 00000766-00000767 (KHM), ERN 00182658-00182660 (ENG) (describing activities of Cham “enemies” in Chamkar Leu district of Kampong Cham). In certain areas controlled by the Khmer Rouge during the 1970-1975 civil war, the persecution of Chams by the Khmer Rouge began earlier than 1975. See **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages* dated 2006, at ERN 00219075, ERN 00219050-00219245 (ENG) (in 1973, the Khmer Rouge began to shut down mosques, forbid prayer, burn copies of the Qur-an and arrest Islamic leaders).
- <sup>5</sup> On November 30, 1975, the East Zone Secretary reported to POL Pot, NUON Chea and two other CPK officials that their decision to “break up” over 100,000 “Islamic people” living in the East Zone by removing 50,000 of them to the North had been temporarily delayed. **CPK Telegram by Chhon** entitled *Telegram 15 - With Respect to Beloved Brother Pol* dated 30 November 1975, **IS Annex C No. 21.3**, ERN 00008494-00008495 (KHM), ERN 00185064-00185065 (ENG); [REDACTED] DC-Cam Statement dated August 1984, **IS Annex C No. 19.138**, at ERN 00053370, ERN 00053362-00053384 (ENG) (stating that “[w]here he lived in Kouk Rolous village there were 30 Cham people. They had mix up them to live with Khmer”); [REDACTED] DC-Cam Statement dated August 1984, **IS Annex C No. 19.153**, at ERN 00053307, ERN 00053303-00053308 (ENG) (“Cham were forced to live among Khmer people”).
- <sup>6</sup> [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.153**, at ERN 00053308, ERN 00053303-00053308 (ENG); [REDACTED] **DC-Cam Statement** dated 6 May 1985, **IS Annex C No. 19.106**, at ERN 00053101, ERN 00053099-00053111 (ENG); **Book by Ben KIERNAN** entitled *The Pol Pot Regime* dated 1984, **IS Annex C No. 4.25**, at ERN 00104322 & 00104328, ERN 00104171-00104423 (ENG); **Book by François PONCHAUD** entitled *Cambodia: Year Zero* dated 1975, **IS Annex C No. 4.37**, at ERN 00182050-00182051, ERN 00182049-00182072 (ENG).

- 7 **CPK Telegram by Chhon** entitled *Telegram 15 - With Respect to Beloved Brother Pol* dated 30 November 1975, **IS Annex C No. 21.3**, ERN 00008494-00008495 (KHM), ERN 00185064-00185065 (ENG). This telegram describes the implementation of orders from the Party to evacuate 50,000 Cham, as well as plans to evacuate 100,000 more “Islamic people” from the districts of Kroch Chhmar, Peam Chi Leang and Chhlong, in order to send them to the North and Northwest Zones.
- 8 **Witness OCP-00075 Interview** dated 7 August 2008, at ERN 00210481, ERN 00210480-00210483; **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October 1995 and 26 February 1996, **D176.5**, at ERN 00208308, ERN 00208307-00208313 (ENG) (“husbands were taken away from their wives and children, on the pretext of being given work”).
- 9 Annex 1 to ██████████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG) (in 1975, all but 30 of the Cham families in Sach So village, Kang Meas District were evacuated); ██████████ **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.153**, at ERN 00053305, ERN 00053303-00053308 (ENG); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210481, ERN 00210480-00210483 (ENG); **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October 1995 and 26 February 1996, **D176.5**, at ERN 00208308, ERN 00208307-00208313 (ENG).
- 10 **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea* dated 6 January 1976, **IS Annex C No. 9.2**, at ERN 00184838 (Article 20), ERN 000184833-000184839 (ENG), 00089841-000898852 (KHM) (“Reactionary religions which are detrimental to Democratic Kampuchea and Kampuchean people are absolutely forbidden”); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078543, ERN 00078437-00078604 (ENG) (“[o]n 20 May 1975 the Khmer Rouge convened a conference in Phnom Penh to approve an eight-point plan, the fifth of which was to ‘Eliminate religions, as they are all reactionary’”).
- 11 ██████████ **DC-Cam Statement** dated September 1984, **IS Annex C No. 19.187**, at ERN 00053286, ERN 00053284-00053296 (ENG) (“[i]n 1976 the new policy began, banning the practice of Cham religion and language completely, as well as prohibiting traditional burial”); ██████████ **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.86**, at ERN 00053316, ERN 00053309-00053328 (ENG); **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76**, at ERN 00274707, ERN 00274706-00274709 (ENG); **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (stating that Cham in her mobile work brigade “were not allowed to practice their religion”); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210482, ERN 00210480-00210483 (Cham were not allowed to “practice their religion”); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451, ERN 00078437-00078604 (ENG).
- 12 ██████████ **DC-Cam Statement** dated 25 December 1984, **IS Annex C No. 19.191**, at ERN 00053330, ERN 00053329-00053341 (ENG) (“Korans were burned in Preyt trop in May 1977. [The Khmer Rouge] announced that all Korans were to be turned in, some were withheld, and KR went to houses”); ██████████ **DC-Cam Statement** dated January 1985, **IS Annex C No. 19.122**, at ERN 00053192, ERN 00053191-00053208 (ENG) (“SW cadre searched his house for a Koran in March/April 1978... he was told by a Khum cadre who was a friend that the KR would kill him if one (a Koran) were found”); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham*

- Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451, ERN 00078437-00078604 (ENG).
- 13 [REDACTED] **OCIJ Statement** dated 12 August 2008, **D125/99**, at ERN 00242081, ERN 00242080-00242083 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 13 August 2008, **D125/100.1**, at ERN 00221859, ERN 00221856-00221860 (ENG) (in 1975, chairman of Svay Khleang commune oversaw the collection and burning of Qur-ans and the closing of mosques); Annex 1 to [REDACTED] **OCIJ Statement** dated 16 August 2008, **D125/105.1**, at ERN 00218582, ERN 00218579-00218583 (ENG) (“piles of Qur-ans” found in house of Svay Khleang 5 village chairman); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078526 & 00078532, ERN 00078437-00078604 (ENG).
- 14 **Book** entitled *The Destruction of Islam in Former Democratic Kampuchea* dated 1983, **D175/8.95**, at ERN 00032979, ERN 00032972-00032989 (ENG). If the mosques were not destroyed, they were often used as offices, communal dining halls, storehouses, or pigsties. See [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.117**, at ERN 00053272, ERN 00053270-00053275 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.2**, at ERN 00053266, ERN 00053264-00053269 (ENG). Other Cham cultural property was also destroyed or appropriated. See [REDACTED] **DC-Cam Statement** dated September 1984, **IS Annex C No. 19.163**, at ERN 00053139, ERN 00053135-00053150 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.102**, at ERN 00053253-00053254, ERN 00053252-00053263 (ENG).
- 15 **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078567 & 00078570-00078572, ERN 00078437-00078604 (ENG) (chart indicating number of religious leaders killed between 1974 and 1979, and table identifying Islamic leaders who died during DK regime); [REDACTED] **DC-Cam Statement** dated September 1984, **IS Annex C No. 19.187**, at ERN 00053287-00053288, ERN 00053284-00053296 (ENG) (witness told by Khmer Rouge that “because he continued to pray, defying the ban on Cham religion, he must be taken to become ‘fertilizer’”); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.86**, at ERN 00053316, ERN 00053309-00053328 (ENG).
- 16 [REDACTED] **OCIJ Statement** dated 9 July 2008, **D125/78**, at ERN 242095, ERN 00242093-00242099 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 7 July 2008, **D125/73.1**, at ERN 00204426, ERN 00204425-00204427 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.117**, at ERN 00053272, ERN 00053270-00053275 (ENG); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210482, ERN 00210480-00210483 (Cham “were not allowed to speak the Cham language”); [REDACTED] **DC-Cam Statement** dated 24 December 1984, **IS Annex C No. 19.156**, at ERN 00053460, ERN 00053459-00053474 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.100**, at ERN 00053443, ERN 00053439-00053458 (ENG); [REDACTED] **DC-Cam Statement** dated 21 January 1985, **IS Annex C No. 19.1**, at ERN 00053344, ERN 00053342-00053361 (ENG) (“Cham were... not allowed to speak Cham language...one cousin in 1977 was caught speaking Cham and food was withheld from her – one meal”); [REDACTED] **DC-Cam Statement** dated September 1984, **IS Annex C No. 19.187**, at ERN 00053289, ERN 00053284-00053296 (ENG) (“[i]n Vill Andanke,

- Fabong Kamum [Tbong Khmum], Kompong Cham, [the Khmer Rouge] threatened to kill her if she continued to speak Cham”); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451-0078453, ERN 00078437-00078604 (ENG) (concerning the prohibition of speaking the Cham language, “to reinforce this policy [the Khmer Rouge] killed the *hakem*, *toun* and village elders who spoke Cham,” to the extent that “after 1979 no Cham youth knew how to speak the Cham language”).
- 17 **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (the Cham in her mobile work brigade “could not wear their traditional clothes and were required to dress in black like the Khmer”); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210482, ERN 00210480-00210483 (stating that Cham “were not allowed to wear their traditional clothes”); [REDACTED] **DC-Cam Statement** dated 21 January 1985, **IS Annex C No. 19.1**, at ERN 00053344-00053345, ERN 00053342-00053361 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.117**, Q13 at ERN 00053272, ERN 00053270-00053275 (ENG); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.153**, Q19-21 at ERN 00053307, ERN 00053303-00053308 (ENG); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451-00078453, ERN 00078437-00078604 (ENG).
- 18 **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078441, ERN 00078451-00078453, ERN 00078437-00078604 (ENG) (“[t]o help stamp out Cham traditions, the Khmer Rouge absolutely forbade the use of Cham-style names and all Chams were made to use Khmer-style names”); **Book edited by Howard J. De NIKE, John QUIGLEY & Kenneth J. ROBINSON** entitled *Genocide in Cambodia: Documents from the Trial of Pol Pot and Ieng Sary* dated 13 June 1979, **IS Annex C No. 4.44**, at ERN 00096591, ERN 00096586-00096594 (ENG) (describing how family members were forced to change their names).
- 19 [REDACTED] **OCIJ Statement** dated 9 July 2008, **D125/78**, at ERN 242095, ERN 00242093-00242099 (ENG); [REDACTED] **OCIJ Statement** dated 15 August 2008, **D125/104**, at ERN 00242067, ERN 00242066-00242070 (ENG); [REDACTED] **OCIJ Statement** dated 11 August 2008, **D125/97**, at ERN 242090, ERN 00242089-00242092 (ENG); [REDACTED] **OCIJ Statement** dated 12 August 2008, **D125/99**, at ERN 00242082, ERN 00242080-00242083 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 7 July 2008, **D125/73.1**, at ERN 00204426, ERN 00204425-00204427 (ENG); **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (stating that Cham in her work brigade were forced to eat pork); **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210435, ERN 00210431-00210435; [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.95**, at ERN 00053243, ERN 00053239-00053244 (ENG) (“[i]n Prey Tropp about 10 Chams were killed...for refusing to eat pork...”); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.2**, at ERN 00053265, ERN 00053264-00053269 (ENG) (“Cham were forced to eat pork. Pork was served approximately every 10 days”); [REDACTED] **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.153**, at ERN 00053305, ERN 00053303-00053308 (ENG) (“Cham...were forced to eat pork. Pork was served every 4 or 5 days. If Cham refused, [the Khmer Rouge] would refuse to give them salt rations”); [REDACTED] **DC-Cam Statement** dated 24 December 1984, **IS Annex**

- C No. 19.156, at ERN 00053460, ERN 00053459-00053474 (ENG) (“Sometimes they [Cham] were forced to eat pork, if they refused they would be killed”).
- 20 Annex 1 to ██████ **OCIJ Statement** dated 13 August 2008, **D125/100.1**, at ERN 00221859, ERN 00221856-00221860 (ENG) (member of Kroch Chhmar District Committee announced at meeting that Cham women were required to cut their hair and all prayer was prohibited); ██████ **OCIJ Statement** dated 8 July 2008, **D125/76**, at ERN 00274707, ERN 00274706-00274709 (ENG); ██████ **OCIJ Statement** dated 9 July 2008, **D125/78**, at ERN 242095, ERN 00242093-00242099 (ENG); ██████ **OCIJ Statement** dated 12 August 2008, **D125/99**, at ERN 00242081, ERN 00242080-00242083 (ENG); ██████ **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.166**, at ERN 00053420, ERN 00053418-00053438 (ENG); ██████ **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.102**, at ERN 00053253-00053254, ERN 00053252-00053263 (ENG); ██████ **DC-Cam Statement** dated 22 January 1985, **IS Annex C No. 19.229**, at ERN 00053152-00053153, ERN 00053151-00053167 (ENG); **Excerpt of Book by Elizabeth BECKER** entitled *When the War Was Over* dated 1986, **IS Annex C No. 4.1**, at ERN 00181918, ERN 00181889-00181931 (ENG); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451, ERN 00078437-00078604 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages* dated 2006 at ERN 00219148 & 00219175, ERN 00219050-00219245 (ENG).
- 21 **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078451, ERN 00078437-00078604 (ENG).
- 22 **IT Sen OCIJ Statement** dated 9 July 2008, **D125/78**, at ERN 242095, ERN 00242093-00242099 (ENG); ██████ **OCIJ Statement** dated 12 August 2008, **D125/99**, at ERN 00242082, ERN 00242080-00242083 (ENG); Annex 1 to ██████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG); ██████ **DC-Cam Statement** dated August 1984, **IS Annex C No. 19.86**, Q18 at ERN 00053316, ERN 00053309-00053328 (ENG) (stating that “many people were killed in Koh Phal village and the main reason because of religion and also about speaking Cham language and forcing to eat pork meat and all the people there did not give up their Cham custom and religion”); ██████ **DC-Cam Statement** dated 24 December 1984, **IS Annex C No. 19.156**, at ERN 00053460, ERN 00053459-00053474 (ENG); ██████ **DC-Cam Statement** dated 22 January 1985, **IS Annex C No. 19.229**, Q9 at 00053152-00053153, ERN 00053151-00053167 (ENG); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210482, ERN 00210480-00210483 (Cham were “afraid” to speak their language, wear traditional clothes or practice their religion “because they might be killed if they didn’t follow the rules and adapt to the Khmer village”).
- 23 *See also* ██████ **OCIJ Statement** dated 10 July 2008, **D125/81**, at ERN 00223089, ERN 00223085-00223089 (ENG) (clerk for Trea commune in Kroch Chhmar District told by a regional security cadre for Sector 21 in 1977 that “the remaining Cham people would be soon killed”); **SAUV Nhit OCIJ Statement** dated 4 August 2008, **D125/103**, at ERN 00235139, ERN 00235137-00235140 (ENG) (describing letter seen by platoon leader that had been sent from the Sector 21 leadership to a company commander and commune chief ordering that all the Cham be gathered up); **SOH Kâmrei OCIJ Statement** dated 10 September 2008, **D125/126**, at ERN 00225497, ERN 00225494-

- 00225499 (ENG) (describing CPK document which stated the “Cham is the biggest enemy who must be totally smashed before 1980”).
- 24 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210485, 0210487-0210488, ERN 00210484-00210490 (statement of local Khmer villager assigned to guard and walk the Cham people in Peam Chi Kang commune to Wat O Trau Kuon prison); **SĒNG Srun OCIJ Statement** dated 11 August 2008, **D125/98**, at ERN 00242086-87, ERN 00242084-00242088 (ENG) (same witness interviewed by OCIJ); Annex 1 to ██████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG) (starting around 3 p.m., every Cham person in Kang Meas district was walked by security cadres to Wat O Trau Kuon prison); **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210433-00210434, ERN 00210431-00210435 (ENG) (Wat O Trau Kuon prison was run by the district security chief). Witnesses have different recollections as to when this event occurred. One witness believes it was in August 1977 (**Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490), while another recalls that it was 1978 (Annex 1 to ██████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504).
- 25 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490; Annex 1 to ██████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG) (“hundreds of people” taken to Wat O Trau Kuon). The Cham were arrested by a militia unit formed by CPK cadres from the Southwest Zone (who had purged and taken over the Central Zone earlier in 1977) called the Long Sword Militia. The 300 people arrested consisted of all the Cham from 3 villages in Peam Chi Kang commune – Sambour Meas Kâ, Sambour Meas Khâ and Sach Sau villages. **SĒNG Srun OCIJ Statement** dated 20 October 2008, **D166/25**, at ERN 00235516-00235517, ERN 00235514-00235518 (ENG); **SAMRIT Muy OCIJ Statement** dated 20 October 2008, **D166/26**, at ERN 00235508, ERN 00235506-00235509 (ENG) (confirming that the Cham in Sach Sau village were “rounded-up and arrested” by the long-sword militia and taken to Wat O Trau Kuon).
- 26 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490; **SĒNG Srun OCIJ Statement** dated 11 August 2008, **D125/98**, at ERN 00242087, ERN 00242084-00242088 (ENG); Annex 1 to **HIM Man OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG); **SAMRIT Muy OCIJ Statement** dated 20 October 2008, **D166/26**, at ERN 00235508, ERN 00235506-00235509 (ENG); **HOK Hoeun OCIJ Statement** dated 23 November 2008, **D166/41**, at ERN 00251304-00251305, ERN 00251301-00251309 (ENG).
- 27 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490; **SĒNG Srun OCIJ Statement** dated 11 August 2008, **D125/98**, at ERN 00242087, ERN 00242084-00242088 (ENG); Annex 1 to ██████ **OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218503, ERN 00218500-00218504 (ENG). Other sources also confirm that this was a common method used by the Khmer Rouge when killing children. See **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October 1995 and 26 February 1996, **D176.5**, at ERN 00208308-00208309, ERN 00208312, ERN 00208307-00208313 (ENG) (“children were held by the leg and had their heads bashed against a tree to kill them”).
- 28 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490 (ENG).



- 29 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488, ERN 00210484-00210490. This same witness subsequently gave two short interviews to OCIJ (**SĒNG Srun OCIJ Statement** dated 11 August 2008, **D125/98**, ERN 00242084-00242088 and 20 October 2008, **D166/25**, ERN 00235514-00235518), though those interviews do not contain all the information that was obtained in the OCP interview. This witness will need to be re-interviewed by OCIJ to confirm the accuracy of the additional important statements made in his OCP interview.
- 30 **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210481-00210483, ERN 00210480-00210483 (ENG). Witness OCP-00075 was one of the persons who drove the Cham by ox-cart from his village in Angkor Ban commune to Wat O Trau Kuon. His recollection is that this occurred around “mid-1977.”
- 31 **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210481, ERN 00210480-00210483 (ENG).
- 32 **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210482, ERN 00210480-00210483 (ENG).
- 33 **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210483, ERN 00210480-00210483 (ENG).
- 34 Annex 1 to **ISMAEL Maisam aka EL Sam OCIJ Statement** dated 7 July 2008, **D125/73.1**, at ERN 00204427, ERN 00204425-00204427 (ENG); *see also* **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (ENG) (describing incident in which seven to eight Cham families were killed at the riverside in Roka Koi commune).
- 35 **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210487-00210488, ERN 00210484-00210490 (ENG). This witness saw the Secretary of Sector 41 enter his worksite’s headquarters office for a meeting. After the meeting, he was told by his unit chief that the Sector Secretary had “asked how many new people and how many Cham were working at the site,” and had asked the people responsible for each “prong” “to gather up the new people and Cham so they could be taken to their local bases.” The unit chief understood this meant “they were to be taken to the security centers in their district.” The Secretary of Sector 41 also served as the Deputy Secretary of the Central Zone. **International Media Report** entitled *Chen Yung-Kuei Leaves Eastern For Central Region*, Phnom Penh Domestic Service, FBIS Collection dated December 1977 at ERN 00168330, ERN 00168307-00168399 (ENG) (transcript of DK Government radio broadcast identifying Deputy Secretary of the CPK Central Zone Committee); **International Media Report** entitled *Chen Yung-Kuei Visits Central Region 6 Dec*, Phnom Penh Domestic Service, FBIS Collection dated December 1977 at ERN 00168335, ERN 00168307-00168399 (ENG) (same); **Witness OCP-00044 SOAS Interview** dated 17 October 2005, at ERN 00208439, ERN 00208440-00208440 (KHM), ERN 00208439-00208439 (ENG); **Article by Timothy CARNEY** entitled *The Organisation of Power in Book by Karl JACKSON, ed., entitled Cambodia 1975-1978 Rendez Vous with Death* dated 1989, **IS Annex C No. 2.6**, at ERN 00105142, ERN 00105126-00105156 (ENG) (also indicating that the Deputy Secretary of the Central Zone was a likely member of CPK Central Committee); **S-21 Confession of SUN Heuan alias Im** dated 26 August 1978, S122, at ERN 221845, ERN 217132-217158 (KHM), ERN 221845-221846 (ENG) (identifying Central Zone Deputy Secretary); **S-21 Confession of CHAN Phat alias Phôk** dated 14 January 1978, C002, at ERN 00143674, ERN 00212811-00213050 (KHM), ERN 00143672-00143675 (ENG); **S-21 Confession of KHOEM Chhũm** dated 11 September 1978, **IS Annex C No. 4.05**, at ERN 00221812, ERN 00215849-00215922 (KHM), ERN 00221807-00221813 (ENG).

- <sup>36</sup> **SĒNG Srun OCIJ Statement** dated 20 October 2008, **D166/25**, at ERN 00235517, ERN 00235514-00235518 (ENG); **HOK Hoeun OCIJ Statement** dated 23 November 2008, **D166/41**, at ERN 00251303, 00251306-00251307, ERN 00251301-00251309 (ENG) (chief of Sambour Meas Kâ village states that arrest orders came from Kang Meas District Secretary Kan); ██████████ **OCIJ Statement** dated 11 August 2008, **D125/97**, at ERN 242090, ERN 00242089-00242092 (ENG) (District Secretary at “the time of the purge of all the Cham” was Kan); **TAY Kimhuon OCIJ Statement** dated 24 November 2008, **D166/42**, at ERN 00251022, ERN 00251012-00251022 (Kan from the Southwest was district chief); **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-0021430 (District Chief of Kang Meas in 1977 was “a man named Kan from the Southwest”); **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210483, ERN 00210480-00210483 (ENG) (district chief Kan and chief of security Han both came from Takeo and “replaced” the local leaders).
- <sup>37</sup> **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210489-00210490, ERN 00210484-00210490 (ENG). The remains from burial pits that were dug up by scavengers, which represent only a small portion of the total bodies buried in this area, were collected and exist today in a memorial stupa at the Wat. **HOK Hoeun OCIJ Statement** dated 23 November 2008, **D166/41**, at ERN 00251305, ERN 00251301-00251309 (ENG); **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210433, ERN 00210431-00210435 (ENG); **ECCC-OCP Mission Report** entitled *Operation Riverland* dated August 2008 at ERN 00211166, ERN 00211152-00211171 (photo of memorial site and remains); **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (“thousands of skulls” found, as well as “blood stains” on the walls of the Wat). There were no burial pits in that area before the Wat was turned into a security center by the CPK. **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210433, ERN 00210431-00210435 (ENG); **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210490, ERN 00210484-00210490 (ENG).
- <sup>38</sup> **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages* dated 2006, at ERN 00219062-63, ERN 00219050-00219245 (ENG) (describing Kroch Chhmar district as “the heartland of Cambodia’s Cham Muslims”).
- <sup>39</sup> Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204414, ERN 00204413-00204415 (ENG); Annex 1 to ██████████ **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages*, dated 2006, at ERN 00219191, 00219200 & 00219203, ERN 00219050-00219245 (ENG) (interviews of SAN Maisam, SAN Saros and TAM Rahimah *aka* Chouk).
- <sup>40</sup> Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204414-415, ERN 00204413-00204415 (ENG); Annex 1 to ██████████ **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages*, dated 2006, at ERN 00219191 & 00219200-201, ERN 00219050-00219245 (ENG) (interviews of SAN Maisam, SAN Saros and SALEH Saros – SAN Maisam indicates that approximately 80 families were taken by boat across the river to Boeng Prachaut, and never seen again).
- <sup>41</sup> Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204414, ERN 00204413-00204415 (ENG); Annex 1 to ██████████ **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453

- (ENG) (taken to house at the site of the Trea-Stung Trang ferry); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219196, ERN 00219050-00219245 (ENG) (interview of YA Min who states that the Khmer Rouge used a house in Trea village, located at the site where the ferry dock is today, as their district headquarters); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219198 & 00219200-204, ERN 00219050-00219245 (ENG) (interviews of MAO Maisam, SAN Saros, SALEH Saros and TAM Rahimah *aka* Chouk).
- 42 Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204414-415, ERN 00204413-00204415 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219198 & 219201-204, ERN 00219050-00219245 (ENG) (interviews of MAO Maisam, SAN Saros, SALEH Saros and TAM Rahimah *aka* Chouk).
- 43 Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204415, ERN 00204413-00204415 (ENG); [REDACTED] **OCIJ Statement** dated 8 July 2008, **D125/75**, at ERN 00274704, ERN 00274702-00274705 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219198 & 00219201-202, ERN 00219050-00219245 (ENG) (interviews of MAO Maisam, SAN Saros and SALEH Saros). This may have occurred on multiple occasions, as two of the witnesses indicated that there were approximately 200 girls (MAO Maisam and SALEH Saros), while two others indicated that their group was only about 40 girls (AHMAD Sofiyah and NO Satas).
- 44 Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204415, ERN 00204413-00204415 (ENG).
- 45 Annex 1 to **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76.1**, at ERN 00204415, ERN 00204413-00204415 (ENG); Annex 1 to [REDACTED] **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219204, ERN 00219050-00219245 (ENG) (interview of TAM Rahimah *aka* Chouk).
- 46 Annex 1 to [REDACTED] **OCIJ Statement** dated 8 July 2008, **D125/75.1**, at ERN 00204453, ERN 00204451-00204453 (ENG); **AHMAD Sofiyah OCIJ Statement** dated 8 July 2008, **D125/76**, at ERN 00274708, ERN 00274706-00274709 (ENG); **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219198 & 00219201, ERN 00219050-00219245 (ENG) (interviews of MAO Maisam and SAN Saros). *See also* **SUF Romly OCIJ Statement** dated 10 July 2008, **D125/81**, at ERN 00223088, ERN 00223085-00223089 (ENG) (identifying Ho as a "Khmer from the other side of the river, Central Zone" who was "in charge of the arrest of numerous Cham people"); **SOKH Proeung OCIJ Statement** dated 18 August 2008, **D125/108**, at ERN 00275390, ERN 00275388-00275392 (ENG) (identifying Hau as Kroch Chhmar District Secretary after purge of Zone, and Rith as his female deputy); **SA Nau OCIJ Statement** dated 17 August 2008, **D125/107**, at ERN 00242061-62, ERN 00242060-00242062 (ENG) (describing Hau who came from Kampong Cham province, was a member of the Chamkar Leu District Committee and later became Secretary of Kroch Chhmar District).
- 47 **SUF Romly OCIJ Statement** dated 10 July 2008, **D125/81**, at ERN 00223088, ERN 00223085-00223089 (ENG) (stating that many Cham arrived in Trea II village by ox-

- carts from the east during a two-week period in 1978, and that he later found a pile of clothes in a house near the commune office); ██████████ **OCIJ Statement** dated 4 August 2008, **D125/103**, at ERN 00235139, ERN 00235137-00235140 (ENG) (“In 1978 they rounded up all the Cham and walked them along the road down to Krauch Chhmar District”); **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October 1995 and 26 February 1996 at ERN 00208307-00208308, ERN 00208307-00208313 (ENG) (“Tria II Village is one of a series of five Cham villages in Krochmar District which were emptied and devastated during the Pol Pot time, with all of the Cham inhabitants being removed or killed”).
- 48 **Annex 1 to IT Sen OCIJ Statement** dated 9 July 2008, **D125/78.1**, at ERN 00204442, ERN 00204440-00204443 (ENG); **IT Sen OCIJ Statement** dated 9 July 2008, **D125/78**, at ERN 242095, ERN 00242093-00242099 (ENG).
- 49 **Annex 1 to IT Sen OCIJ Statement** dated 9 July 2008, **D125/78.1**, at ERN 00204442, ERN 00204440-00204443 (ENG).
- 50 **Annex 1 to IT Sen OCIJ Statement** dated 9 July 2008, **D125/78.1**, at ERN 00204442, ERN 00204440-00204443 (ENG).
- 51 **Annex 1 to IT Sen OCIJ Statement** dated 9 July 2008, **D125/78.1**, at ERN 00204442-43, ERN 00204440-00204443 (ENG).
- 52 **Annex 1 to SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104.1**, at ERN 00218542, ERN 00218540-00218542.
- 53 **Annex 1 to SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104.1**, at ERN 00218542, ERN 00218540-00218542; **SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104**, at ERN 00242068, ERN 00242066-00242070 (ENG).
- 54 **SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104**, at ERN 00242068-00242069, ERN 00242066-00242070 (ENG).
- 55 **SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104**, at ERN 00242069, ERN 00242066-00242070 (ENG).
- 56 **SALES Ahmat OCIJ Statement** dated 15 August 2008, **D125/104**, at ERN 00242069, ERN 00242066-00242070 (ENG).
- 57 **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages*, dated 2006, at ERN 00219191 & 00219194-95, ERN 00219050-00219245 (ENG) (interviews of YAHYA Ali, YA Min and SAN Maisam – Ali is a fisherman who names the boats that were used and states that well more than 1,000 people were taken to Stung Trang that week).
- 58 **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages*, dated 2006, at ERN 00219194-95, ERN 00219050-00219245 (ENG) (interview of YAHYA Ali).
- 59 **Report by Henri Locard** entitled *Kompong Cham: West bank of the Mekong (Old North Region)* dated 5 June 2007 at ERN 00208404, ERN 00208385-00208410 (ENG).
- 60 **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October 1995 and 26 February 1996, **D176.5**, at ERN 00208307, ERN 00208307-00208313 (ENG).
- 61 **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors’ Stories from the Villages*, dated 2006, at ERN 00219191 & 00219195, ERN 00219050-00219245 (ENG) (interviews of SAN Maisam and YAHYA Ali). Numerous mass graves were also found at Wat Stung Trung in Prek Kok commune, Stung Trang district, which appears to be in the same area as Boeng Prachaut (or Boeng Deng) village. **DC-Cam Report** entitled *Report on CGP Mapping Team Visit to Kampong Cham Province*, dated 23 October

- 1995 and 26 February 1996, **D176.5**, at ERN 00208308, ERN 00208307-00208313 (ENG).
- 62 **DK Government Report** entitled *Weekly Report of the Sector 5 Committee* dated 21 May 1977, **D175/4.3**, at ERN 00342709, ERN 00342708-00342723 (ENG), ERN 00207683-00207694 (ENG), ERN 00275587-00275598 (KHM).
- 63 **DK Government Report** entitled *Weekly Report of the Sector 5 Committee* dated 21 May 1977, **D175/4.3**, at ERN 00342709, ERN 00342708-00342723 (ENG), ERN 00207683-00207694 (ENG), ERN 00275587-00275598 (KHM).
- 64 **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea* dated 6 January 1976, **IS Annex C No. 9.2**, at ERN 00184838 (Article 20), ERN 000184833-000184839 (ENG), 00089841-000898852 (KHM).
- 65 **DK Government Report** entitled *Weekly Report of the Sector 5 Committee* dated 21 May 1977, **D175/4.3**, at ERN 00207684, ERN 00207683-00207694 (ENG), ERN 00342708-00342723 (ENG), ERN 00275587-00275598 (KHM).
- 66 **Book by Elizabeth BECKER** entitled *When the War Was Over* dated 1986, **IS Annex C No. 4.1**, at ERN 00181919, ERN 00181889-00181931 (ENG) (for the country as a whole, almost half of the Cham people died during the DK period); **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078450 & 00078567, ERN 00078437-00078604 (ENG) (estimating that Cham population of Cambodia was 700,000 in 1974 and only 200,000 in 1979). Ysa Osman notes that Ben Kiernan's estimates are significantly lower. Kiernan estimates that the Cham population should have been at least 260,000 in 1979, but was only 173,000. **Book by Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078450, ERN 00078437-00078604 (ENG).
- 67 **HOK Hooun OCIJ Statement** dated 23 November 2008, **D166/41**, at ERN 00251305-00251306, ERN 00251301-00251309 (ENG); **TAY Kimhuon OCIJ Statement** dated 24 November 2008, **D166/42**, at ERN 00251021, ERN 00251012-00251022 (all the Cham killed except one family in Sach So); **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210435, ERN 00210431-00210435 ("all of the Cham in this district were killed, except for a couple" between mid-1977 and mid-1978); **Witness OCP-00076 Interview** dated 6 August 2008 at ERN 00210488-00210489, ERN 00210484-00210490 (ENG) ("all the Cham in every village in my commune were gathered and arrested," except "2 Cham [who] managed to escape and hide by the lake"). The 2 Cham survivors from this commune have been identified and are still alive today. The husband, [REDACTED] was interviewed by OCIJ on 11 August 2008. [REDACTED]
- 68 **OCIJ Statement** dated 11 August 2008, **D125/97**, ERN 00242089-00242092 (ENG).
- 69 **ECCC-OCP Mission Report** entitled *Operation Riverland* dated August 2008 at ERN 00211169, ERN 00211152-00211171 (ENG).
- 69 Annex 1 to **HIM Man OCIJ Statement** dated 11 August 2008, **D125/97.1**, at ERN 218502, ERN 00218500-00218504 (ENG). A different source indicates that of the 300 Cham families who lived in Sach So village before 1975, only 1 returned. **ECCC-OCP Mission Report** entitled *Operation Riverland* dated August 2008 at ERN 00211169, ERN 00211152-00211171 (ENG).
- 70 **Book by Ysa Osman** entitled *The Cham Rebellion. Survivors' Stories from the Villages*, dated 2006, at ERN 00219192, ERN 00219050-00219245 (ENG) (interview of MAT Saren).
- 71 **Report by Henri Locard** entitled *Kompong Cham: West bank of the Mekong (Old North Region)* dated 5 June 2007 at ERN 00208396, ERN 00208385-00208410 (ENG)

(interview of Witness OCP-00047 indicating that as many as 10,000 Cham were killed at this site); **Witness OCP-00013 Interview** dated 6 August 2008 at ERN 00210435, ERN 00210431-00210435 (ENG) (Cham people in area were “killed between mid-1977 and mid-1978;” “Most of them were brought to O Trau Kuon”). The Cham who were taken to Wat O Trau Kuon were rarely detained for long before being executed. **Witness OCP-00052 Interview** dated 7 August 2008 at ERN 00210472, ERN 00210469-00210472 (ENG) (survivor of Wat O Trau Kuon prison indicates that “Cham people were not detained for long,” but rather “were just brought up and then sent to the killing pits;” 3 Cham who were arrested earlier on the same day as him were already gone when he arrived).

<sup>72</sup> Book by **Ysa Osman** entitled *Oukoubah. Justice for the Cham Muslims under the Democratic Kampuchea Regime* dated 2002, **IS Annex C No. 4.47**, at ERN 00078568, ERN 00078437-00078604 (ENG). The table describes the number of Cham who disappeared from various villages from 1975 to 1979.

<sup>73</sup> **DC-Cam Report** entitled *Mapping The Killing Fields of Cambodia, 1997: khet Kampong Cham*, dated March and April 1997, **D176.4**, at ERN 00208323, ERN 00208314-00208327 (ENG).

<sup>74</sup> **DC-Cam Report** entitled *Mapping The Killing Fields of Cambodia, 1997: khet Kampong Thom* dated May 1997 at ERN 00208263, ERN 00208262-00208277 (ENG).

<sup>75</sup> **DC-Cam Report** entitled *Mapping The Killing Fields of Cambodia, 1997: khet Battambang* dated May 1997, **IS Annex C No. 18.76**, at ERN 00078165, ERN 00078164-00078173 (ENG).

<sup>76</sup> The Appeals Chamber of the ICTY has ruled that the intent requirement of genocide is satisfied if the perpetrators “intended to destroy at least a substantial part of the protected group.” *Prosecutor v. Krstic*, Judgement, Case No. IT-98-33-A, ICTY Appeals Chamber, 19 April 2004, para. 12. The Trial Chamber had concluded that “the intent to eradicate a group within a limited geographical area such as the region of a country or even a municipality” was sufficient to constitute genocide, noting that “the physical destruction may target only a part of the geographically limited part of the larger group because the perpetrators of the genocide regard the intended destruction as sufficient to annihilate the group as a distinct entity in the geographic area at issue.” *Prosecutor v. Krstic*, Judgement, Case No. IT-98-33-T, ICTY Trial Chamber, 2 August 2001, para. 589-590. Based on this reasoning, both Chambers concluded that the requirements of genocide were met where the targeted group was the Bosnian Muslims who resided in the municipality of Srebrenica, even though those persons “constituted only a small percentage of the overall Muslim population of Bosnia and Herzegovina,” because of the relative importance of that area. *Prosecutor v. Krstic*, Judgement, Case No. IT-98-33-A, ICTY Appeals Chamber, 19 April 2004, para. 15-16 & 23.

<sup>77</sup> **Witness OCP-00075 Interview** dated 7 August 2008 at ERN 00210483, ERN 00210480-00210483 (ENG); **Witness OCP-00052 Interview** dated 7 August 2008 at ERN 00210472, ERN 00210469-00210472 (ENG); **Witness OCP-00007 Interview** dated 5 August 2008 at ERN 00210430, ERN 00210426-00210430 (ENG) (generally the only people “called up” from witness’ mobile work brigade were Cham).

<sup>78</sup> In the *Krstic* judgment, the Trial Chamber of the ICTY concluded that: “where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group. In this case, the Trial Chamber will thus take into account as evidence of intent to destroy the group the deliberate destruction of mosques and houses belonging to members of the

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group.” *Prosecutor v. Krstic*, Judgment, Case No. IT-98-33-T, ICTY Trial Chamber, 2 August 2001, para. 580.

<sup>79</sup> **CPK Telegram by Chhon** entitled *Telegram 15 - With Respect to Beloved Brother Pol* dated 30 November 1975, **IS Annex C No. 21.3**, ERN 00008494-00008495 (KHM), ERN 00185064-00185065 (ENG) (plan documented in telegram from East Zone Secretary to POL Pot and NUON Chea); **DK Government Legal Document** entitled *Constitution of Democratic Kampuchea* dated 6 January 1976, **IS Annex C No. 9.2**, at ERN 00184838 (Article 20), ERN 000184833-000184839 (ENG), 00089841-000898852 (KHM); see also **SOH Kâmrei OCIJ Statement** dated 10 September 2008, **D125/126**, at ERN 00225497, ERN 00225494-00225499 (ENG) (describing CPK document which stated the “Cham is the biggest enemy who must be totally smashed before 1980”). As noted by the ICTY in the *Krstic* case, evidence of a forcible transfer of part of a group can be relied on to establish genocidal intent, as by killing part of the group and removing the rest, the perpetrators sought to “eliminat[e] even the residual possibility that the Muslim community in the area could reconstitute itself.” *Prosecutor v. Krstic*, Judgment, Case No. IT-98-33-A, ICTY Appeals Chamber, 19 April 2004, para. 31, 33.